

In addition to submitting the reimbursement documentation and payment authorization to the NSO, the SNPLMA Division will at the same time prepare a reimbursement acceptance letter to the requesting agency/entity. The letter will include the amount to be paid and, if appropriate, the amount to be de-obligated. It will also advise the Federal agencies to initiate the IPAC billing and request that the agency notify the NBC of the IPAC bill number. A copy of this letter will be sent to the NBC in order to ensure that there is sufficient cash available from investments to cover the upcoming IPAC or payment disbursement. When an IPAC bill is processed, the NBC will fax a copy of the IPAC bill to the LVFO for the project file. For other forms of payment, the NBC will provide an email or other written confirmation that the payment has been made.

Reimbursement/Payment for Projects Which Cannot Be Completed

In those instances where a project cannot be completed and termination has occurred as described below, the agency/entity should prepare and submit to the SNPLMA Division a reimbursement package for necessary expenses for projects under reimbursement. Agencies should make every effort to submit the reimbursement package, or transfer payment close out documentation as outlined in the transfer process above, within 60 days of such notification.

Regardless of whether the project is funded under IGO/task order or under 1151 Transfers, the following rules apply for projects approved for termination:

- If non-completion is without the fault or negligence of the recipient, as agreed to by the Agency and the BLM or by the local or regional governmental entity and the BLM, all past payments made under previous IGO/task orders shall remain with the recipient as reimbursement for costs incurred. Excess funds obligated by the IGO/task order shall be de-obligated for use by other approved projects within the same category.
- If non-completion is without the fault or negligence of the recipient, as agreed to by the agency and the BLM all necessary expenses incurred and paid with prior transferred funds shall remain with the recipient as reimbursement for costs incurred; excess transferred funds shall be returned.
- If the non-completion is due to the fault or negligence of the recipient, as agreed between the agency and the BLM or by the local or regional governmental entity and the BLM, all past payments made under previous task orders shall be repaid by the recipient to the SNPLMA Special Account and credited to the same category account as the terminated project for use by other approved projects within the same category.

X. REQUESTING PROJECT MODIFICATIONS

The SNPLMA Division is the primary coordination point for the submission of all project modification requests. The Division performs an initial review of all requests and coordinates with the agency/entity to gather any additional information which may be required to complete

the request. Requested project modifications may be requests for additional funds, time extensions for project completion, changes in project scope, placing a project “on hold,” or termination prior to project completion. The thresholds and process for approval of all modification requests are addressed in section G below. The rules outlined in this section apply to all project categories (except Lake Tahoe projects) and apply regardless of whether a project is funded through the reimbursement process or the transfer process.

Requests for Additional Funds from Special Account Reserve

If the total project costs exceed the original approved budget amount by more than the contingency percentage approved by the Secretary, the agency may request approval for additional funds from the Special Account Reserve. The request must be submitted in writing to the SNPLMA Division and include:

- Amount requested,
- Total of funds already provided,
- Total of funds provided to date for multiple phases of the same project,
- Map locating multiple phases of the project, where appropriate or requested,
- Amount actually obligated or expended to date,
- Justification statement explaining the reason for the cost overruns,
- Revised necessary expense estimate, and
- Description of any affect on the timeline for project completion.

Approved requests will be documented in an Amendment to the IGO.

SAR Request Limits. Requests for additional funds associated with work outside the scope of the original approved project are not to be funded by SAR. Additional funds for changes in scope (see section below) will be limited to those scope changes required to complete the project as originally described, not to increase the size, function, level of finish, etc. of a project.

The consideration and approval process for SAR requests is addressed in Section XI below.

Requests for Additional Funds through Budget Reallocation

From time to time, the amount of budgeted funds available in a project category will exceed the amount needed to provide funding to all projects within the category. This situation is generally due to termination of projects or completion of projects at less than the estimated cost. In order to utilize these funds where needed, the Executive Committee approved a process referred to as Budget Reallocation (BRA).

Requests for additional funds for a project through Budget Reallocation may be submitted and considered for approval only after all approved projects within the same category have received notification of availability of funds. Thereafter, any remaining budgeted funds (“excess budgeted funds”) within a category may be reallocated with approval of the Executive Committee to cover cost over runs for approved projects within that category. Available BRA funds may be requested only until a new Round is approved. As soon as a new round of projects

is approved the excess budgeted funds go back into available revenues to fund the newly approved projects.

Agencies/entities requesting BRA funds should follow the guidelines above for requesting SAR funds. The limitations placed on SAR funds also apply to BRA funds. The consideration and approval process for BRA requests are addressed in section XI below.

Requests for Time Extensions

If the project can not be completed within the term specified in the IGO/task order, the agency must submit a written request to the SNPLMA Division for an Amendment to extend the IGO/task order accompanied by a justification statement including the new estimated completion date. Approved requests will be documented in an Amendment to the IGO/task order. The consideration and approval process and thresholds are addressed in Section X below.

Requests for Change in Project Scope

Projects are evaluated, scored, ranked, and approved by the Secretary based on ranking criteria and public benefit, both of which are determined through evaluation of the project as described in the nomination. Requests for changes in scope should be limited to those necessary to complete the project as described in the nomination and approved by the Secretary. Changes in scope which increase the size, function, level of finish, or otherwise constitute an expansion of the originally described project and would thus typically require additional funds should be submitted as an additional or future phase of the project in a subsequent round of nominations. Rather than request reductions or alterations in the scope of the project which would essentially change the essence of the project to something other than what the Secretary approved, agencies/entities should consider termination and nomination of the project in a future round. The consideration and approval process is described below in section XI.

Requests to Place a Project In On-Hold Status

The recipient agency/entity may request that a project be placed into “On-Hold” status to allow up to a maximum of one year to resolve unanticipated issues or complications associated with carrying out the project. The request for on-hold status must be in writing and include an explanation of the issues and actions planned to resolve the issues. In order to reactivate the project the agency must submit a request to reactivate which includes confirmation that the issues which caused the project to be placed into on-hold status have been satisfactorily resolved and no longer create an obstacle to carrying out and completing the project.

On-hold status prior to issuance of an IGO/task order or transfer request will effectively extend the time period required to request an IGO or transfer. In this instance, the agency/entity must include a IGO/task order or transfer request as part of its request to reactivate the project.

On-hold status after issuance of an IGO/task order will suspend the time period allowed under the original IGO/task order, not extend it. For example, an agency having four months remaining on its IGO/task order will automatically receive only four months on the newly issued

IGO/task order. If the agency/entity knows the time remaining from the original IGO/task order will be insufficient to complete the project, a request for a time extension should be submitted along with the request to reactivate the project. The time extension portion of the request must include the information in section “C” above.

On-hold status will result in the majority of the funds previously obligated for the project by the IGO/task order being deobligated and moved down the list to the next priority within the category. Sufficient funds to cover any necessary expenses already incurred by the agency which are reimbursable will remain available on the IGO/task order to “pay” the reimbursement when submitted. In this instance, the IGO/task order will not be terminated, it will be modified to reflect the lower funding level and expiration of the on-hold period. If no such costs have been incurred by the agency, all funds available for the acquisition will be deobligated and the IGO/task order terminated when the project is initially placed on hold.

Where a project being place on hold has received transferred funds, those funds may be expended as needed to cover necessary expenses already incurred. Future transfer of funds will be suspended until the Agency reactivates the project. After the project is reactivated and a new or modified IGO/task order is issued or transfer restarted, necessary expenses incurred during the on-hold period or not previously reimbursed or paid from funds already transferred may be moved to the reimbursable account established by the new IGO/task order or paid from newly transferred funds. Any unused transferred funds for a terminated project are to be returned to the appropriate Special Account and the SNPLMA Division will credit it to the appropriate expenditure category.

When the project is reactivated, the project will be in line for funding based on its original priority. A suspended IGO/task order “clock” will not restart until funds are again available to issue a new/modified IGO/task order.

If the agency/entity is unable to resolve the issues leading to on-hold status in order to reactivate the project within the allowed one-year hold period, the SNPLMA Division will recommend project termination for submittal to the Executive Committee as outlined below. The SNPLMA Division will notify the agency/entity of the Committee’s decision. If the decision is to terminate the project, the agency/entity shall make every effort to submit the reimbursement package or transfer close out documentation to the SNPLMA Division within 60 days of notice of termination, for reimbursement/payment of necessary expenses incurred which have not already been reimbursed or paid. The request for reimbursement shall include appropriate documentation and an explanation of the circumstances leading to termination. If the terminated project was funded by transfer, the agency must return any unused funds to the SNPLMA Special Account and provide the required close out documentation to the SNPLMA Division. The agency/entity may, if the issues are later resolved, elect to re-nominate the project in a subsequent round.

Requests to Terminate a Project Prior to Completion

Up to this time, no specific process for early termination of projects has been defined in the Implementation Agreement. This section is intended to accomplish the following:

- Describe typical reasons which provide justification for project termination;
- Provide a specific process for agency/entity initiated terminations;
- Develop a process for terminations to be requested by the SNPLMA Division; and based on non-compliance with SNPLMA policies, procedures, and business rules; and
- Provide for a specific review and approval process for termination requests.

A. Termination Request Justifications

Typically, one of the following reasons will be the basis for justifying a request to terminate a project:

- The project is infeasible due to cost, health/safety, environmental, construction constraints, or legal issues;
- The acquisition appraised value is not acceptable to the owner;
- The project scope no longer fits within the context of the project as originally nominated and approved by the Secretary;
- The project no longer fits within the context of the agency's/entity's set of priorities and/or goals;
- The need for the project has been met by another resource; and/or
- The project was funded through another source.

B. Terminations Requested by the Recipient Agency/Entity

This section formalizes the process for an agency/entity to terminate a project prior to completion. The Agency/Entity first identifies that a project is no longer feasible and submits a written termination notice to the SNPLMA Division. The decision notification should include an explanation of the justification for the termination and identify the amount already expended on the project for which they will request reimbursement under an IGO/task order. If funds were provided by transfer, the agency termination notice should include the total expended and the amount to be returned to the SNPLMA Special Account. The agency may submit the project closeout package with the termination notice if it is prepared to do so at that time. The SNPLMA Division reviews the notice and may request additional information..

The SNPLMA Division will communicate the Agency/Entity termination notice to the Working Group and Executive Committee. The Working Group and Executive Committee may request additional information or suggest alternatives to termination for consideration by the Agency/Entity, and will make every effort to do so within 10 days of receiving the notice of termination.

The SNPLMA Division will process the termination by closing the IGO/task order and de-obligating funds in excess of those identified for reimbursement in the agency/entity request memo. The agency/entity should make every effort to submit the complete reimbursement package or close-out documentation for transferred funds within 60 days of submittal of the termination notice to the SNPLMA Division. .

C. Terminations Requested by the SNPLMA Division

On rare occasions a termination may need to be initiated by the SNPLMA Division after all efforts to move the project forward in compliance with the Implementation Agreement have failed. The SNPLMA Division would not initiate a termination without notifying the agency/entity of its intention to do so. The Executive Committee shall have sole authority to approve terminations initiated by the SNPLMA Division. Examples where the SNPLMA Division could recommend termination include situations where the agency/entity does not comply with one or more of the following SNPLMA policies and procedures:

- Initiate funding procedures within one year of notification of availability of funds;
- Execute an initial IGO/task order or modification to an IGO/task order in a timely manner;
- Submit required documentation for extensions of an IGO/task order in a timely manner;
- Submit required documentation to reassign a task responsibility for a Conservation Initiative project and funding associated with that responsibility from one inter-agency partner in the project to another when such reassignment is necessary;
- Comply with transfer documentation and reporting requirements;
- Submit a termination request after receiving a decision on a project modification which requires that the project be terminated;
- Reactivate a project which was placed into “on hold” status within one year of the effective date of that status, or fail to provide evidence that issues used to justify the on-hold status were satisfactorily resolved

If it becomes necessary for the SNPLMA Division to initiate a termination, it will document the request to terminate the project in the form of a decision memo which provides the project background, total funds provided and, as far as possible, total funds expended to date for the project, non-compliance issue from the SNPLMA Division perspective, non-compliance issue from the agency/entity perspective based on documentation (emails, memos, etc.) in the file, justification for terminating the project, and recommendation for the termination. The decision memorandum will have a place for concurrence or alternate recommendation by the Working Group and a place for approval or denial of the Executive Committee with alternate action to be taken if appropriate.

The SNPLMA decision memo will be forwarded to the Working Group for consideration and review by that group in a timely manner. A copy of the SNPLMA decision memo will also be provided to the affected agency/entity. When the Working Group review is complete, it will forward the SNPLMA decision memo with the Working Group’s recommendation and signature to the Executive Committee, with a signed copy faxed to the SNPLMA Division. The Executive Committee decision will be made in a timely manner and formalized by signature to the SNPLMA decision memorandum indicating approval or denial of the termination recommendation. If the Executive Committee denies the request, the decision memorandum provides a place for the Committee to indicate what alternative action should be taken to resolve the non-compliance issue(s). The original signed decision memorandum will be sent to the SNPLMA Division to be maintained in the project file.

Following a decision on a SNPLMA Division termination request, the Division will notify the agency/entity by providing a copy of the decision memo signed by the Executive Committee. If

the termination recommendation was denied, the agency will be asked to respond to any alternate actions recommended by the Working Group and Executive Committee. If the termination request was approved, the agency/entity should make every effort to submit the complete reimbursement package or transfer close-out documentation within 60 days of notification that the termination has been approved. The SNPLMA Division will process the termination as described above.

XI. CONSIDERATION, APPROVAL THRESHOLDS, AND PROCESS FOR PROJECT MODIFICATIONS

The SNPLMA Division, the Partners Working Group and the Executive Committee are the organizational groups which will be included in the modification review and approval process for all requests to modify IGOs/task orders. The following details the roles and responsibilities of each group, as well as the approval threshold of each group.

SNPLMA Division

The SNPLMA Division is the primary coordination point for the submission of requests for all types of project modifications described in Section X. This Division will perform an initial review of all requests and coordinate with the submitting agency/entity to gather any additional information that may be required.

The SNPLMA Division will have the authority to approve scope, time and financial modification requests limited to the following approval thresholds:

- Time extensions of up to 1 year total over the life of the project.
- Minor modifications to project scope. (e.g., minor alignment issues, transferring responsibilities between Interagency Conservation Initiatives, relatively insignificant changes in acreage that don't negatively impact resources being acquired)
- Requests to place projects "on hold" (see Section X for "Requests to Place a Project In On Hold Status).

The standard operating procedure for the SNPLMA Division will be to provide a decision within two weeks from the date of a *complete* submission. Requests which are not recommended by the SNPLMA Division will be forwarded to the Working Group for consideration.

All Division approvals must be documented in the form of a decision memorandum, which details the project background, the justification(s) for the request, and the decision; this document will be signed by the Assistant Field Manager of the SNPLMA Division. The Working Group and Executive Committee members will receive an electronic copy of all SNPLMA Division approvals. If no objection is received from any member of the Executive Committee within 7 working days, the decision of the SNPLMA Division shall be deemed approved. If an objection is received which cannot be resolved by providing additional information, the SNPLMA Division will forward the request to the Executive Committee for a final determination, with a copy to the Working Group. Requests that are in excess of the