

SNPLMA Round 11 / FLTFA Round 7 NOMINATION PACKAGE REQUIREMENTS FOR ACQUISITION OF ENVIRONMENTALLY SENSITIVE LAND AND INTERESTS IN LAND

The procedures for nominating and evaluating lands and interests in lands in Nevada for potential acquisition by the Federal government under the Southern Nevada Public Land Management Act of 1998 (P.L. 105-263) (SNPLMA) and the Federal Land Transaction Facilitation Act of 2000 (Title II of P.L. 106-248) (FLTFA) have been integrated. This integration is described in the June 2006 SNPLMA/FLTFA Implementation Agreement reissued October 22, 2007 and the public notice published in the FEDERAL REGISTER on August 10, 2004. Lands nominated during Round 11 may be recommended for funding under either the SNPLMA or the FLTFA, or for combined funding under both laws. The following requirements and criteria have been included to meet the requirements of each law.

Please read all instructions and requirements carefully. Nominations which do not fully comply with these instructions, requirements, and due dates will be deemed incomplete and will not be accepted.

For questions or assistance regarding these requirements, or if you wish to receive a sample nomination package, please contact Michelle Leiber at 702-515-5168 (michelle_leiber@blm.gov) or, after October 9, 2009, Libby White at 702-515-5041 (libby_white@blm.gov).

The Round 11 Nomination Period opens Tuesday, September 8, 2009. The land acquisition Early Submittal is due by 4:30 PM PT on Thursday, October 1, 2009. Final nomination packages are due by 4:30 PM PT on Friday, November 6, 2009.

Round 11 Limited Nominations Accepted: Acquiring agencies will be limited to submittal of two (2) final land acquisition nominations. It is recommended that the agency consider preparing one or two alternate nominations in case one of the priority nominations drops out of the process due either to issues with the title policy or inability to confirm a reasonable asking price (see Section II for information on the title policy and initial feasibility).

I. ELIGIBILITY FOR NOMINATION OF LANDS AND INTERESTS IN LAND

Any entity or interested party may nominate land and/or interests in land (such as conservation easements, water rights, mineral rights, etc.) located in the State of Nevada for acquisition by an eligible Federal agency provided the nomination includes:

- (1) An "Owner Statement," signed by the actual owner of record, indicating a willingness to have the property nominated through the SNPLMA process and to consider sale of the property (see Exhibit 3 for content/format; see section IV.B.3 for detailed information); and
- (2) An "Acquiring Agency's Authorized Officer Certification" accepting the nomination and confirming certain information within the nomination including confirming the asking price is reasonable. (See Exhibit 4 for content/format; see section IV.B.4 for detailed information).

The property must also be identified for acquisition or protection in a federally approved land management plan.

II. EARLY SUBMITTAL REQUIREMENT

The Land Acquisition Early Submittal consists of a preliminary title report and a complete nomination summary form. This information will be used by the acquiring agency to validate the asking price as reasonable compared to market information and perform an initial feasibility assessment before signing the Agency Statement accepting the nomination.

Preliminary Title Report: A current preliminary title report must be provided as part of the nomination package. The title report may be submitted electronically or in hard copy. The title report must include:

- (a) a copy of the owner's vesting deed(s);
- (b) assessor parcel map(s); and
- (c) copies of any recorded documents, including maps and surveys, referenced in the title report exceptions, copy of any unrecorded leases, easements, options, or other unrecorded documents encumbering the property.

Summary of Nomination: A completed "SNPLMA Round 11/FLTFA Round 7 Land Acquisition Nomination Summary Form" must be submitted. The Summary Form is available as a fillable and savable .pdf on the SNPLMA website (www.blm.gov/snplma). Adobe Acrobat Reader 7.1 or 8.1.2 is required to open, fill, and save the Summary Form. Adobe Acrobat Reader is available for free download at http://www.adobe.com/products/acrobat/readstep2_allversions.html.

Due Date: Thursday, October 1, 2009, 4:30 pm Pacific Time
Submit To: SNPLMA Division and Acquiring Agency Representative

SNPLMA submittals should be delivered to the following:

- Submit the Summary Form and electronic copy of title report by email to the SNPLMA Land Acquisition Program Manager at Libby_White@blm.gov. (Emails are limited to 5mgs.)
- If submitting the title report in hard copy or submitting it on a disk, mail or deliver to Michelle Leiber/Libby White, SNPLMA Division, BLM Southern Nevada District Office, 4701 North Torrey Pines Drive, Las Vegas, NV 89130.

III. ACQUIRING AGENCY INITIAL FEASIBILITY ASSESSMENT

Review of Preliminary Title Report: The acquiring agency will review the preliminary title report and exception documents to determine whether there are any issues which may produce a cloud on the title or which should otherwise be resolved by the owner prior to nominating the property for acquisition. The acquiring agency may elect, at its sole discretion, not to accept a property for nomination following its review of the title report.

Verification of Reasonable Asking Price: The Bureau of Land Management shall obtain a preliminary estimate of value (PEV) from the Department of the Interior Appraisal Services Directorate (ASD) to verify that the asking price is reasonable when compared to market evidence (e.g., within the PEV range). Other DOI agencies may choose to obtain a PEV from ASD or may choose to have agency realty staff experienced and familiar with applicable markets verify the asking price is reasonable. The U.S. Forest Service will verify that asking prices are reasonable with the Forest Service appraisal staff.

IV. GENERAL REQUIREMENTS:

1. **When and Where to Submit the Final Nomination Package:** Submit a complete final nomination package to the Acquiring Agency Representative and the SNPLMA Division, Attention: Michelle Leiber, Acting SNPLMA Land Acquisition Program Manager, SNPLMA Division, Southern Nevada District Office, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130, no later than **4:30 p.m., Pacific Time, on Friday, November 6, 2009.**
2. **Transmittal Letter Requirement:** Include a transmittal letter signed by an appropriate nominating official.

3. Submit Nomination in Hard-Copy and on CD-RW disk.

- a. Submit one hard copy, in color
 - i. Print double sided
 - ii. Do not hole punch or bind the pages of the document in any way
 - iii. Staple or clip the pages of the document together in the left hand corner
 - iv. Do not include a table of contents
 - v. Do not insert tabs, dividers, or exhibits
 - vi. Do not number pages
 - vii. ALL information and documents must be in the order indicated in Section V below, not attached as exhibits
 - viii. Do not attach extra supporting documents or reports not requested in these instructions.
 - ix. All submittals become the property of BLM and will not be returned
- b. Submit one consolidated electronic document on a CD-RW disk.
 - i. All digital images and scanned images of non-electronic documents must be integrated into a MSWord 97 or higher text document to create a single document on the CD-RW disk.
 - ii. All electronic images and scanned documents or images must also be included on the disk as separate .JPG documents
 - iii. Do not protect word documents from being edited
 - iv. All CD-RW disks become the property of BLM and will not be returned
- c. Limit Photographs as follows:
 - i. Limit to six, two to a page, placed at the end of the document (see V.A.9. below)
 - ii. Photos should depict resources to be protected and characteristics of property to be acquired
 - iii. Do not create a cover page with a photo; it will be removed

4. Due Date for Receipt of the Willing Agency Statement: The acquiring agency has additional time to review the final nomination package before submitting its willing agency statement and cost estimate sheet. The acquiring agency will notify the nominating entity when the willing agency letter has been submitted and provide a copy for the entity's files. **The willing agency statement is due by 4:30 pm on Friday, November 20, 2009.**

5. What Constitutes a Complete & Acceptable Package?:

- a. All requirements and due dates outlined in this document must be met, including those for the early submittal.
- b. Willing Agency Statement and Cost Estimate Sheet must be received by the SNPLMA Division by the due date above for inclusion in the package.
- c. Late submissions will not be accepted. However, time permitting, nominators will be notified if their nomination package is incomplete or inconsistent with these requirements and allowed an opportunity to provide missing information by the due date

6. Where Can You Find Additional Information?: The SNPLMA/FLTFA Implementation Agreement (IA) sets out the policies, procedures, and processes for implementing the SNPLMA legislation. The IA can be found on the SNPLMA web site at: <http://www.blm.gov/nv/st/en/snplma.html> by clicking on the menu item titled Implementation Agreement.

V. SPECIFIC REQUIREMENTS FOR LAND ACQUISITION NOMINATION PACKAGES

NOMINATION PACKAGES MUST INCLUDE THE FOLLOWING INFORMATION AND DOCUMENTS IN THE ORDER SHOWN BELOW:

1. A narrative statement addressing the following in the order listed below (see above for early submittal due date of the narrative statement and other requirements):

- a. ***Executive Summary:*** No more than 400 words describing the proposed acquisition and the resource values to be acquired or, if a conservation easement, the resource values to be protected.

- b. Name of Property.**
- c. Nominating Entity Information:** Provide the name, address, phone number, and e-mail address if available, of the person submitting the nomination. If the mailing address is a P.O. Box, a street address acceptable for delivery of packages by a carrier such as Federal Express, UPS, or other delivery service must also be provided.
- 1) If the nomination is being made on behalf of an organization, include the name and address of the organization as well as the name, phone number, and email address of the appropriate contact person within the organization.
 - 2) If the nomination is being submitted by a representative of the owner, attach a letter or other document signed by the owner indicating the nominating entity has the authority to represent the owner in the nomination process.
- d. Owner Information:** Name, address, and phone number of the property owner(s). If the mailing address is a P.O. Box, also include a street address acceptable for delivery of packages by Federal Express or the like.
- e. Owner Representative, If Any:** Name, address, and phone number of owner's authorized agent if any and if different from the nominating entity. If the mailing address is a P.O. Box, a street address acceptable for delivery of packages by for a carrier such as Federal Express, UPS, or other delivery service, must also be included.
- f. Acquisition Date:** Date on which the property was acquired by the current owner(s).
- g. Assessor Parcel Numbers (APNs)**
- h. Legal description(s):** [If the legal description is lengthy, requiring separate page(s), the legal description pages should be inserted into the document immediately before the owner statement.
- i. Latitude & Longitude Coordinates:** Provide the latitude and longitude of the property and identify which boundary or general location within the property these coordinates are for (southwest corner, approximate center, etc.) This information will be used to map nominated properties.
- j. County** in which the property is located.
- k. Congressional District Number** in which the property is located.
- l. Number of Acres**
- m. Acquiring Federal Agency** that will assume management responsibility for the property if purchased by the United States of America (the "acquiring agency")
- n. Rights Being Offered for Acquisition:** Duplicate this list and check (✓) those rights which are being offered for purchase:
- Fee Simple Acquisition of Property: This includes all surface (land) and subsurface (mineral) rights.
 - Water Rights:
 - (1) Identify whether or not water rights are appurtenant to the property.
 - (2) Provide
 - (a) the type (surface or underground water),
 - (b) the number of acre feet or cfs,

- (c) the current beneficial use, and
 - (d) describe the location and type of diversion point.
 - (3) include water rights information documents before the Owner's statement but after any separate legal description pages that may have been inserted.
 - (BLM Field Offices as Acquiring Agency must see Instruction Memorandum No. NV 2005-077 Number 6.d. for further instructions regarding required actions for nominated water rights).
 - Surface Rights Only
 - Conservation Easement (e.g., Development Rights): See Exhibit A
 - Mineral Rights Only
 - Access Easement
 - Patented Mining Claims – Describe
 - Other -- describe
- o. **Rights to be reserved:** Duplicate this list and check (✓) any interests in the property the owner possesses but wishes to reserve. Examples include:
- Access rights
 - Water Rights: Specify type and acre feet, beneficial use, diversion point, etc.
 - Mineral interests: Describe
 - Development Rights
 - Other: Describe

As a general rule, consolidation of third-party owned mineral rights with the surface estate will be required prior to acquisition of the property by the Federal government. If mineral rights of any kind are to be retained by the seller, or are outstanding in third parties (owned by or leased to someone other than the surface owner), the nomination must clearly explain the facts and indicate which mineral rights will and will not be made available for acquisition by the acquiring Federal agency.

- p. **Occupancy or Use Rights Held by Others:** Identify any person, company, or entity other than the land owner, who has rights in the property by way of a lease, verbal agreement, unrecorded lease, or other unrecorded written agreement, or who uses or occupies the property with the owner's knowledge but without the owner's consent.
- Are there caretakers living on the property? If yes, who owns the home in which the caretakers live?
 - Do any relatives, friends, associates, or other persons live on the property, with or without permission of the owner? If yes, indicate relationship and how long they've resided on the property, the type of dwelling, and who owns the dwelling.
 - Does anyone or any company other than the owner use any part of the property for agricultural or other commercial purposes either full-time or part time? How long have these activities been taking place?
 - Does any person, company, or entity other than the owner regularly use any part of the property for any reason whatsoever (e.g., temporary storage of personal or business property, hold annual or periodic events of any kind, etc.)?
- q. **Third Party Water Rights:** Does any person, company, or other entity own the rights to surface water on the property, or have wells, piping, or other works for diversion and/or distribution of ground or surface water from or over the property?
- r. **Asking Price:** Owners must provide an asking price for the property being nominated. **The asking price must be supportable by market evidence. Acquiring Agencies are required to work with their respective appraisal arms to obtain a preliminary estimate of value or market analysis in order to confirm that the asking price is within a reasonable value range given the current market. If the owner's asking price is not considered reasonable, the agency will discuss the**

market evidence with the owner and provide the owner with an opportunity to sign a new willing seller letter with a revised asking price within the reasonable value range. If the owner chooses not to do so, the agency will not be able to provide the required confirmation of reasonable asking price and the nomination package will not be accepted.

The inclusion of an asking price in the nomination for projects that are recommended for funding to the Secretary of the Interior does not create a commitment to purchase the property at the asking price. Both SNPLMA and FLTFA require that the offer price be the “fair market value” as determined by a federally obtained appraisal approved as meeting the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA) and, which could be either higher or lower than the asking price in the nomination.

The owner must provide support for the asking price in the form of recent land sales which are perceived to be the most comparable/most similar to the property being nominated. Comparable sale information must include the following: [Revised 9-8-09 to make this mandatory vs. optional.]

- 1) Location of the Comparable Property (at a minimum county, township, range and section)
 - 2) Number of Acres
 - 3) Date of Sale
 - 4) Sale Price
 - 5) Seller & Buyer Names (*These names should only be included if part of the public record.*)
 - 6) Fee or Partial Interest (indicate whether fee simple, surface only, mineral/subsurface only, whether water rights were included, conservation easement for development rights, etc.). If this information is unavailable, an explanation should be provided why the land sale is considered comparable.
 - 7) Nature of the Comparable Property: Indicate whether rural, mountainous, riparian, recreational, agricultural, residential (low, high, or medium density), etc.
 - 8) Buyer’s Proposed/Intended Use for the Comparable Property if known.
- s. ***A General Description of the Property:*** Include whether or not there are any man-made structures on the property and, if so, provide a brief description of the structures, their use, and who owns them.
- t. ***Brief summary of Resource Values.*** Detailed description of resource values will be provided elsewhere in the nomination package. Claims of “potential” or “likely” habitat for specially designated species are not acceptable. Habitat claims must be able to be validated.
- u. ***Federally-Approved land use plan:*** The name of the federally-approved land use plan which addresses the protection or acquisition of the property. Coordinate with the acquiring agency to obtain this information.
- v. ***Federally Designated Area:*** If applicable, (a) the name of the federally designated area (as defined by FLTFA (see Exhibit C, “Definitions”)) within which the property is located or which shares a common boundary (not just a corner touch) with the property. Indicate if this question is not applicable.
- w. ***Known Hazardous Materials, Safety or Other Liabilities:*** Describe any known hazardous material, safety, or other liability issue(s) associated with the subject property, how these were assessed, and how these issues will be or could be mitigated. Other liabilities might be legal, physical, or financial issues that have to be resolved. Some examples might be pending lawsuits, liens, bankruptcies, debris/trash to be removed, fuel storage tanks above or below ground, fuel spills or wire burning areas, open mine pits, unneeded improvements that would need to be maintained or demolished, etc. If no known hazards or liabilities exist, please state this in your response.

2. Conservation Easement Summary: If the nomination is for a conservation easement, include a conceptual description of the conservation easement in accordance with the instructions in Exhibit B, Conservation Easement Guidelines.

- 3. Assessment Questions:** A narrative responding to each question posed in the Nomination Assessment (see Exhibit 1 for format). If nominating a conservation easement also see Exhibit A for guidelines on addressing assessment questions relative to the proposed conservation easement.
- 4. Socioeconomic Information:** A narrative regarding socioeconomic information relative to the Property (see Exhibit 2 for format).
- 5. Owner Statement:** A statement signed by the actual property owner(s) of record (not a broker, attorney, or other representative) agreeing to the nomination and indicating a willingness to consider sale of the property must be provided. (See Exhibit 3 for the format and content). The owner must also read and sign the summary entitled “Federal Acquisition Process” and attach it to the owner statement (see Exhibit 3, Page 2).
- 6. Agency Statement and Cost Estimate Sheet:** A statement signed by an authorized official of the Federal agency that would take possession of the property and assume management responsibility for it. Authorized officers should be upper level management such as BLM Field Managers, Forest Supervisor, etc. (see Attachment 4). The agency must also complete and attach a cost estimate sheet estimating the associated acquisition costs (see Exhibit 5). The agency will submit the statement and cost estimate separately to the SNPLMA Division which will insert it into the nomination package (see due date above).
- 7. Cooperating Entity Statement:** If applicable, a statement from any cooperating entity indicating intent to enter into a mutually acceptable management agreement with the acquiring Federal agency.
- 8. Notification to County Government:** The nominating entity must notify the affected county government in writing via letter to appropriate government official (e.g., letter to the Chairman of the County Board of Commissioners) of its intent to nominate land for federal acquisition under the SNPLMA/FLTFA process. A copy of the notification letter and a copy of the delivery receipt must be included in the nomination package; a copy of the letter shall also be provided to the acquiring agency. The notification letter should include the following basic property information: Owners name, general description and location of the property, legal description and APN numbers, size in acres, rights being offered including acre feet and type of water rights if appropriate, acquiring Federal agency, and purpose of the nomination. If the County Commission passed a resolution or provided a letter of support in response to the notification, attach it with other support letters (see item 14).
- 9. Photographs:** Include up to six photos, two per page, depicting the general character of the property and the resource values specified in the Nomination Assessment. The photographs are also to be provided digitally on the CD-RW disk. (Also see Section I. General Guidelines for information regarding format and placement of photographs.)
- 10. Aerial Photograph:** If available from public or private sources, an aerial photograph of the property. (The Clark County Assessor’s office website (www.co.clark.nv.us/assessor), government offices in other counties, or the USDA’s Natural Resources Conservation Service may be sources for aerial photographs.)
- 11. State Map:** A page-size map of Nevada depicting the general location of the subject property.
- 12. Location Map:** A page-size map depicting the specific location of the property, including the proximity to a federally designated area, if applicable.
- 13. Parcel Map:** A page-size copy of official local government assessor’s parcel map(s). If no assessor’s parcel map is available, a copy of a recorded survey, surveyor drawing attached to the recorded deed, or copy of other similar drawing which accurately reflects the size and configuration of the property may be substituted.
- 14. Support Letters.** If applicable, letters of support should be attached last.

EXHIBIT 1
LAND ACQUISITION NOMINATION ASSESSMENT QUESTIONS

These questions address the nine criteria that will be used by the Land Acquisition Subgroup to evaluate, score, and rank land acquisition nominations. The total points available for each criteria are shown to the right of the criteria. The factors used to develop the score for each criteria are listed below the criteria and the points associated with each factor are listed to the right of the factor. Except for criteria number 6 the factor scores are cumulative in order to make up the total possible points for each criteria. Criteria number 6 has a maximum points available of five, but is not cumulative; the two factors are mutually exclusive.

Point values for assessment questions assigned to each associated factor are provided for information purposes only in order to reinforce the importance of addressing each factor. Nominating entities are not to include either the total point value or the point values by criteria in their responses.

Note: Vague claims of habitat (e.g., potential, probable, likely, etc.) are not acceptable. Claimed habitat must be verifiable. Owners may consult a variety of sources including the Nevada Natural Heritage (<http://heritage.nv.gov>) and/or the local office of the U.S. Fish and Wildlife Service (<http://www.fws.gov>) for assistance, as well as the acquiring agency, in verifying habitat of specially designated species on the subject property.

Instructions for Responding:

- 1. Respond to all nine criteria.**
- 2. There must be a response to each factor/question under each of the nine criteria.**
- 3. If the response is positive (i.e., yes), the property characteristics that meet that factor must be described. Answers of “yes” without an explanation or description will be considered non-responsive and no points will be awarded (the exception is question #9).**
- 4. Descriptions and examples of how the property meets the factor characteristics must be specific.**
- 5. If a factor does not apply to the property being nominated, indicate “no” or “N/A.”**

Contributes toward preservation of a specially designated species. Points = 20

| | |
|---|---|
| A. Does the acquisition have a significant contribution toward preservation or recovery of one or more specially designated species present on the property? (Include both plant and animal.) | 6 |
| B. Does the acquisition contain habitat which supports one or more special status species? | 4 |
| C. Are there one or more species present on the property that are listed as threatened and endangered? | 6 |
| D. Does the acquisition contribute to creation, conservation, and/or preservation of biodiversity, wetland/riparian area or watershed? | 4 |

2. Preserves a significant natural, aesthetic or scientific feature. Points = 15

| | |
|--|---|
| A. Does the property contain one or more natural, aesthetic, or scientific features? | 4 |
| B. Is one or more of the features in A above eligible for special designation? (Do not address plant or animal species.) | 4 |
| C. Does the acquisition make a significant contribution to preserving these values? | 5 |
| D. Does a specific management plan(s) exist for these resource values? | 2 |

3. Preserves significant historic, paleontological, or cultural values. Points = 15

| | |
|---|---|
| A. Does the property contain one or more historic, paleontological, or cultural values? | 4 |
| B. Is one or more sites on the property eligible for a special designation? (Do not address plant or animal species.) | 4 |
| C. Does the acquisition make a significant contribution to preserving these resource values? | 5 |
| D. Does a specific management plan(s) exist for these resource values? | 2 |

4. Enhances recreational opportunities or improves access to Federal or other public lands.

Points = 10

| | |
|--|---|
| A. Does acquisition of the property provide recreational opportunities on the values? | 3 |
| B. Does the acquisition provide improved access to Federal or other public lands? | 3 |
| C. Does the acquisition address a public demand for recreational opportunity or a public demand for access to Federal or other public lands? | 3 |
| D. Does a specific management plan(s) exist for these resource values? | 1 |

5. Provides for better management of Federal lands or better management of resource values.

Points = 10

| | |
|---|---|
| A. Does the acquisition provide for better management of Federal lands or better management of resource values? | 6 |
| B. Is the property an in holding in a specially designated area or does the property otherwise consolidate federal ownership? | 4 |

6. Estimated post-acquisition management costs (Pick One Only)

Points = 5

| | |
|--|---|
| A. There are no added management costs. | 5 |
| B. There are added management costs but costs are offset by contributions from other entities. | 5 |

7. Has the support of the State, local governments, other agencies, and/or other interested parties (provide written verification of support)

Points = 10

| | |
|--|---|
| A. Is the acquisition supported by the County/local government in which the property is located? | 2 |
| B. Is the acquisition supported by environmental, recreational, and/or scientific groups? | 2 |
| C. Is the acquisition supported by Fish & Wildlife Service Ecological Services, State Historic Preservation Office, or other federal, state or tribal governmental entities? | 1 |
| D. Does the acquisition further the goals and objectives of the County/local government land use plan or goals/objectives contained in some other official County/local government document? | 5 |

8. Other Considerations

Points = 5

| | |
|--|---|
| A. Would the acquisition prevent planned development or other incompatible uses? | 5 |
| B. Is the acquisition the Acquiring Federal Agency's number one priority? | 0 |

9. Is proposed Federal acquisition is in Clark County, Nevada?

Points = 10

TOTAL POSSIBLE POINTS: 100

EXHIBIT 2

SOCIOECONOMIC INFORMATION

The SNPLMA requires consultation with local governments within whose jurisdiction nominated lands are located regarding the impacts of acquisition of the land by the Federal government. In order to assist in assessing the socioeconomic impact of land acquisitions pursuant to the SNPLMA, please provide the following information regarding the subject land. Do not leave any questions blank; if a question does not apply please so state and explain why.

1. Number of employees, spouses, and immediate family members that will be impacted by the acquisition due to employment associated with the land. List any employment that would be lost or created as a result of the acquisition.
2. Amount of annual property taxes.
3. A description of the existing use(s) of the property.
4. Amount of annual revenue generated from enterprises associated with the land. If actual revenue is confidential, list a typical enterprise annual budget. (e.g. revenue from working farms, agricultural or other leases, access fees for recreational facilities, mining operations, etc.)
5. A summary of local public services being utilized on and provided to the subject property.
6. A summary of local contractors being utilized on the subject property.
7. Identify the current city or county land use plan designation(s) for the subject property. If no local government land use plan or master plan is in effect, please so state. In this case, list the current zoning and any anticipated zoning changes in the foreseeable future, if any.
8. Provide a list of all water rights appurtenant to the land. Note whether these are being offered for sale as part of the nomination, if they'll be reserved by the owner, if they are owned by or will be sold to a third-party, or if there will be some other disposition of the water rights.
9. Provide a list of known mineral rights associated with the land. Note whether these are being offered for sale as part of the nomination, if they'll be reserved by the owner, if they are owned by or will be sold to a third-party, or if there will be some other disposition of the mineral rights.

EXHIBIT 3 – PAGE 1

**FORMAT FOR OWNER STATEMENT
INDICATING WILLINGNESS TO CONSIDER SALE TO THE FEDERAL GOVERNMENT**

TO: [Name of Nominating Contact Person]
[Name of Nominating Entity]
[Address of Nominating Entity]

[Salutation]:

I, [Name of Property Owner], am the legal owner of the approximately ____ acres of real property known as [Name, address, legal description, parcel number(s) and/or other unique identification number]. I understand that the property is being nominated for acquisition by a Federal agency under Round 9 of the Southern Nevada Public Land Management Act (SNPLMA) and/or the Federal Land Transaction Facilitation Act (FLTFA).

I have read and signed the document entitled “Federal Acquisition Process” to confirm that I understand the basic process that the Federal government will follow if the above property is selected for acquisition under the SNPLMA or the FLTFA. I am willing to consider sale of the above property to the Federal government according to the process described in that document if acceptable terms and conditions can be mutually agreed upon.

I understand that the purchase price would be the value determined by a federal agency-approved professional appraisal meeting industry-wide and Federal appraisal standards. I also understand that I have the right to accept or reject the value established by that appraisal.

My signature below indicates a willingness to consider sale of the subject property, but in no way creates an obligation to sell. I understand that I have the right to remove the property from consideration for purchase by the Federal government at any time, and agree to notify the appropriate Federal agency in a timely manner if I decide to do so.

[Name and Title of Owner]
[Address & Phone of Owner]

Signature

Date

EXHIBIT 3 – PAGE 2
FEDERAL ACQUISITION PROCESS

(Include this page in the nomination package, initialed by the land owner.)

Following is a brief outline of the Federal real property acquisition process. This process is consistent with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). The Uniform Act provides for fair and equitable treatment of persons whose property will be acquired or who will be displaced because of programs or projects financed with Federal funds. If a land nomination is forwarded to and approved by the Secretary of the Interior for acquisition under the Southern Nevada Public Lands Management Act or the Federal Land Transaction Facilitation Act (FLTFA), the acquisition would follow these steps:

1. Evaluation of Real Property. The Acquiring Agency will perform various studies of your property such as an initial and final site inspection and an environmental assessment to identify potential for hazardous materials or substances. The Agency will also review your ownership documents and obtain a preliminary title opinion from a Federal attorney/solicitor after review of a title report and title commitment from a qualified title company. Resolution of unacceptable encumbrances that are identified and clean up of hazardous materials or other trash and debris on the property will be the responsibility of the owner at the owner's expense and must be completed prior to acquisition of the property by the United States. These and other possible steps that the Agency must take during this process (e.g., boundary survey, correction of errors in the legal description, possible relocation issues, etc.) may affect your compensation and the completion date of the acquisition. The Agency will stay in contact with you throughout the process and will be available to answer any questions that you may have.
2. Appraisal. The agency will obtain and review an appraisal which must meet Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA). The Agency will generally contact you to invite you to attend a pre-appraisal work conference with the appraiser to review the scope of work for the appraisal. The appraiser will make an appointment to inspect your property. You or any representative that you desire will be invited to accompany the appraiser when the property is inspected. The pre-work conference and inspection provide you an opportunity to point out any unusual or hidden features of the property that the appraiser could overlook.
3. Appraisal Review and Approval. Once the appraisal has been completed, a federal review appraiser will review the report to ensure that all applicable appraisal standards and requirements were met. The review and appraisal are provided to the Agency for approval. The approved appraisal will then be used to determine the amount to be offered for your property. This amount will never be less than the market value established through the appraisal process.
4. Offer. The Agency will deliver a written offer for the sale/purchase of the real property. The Agency's offer will generally consist of a written summary statement that includes the amount of compensation (i.e., purchase price), the description of the property and any buildings or improvements that are considered to be part of the real property, and the property rights to be acquired. The Agency will give you a reasonable amount of time to consider the written offer and to ask questions or to request clarification of anything that is not understood. If you believe that all relevant material was not considered during the appraisal, you may present such information at this time.
5. Purchase Agreement. When you reach an agreement with the Agency on the offer, you will be asked to sign an option or a purchase agreement prepared by the Agency. Your signature will affirm that you and the Agency are in agreement concerning the acquisition of the property, including the terms and conditions of the acquisition. If, within a reasonable time, you and the Agency are unable to reach an

agreement on the acquisition of the real property, the Agency's offer will be withdrawn and your property will be removed from the acquisition list.

6. Payment. The final step in the acquisition process is closing escrow and payment for your property. Upon completion of a final inspection of your property and confirmation that an approved policy of title insurance will be issued, the Agency will deposit the appropriate amount of compensation into a previously established escrow account. At this time you will execute a General Warranty Deed prepared by the Agency and receive payment for your property when escrow closes.

By Signature below I confirm that I have read and understand the basics of the Federal land acquisition process.

[Name and Title of Owner]

Signature

Date

ATTACHMENT 4

FORMAT FOR ACQUIRING AGENCY'S AUTHORIZED OFFICER CERTIFICATION*

(This document will be provided separately to the SNPLMA Division by the Acquiring Agency)

I _____ [name, title] of _____ [name of acquiring agency] hereby certify that where the _____ property is concerned:

- 1) A representative of [name of acquiring agency] has conducted an initial site inspection on [date(s)]. Based on that inspection, the location and general description of the property presented in this nomination package has been verified and is accurate.
- 2) The property [is/is not] located within or adjacent to a “federally designated area” as that term is defined in the Federal Land Transaction Facilitation Act of 2000. The federally designated area is [insert name of the area.] and this information is/is not stated correctly in the nomination package.
- 3) Explain if and how the acquisition will facilitate management efficiency of Federal lands or of a “federally designated area.”
- 4) Acquisition of the property is consistent with the [name of plan] approved Federal land-use plan in force for the area within which the property is located.
- 5) If not now consistent with an approved Federal land-use plan in force for the area within which the property is located, the following steps will be taken/are underway which will make the property consistent with the [name of plan], the approved Federal land-use plan in force for the area within which the property is located prior to its acquisition.
- 6) The planned use of the property is _____. (Examples might be public access to other federal lands, specific recreational purposes, remain vacant for habitat protection/restoration, grazing permits, etc.).
- 7) The initial assessment of the information in this nomination package, including the title report, indicates the property interests to be acquired are sufficient to satisfy the Federal acquisition objectives and, to the best of my knowledge, there are no known legal, physical, or financial issues that would prevent or unnecessarily delay Federal acquisition and management of the property.
- 8) Based on the initial site inspection and interview with the owner,
 - a. The initial assessment of potential liabilities presented in this nomination package has been verified and is accurate to the best of my knowledge;
 - b. I concur that the method employed by the nominating entity to initially assess those liabilities is appropriate; and
 - c. The likely remediation that will be needed and method of accomplishing that remediation as described in the nomination narrative appears accurate.

[If the Agency disagrees with any of the above information in the nomination package, or has additional input regarding the potential liabilities, that information should be provided at this point.]

- 9) Based on the agency's initial site inspection, the resource values of [list resource values] described in this nomination package appear accurate. The nominating entity or the acquiring agency has verified

claims of habitat for listed species through the following sources _____.

- 10) In the opinion of the agency, acquisition of the property is needed for the following reasons: [list or provide a narrative describing the reasons]. These reasons are consistent with [if appropriate, “and/or an expansion of”] those stated in the nomination package response to assessment question number 9. [If the reasons stated in the nomination package are inaccurate, please indicate in your response.]
- 11) Please include one of the following regarding the owner’s asking price: “The agency has reviewed the owner’s asking price and [select one: (1) obtained a preliminary estimate of value (PEV), (2) obtained other appraisal product (explain), or (3) utilized agency staff familiar with market values in the area] and confirms that the asking price is reasonable when compared to available market evidence.”
- 12) The agency has attached a cost estimate sheet which estimates the acquisition cost, including necessary expenses as \$ _____. (See Attachment 5 for the cost estimate sheet.)
- 13) The agency has completed an initial assessment of the on-the-ground management requirements associated with the property and, either on its own or in combination with significant non-federal contributions, has the resources to manage this property if acquired. (Any non-federal management contributions should be specified.)
- 14) The agency is prepared to accept management responsibility for the _____ property on the date purchase is completed.
- 15) **The agency has the staffing resources to acquire the property in a timely manner** if approved by the Secretary of the Interior for acquisition under the Southern Nevada Public Land Act or by the Secretary of the Interior and the Secretary of Agriculture for acquisition under the Federal Land Transaction Facilitation Act.
- 16) The agency certifies that it has submitted, or will submit prior to the beginning of the public comment period, a copy of the complete nomination package to the local government jurisdiction with a cover letter requesting the local government’s review and comments, if any, by the date the final comment period closes, and offering to meet with the appropriate local government official(s) regarding the nomination if desired.

By:

Authorized Officer Name

Date _____

Title [BLM District Manager, Forest Supervisor, etc.]

Name of Agency that would take possession of the property

Name of local agency contact person for this nomination

***When BLM is the acquiring agency, Field Offices must refer to IM No. NV-2005-062 under “Nomination for Acquisition” for guidance on evaluating lands proposed for nomination and additional information to be included in the “Acquiring Agency’s Authorized Officer Certification.”**

ATTACHMENT 5
SNPLMA/FLTFA LAND ACQUISITION PROJECT
ESTIMATED NECESSARY EXPENSES
(AN EXCEL WORKSHEET OF THIS FORM IS AVAILABLE ON THE SNPLMA WEBSITE)

Property Name: _____ Agency: _____ Date: _____
Project #: N/A in Nomination Priority #: N/A in Nomination
Prepared by: _____ Phone: _____

Federal agencies agree to furnish the necessary equipment, materials, facilities, services, personnel, and other costs except as specified below:

- | | | |
|--|----------|---------|
| 1. Land Purchase Price (Not to exceed fair market value as determined by a Federally approved appraisal) | \$ _____ | _____ % |
| 2. Appraisal | \$ _____ | _____ % |
| 3. Land/Boundary Survey | \$ _____ | _____ % |
| 4. Phase I Environmental Site Assessment and NEPA | \$ _____ | _____ % |
| 5. FWS Consultation—Endangered Species Act | \$ _____ | _____ % |
| 6. Water Rights or Mineral Analysis (for Title Purposes) | \$ _____ | _____ % |
| 7. Mineral Potential Report (Prior approval required) | \$ _____ | _____ % |
| 8. Title Report, Escrow Fees, Misc. Closing Costs | \$ _____ | _____ % |
| 9. Recording Fees | \$ _____ | _____ % |
| 10. Pro-rata Share of Any Pre-Paid Property Taxes or Assessments | \$ _____ | _____ % |
| 11. Penalty Costs and Other Charges (for prepayment of pre-existing recorded mortgage, deeds of trust or other security instrument that encumbers the real property) | \$ _____ | _____ % |
| 12. Relocation Payments to Eligible Displaced Persons Under the Uniform Act | \$ _____ | _____ % |
| 13. Agency or Contracted Labor Costs: For activities necessary to complete the acquisition and/or to reach a decision as to whether or not the acquisition can be completed such as title records management; review of title documents (land, water, mineral, etc.), legal description verification; preparation and review of technical reports such Phase I ESA, water rights title evidence, mineral rights analyses for title purposes, surveys; preparation of requests for preliminary and final title opinion, preparation of conveyance documents, and escrow closing instructions; negotiating/resolution of rights to be acquired. | \$ _____ | _____ % |
| 14. Travel including per diem, when official travel status is required for agency personnel to perform case management (e.g., experts to review contracted appraisals, etc.) | \$ _____ | _____ % |
| 15. Official Vehicle Use (pro rata cost for use of Official Vehicles when required to carry out case management) | \$ _____ | _____ % |
| 16. Other Necessary Expenses (See Appendix B-9)* | \$ _____ | _____ % |

TOTAL: \$ _____ %

EXHIBIT A

Appendix B-9 -- Examples of Estimated “Other Necessary Expenses”

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

EXHIBIT B
CONSERVATION EASEMENTS
Round 11 Nomination Guidance

Unless there are existing easements on similar properties that are considered applicable to the nominated property, definitive details, conditions, and language for the proposed grant of conservation easement will not be available for inclusion in the nomination. As the negotiation and development of the language and details of the grant of conservation easement is a major component in processing the acquisition of a conservation easement, these actions should not be completed prior to approval of the nomination by the Secretary of the Interior.

The owner, nominating entity, and agency should, however, agree conceptually on what resources will be protected and what rights each will have. The nomination will describe the easement in those agreed upon conceptual terms. Scores and final ranking of conservation easements, like fee acquisitions, is directly related to the those resources being offered for protection.

Conservation Easement Summary: The nomination narrative shall include a summary of the conservation easement concept (see item IV.B.2 above) which addresses the following questions:

- **What are the natural resources the conservation easement will protect?** Examples might be: protect floodplain from development detrimental to the watershed, riparian areas, wetlands, or marshes; prevent development that would cause erosion detrimental to water quality, etc.; riparian areas and vegetation such as creeks, rivers and the vegetation and environment along the banks; habitat for threatened and endangered species; aesthetic qualities or historic view sheds of the valley/mountain.
- **If threatened and endangered species (T&E species) use the land, how will the conservation easement impact their use of the land, either positively or negatively?** Example: The land may be a breeding ground, provide migratory pathways or access, provide winter habitat, etc. If the conservation easement will likely require fencing for protection of certain resources from grazing cattle which will remain on the property, will that fence negatively or positively impact the continued use of the property by the T&E species.
- **What are the primary rights to be acquired by the Federal agency?** Examples might be: all commercial, industrial, and residential development rights; right to identify uses that are not consistent with the purpose of the conservation easement; prior approval over disposition of water rights; prior approval over modifications to vegetation in a riparian area or a forested area;
- **What are the geographic boundaries of the proposed easement?** Describe the location and number of acres compared to the total size of the property; the map required elsewhere in the nomination should depict the likely location of the easement on the property. Consider nominating only the area around the most critical resources to be protected, rather than the entire property.
- **How does the size and configuration of the easement facilitate protection of the resources?** Explain how the size (versus bigger or smaller area) and configuration are appropriate to effectively protect the resources which the easement is supposed to protect.
- **What protective actions to be granted to the Federal agency?** Examples might be: reasonable access to inspect, monitor, and ability to enforce the easement; right to require restoration of damage from activities which aren't allowed under the conservation easement; prior approval of any building or construction on the property even within an allowed building footprint to ensure the construction is consistent with the easement for such things as size, height, purpose, style.
- **What uses will the landowner be likely to want to continue?** Examples might be: grazing, agriculture use for growing specific crops.
- **Will the CE be likely to identify a building footprint and the curtilage or area around the current improvements?** If the answer is yes, explain, what restrictions would likely be placed on new development or improvements within this area.
- **What restrictions are expected to be placed on how the property can be used?** Examples might be:

no energy development such as wind energy towers, no cell towers, no subdivision of the land, no commercial development other than allowed for continued agricultural use, no removal of trees or vegetation in the riparian zone without prior approval of the acquiring agency.

- **Will the conservation easement allow regular public access to sites on the property or to other public land?** CEs on property adjacent to recreational areas such as parks, national or state forests, or rivers/streams, may want to consider providing an easement to allow public access to such recreational areas. When applicable, public access restricted to a certain area might also be considered to allow for viewing specific historical, cultural, scenic or other significant sites on the property. If such public access were to be included explain how the access could be limited in order to protect the owner's property and how the agency could assist through management of the CE.
- **What are the benefits of acquiring a conservation easement over fee acquisition?**
- **Will historical structures or sites on the property be protected to preserve their historic and/or cultural significance?** Consider including historic structures where a conservation easement could protect the historic nature by ensuring that future repairs, renovations, expansions or improvements maintain the historic nature of the property.

Please note that conservation easements are expected to be in perpetuity.

Responding to Assessment Questions: The responses to the above questions for the narrative description, should be consistent with associated assessment questions. In responding to nomination assessment questions (see item IV.B.7. above), the nominating entity must specifically address how the conservation easement applies or does not apply to the factors under each assessment question. For example, discussions of resource values should explain which resource values are to be protected and how the conservation easement is expected to protect those resource values. Responses to nomination assessment questions are to explain how the easement relates to the subject of the question (e.g., how the described resources are expected to be protected by the easement, how the easement will enhance or otherwise impact management of Federal lands, etc.).

Owner Statement: The agency and owner should not be limited by this initial description of the easement if it is determined during processing that additional restrictions are necessary to fulfill the purpose of the easement. The "Owner's Statement" should include an acknowledgment that terms in the nomination are anticipated but that the final details needed to implement these concepts through a grant of conservation easement will be negotiated between the owner and the acquiring agency.

Acquiring Agency Statement: Because of the need to establish the baseline conditions and the expected long-term costs and workload of monitoring and managing an easement, these costs should be addressed in the Acquiring Agency's Statement for conservation easements.

Conservation Easements on different properties with different owners should be nominated separately, not grouped.

EXHIBIT C

DEFINITIONS

Biodiversity: The variety of life and its processes, including the variety of living organisms, the genetic differences among them, and the communities and ecosystems in which they occur.

Critical Habitat: Specific geographic areas, whether occupied by listed species or not, that are determined to be essential for the conservation and management of listed species, and that have been formally described in the Federal Register.

Endangered Species: Any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man. A species must be “listed” as endangered on the Federal List of Endangered and Threatened Wildlife and Plants.

Environmentally Sensitive Lands: Land or an interest in land, the acquisition of which the United States would, in the judgment of the Secretary of the Interior or the Secretary of Agriculture: (A) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, and other values contributing to public enjoyment and biological diversity; (B) enhance recreational opportunities and public access; (C) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or (D) otherwise serve the public interest.

Federal List of Endangered and Threatened Wildlife and Plants: Before a plant or animal species can receive protection under the Endangered Species Act, it must first be placed on this list by the U. S. Fish and Wildlife Service. The FWS follows a strict legal process to determine whether to list a species,

Federally Designated Area: Land in Alaska and the eleven contiguous Western States that as of July 25, 2000, are within the boundary of (A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, or a national natural landmark managed by the Bureau of Land Management; (B) a unit of the National Park System; (C) a unit of the National Wildlife Refuge System; (D) an area of the National Forest System designated for special management by an Act of Congress; or (E) an area within which the Secretary of the Interior or the Secretary of Agriculture is otherwise authorized by law to acquire lands or interest therein that is designated as (i) wilderness under the Wilderness Act; (ii) a wilderness study area; (iii) a component of the Wild and Scenic Rivers System under the Wild and Scenic Rivers Act; or (iv) a component of the National Trails System under the National Trails System Act.

Inholding: Any right, title, or interest, held by a non-Federal entity, in or to a tract of land lying within the boundary of a federally designated area.

Listed Species: A species, subspecies, or distinct vertebrate population segment that has been added to the Federal lists of Endangered and Threatened Wildlife and Plants as they appear in sections 17.11 and 17.12 of Title 50 of the Code of Federal Regulations (50 CFR 17.11 and 17.12).

Riparian: Of, on, or relating to the bank of a natural course of water.

Secretary: The Secretary of the Interior.

Specially Designated Species: A species that is “listed” on the Federal lists of Endangered and Threatened Wildlife and Plants.

Species: Includes any subspecies of fish or wildlife or plants, and any distinct population segment of any species

of vertebrate fish or wildlife which interbreeds when mature.

Species of Concern: An informal term that refers to those species which might be in need of concentrated conservation actions. Species of concern receive no legal protection and the use of the term does not necessarily mean that the species will eventually be proposed for listing as a threatened or endangered species.

Threatened Species: Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Wetlands: A lowland area, such as a marsh or swamp that is saturated with moisture, especially when viewed as the natural habitat of wildlife.