

Memo to Board of Directors

Subject: Natural Resources Grants Program

Date: 9/2/03

By: Emmett Egr, Information/Education Coordinator

At the Board's August, 2003 meeting, the staff was asked to draft a grants program for review by the Board in September.

The attached is recommended as a new Natural Resources Grants Program to address requests for NRD funding of events and activities not currently covered by other NRD cost share programs.

## **Natural Resources Grants Program**

**17.40 District Programs – Natural Resources Grants Program.** The Natural Resources Grants Program is an authorized program of the District to provide financial assistance to public and private organizations planning to offer, to the public, an event, project or activity which is consistent with and supports the mission, goals and statutory responsibilities of the Papio-Missouri River Natural Resources District:

**THE MISSION  
of the Papio-Missouri River NRD  
is to wisely Conserve, Manage and Enhance  
our soil, water, wildlife, and forest resources  
for the good of all people residing within  
the District's boundaries**

Excludes projects currently eligible for funding under other NRD cost-sharing programs.

The Grantee shall hold and save the District free from damages or claims due any function or activity where funds from the grant are used. The Grantee shall make public the NRD's contribution to the activity.

Projects or activities must conform with all local, state and federal laws.

Event, activity or project shall be open or available to the public and exist within the boundaries of the Papio-Missouri River NRD or be targeted to attract citizens within the NRD's boundaries.

### **LEVEL OF FINANCIAL ASSISTANCE:**

1. Grants may be applied for from the District to cost-share the development of events and activities. It is the intent that the District's cost share not exceed 50% of the total costs for the activity or event. Grants availability is dependent upon budget constraints.

2. Management is authorized to award grants without Board approval whenever the annual grant to any organization does not exceed ( \$3,500 ?? \$5000). Grants shall not be split to avoid the limitation. Grants for amounts exceeding (\$3,500 ?? \$5000) require approval by the Board of Directors.

## **Natural Resources Grants Program**

### **Criteria and Application**

The Natural Resources Grants Program is an authorized program of the District to provide financial assistance to public and private organizations planning to offer, to the public, an event, project or activity which is consistent with, promotes and supports the mission, goals and statutory responsibilities of the Papio-Missouri River Natural Resources District.

### **THE MISSION**

**of the Papio-Missouri River NRD  
is to wisely Conserve, Manage and Enhance  
our soil, water, wildlife, and forest resources  
for the good of all people residing within  
the District's boundaries**

Excludes projects currently eligible for funding under other NRD cost-sharing programs.

The Grantee shall hold and save the District free from damages or claims due any function or activity where funds from the grant are used.

The Grantee shall make public the NRD's contribution to the activity.

Projects or activities must conform with all local, state and federal laws and not be political in nature.

#### **LEVEL OF FINANCIAL ASSISTANCE:**

Funding, up to (\$3,500 ??? \$5,000) may be applied for from the District to provide financial assistance for the development of events and activities. It is the intent that the District's cost share not exceed 50% of the total costs for the activity or event. Grant applications are received year-round, but funding may be restricted by NRD fiscal year budget considerations.

### **APPLICATION**

#### **Application Procedures**

1. Complete application form being as specific as space allows. Application must be filled out completely to be considered. The NRD may verify any information provided in the application.
2. Submit the completed application form to the Papio-Missouri River NRD, 8901 S. 154th St., Omaha, NE, 68138 at least eight weeks before the funds are desired.
3. Large and small events, projects and activities will receive equal consideration.

#### **Grant Application**

1. Name of Event, Project or Activity:

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2. Location: \_\_\_\_\_

3. County in which event will occur: \_\_\_\_\_

4. Population of geographical area served by event: \_\_\_\_\_

5. Date(s) of activity: \_\_\_\_\_

6. Sponsoring Organization(s): \_\_\_\_\_

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7. Event Chairpersons:

Chairperson Name: \_\_\_\_\_ Representing: \_\_\_\_\_

Co-Chairperson Name: \_\_\_\_\_ Representing: \_\_\_\_\_

Chairpersons Postal Address:

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Phone Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

8. Event purpose and goals (state how this event supports the mission and goals of the NRD).

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9. Projected number of people to attend the event or participate in the activity: \_\_\_\_\_ Age Groups: \_\_\_\_\_

10. Amount of NRD funding being requested: \$ \_\_\_\_\_

11. Total estimated project or activity cost: \$ \_\_\_\_\_

12. Proposed use of NRD funding: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Date Funds are needed: \_\_\_\_\_  
(Remember, applications must be received by the NRD at least eight weeks prior to date of event or activity)

14. Matching Funds (funds from other sources)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. Event Chairperson's Signature: \_\_\_\_\_

15. Mail funding to: \_\_\_\_\_  
\_\_\_\_\_

**Applicant Responsibility**

- Once the grant is implemented, the District must receive a short, written report, with photos if possible, of the event or activity.
- Promotion should include mention of the Natural Resources District's contribution. Please provide a copy of promotional material.
- The Grantee shall hold and save the District free from damages or claims due any function or activity where funds from the grant are used
- Projects or activities must conform with all local, state and federal laws.
- Event, activity or project shall be open or available to the public and NRD staff. Project, event or activity should be held or exist within the boundaries of the Papio-Missouri River NRD or be targeted to attract citizens within the NRD's boundaries.

For more information, contact:  
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NRD web site - www.papionrd.org

MEMORANDUM

TO: Personnel, Legislative and Public Affairs Subcommittee  
SUBJECT: Resolutions to be Considered at the 2003 NARD Annual Conference  
DATE: September 3, 2003  
FROM: Steve Oltmans, General Manager

The District has received the following resolutions for consideration at the 2003 NARD Annual Conference, September 21-23, 2003 at Kearney. The GM's recommendation position is listed in the third column.

Reso #	Description	Recommended Position
2003-1	Development Below Existing Dams, submitted by Lower Platte South NRD	SUPPORT
2003-2	Ground Water Management and Protection Act – 2.5% Lid Exemption, submitted by Upper Elkhorn	SUPPORT
2003-3	Nebraska Department of Natural Resources District, submitted by Central Platte	SUPPORT
2003-4	Encourage the Development and Rehabilitation of Surface Water Storage in Nebraska, submitted by Lower Loup NRD	SUPPORT
2003 -	Penalty Section – Ground Water Management and Protection Act, submitted by Middle Republican NRD	SUPPORT
2003-	Amend Statutes on Surface Water Storage Permits, submitted by Lower Elkhorn NRD	SUPPORT
2003-	Registered Well Information, submitted by Little Blue NRD	SUPPORT

**It is the recommendation of the GM that the Pappio-Missouri River NRD support the above resolutions.**

2003-1

**Development Below Existing Dams**

**Submitted by Lower Platte South NRD**

**Co-sponsor by Lower Platte North, Lower Big Blue and Nemaha**

**WHEREAS**, the Nebraska Department of Natural Resources (DNR) has jurisdiction over all dams in high hazard locations regardless of size or storage capacity and all other dams having a height of 25 ft. or more or having a storage capacity of 50 acre-ft. or more, and;

**WHEREAS**, the DNR insures that all jurisdictional dams are designed properly, taking into account downstream improvements which may directly impact on the assigned hazard classification of the dam and issues storage and use permits as appropriate, and;

**WHEREAS**, Nebraska has an excellent dam safety program and there have been no dam failures that have resulted in loss of life, and;

**WHEREAS**, the DNR classifies dams dependant upon the type and extent of damages that could occur should the dam fail with all High Hazard dams having downstream improvements where a failure would be expected to result in loss-of-life, Significant Hazard dam failures would result in damage to important resources, and Low Hazard dams being those where damage would be limited to minor resources, and;

**WHEREAS**, Nebraska has over 2,000 permitted dams built to the appropriate hazard classification at the time of construction with approximately 1,700 Low Hazard dams, 250 Significant Hazard dams, and 100 High Hazard dams, and;

**WHEREAS**, local governments (i.e. NRDs, counties, cities, villages, etc.) own 48% of the permitted dams, private owners own 47% of the permitted dams, and public utilities, state government, and the federal government own the remaining 5% of the permitted dams with the owner being responsible for the operation and maintenance, and;

**WHEREAS**, the DNR inspects these dams and notifies owners by letter of defects and deficiencies found during field inspections (46-277) and can exercise legal authority to require the owner of dams to take necessary action to correct deficiencies, and;

**WHEREAS**, the construction of certain improvements (houses, businesses, roads, etc.) downstream of existing dams can result in an upgrade of the hazard classification by the DNR if those improvements are in the area that would be flooded (breach inundation area) should the dam fail, and;

**WHEREAS**, upgrading of the hazard classification by the DNR will result in an order to the owner of the dam requiring the owner of the dam to take "necessary action" to correct deficiencies and defects in order that the dam be operated and maintained in a safe condition, and;

**WHEREAS**, the "necessary action" will be to either redesign the structure and rebuild it to the upgraded hazard classification or decommission/remove the entire dam at a cost that in either case is expected to exceed the original construction cost of the dam, and;

**WHEREAS**, there are over 1,900 permitted dams that potentially could have their hazard classification upgraded if certain improvements were installed downstream resulting in increased concerns about public safety and costly modifications to existing dams,

**NOW THEREFORE BE IT RESOLVED, the Nebraska Association of Resource Districts recommend the Legislature's Natural Resources Committee study this issue in conjunction with the DNR, NRDs, the Nebraska Association of County Officials, League of Municipalities, and others to develop a solution to keep downstream improvements from being located in potentially hazardous locations downstream of existing dams.**



**Ground Water Management and Protection Act -- 2.5% Lid Exemption**

Submitted by the Upper Elkhorn NRD

**WHEREAS**, Natural Resources Districts have the primary responsibility for the management, protection and conservation of ground water through the Nebraska Ground Water Management and Protection Act (State Statute 46-656 through 46-656-67); and

**WHEREAS**, the purposes for implementing the provisions of the Ground Water Management and Protection Act have been modified since its initial passage; and

**WHEREAS**, more groundwater and surface water quality and quantity information is being collected by Natural Resources Districts, additional financial assistance to cooperators is needed for water quality/quantity conservation measures, and with state/federal funding levels being reduced or not adequate; local NRDs are being targeted to provide additional finances and staffing in protecting the State's natural resources; and

**WHEREAS**, existing interstate compacts or decrees, and other formal state contracts have created and will continue to be a financial burden on local NRD budgets; and

**WHEREAS**, future court rulings or legislation regarding surface water and ground water will likely increase the expense to districts in administrating and implementing the Nebraska Ground Water Management and Protection Act through their local administration of the Districts Groundwater Management Plans or their Integrated Management Plans; and

**WHEREAS**, the Legislature has reduced state aid and state costshare funds, imposed levy limits or placed lids on restricted funds, and rescinded additional taxing authorities for Special Protection Areas and Control Areas all of which affect the Natural Resources Districts ability to manage, protect and conserve one of State's greatest resources-ground water; and

**WHEREAS**, the Legislature finds that ground water is one of the most valuable natural resources in the state and that an adequate supply of ground water is essential to the general welfare of the citizens of this state and to the present and future development of agriculture in the state. (State Statute 46-656.02); and

**WHEREAS**, the Legislature further recognizes and declares that the management, protection and conservation of ground water and the beneficial use thereof are essential to the economic prosperity and future well-being of the state and that the public interest demands procedures for the implementation of management practices to conserve and protect ground water supplies and to prevent the contamination or inefficient or improper use thereof (State Statute 46-656.02);

**NOW, THEREFORE BE IT RESOLVED** that the Nebraska Association of Resources Districts seek or support legislation to exempt Natural Resources Districts' expenditures associated with the Natural Resources Districts administration and implementation of the Ground Water Management and Protection Act (State Statute 46-656 through 46-656.67) from the current base limitation of 2.5% on restricted funds.

**NEBRASKA DEPARTMENT OF NATURAL RESOURCES DIRECTOR**

Proposed by Central Platte NRD

**WHEREAS**, the former Nebraska Department of Water Resources issued, administered, and adjudicated surface water rights, and

**WHEREAS**, because of the predominate work of the Director of Department of Water Resources being directly involved with issuing, administering, and adjudicating surface water rights, Nebraska Statutes required the Director to be a professional engineer with at least five years experience in a position of responsibility in irrigation work, and

**WHEREAS**, the former Nebraska Natural Resources Commission as an agency was established to serve as the official agency of the state for soil and water conservation, watershed protection, water resource development, flood prevention and control, and state-wide resources planning, and

**WHEREAS**, because the predominant work of the Director of Natural Resources, as the head of that agency, was in the field of natural resources conservation the Nebraska Statutes required the Director to be experienced in natural resources conservation, development and use, and

**WHEREAS**, the two state agencies have now been merged into the Nebraska Department of Natural Resources (DNR), and

**WHEREAS**, the Director of the new Department of Natural Resources has a much broader range of responsibilities than either of the Directors of the merged agencies, and

**WHEREAS**, there are now several fields of training and experience that would be desirable qualifications for the Director of the DNR, and

**SO, THEREFORE, BE IT RESOLVED**, that the Nebraska Association of Resources Districts seek legislation to amend statutes dealing with the qualifications of Director of Natural Resources, to require that the Director be qualified by training and business experience to manage and supervise the Department of Natural Resources and have at least five years experience in a position of responsibility in the field of soil or water conservation, development or use, and

**BE IF FURTHER RESOLVED** that the Director, the Assistant Director, or the Director of Water Administration shall be a professional engineer as provided in the Engineers and Architects Regulation Act and have had at least five years experience in a position of responsibility in irrigation work.

**Encourage the Development and Rehabilitation of Surface Water  
Storage in Nebraska**

**Submitted by the Lower Loup NRD**

**WHEREAS**, Nebraska's Natural Resources Districts (NRDS) have been given authority to manage, protect, and enhance the water resources of the State; and

**WHEREAS**, Nebraska is primarily an agricultural state reliant on it's water resource as the life blood of the States economy; and

**WHEREAS**, without an available water resource you can not have a viable agricultural economy; and

**WHEREAS**, surface water storage provides a renewable source of water for irrigation, groundwater recharge, wildlife habitat, recreation, municipal, and industrial use; and

**WHEREAS**, surface water storage projects provide flood control benefits for the betterment of all citizens in the State,

**NOW THEREFORE BE IT RESOLVED** that the Nebraska Association of Resources Districts encourage the development and rehabilitation of surface water storage projects across the State of Nebraska.

**RESOLUTION Under consideration by the Middle Republican NRD**

PENALTY SECTION – Ground Water Management and Protection Act

WHEREAS, The legislature recognizes that the management, protection and conservation of ground water and the beneficial use thereof are essential to the economic prosperity and future well being of the state, and;

WHEREAS, Natural Resources Districts have the legal authority to regulate activities which contribute to declines in ground water levels, nonpoint source contamination of ground water and conflicts between ground water users and surface water appropriators, and;

WHEREAS, each district can adopt and promulgate rules and regulations necessary to discharge the administrative duties assigned in the act, and;

WHEREAS, the district can, by order, designate a management area and adopt one or more controls to a achieve the objectives of the area, and;

WHEREAS, the district can issue cease and desist orders to enforce any of the provisions of the act or of orders or permits issued pursuant to the act, and;

WHEREAS, any well not in compliance with rules and regulations adopted and promulgated pursuant to the act, and;

WHEREAS, whenever a water well becomes an illegal water well, the owner shall either correct the deficiency or shall cause the proper decommissioning of the well, and;

WHEREAS, a well owner can continually violate rules and regulations of the district with no other penalty than to discontinue to action, and;

WHEREAS, no penalty exists for violations of allocations, tampering with meters, false reporting or many other situations where rules can be violated,

**NOW THEREFORE BE IT RESOLVED, that the Nebraska Association of Resources Districts work with the Legislature, the Nebraska Department of Natural Resources and the Attorney General's office to develop legislation to include a penalty section in the Ground Water Management and Protection Act that will provide for establishment and enforcement of penalties imposed by the Natural Resources District. These penalties should include, but should not be limited to, the loss or reduction of allocations and the loss or reduction of certified uses.**

**RESOLUTION Under consideration by the Lower Elkhorn NRD**

**AMEND STATUTES ON SURFACE WATER STORAGE PERMITS**

WHEREAS, state statutes (46-241) requires anyone intending to construct and operate a storage reservoir to make application to Nebraska Department of Natural Resources, and upon approval shall have the right to impound in such reservoir all waters not otherwise appropriated; and

WHEREAS, The Nebraska Department of Natural Resources has ordered storage permit owners to pass the inflow amount of water through their dams to satisfy junior instream flow appropriations, under the interpretation that a reservoir that is full one time in the calendar year has filled its appropriation, and is no longer entitled to retain any inflow to the lake;

**THEREFORE BE IT RESOLVED that NARD seeks legislation to amend statues authorizing storage permits to state that reservoirs storing water for the sole purpose of providing beneficial uses within the reservoir are authorized to maintain the full allocation stated on the storage permit on a permanent basis, and will not be required to pass inflow through the dam, except for senior appropriations.**

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**REGISTERED WELL INFORMATION**

**Submitted by Little Blue NRD**

**WHEREAS**, the Nebraska Department of Natural Resources (DNR) maintains the well registration information for the state of Nebraska, and makes such information available to the public via the DNR web site, and;

**WHEREAS**, this water well information has been invaluable to landowners, well drillers, realtors and agency personnel in the line of their work, and;

**WHEREAS**, because of heightened security reasons, the Attorney General's Office has, with concurrence of the Department of Health and Human Services, requested the DNR to remove information for all municipal water supply wells from the DNR web site and;

**WHEREAS**, only personnel within the state computer network has access through a secure process to view all well information, and;

**WHEREAS**, some problems now exist for people in the field who have relied on the web site for specific well information, specifically location and spacing issues for the construction of new wells,

**NOW THEREFORE BE IT RESOLVED**, the Nebraska Association of Resource Districts supports and encourages the Department of Natural Resources to establish and make available to the Natural Resource Districts and well drillers, access to the secure web site where complete water well records may be accessed only by persons equipped with an identification number assigned by the Department.

**Eliminate the Need to Permit Small Dams Used to Water Livestock**  
**Submitted by: Nemaha NRD**

**WHEREAS**, State Statute 46-257(2) states that any person intending to construct a low hazard dam that is less than 25 feet in height, with a water impounding capacity of 15 acre-feet or less and with a total storage capacity of less than 50 acre-feet shall be exempt from obtaining a storage permit from the Department of Natural Resources as long as there will be no diversion or withdrawal from the reservoir; and

**WHEREAS**, landowners typically construct these small exempt structures to provide water for livestock in pastures adjacent to the reservoir; and

**WHEREAS**, in an effort to protect water quality many landowners have agreed to divert water from these reservoirs to water livestock grazing in adjacent pastures in-lieu of allowing them to have direct access to the reservoir; and

**WHEREAS**, the volume of water diverted for livestock use is insignificant and usually far less than the amount of water lost due to evaporation from the reservoir; and

**WHEREAS**, the Department of Natural Resources has determined that minor diversions for the purpose of watering livestock meets the criteria of a withdrawal or diversion as outlined in State Statute 46-257(2) and requires that any structure, regardless of size, designed with the intention of diverting small volumes of water for livestock obtain a storage permit prior to construction; and

**WHEREAS**, permitting small structures that would normally be exempt from such action for livestock water use creates an unnecessary cost and burden for the landowner, dam designer and Department of Natural Resources staff,

**NOW THEREFORE BE IT RESOLVED** that the Nebraska Association of Resources Districts work with the Natural Resources Districts and Nebraska Department of Natural Resources to address this concern and eliminate the need for storage permits for minor diversions to water livestock from reservoirs that otherwise meet the size and volume exemption criteria stated in State Statute 46-257(2).