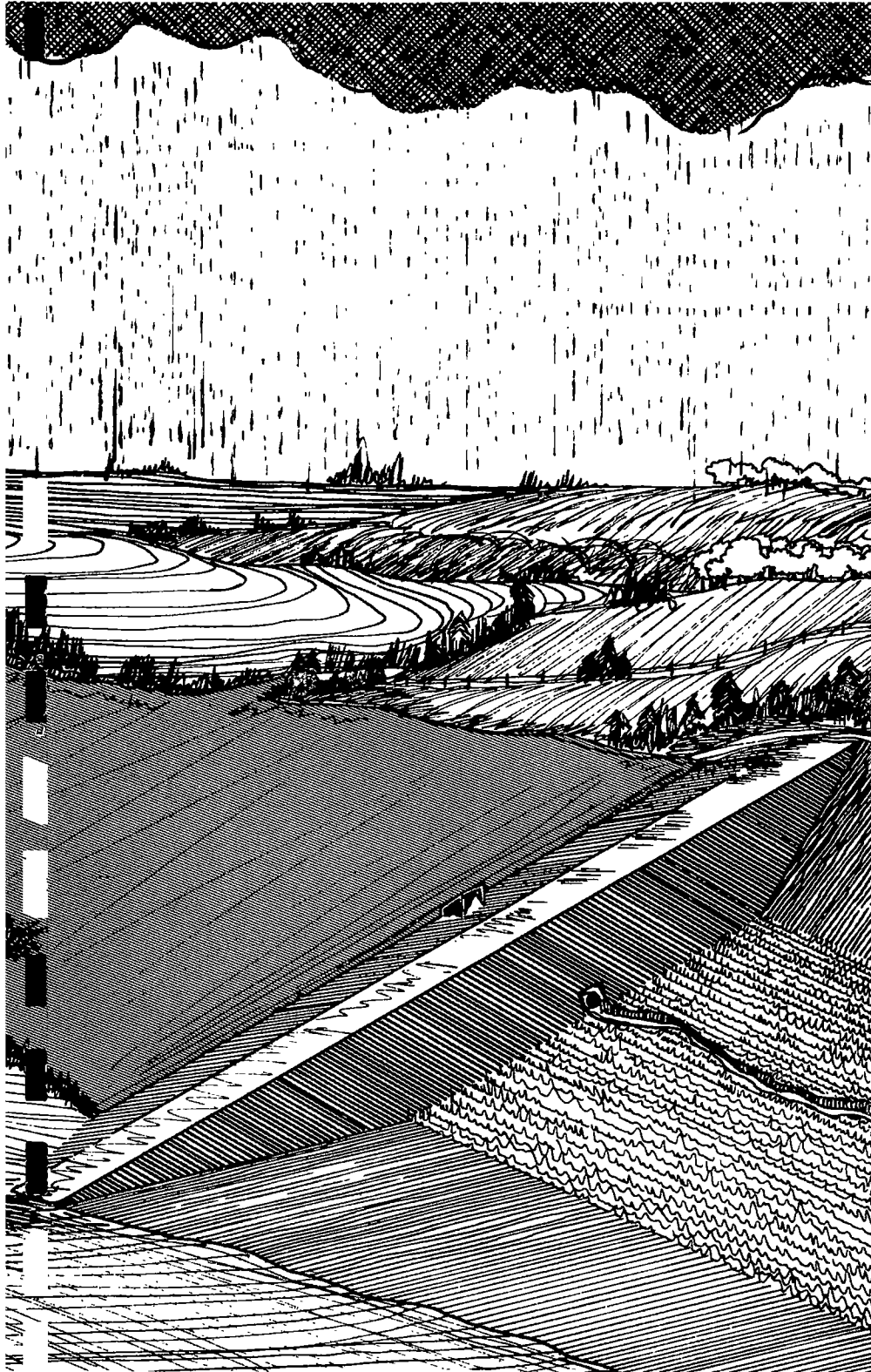


Nebraska Resources Development Fund



GUIDELINES

april 1986

Nebraska Natural Resources Commission

AR-04011986-D-Rep

NEBRASKA RESOURCES DEVELOPMENT FUND

GUIDELINES

as revised

APRIL, 1986

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BACKGROUND AND INTRODUCTION

The Resources Development Fund

The Nebraska Resources Development Fund Act of 1974 established the Resources Development Fund to provide state financial assistance for the development and wise use of Nebraska's water and land resources. The Fund can be used to provide grants and/or loans to local political subdivisions of the state, agencies of the state, or can be used by the Natural Resources Commission to acquire an interest in a project in the name of the state. The fund is administered jointly by the Natural Resources Commission and the Director of Natural Resources.

The Director of Natural Resources's primary responsibility is to make recommendations to the Commission regarding project and program eligibility for Resources Development Fund assistance. The Director of Natural Resources must also make recommendations regarding the type and amount of assistance that may be provided to the sponsor of a project, i.e. grant, loan, or a combination thereof. To carry out these responsibilities, rules and regulations, evaluation standards, specifications, and these guidelines for implementation have been adopted.

After the Director of Natural Resources has reviewed an application and feasibility report, made recommendations regarding project eligibility and funding, and referred all projects to the Commission, the Commission can accept, reject, or modify the Director's recommendations. In addition, the determination of priorities for funding of eligible projects is the sole responsibility of

the Commission. Prior to any allocation of funds to a specified project, the Commission must enter into an agreement and negotiate any other necessary documents to ensure that the state investment is protected. The Director then administers the grants and/or loans.

Eligible project purposes, as stated in the Resources Development Fund Act, include pollution abatement, reduction of flood damages, preservation of lands for resource development projects, provision of public irrigation facilities, preservation and development of fish and wildlife resources, protection and improvement of public lands, provision of public outdoor recreation lands and facilities, provision and preservation of the waters of Nebraska for all beneficial uses, including domestic, agricultural, and manufacturing uses, conservation of land resources, and protection of the health, safety, and general welfare of the people of Nebraska.

Every project must have a sponsoring organization. The sponsoring organization must be a state agency or political subdivision of the state which has been given the authority to develop the state's water and related land resources.

The Resources Development Fund was established with the intent that it be used only after possible funding through other sources has been explored. The Fund is to be used for projects that have a total cost of \$10,000,000 or less. Financial assistance can be in the form of a

grant for up to 75% of the sponsor's project costs or in the form of a loan or a grant/loan combination for up to 90% of the sponsor's project costs.

Project sponsors must show that they and their consultants are adequately insured and that their contractors are adequately bonded in order to receive financial assistance through the Fund.

Since the inception of the Resources Development Fund in 1974 various issues have arisen regarding the eligibility of projects and programs for funding assistance through the Fund. As a result the following policies have evolved:

(1) Funds will not be recommended for land rights acquisition for projects that qualify for such assistance from the Small Watersheds Flood Control Fund (LB 71 Fund) unless and until the unavailability of sufficient funds from the LB 71 Fund for acquisition of eligible land rights is clearly demonstrated. In the event such unavailability occurs, allocations from the Resources Development Fund may be recommended.

(2) Projects which have applied for assistance from Public Law 83-566, the Watershed Protection and Flood Prevention Act, or which are eligible for such application, shall not be deemed ineligible for consideration for grants and/or loans from the Development Fund. To be determined eligible for such funds, however, the sponsor must, in addition to satisfying all other normally applied criteria, demonstrate that the sufficiency and urgency of area needs for the project constitute adequate justification for the utilization of Development Funds as an alternative to funds available through P.L. 83-566.

If the project is deemed eligible for funding, the Director of Natural Resources will recommend to the Commission a level of funding

which will require that the project will exceed the estimated costs to such sponsor if the project were carried to its completion in accordance with the provisions of P.L. 83-566.

If the project is of the type that funds could be made available through the Small Watersheds Flood Control Fund, utilization of Development Funds for land rights acquisition on the project shall be governed by policy (1); if not, the costs of land rights acquisition shall be eligible for grant and/or loan assistance from the Resources Development Fund only in the amount which would have been eligible for assistance from the Small Watersheds Flood Control Fund had it been available.

(3) Funds will not be recommended for projects or programs of non-structural nature which are primarily data gathering endeavors.

(4) An allocation in the form of a grant may be recommended when it is determined that the program or project or separable portion thereof cannot be expected to generate revenues or receipts sufficient to reimburse such allocation and when it is further determined that the program or project or separable portion thereof will provide general public benefits extending beyond the area for which funding solely from local sources is appropriate.

An allocation in the form of a loan may be recommended when it is determined that the program or project or separable portion thereof (1) will directly generate revenues or receipts or can be expected to culminate in a program or project which will generate revenues or receipts, or (2) will provide general public benefits contained within the area for which funding from local sources is appropriate. If, as a result of

statutory limitations on local funding sources, the repayment of a loan in the amount of eligibility would be infeasible, an allocation in the form of a grant may be recommended in lieu of all or a portion of the loan allocation.

No allocation will be recommended in the form of a grant or a loan unless it is determined that the program or project or separable portion thereof is consistent with the purposes of Sections 2-1586 through 2-1595, R.R.S. 1943, and the rules and regulations of the Natural Resources Commission, and is ineligible for alternative sources of funding reasonably comparable to those available from the Resources Development Fund.

(5) Costs incurred prior to submission of a project proposal or prior to submission of a full application and feasibility report when no project proposal is submitted shall not be recommended as eligible for reimbursement or for inclusion in total project costs.

Costs incurred by the applicant subsequent to its first submission to the Director of Natural Resources, whether by project proposal or full application and feasibility report, but prior to a determination of the project's eligibility, will not be recommended as eligible for reimbursement, but may be recommended for inclusion in total project costs

for the purpose of satisfying in whole or in part the required percentage of local funding if the following conditions are met:

(a) It is later determined by the Director of Natural Resources that all other relevant criteria were satisfied and that such costs would have been eligible for reimbursement at the appropriate rate had they not been incurred until after the determination of eligibility;

(b) The project applicant notified the Director of Natural Resources and the Commission in writing of its plans to proceed with such portions of the project and documented its reasons for proceeding at that time; and

(c) The Commission has reviewed and approved the final plans for any portions involving construction in accordance with Chapter 4, Section 3 of the Commission's rules and regulations.

(d) The Commission was granted the opportunity of inspecting any construction in accordance with Chapter 4, Section 003 of the Commission's Rules and Regulations.

A sponsor must provide the information needed to determine whether its project qualifies for financial assistance. Therefore, it is to the applicant's advantage to exercise the greatest care in preparation of project proposals and/or application and feasibility reports.

SECTION ONE

General Information

A. OBJECTIVE:

The objective of the Nebraska Resources Development Fund is to fulfill the public interest of the state and financially assist in projects designed for the development, preservation, and maintenance of Nebraska's water and land resources.

B. PROJECT SPONSORS:

Any state agency or political subdivision of the State of Nebraska that is responsible, and possesses the necessary authority, for the development, administration, operation and maintenance of the state's land and water resources is eligible to receive assistance from the Fund.

C. ELIGIBLE PROJECTS:

The Fund may be utilized by a sponsor to (a) participate in locally-sponsored projects; (b) participate in projects sponsored or financially assisted by entities of the federal government; and, (c) finance state-sponsored projects. Specified projects eligible for funding may be found in the rules and regulations, Chapter 1, Section 004.

D. TYPES OF ASSISTANCE:

Eligible applicants for financial assistance from the Fund may receive assistance in the form of grants, loans, or through the direct acquisition by the state of interests in eligible projects. The form of assistance which may be allocated to a project is to be determined by the criteria presented in Chapter 1,

Sections 003, 005, and 006 of the rules and regulations.

E. PERIOD OF ANALYSIS:

The period used for analysis will be 50 years or the life of the project, whichever is less.

F. APPLICATION PROCEDURE:

A two-phase application procedure is recommended. This consists of an optional Project Proposal (Phase I) and an Application including a Feasibility Report (Phase II). The project proposal serves the function of allowing the Director of Natural Resources and the Natural Resources Commission to make a preliminary evaluation of the proposed project.

Following review of the project proposal, the applicant can be advised regarding preparation of the application and feasibility report. If, and only if, a project proposal is submitted, the cost of the feasibility report may be included as a portion of the project cost provided the total cost of the project is over \$50,000.

G. FILING FEES:

No filing fees will be charged. All project proposals (25 copies) and applications (20 copies) are to be filed at the principal office of the Commission in Lincoln.

H. APPLICATION AND FEASIBILITY REPORT:

Prior to submission of the

Phase II Application and Feasibility Report, the applicant is required to hold a public hearing as specified in the Chapter 2, Section 008, rules and regulations. When assistance is requested for participation in a federal project, the federally prepared plan of work including engineering, economics, and environmental impact statements can be submitted for the technical, economic, and environmental sections required for Development Fund application.

I. METHOD OF PAYMENT:

Project sponsors will submit copies of bills for work required on the project. Included with those bills will be a copy of the sponsor's cancelled checks for payment of each bill. The rate of payment will be in accord with the amount and type of funds allocated to the project.

J. PROJECT PRIORITY:

Whenever funds are inadequate for all funding requests, projects will be subject to an annual priority evaluation established by the Commission. Funding will be

contingent upon that priority rating, which will normally be made at the April Commission meeting.

K. OTHER PLAN CONSIDERATION:

To be consistent with Chapter 3, Section 004 of the rules and regulations, it is the sponsor's responsibility to institute any state agency review of the project required by R.R.S. §84-135. The review process is to be initiated by contacting the Policy Research Office for information.

Project sponsors are required to secure land rights for their project. They are also required to secure necessary water permits from the Nebraska Department of Water Resources. Plans and specifications for project construction are to be approved by the Nebraska Natural Resources Commission and the Department of Water Resources prior to bid letting. This allows for any necessary additions or changes to be incorporated into the plans and specifications before bids are solicited.

SECTION TWO

Preparation of Project Proposals

Chapter 2, Sections 004, 005, and 006 of the NRDF Rules and Regulations (pages 82 and 83) deal with the required form and content of project proposals.

For all project proposals NRC/NRDF Form 01 must be completed. Although the form has been designed to be mostly self-explanatory, the following additional information may be helpful:

part of a larger system, describe the relationship of this project to the overall area. This may be continued on a separate sheet. Maps may be included.

1) PROPOSED PROJECT NAME:

Whatever the sponsor deems appropriate. Preferably the name of the particular stream, watershed, etc.

6) PRIMARY PURPOSE OF PROPOSED PROJECT:

Briefly set forth and explain the proposed purpose for which project benefits are to be claimed. May be continued on separate sheet.

2) NAME AND ADDRESS OF APPLICANT:

This is the name and address of the state agency or political subdivision applying for financial assistance under the Act.

7) OTHER PURPOSES OF PROPOSED PROJECT:

Secondary purposes of the project are to be listed and explained to demonstrate the additional aspects of the proposed project. This may be continued on separate sheet. Include those purposes that would be served but for which economic benefits cannot be claimed.

3) APPLICANT'S AUTHORIZED REPRESENTATIVE:

The applying agency or political subdivision is to designate one individual who will be responsible for all correspondence relative to the project. Said individual will need to be empowered to sign such correspondence for the agency or political subdivision.

8) STATEMENT OF URGENCY OF NEED:

This relates to why the request was made at this time.

4) TYPE OF PROJECT:

Self-explanatory.

9) ANTICIPATED CONSTRUCTION REVENUES OR TECHNICAL ASSISTANCE AVAILABLE FROM OTHER SOURCES:

Aid by other agencies regarding project design, planning, etc., that is contributed as either in-kind service or revenue to aid in design, planning, construction, etc., is to be included herein.

5) DESCRIPTION AND LOCATION OF PROPOSED PROJECT:

Describe the property to be acquired or developed, the project's major features, and its location. If

10) SOURCES OF REVENUE AND ASSISTANCE RESEARCHED AND REASONS FOR REFUSAL:

Since the NRDF is to be the last fund utilized by an agency or political subdivision, it is essential that the applicant verify that all other sources have been explored and that the applicant has been rejected.

11) APPLICANT'S MOST RECENT FINANCIAL STATEMENT OR BUDGET DOCUMENT:

This will be an attachment to the form and may be in the format normally used by the political subdivision. Only one copy of the project proposal needs to include this statement/document.

12) TYPE AND APPROXIMATE AMOUNT OF STATE ASSISTANCE REQUESTED FROM NRDF:

Self-explanatory, but the applicant is advised that the Fund can only contribute up to 75% of the applicant's cost of a project in the form of grant and up to 90% of the applicant's cost of a project in the form of a loan or grant/loan combination.

13) AMOUNT AND TYPE OF OTHER FUNDS TO BE UTILIZED:

Indicate in appropriate blanks the amounts of those sources of funds:

e.g.:

Federal \$200,000 Total:
Other State \$100,000 Project: 600,000
Local: \$300,000 Cost:

In this example, item 12 would show a request in the amount of \$225,000 if a 75% grant was requested.

14) ESTIMATED PROJECT COSTS:

Although a project in the proposal stage is not thoroughly defined, the

following cost information is to be included (but not necessarily limited to):

- a. Feasibility Study \$ _____
- b. Capital Construction: _____
 - 1. Land Rights \$ _____
 - 2. Construction \$ _____
- c. Annual Operation, Maintenance, and Replacement \$ _____

15) EXPECTED BENEFITS FROM THE PROJECT:

This should contain monetary benefits, if available at this stage. It should also contain narrative information to demonstrate that the project benefits have been assessed and that benefits relating to alternatives also have been assessed.

16) ESTIMATED SCHEDULE OF PROJECT DEVELOPMENT:

The work that is anticipated to be accomplished on an annual basis (preferably each fiscal year) should be summarized. For example:

- Fiscal Year 1986 - Prepare Project Application and Feasibility Report
- Fiscal Year 1987 - Final Design
- Fiscal Year 1988 - Land Acquisition
- Fiscal Year 1989 - Project Construction, Phase I
- Fiscal Year 1990 - Project Construction Phase II

17) DISCUSSION OF PROBABLE ENVIRONMENTAL EFFECTS:

See attached Environmental Assessment Instructions and Checklist. Include certification that sponsor has initiated consultation with the Game and Parks Commission regarding threatened and endangered species.

18) DISCUSSION OF ALTERNATIVES:

Briefly discuss the alternatives that could accomplish the purpose(s) of the project.

19) ACKNOWLEDGEMENT:

This statement is included for two reasons. The first is to ensure that the applicant has consulted the existing land and water plans of the state to ensure that the project is not in conflict with them. The second is to ensure the Governing Body has authorized the project.

Nebraska Natural Resources Commission
Nebraska Resources Development Fund
PROJECT PROPOSAL

1. Proposed Project Name:

NRC/NRDF

Form 01

Mail to:
Administrative Coordinator
Nebraska Resources Development Fund
Nebraska Natural Resources Commission
4th Floor-State Office Building
301 Centennial Mall South
Lincoln, Nebraska 68508

2. Name & Address of Applicant:

3. Applicant's
Authorized
Representative:

4. Type of Project: Structural Non-Structural

Flood Control	_____	Flood Reduction	_____
Pollution Abatement	_____	Fish & Wildlife Enhancement & Preservation	_____
Fish & Wildlife Enhancement & Preservation	_____	Outdoor Recreation	_____
Outdoor Recreation	_____	Reservation of land for future project	_____
Irrigation Development	_____	Other: (Specify) _____	_____
Irrigation Rehabilitation	_____	_____	_____
Groundwater Recharge	_____	_____	_____
Water Supply	_____	_____	_____
Stream Bank Stabilization	_____	_____	_____
Stream Flow Augmentation	_____	_____	_____
Erosion & Sediment Control	_____	_____	_____
Other: (Specify)	_____	_____	_____

5. Description and Location of Proposed Project (continue on separate sheet):

6. Primary Purpose of Proposed Project

7. Other Purposes of Proposed Project:

8. Statement of Urgency of Need:

9. Anticipated Construction Revenues or Technical Assistance Available from Other Sources:

10. Sources of Revenue and Assistance Researches and Reason for Refusal (Provide documentation by correspondence if applicable):

THIS IS A SAMPLE

Forms are available at:
Nebraska Natural Resources Commission
301 Centennial Mall South - 4th Floor
P.O. Box 94876 - Lincoln, NE 68509

11. Applicant's most recent financial statement or budget document (attach)
Fiscal Year 19__ -19__

12. Type and Approximate Amount of State Assistance Requested from NRDF:

Acquisition of state interest: _____ Grant _____
Allocation to state agency: _____ Loan _____ \$ _____

13. Amount and type of other funds to be utilized:

Federal \$ _____ Total
Other State \$ _____ Project
Local \$ _____ Cost: \$ _____

14. Estimated Project Costs (continue on separate sheet if necessary):

15. Expected Project Benefits (continue on separate sheet if necessary):

16. Estimated Schedule of Project Development (continue on separate sheet if necessary):

17. Discussion of Probable Environmental Effects (continue on separate sheet if necessary):

18. Discussion of Alternatives (continue on separate sheet if necessary)

19. Acknowledgement: I hereby attest to the fact that the above project does not conflict with any other existing Nebraska State Land and/or Water Plan and that the data contained herein are true and correct to the best of my knowledge and belief and that the filing of this Project Proposal has been duly authorized by the Governing Body of the applicant

Authorized Representative

DATE Signature (Print or Type) Signature (Sign)

THIS IS A SAMPLE

Forms are available at:
Nebraska Natural Resources Commission
301 Centennial Mall South - 4th Floor
P.O. Box 94876 - Lincoln, NE 68509

SECTION THREE

Preparation of Project Applications & Feasibility Reports/With Appendices

Chapter 2, Sections 010 through 019 of the NRDF Rules and Regulations (pages 80 through 85) deal with the required form and content of project applications and feasibility reports.

For all project applications and feasibility reports NRC/NRDF Form 02 must be completed. Form 02 also refers to other forms, some of which are to be included in all applications and some which are not.

On NRC/NRDF Form 02 include the project name as set forth in the project proposal, (if one was prepared).

1. NAME AND ADDRESS OF APPLICANT'S AUTHORIZED REPRESENTATIVE:

That individual designated by the applying agency or political subdivision responsible for correspondence relating to the project, along with appropriate address.

2. COVER LETTER:

The cover letter should include the specific amount of request for funds; the type of funds requested; the name of the sponsoring organization and the name of the designated representative; and a statement delineating the time and place the required public hearing was held and general outcome of such hearing. The letter is to be signed by the authorized representative and the Chairman (or comparable rank) of the organization.

3. DESCRIPTION OF GOALS AND PURPOSE OF PROJECT:

Briefly list and explain the goals of the project and the purposes to which it addresses. May be continued on separate sheet.

4. STATEMENT OF URGENCY OF NEED:

As set forth in the project proposal this basically relates to why the request was developed. The urgency of need is a criterion used to determine priority of project funding.

5. STATEMENT AS TO AVAILABILITY OF FUNDS FROM OTHER SOURCES:

To be carried forward from NRC/NRDF Form 01 if it was completed. If other federal, state or local assistance has been given or promised for any work connected with the project, describe the nature and extent of such assistance. Include the grantor agency and amount. May be continued on separate sheet.

6. DEMONSTRATE ABILITY TO ACQUIRE NECESSARY LAND OR WATER RIGHTS (if applicable):

In accordance with the Resources Development Fund Act, the applicant must show that it holds or can acquire title to all lands or has the necessary easements and rights-of-way for the project and related lands, and has or may acquire all water rights necessary for the project (to be obtained from the Nebraska Department

of Water Resources). May be continued on separate sheet and/or accompanying documents.

7. DEMONSTRATE AUTHORITY TO UNDERTAKE OR PARTICIPATE IN PROPOSED PROJECT:

This is to include a resolution (may be attached) officially adopted by the governing board, Commission, etc., for the purpose of meeting the provisions of the Nebraska Resources Development Fund Act or a copy of the minutes of the meeting at which such action was taken.

8. GENERAL DISCUSSION OF ALTERNATIVE PLANS CONSIDERED (continue on separate sheet, if required):

An in-depth discussion is necessary so a determination can be made that there is no more cost effective manner to accomplish the project purpose(s). This may require supporting material such as maps and tables.

9. OUTLINE OF INITIAL DEVELOPMENT AND PROJECT BACKGROUND:

Describe the specific project for which financial assistance is being requested. Include the basic plan conception (when, where, why, etc.) in its present state. The project should be described in such manner as to adequately locate and delineate the project area with a site plan drawn to scale, showing the boundaries of the area. Also describe the property to be acquired and/or developed, the project's major features, and any other

relevant information that pertains to the project.

10. DEMONSTRATION OF AREA PUBLIC SUPPORT FOR THE PROJECT:

Include letters from organizations and citizens. Information from the Application hearing should also be attached. This should include information both pro and con on the project. Only one copy of the project application needs to include this information unless otherwise requested.

11. TECHNICAL FEASIBILITY:

See Section III, Appendix A.

12. ECONOMIC FEASIBILITY:

See Section III, Appendix B.

13. FINANCIAL FEASIBILITY:

See Section III, Appendix C.

14. ENVIRONMENTAL FEASIBILITY:

See Section III, Appendix D. Refer to Chapter 2, Sections 011.11, 011.12, and 011.13 of the NRDF Rules and Regulations for specific requirements that are to be included.

15. LEGAL DATA:

See Section III, Appendix E.

16. ADKNOWLEDGEMENT:

Self-Explanatory.

Nebraska Natural Resources Commission Nebraska Resources Development Fund PROJECT APPLICATION & CHECK LIST	Project Name:	NRC/NRDF Form 02
Mail to: Administrative Coordinator Nebraska Resources Development Fund Nebraska Natural Resources Commission 4th Floor-State Office Building 301 Centennial Mall South Lincoln, Nebraska 68508	1/Name & Address of Applicant's Authorized Representative:	
2/Cover Letter		(ATTACH)
3/Description of Goals and Purpose of Project:		

4/Statement of Urgency of Need:

5/Statement Relative to Availability of Funds from Other Sources:

6/Demonstrate Ability to Acquire Necessary Land & Water Rights (If Applicable)

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Forms are available at:
Nebraska Natural Resources Commission
301 Centennial Mall South - 4th Floor
P.O. Box 94876 - Lincoln, NE 68509

7/Demonstrate Authority to Undertake or Participate in Proposed Program or Project:

8/General Discussion of Alternative Plans Considered (continue on separate sheet if required)

9/Outline of Initial Development and Project Background: (ATTACH)

10/Demonstration of Area Public Support for the Project: (ATTACH)

11/Technical Feasibility (See Appendix A): (ATTACH)

12/Economic Feasibility (See Appendix B): (ATTACH)

13/Financial Feasibility (See Appendix C): (ATTACH)

14/Environmental Feasibility (See Appendix D): (ATTACH)

15/Legal Data (See Appendix E): (ATTACH)

16/Acknowledgement: I hereby attest to the fact that the above project does not conflict with any other existing Nebraska State Land and/or Water Plan and that the data contained herein are true and correct to the best of my knowledge and belief and that the filing of this Project Proposal has been duly authorized by the Governing Body of the applicant

DATE

Signature (Print or Type)

Signature (Sign)

Authorized Representative

THIS IS A SAMPLE

Forms are available at:
Nebraska Natural Resources Commission
301 Centennial Mall South - 4th Floor
P.O. Box 94876 - Lincoln, NE 68509

SECTION THREE

APPENDIX A

TECHNICAL FEASIBILITY

I. GENERAL

The basis for the requirements regarding technical feasibility are contained in the Statutes and the NRDF Rules and Regulations.

A. STATUTORY REQUIREMENTS:

1. Section 2-1592 of the Statutes states, "Each application shall be filed in such manner and form and be accompanied by such information as may be prescribed by the Director of Natural Resources and the Commission; provided, that any such application filed under the provisions of Sections 2-1586 to 2-1595 shall; (1) describe the nature and purpose of the proposed program or project; (2) set forth or be accompanied by a plan for development of the proposed program or project together with engineering, economic, and financial feasibility data and information, and such estimated costs of construction or implementation as may be required by the Director and the Commission; . . . "

2. Section 2-1594 of the Statutes states, "The Director of

Natural Resources may recommend approval of and the Commission may approve grants or loans for program or project costs or acquisition of interests in projects if after investigation and evaluation the Director and the Commission find that: . . . (3) the plan for development of the proposed program or project is satisfactory; . . . "

B. RULES AND REGULATIONS:

1. Structural projects - Chapter 2, Section 013.01 of the NRDF Rules and Regulations states that, "A structural project shall be considered technically feasible when it can be designed, constructed and operated to accomplish the purpose(s) for which it was planned utilizing accepted engineering and other technical principles and concepts." In this respect, sound hydrologic and geologic studies; as well as information on water supply (when appropriate) and other studies so required are basic to the determination of technical feasibility. Under this heading "structural projects" are those which require the expenditure of funds for construction, repair, maintenance,

or operation of some feature to accomplish the intended purpose. Examples of purposes of structural projects could be: Flood control, pollution abatement, fish and wildlife enhancement and preservation, outdoor recreation, irrigation development, irrigation rehabilitation, groundwater recharge, water supply, stream flow augmentation, erosion and sediment control. Form O2T1 is to be utilized in the preparation of the technical feasibility portion of the project feasibility report.

II. STRUCTURAL PROJECTS:

A. Storage or Impoundment Structures

Examples of purposes of structural projects with storage or impoundment structures could be: Flood control, pollution abatement, fish and wildlife enhancement and preservation, outdoor recreation, irrigation development, irrigation rehabilitation, groundwater recharge, water supply, stream flow augmentation, erosion and sediment control. Water storage structures may include dams, storage tanks, or pits constructed for the purpose of storing a supply of water. Temporary detention structures or flow control structures will be included in the next section. Water storage structures may be intended for flood control, pollution abatement, fish and wildlife enhancement, outdoor recreation, irrigation, groundwater recharge, stream flow augmentation, domestic or livestock water supply, or erosion and sediment control. The type of data required will depend on the type of structure and the purpose for which it is intended, but the following sections will provide a guide to the requirements.

1. Basic Data

-Design Criteria, e.g. controlling laws or codes, local regulations, or references (SCS Handbooks, Technical

Releases, and Design Notes, USBR Design of Small Dams, engineering and design manuals published by the Corps of Engineers, Department of Water Resources' Rules for Surface Water, the Natural Resources Commission's Minimum Standards for Flood Plain Management Programs, and the Board of Public Roads Classification and Standards.)

- Map of Structure Location and Drainage Area with Legend and Symbols
- Profile Along Centerline of Spillway: Emergency Spillway; and along Centerline of Structure
- Emergency Spillway Data and Structural Data
- Slope Protection Detail
- Pipe Drain Riser and Other Details of Complement Portions of the Structure

2. Structural Characteristics

- Size and Capacity Table (see Table 1)
- Design Capacity and Design Configuration
- Construction Material (type and quality)
- Table of Quantities and Unit Costs (see Table 2)
- Joint Use Design Considerations, e.g. road structures

3. Geotechnical Data

- Unified Soil Classification of Soils to be Used in the Structure and of the Surrounding Area
- Foundation Conditions
- Log of Borings
- Soil Mechanics Report Based on a Soils Foundation Investigation

4. Hydraulic and Hydrologic Data

- Flood Routing through Structure (if applicable)
- Base flow in Streams and Other Water Contributions
- Average Annual Runoff in Drainage Area
- Recurrence Interval of Rain Storm
- Peak Discharge from Structure

- Hazard Potential of Structure
- Map of Flood Prone Area Below Site: Before and After
- Permeability and Water Holding Characteristics
- Seepage Loss
- Water Budget
- Groundwater Data - Current and Predicted Change, including effect on surface flow
- Effect on Public Roads and Other Backwater Effects

B. Flow Control Structures

Examples of purposes of structural projects involving flow control type works could be for: Flood control, pollution abatement, fish and wildlife enhancement and preservation, irrigation development, irrigation rehabilitation, groundwater recharge, stream flow augmentation, stream bank stabilization and erosion and sediment control. Flow control structures are ones which are intended to control and/or divert flow in streams or canals including grade stabilization structures, canal check structures and others.

1. Basic Data

(See information in II.A.1.)

2. Structural Characteristics

(See information in II.A.2.)

3. Geotechnical Data

(See information in II.A.3.)

4. Hydraulic and Hydrologic Data

(See information in II.A.4.)

C. Channels and Floodways

Examples of purposes of structural projects involving channel and floodway improvement works could relate to flood control, pollution abatement, fish and wildlife

enhancement, and preservation, irrigation development, irrigation rehabilitation, erosion and sediment control and others. Projects involving channel and floodway improvement may include channel alteration, bank stabilization, snagging and clearing, flood plain clearing, aquatic habitat improvements, and others.

1. Basic Data

- Design Criteria, e.g. controlling laws or codes, selected regulations, or selected references (SCS Design Handbook, Corps of Engineers Technical Memos, Department of Water Resources' Rules for Surface Water, etc.)
- Map of Structure Location and Drainage Area
- Legend and Symbols
- Map of Structure

2. Structural Characteristics

- Dimensions of Structure
- Design Capacity and Design Configuration
- Construction Material (type and quality)
- Table of Quantities

3. Geotechnical Data

- Unified Soil Classification of Soils to be Used in the Structure and of the Surrounding Area
- Permeability and Erosive Characteristics
- Foundation Conditions
- Log of Borings

4. Hydraulic and Hydrologic Data

- Flood or Other Flow Characteristics
- Recurrence Interval of Storms

D. Water Supply

Examples of purposes of structural projects involving water supply could be: Pollution abatement, groundwater recharge, irrigation

development, irrigation rehabilitation, fish and wildlife enhancement and preservation, stream flow augmentation, and water supply for any beneficial purpose. Projects involving water supply could include rural water districts, groundwater recharge through well injection, seepage, etc., pumping for stream flow augmentation, stream flow diversion works, and others.

1. Basic Data

- Design Criteria, e.g. Controlling Laws or Codes, Fire Insurance Requirements, etc.
- Map of Area to be Served with Legend and Symbols
- Map of System as Projected with Legend and Symbols
- Identification of Municipalities and Family Dwellings to be Served
- Inclusion of Provisions for Expansion including Population Trends
- Dimensions of System Design
- Design Capacity and Design Configuration
- Construction Materials (type and quality)
- Table of Quantities and Unit Costs (See Table 2)

2. Geotechnical Data

- Unified Soil Classification of Soils through which System is Installed
- Foundation Conditions Prevailing at Sites of Proposed Structure

3. Water Use Data

- Present Water Consumption and Projected Average and Maximum Daily Demand
- Fire Flow Requirements

4. Surface Water Sources

- Hydrological Data, Stream Flow, and Weather Records
- Safe Yield including all Factors that may Affect It

- Maximum Flood Flow with Safety Features

5. Groundwater Sources

- Sites Selected and Their Advantages
- Elevation with Respect to Surroundings
- Probable Character of Formations through which Source is to be Developed
- Geologic Conditions Affecting the Site
- Summary of Source Exploration, Test Well Depth and Method of Construction, Placement of Lines or Screens, Test Pumping Rates and their Duration, Water Levels and Specific Yield, Water Quality
- Well or Well Field Analysis

6. Groundwater Recharge

- Area to be Benefitted
- Method of Recharge
- Subsurface Reservoir Hydrogeologic Characteristics, i.e. Permeability, Transmissivity, Depth to Water
- Water Table Contour Map of Area
- Percolation Tests
- Calculated Rates of Recharge over Time
- Management to Maintain Recharge
- Method of Monitoring
- Water Quality Considerations

7. Proposed Treatment Process

- Describe Treatment Process of Water and Waste Water
- Proximity of Residences and Other Establishments

III. NON-STRUCTURAL PROJECTS

A. Examples of non-structural measures are: Flood damage reduction; fish and wildlife enhancement and preservation; outdoor recreation; reservation of land for future resources development projects; and other water and related land resources programs. A non-structural

project shall be considered to be technically feasible when it can be designed and carried out to accomplish the purpose(s) for which it was planned. Correspondence with the Director is required to fulfill the following information requirements:

1. A detailed discussion of the plan of development designed for the project, including techniques to be utilized in all aspects of the project.

2. A description of field

or research investigations utilized to substantiate the project conception.

3. A description of the water and/or land rights necessary for continuation, if applicable.

4. A discussion of the anticipated effects, if any, of the proposed project upon the development and/or operation of existing or envisioned structural measures including a brief description of any such measure.

TECHNICAL FEASIBILITY DATA

02T1

STRUCTURAL PROJECT: Shall be considered technically feasible when it can be designed, constructed, and operated to accomplish the purpose(s) for which it was planned utilizing accepted engineering and other technical principles and concepts. Data to be provided should include, but is not limited to, the following:

1. Detailed Discussion of the Plan of Development Selected (Attach) _____
2. Description of all Field Investigation made to Substantiate Feasibility Report (Attach) _____
3. Maps, drawings, charts, tables, etc., that substantiate Feasibility Report (Attach) _____
4. Plans and specifications (Attach) _____
Included but not Limited To:
 - A. Structural Characteristics
 - B. Geotechnical Data
 - C. Hydraulic & Hydrologic Data
 - D. Design Criteria

NON-STRUCTURAL PROJECT: Shall be considered technically feasible when it can be designed and carried out to accomplish the purpose(s) for which it was planned. Data to be provided should include, but is not limited to, the following:

1. Detailed discussion of plan of development, including techniques to be utilized in all aspects of the project. (ATTACH) _____
2. Description of Field or Research Investigations to Substantiate Plan Conception. (ATTACH) _____
3. Discussion of anticipated effects, if any, of project on development and/or operation of existing or envisioned structural measures, with description of such. (ATTACH) _____

ESTIMATED TIME AFTER APPROVAL TO:

Advertise for Bidding _____ Begin Construction _____
Estimated Construction Period _____ to _____
When perform Operations & Maintenance of Project _____

THIS IS A SAMPLE

Forms are available at:
Nebraska Natural Resources Commission
301 Centennial Mall South - 4th Floor
P.O. Box 94876 - Lincoln, NE 68509

TABLE 1
STRUCTURAL DATA
STRUCTURE WITH PLANNED STORAGE CAPACITY
NAME _____

ITEM	UNIT	QUALIFIER
Class of structure		
Drainage Area	Sq. Mi.	
Controlled Portion	Sq. Mi.	
Curve No. (1-day) (AMC II)		
TC	HRS.	
Elevation Top of Dam	Ft.	
Elevation Crest Emergency Spillway	Ft.	
Elevation High Stage Inlet	Ft.	
Maximum Height of Dam	Ft.	
Volume of Fill	Cu. Yds.	
Total Capacity	Ac. Ft.	
Sediment Submerged 1st 50 years	Ac. Ft.	
Sediment Aerated	Ac. Ft.	
Beneficial Use (Identify Use)	Ac. Ft.	
Retarding	Ac. Ft.	
Surface Area		
Sediment Pool	Ac.	
Beneficial Use Pool (Identify Use)	Ac.	
Retarding Pool	Ac.	
Principal Spillway		
Rainfall Volume (1-day)	In.	
Rainfall Volume (10-day)	In.	
Runoff Volume (10-day)	In.	
Capacity of High Stage (Max.)	Cfs.	
Frequency Operation - Emergency Spillway	% Chance	
Size of Conduit	Dim.	
Emergency Spillway		
Rainfall Volume (ESH)	In.	
Runoff Volume	In.	
Type (Earth, Concrete, etc.)		
Bottom Width	Ft.	
Velocity of Flow (Ve)	Ft./Sec.	
Slope of Exit Channel	Ft./Sec.	
Maximum Water Surface Elevation	Ft.	
Freeboard		
Rainfall Volume (FH) (aereal)	In.	
Runoff Volume (FH)	In.	
Maximum Water Surface Elevation	Ft.	
Capacity Equivalents		
Sediment Volume	In.	
Retarding Volume	In.	
Other Volume	In.	

THIS IS A SAMPLE

Forms are available at:
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TABLE 2

TABLE OF QUANTITIES AND UNIT COSTS

PROJECT _____			Unit	Total
	<u>Quantity</u>	<u>Unit</u>	<u>Cost</u>	<u>Cost</u>
Engineering and Design				
Administration and Inspection				
Land and Damages				
Fee Title Acquisition				
Easements				
Relocations				
Utilities				
Construction				
Clearing & Grubbing				
Excavation				
Earth Fill				
Seeding				
Closure Structures				
Drainage Structures				
Contingencies				
O, M, & R				
Total Project Cost				

E X A M P L E

SECTION THREE

APPENDIX B

ECONOMIC FEASIBILITY

General

The primary purpose of the economic feasibility analysis is to determine if the proposed project is economically justified, that is, whether primary, tangible benefits exceed total project costs. Such an analysis should also demonstrate the need for the project, provide guidance for project development, and provide sufficient data to evaluate the economic desirability of alternatives.

The basic objective in the economic evaluation of a project is to compare the value of the items and services produced, protected, or conserved with the value of the costs incurred. To arrive at comparable results, it is necessary that uniform assessment techniques be utilized for pricing project goods and services; effects be evaluated from a similar point of view; effects of a project be determined on an appropriate base; and consistent assumptions regarding the general economic setting be used. Within the limits set by legislation, policy or other constraints, any project selected for assistance must satisfy the requirement that it not be more costly than any reasonable

alternative means of accomplishing the particular objective contemplated.

Generally a project will not be found eligible for funding if a less costly means of accomplishing essentially the same purpose is known and available.

A project will be considered economically feasible if: 1) Primary tangible benefits exceed project costs; and 2) In the case of projects that have a total cost over \$50,000, each project purpose in a multiple-purpose project provides benefits equal to or greater than its separable costs.

Following submission by the applicant of all information and analysis used in deriving the "Cash Flow Stream" (ATTACHMENT NO. 19), benefits and costs will be analyzed by the Director of Natural Resources to determine the "Rate-of-Return on Investment." This analysis will treat project costs as an investment and utilizes benefits in determining return on the investment. In accord with Chapter 2, Section 014.04 of the rules and regulations, the Commission has prescribed a minimum rate-of-return of 3.0% for a project to be considered economically feasible at this time. This minimum rate-of-return is subject to change by the Commission.

The purpose of this section is to provide instructions which will guide applicants in the preparation of benefit and cost information which is needed to complete most applications. The kinds of projects covered include, but are not necessarily limited to, flood control, irrigation, outdoor recreation, groundwater recharge, and sediment and erosion control. Before beginning an economic evaluation, the applicant should contact the Administrative Coordinator of the Resources Development Fund Program for guidance on use of the Guidelines as applied to their particular project.

Standards Relating to Information:

In preparing economic information about the project, applicants are reminded of the following:

1. All monetary data is to be expressed in current dollars. Prices for farm commodities, livestock, and recreation which are to be used in preparing the application are provided by the Director of Natural Resources (see attachments).
2. All data must be documented as to source and method of derivation.
3. The life of the project, for purposes of the economic calculations may be no longer than 50 years. The life of a project begins when the sponsor starts using public money for construction.

Analysis of Benefits and Costs:

Only primary, tangible benefits as identified in the definitions section of these Guidelines may be used in determining economic justification. Secondary and intangible benefits should, however, be described in narrative form to assist the Director and Commission in making a comprehensive evaluation of the project.

The estimation of benefits should proceed from the basis that benefits are comprised of the increased net values (expressed in current dollars)

of products and services and/or the reduction in costs or damages which accrue to primary beneficiaries as a result of the project. The following descriptions of benefit calculations represent estimates which can be made for most projects. Alternative estimating methods may be required, but these must be approved by the Director of Natural Resources.

Flood Control:

Several methods are presently available for the evaluation of flood costs and flood control benefits. The following items contain some of those detailed methods:

Residential.

An appraisal of the residential area within the 100-year flood plain should be made (after defining the 100-year flood plain) to determine locations, values, and elevations of houses. The area should also be evaluated as to the extent of public facilities which would or could be flooded. Coinciding with this should be a water depth determination and configuration of at least three (3) floods (i.e.: 100-year, 50-year, and 25-year) for the area and the associated depths of each. When this information has been assembled, damage per flood can be calculated by applying the depth damage factors in ATTACHMENTS NO. 1 and 2.

The total damages for floods should then be converted to average annual damages (see "Average Annual Damages" on following page).

Commercial.

Damages to businesses and commercial areas should also be estimated using steps in the residential section above. After an initial value estimating survey, it is suggested that some of the business owners be interviewed. These interviews would assist in arriving at more accurate damage figures for items on hand in the business. These damages would probably fluctuate with depth of flood waters.

Depth damage factors in ATTACHMENTS No. 3 and 4 may be used as a guide for smaller business establishments.

Average Annual Damages^{1/}

Total damages to residential and commercial areas, either estimated or actual, for each flood event assessed, along with that point where damage begins, should be graphed according to the probability of the floods (Example shown in ATTACHMENT NO. 5). The area under the damage curve can then be measured with a planimeter to determine average annual damages for present conditions. A similar damage curve is then constructed for conditions "with" the project, and the difference (damage reduction) will be the project benefits.

Crop and Pasture.

A strip map (See ATTACHMENT NO. 6) showing the location of the cross-sections and crops by type, should be developed for each segment or segments to be analyzed. Agricultural Stabilization and Conservation Service (ASCS) aerial photography, recent land use maps, or on-site inspection may be used in locating crops in the project area.

Using crop distribution data, from that data established on the strip map, recommended crop yields (ATTACHMENT NO. 7), and recommended five-year average prices (ATTACHMENT NO. 8), a "composite damageable value per acre of flood plain" table can be constructed (ATTACHMENT NO. 9).

The damage rate per acre flooded at different depths is then calculated by multiplying the damageable value per

acre flooded by a depth damage factor (ATTACHMENT NO. 10). Results are to be put in table form (ATTACHMENT NO. 11), which demonstrates the damages for depths 0 - 3 feet.

Following this, the acres flooded for depths 0 - 3 feet, should be determined for at least three (3) flood events (100-, 50-, and 25-year). The acres flooded at each stage depth (0 to 1 foot; 1.1 to 3 feet; and over 3 feet) per flood event is then multiplied by the damage rates developed in ATTACHMENT NO. 11 to arrive at the total damages attributable to each flood.

Those total damages per flood event and the point where damage would begin may then be plotted on a graph as to the probability of the flood (example shown on ATTACHMENT NO. 5). The area under the damage curve can then be measured with a planimeter to determine the average annual damage for present conditions. A similar damage curve should be constructed for conditions with the project and the differences, or damage reduction, will be the resulting project benefits.

The above procedure is to be followed for each cross-section and the cross-sections should not be more than two (2) miles apart, depending upon channel or watershed characteristics.

Other Rural.

Damages to farm equipment and fences, livestock losses, and other rural damages may also be included. Benefits from reducing these damages must be documented and related to specific events.

^{1/} The Commission has a computer program that will compute average annual flood damages, but it requires the same data input.

Road and Bridge.

Estimates of damages to roads, bridges, and railroads may be obtained from engineers, county commissioners, or other sources. The estimates should be related to specific events and depths of flooding.

If the evaluation includes replacement of bridges, the maximum benefits will be the value of similar structures or the least cost alternative structure to provide the existing level of service.

Indirect.

Indirect benefits will not be allowed. Only primary, tangible benefits as defined in the Definitions Section of these Guidelines may be used in determining economic justification.

Sediment and Erosion:

It is normally assumed that benefits from sediment and erosion are accounted for in the calculation of flood damage benefits. However, additional damages may occur due to overbank deposits, crop damage, disruption of irrigation or drainage facilities, channel filling, water turbidity, facility or equipment damage, reservoir deposition or land voiding. For such benefits to be claimed separately, it must be shown that sedimentation and erosion damages are clearly in excess of flood damages.

Benefits from reduction of sedimentation in existing reservoirs will be permitted only if the project will reduce the rate of sedimentation below the design rate.

Estimation of the project benefits relating to erosion and sedimentation control should be based upon the annual damages which are to be prevented or reduced by the project. Although land treatment by the landowner may accompany the project,

the portion of benefits attributable to such land treatment may not be included in the calculation of total project benefits. Additionally, damages to buildings, fences, roads, irrigation ditches, drainage ditches, etc., must be documented and estimated on the basis of cost to repair, cost to remove sediment, or reduction in facility value.

Irrigation:

Of primary concern in measuring irrigation benefits is the increase in annual net income resulting over the life of the project from the increased production of agricultural crops. In calculating the irrigation benefits, current costs and returns will be used. These benefits consist of the following:

1. The value of increased production of agricultural crops less any increase in variable production costs, cost of land treatment measures, and other on-farm capital expenditures associated with the increased production;
2. Reduced cost in the operation and maintenance of the present irrigation facilities.

The information for conditions with and without the project can be recorded in ATTACHMENT NO. 12. This includes acreages of each irrigated and non-irrigated crop, crop yields and values based on information from ATTACHMENTS NO. 7 and 8, and crop production costs. The most recent crop production costs from the Department of Agricultural Economics at the University of Nebraska-Lincoln can be used for calculating annual net income.

Groundwater Recharge.

Benefits from groundwater recharge shall be limited to the existing level of development and they shall be from:

- 1) Savings in pumping costs associated with reduced lift.
- 2) Net income associated with extension of aquifer life.

These benefits will be limited to the area which can be demonstrated to be affected by the project.

Annual reduced pumping costs can be estimated by the following formula:

Annual cost savings = (pumping costs per acre foot per foot of lift) (cumulative change in average lift) (acre feet of water pumped without recharge)

Pumping costs per acre foot per foot of lift can increase significantly with reduced well capacity as the aquifer approaches depletion.

Annual recharge benefits from extended aquifer life will be realized only after the aquifer level is reduced sufficiently to cause reduced well capacity. The annual benefits can be estimated from the following formula:

Annual recharge benefits from aquifer extension = (value of an acre foot of irrigation water) (acre feet of water pumped with recharge - acre feet of water pumped without recharge)

The value of an acre foot of irrigation water shall be determined in the same manner as for irrigation benefits in the preceding section.

Fish and Wildlife.

Because of the difficulty of quantifying the economic benefits from fish and wildlife habitat, no generally accepted method has been developed and benefits claimed will not be allowed unless the method of analysis has been approved by the Director prior to the submission of the project application and feasibility report.

Recreation.

Outdoor recreation benefits related to the project will be stated in dollars and will be based on the number of anticipated annual recreation days at the project site. Project designs must have enough detail to determine the appropriateness of the benefits claimed. This section provides an example of procedures which may be utilized in estimating:

- 1) The demand for recreation;
- 2) The supply which exists to meet the demand; and,
- 3) The amount of unsatisfied demand which the project can be expected to meet.

Demand Estimates.

Demand estimates are based on population and recreation data.

The population of concern is that within the recreation market area. An estimate of this population is used with information contained in ATTACHMENTS No. 14 and 15 to estimate the anticipated demand for each recreation activity planned for the project. The boundary for the recreation market area is a circle enclosing the region from where 80 percent of the project's users originate. The circle's radius is measured in miles and is determined by applying the following formula:

Radius of Recreation Market

Area (in Miles) =

(.009 x Total Project Land and

Water Area (in acres)) -

(.018 x Population Density

within 25 Miles (persons per sq. mi.))

+ 23

To get the population density to measure the circle, use the density of the portions of counties involved, figuring even distribution of population over county. Population densities can be obtained from ATTACHMENT NO. 18 or from the latest estimates of the Bureau of Business Research, University of Nebraska.

After the circle has been determined for the proposed project, apply the same formula to determine the market area circles for all competing reservoirs or recreation projects within 25 miles of the outer perimeter of the proposed project's circle. The market area circles should be shown on a map. List the kinds of recreation facilities provided by the competing projects. Where the market area circles overlap, adjustments in recreation demand should be made according to the proportion of overlap.

Benefit Calculation.

The major task in computing recreation benefits is to calculate the number of recreation days attributable to a project for its various recreation activities. A step-by-step sample computation of recreation benefits is provided below.

Step One

Step one is to determine the population within the recreation

market area. This is calculated using the county population estimates shown in ATTACHMENT NO. 18 or from the latest estimates of the Bureau of Business Research, University of Nebraska. The recreation market area will enclose whole county populations and/or parts of county populations, depending on its size and location.

For market area circles that include partial areas of counties, proceed as follows:

1. Call Bureau of Business Research, University of Nebraska, to get latest population estimates for the towns in the county.
2. Subtract the total town population from total county to get rural.
3. Calculate percent of county in the circle and use that percent for rural plus the towns in the circle for a total (assume even distribution for farms).

In the following example, the population within the recreation market area was estimated to be 64,800.

Step Two.

The second step is the estimation of demand of the two recreation aspects (Beach Swimming and Picnicking).

Beach Swimming

64,800 - population as defined in Step One.
 x .286 - proportion of population participating (ATTACHMENT NO. 14)
 18,533
 x 12.2 - participation rate (ATTACHMENT NO. 14)
 226,103 - activity days of demand in recreation market area
 x .40 - percent of activity on peak days (ATTACHMENT NO. 15)
 90,441 - activity days on peak use days

The following formula then comes into use:

$$\frac{\text{Activity days on peak use days}}{(\text{Number of peak days})(\text{Average Number of persons/party})(\text{turnover rate})}$$

Which translates into the following set of figures:

$$\frac{90,441 \text{ (from above)}}{(12)(2.5)(2.5) \text{ --(from ATTACHMENT NO. 15)}} = 1206 \text{---Number of parties (groups) within the recreation market area expected to use beach swimming facilities on peak use days.}$$

The number of parties within the recreation market area has to be divided by the parties per acre of beach (ATTACHMENT NO. 15) to get the number of acres of beach required in the recreation market area. In this case:

$$\frac{1206}{174} = 6.93$$

However, since 30 percent of the parties are in the water at any one time (ATTACHMENT NO. 15), the number of acres of beach needed is reduced to (6.93)(.70), or 4.85 acres.

To find the number of acres of water required for swimming in association with the acres of beach area, the following computations are included:

1,206 - Parties

x .30 - Percent of parties in the water (ATTACHMENT NO. 15)

362 - Parties in the water

x 250 - Square feet of surface water/party (ATTACHMENT NO. 15)

90,500 - Total square feet of surface water needed - which needs to be divided by square footage/acre (43,560)

$\frac{90,500}{43,560} = \underline{2.08}$ Total acres of surface water needed for beach swimming in the area of primary influence.

Therefore: 4.85 acres are needed for beach area, and

2.08 surface acres of water are needed for swimming.

Picnicking.

64,800 - Population as defined in Step One.

x .635 - Proportion of population participating (ATTACHMENT NO. 14)

41,148

41,148

x 7.2 - Participation rate (ATTACHMENT NO. 14)

296,266 - Activity days of demand in area of primary influence

x .60 - Percent of activity on peak days (ATTACHMENT NO. 15)

177,760 - Activity days on peak use days

$\frac{177,760}{(21)(4)(2)} = 1,058$ parties on peak days
-(from ATTACHMENT NO. 15)

Therefore, (from ATTACHMENT NO. 15) 1,058 tables are needed.

Step Three.

The third step is to calculate the supply and unsatisfied demand of the two recreation aspects. The supply is the sum of existing facilities as listed in the 1979 State Comprehensive Outdoor Recreation Plan plus any other projects which have subsequently been authorized for funding by the Nebraska Game and Parks Commission, the Nebraska Natural Resources Commission, or a Natural

Resources District at the time of Project Proposal approval. The project sponsor may contact the Nebraska Game and Parks Commission for all data necessary to complete the calculation of existing recreation supply. ATTACHMENT NO. 13 allows recording of the location of the facilities and the amount supplied at each location. For these calculations the following method is utilized:

Beach Swimming.

2.08 - Surface acres of water needed
- .14 - Acres of supply (S.C.O.R.P.)
1.94 - Acres still needed
4.85 - Acres of beach needed
- .46 -
4.39 - Acres still needed

From the information in ATTACHMENT NO. 13, the present supply in the recreation market area is .14 acres of water for swimming and .46 acres of associated beach. Thus, even with the addition of the project's .17 acres of

water for swimming and .57 acres for beach, demand will greatly exceed supply. Consequently, benefits will be estimated for all swimming activity days at the facility.

Picnicking

From the information in ATTACHMENT NO. 13, the present supply of tables is 604, and the number required is 1,058. Since the project proposes

70 tables, the supply of tables will still fall short of demand by 384 tables.

Step Four

Activity days are calculated in this step.

For Swimming:

174 - Parties/acre of beach (ATTACHMENT NO. 15)
x .57 - (ATTACHMENT NO. 13)
99 - Parties
x 75 - Peak day use factor (12 x 2.5 x 2.5)
7,425 - Activity days on peak days

To determine total activity days for swimming, this figure must be divided by the percent activity on peak days (ATTACHMENT NO. 15).

$$\frac{7,425}{.40} = 18,563 \text{ total swimming activity days}$$

For Picnicking:

70 - (Tables)
x 168 - (Peak day use factor (21 x 4 x 2))
11,760 - Activity days on peak days

To determine total activity days for picnicking, this figure must be divided by the percent activity on peak days (ATTACHMENT NO. 15).

$$\frac{11,760}{.60} = 19,600 \text{ Activity days for picnicking}$$

Step Five.

Add the activity days together -

Beach Swimming	18,563
Picnicking	<u>19,600</u>
TOTAL	38,163

Once the number of activity days for each activity has been estimated, it is divided by 2 to get recreation days. The figure for total recreation days is multiplied by \$2.90 (or the value per recreation day) to obtain an estimate of total recreation benefits.

$$\begin{array}{r}
 \underline{38,163} \\
 2 \\
 \hline
 = 19,082 - \text{Recreation Days} \\
 \hline
 \times \$2.90 \\
 \hline
 \$55,338 - \text{Total annual benefits attributed to recreation.}
 \end{array}$$

These procedures are utilized for all recreation aspects of a project.

The above procedures can be put in a summary table or tables as shown in ATTACHMENT NO. 17.

Construction and Land Rights Costs

These costs are to be estimated in current dollars and are to include engineering, fees, and other contingencies (refer to Table 2 on page 22). They are to be described separately in the text and listed jointly on the Cash Flow Sheet (ATTACHMENT NO. 19) according to the year money is to be spent. ATTACHMENT NO. 16 can be used as a guide when estimating land rights costs. In cases where land or easements are donated, the value of the donation is to be included as a cost for purposes of calculating the rate of return.

Cost Allocation and Economic Justification.

Multi-Purpose Project.

For allocating costs on a multi-purpose project that has a total cost of over \$50,000, the "Separable Cost-Remaining Benefits Method" as described in the Soil Conservation Service Economics Guide should be used. This method is shown on Table 3.

Single-Purpose Project.

For a project designed for a single-purpose, project benefits will be compared to project costs in the economic analysis.

Operation, Maintenance, and Replacement Costs.

For a description of operation, maintenance, and replacement costs,

see ATTACHMENT NO. 21 and the Financial Feasibility, Section Three, Appendix C. These costs must be included in the total project costs; however, no funds will be granted or loaned for expenditure of such costs.

Cash Flow and Economic Rate-of-Return on Investment.

For Nebraska Resources Development Fund Projects, all benefit and cost data are presented in a table to show the annual cash flow for the life of the project. The cash flow stream is then used for a computer program that calculates the rate-of-return on investment. The Commission has adopted a minimum rate-of-return of 3.0% for any new project to be eligible for NRDF assistance.

The rate-of-return on investment is the discount rate at which the net present worth of the project incremental cash flow is zero. It is also the discount rate at which the benefit/cost ratio is one to one.

The rate-of-return identifies the earning power of the money invested in a project. It will be one of the factors considered by the Commission to determine the priority of funding for projects. A Cash Flow Table is shown on ATTACHMENT NO. 19.

Interest Rate for Loans.

The interest rate for applicants seeking loans from the Resources Development Fund is determined by a three-year average of Aaa State-local bond yields. The average is rounded to the nearest 1/8th percent. ATTACHMENT NO. 20 shows this interest rate.

TABLE 3
SEPARABLE COST-REMAINING BENEFITS CALCULATIONS

ITEM	RECREATION	CONTROL	IRRIGATION	TOTAL
Costs to be allocated:				27,500.00
a. Benefits	9,200.00	12,800.00	12,000.00	34,000.00
b. Alternative Costs	8,800.00	14,000.00	12,000.00	34,800.00
c. Justifiable Expenditure	8,800.00	12,800.00	12,000.00	33,600.00
d. Separable Costs	2,300.00	10,100.00	6,500.00	18,900.00
1. Construction Costs	(2,000.00)	(6,100.00)	(3,800.00)	(11,900.00)
2. O&M Costs	(300.00)	(4,000.00)	(2,700.00)	(7,000.00)
e. Remaining Justifiable Expenditure	6,500.00	2,700.00	5,500.00	14,700.00
f. Percent Distribution	44.22%	18.37%	37.41%	100.00%
g. Remaining Joint Costs	3,802.72	1,579.59	3,217.69	8,600.00
1. Construction Costs	(3,306.71)	(954.00)	(1,881.11)	(6,141.82)
2. O&M Costs	(496.01)	(625.59)	(1,336.58)	(2,458.18)
h. Total Allocated Costs	6,102.72	11,679.59	9,717.69	27,500.00
1. Construction Costs	(5,306.71)	(7,054.00)	(5,681.11)	(18,041.82)
2. O&M Costs	(796.01)	(4,625.59)	(4,036.58)	(9,458.18)

This cost allocation method uses the costs that can be identified for each purpose and the remaining benefits for each purpose to allocate the joint costs among them. The costs associated with each specific purpose (separable costs) are charged to each purpose. The joint costs of the project are divided among the purposes according to the amount of benefits that remain for each after separable costs are paid.

A line-by-line approach is used to describe this method. Each line is defined and the calculation used to determine the values is described as follows:

COSTS TO BE ALLOCATED - This is the total cost of the project, including all construction costs and operation, maintenance and replacement costs. Both separable and joint costs are included in this total. The example cost is \$27,500.00.

- a. **BENEFITS** - This is the expected value of benefits that will be derived for each of the project purposes.
- b. **ALTERNATIVE COSTS** - This is the estimated cost for a single purpose project that would generate the same benefits as those expected for the multi-purpose project.
- c. **JUSTIFIABLE EXPENDITURE** - The lesser of a. and b. is selected for each purpose. This is the maximum cost that can be allocated to the purpose and is therefore the justifiable expenditure.
- d. **SEPARABLE COSTS** - This is the specific cost that can be associated with each project purpose. It is the minimum amount allocation.
- e. **REMAINING JUSTIFIABLE EXPENDITURE** - The separable cost for each purpose is subtracted from its justifiable expenditure to determine the remaining justifiable expenditure.
- f. **PERCENT DISTRIBUTION** - The proportion of the total remaining justifiable expenditure for each purpose. For example the remaining justifiable expenditure (RJE) for recreation is \$6500 and the total RJE for all is \$14,700. The percent distribution for recreation is \$6500 divided by \$14,700 or 44.22%
- g. **REMAINING JOINT COSTS** - The total separable cost are subtracted from the total project cost (\$27,500 - \$18,900 = \$8,600) to determine the remaining joint costs. This amount is allocated to each purpose according to the percentages calculated in step "f."
- h. **TOTAL ALLOCATED COSTS** - This value is the sum of the separable costs (item d.) and the distributed remaining joint costs (item g.). For the recreation purpose it would be \$2,300 + \$3,802.72 for a total of \$6,102.72.

LIST OF ATTACHMENTS

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ATTACHMENT NO. 1

DEPTH DAMAGE FACTORS
FOR
RESIDENTIAL STRUCTURES

Damage Begins at Six (6) Feet Below the First Floor

Depth in Feet	CODE NO.							
	01	03	05	60	15	20	25	10
	<u>Damage in % of Total Value</u>							
8.0				.0	.0	.0	.0	
7.0								
6.0								
5.0				25.	2.	2.	2.	
4.0				35.	3.	2.	2.	
3.0				40.	3.	2.	3.	
2.0				42.	3.	3.	3.	
1.0	.0	.0	.0	45.	6.	5.	5.	.0
* .0 (0.1)	8.0	4.	3.	50.	10.	7.	6.	8.
1.0	22.	10.	11.		24.	14.	16.	50.
2.0	30.	16.	20.		31.	21.	22.	71.
3.0	35.	20.	25.		37.	26.	26.	82.
4.0	39.	24.	29.		41.	30.	30.	87.
5.0	41.	27.	31.		44.	33.	32.	89.
6.0	44.	30.	33.		46.	35.	35.	90.
7.0	46.	32.	34.		48.	38.	36.	90.
8.0	48.	34.	41.		49.	40.	44.	
9.0	50.	39.	46.		50.	44.	48.	
10.0		42.	50.		50.	46.	52.	
11.0		45.	53.			47.	55.	
12.0		47.	55.			48.	57.	
13.0		49.	58.			49.	59.	
14.0		50.	59.			50.	59.	
15.0			60.			50.	60.	
16.0						50.	60.	

<u>Classification</u>	<u>Code</u>
One story, no basement	01
Two or more stories, no basement	03
Split level, no basement	05
All in basement.	60
One story, w/basement.	15
Two or more stories, w/basement.	20
Split level, w/basement.	25
Mobile home, on foundation	10

*Indicates First Floor

Source: Reprinted from the Federal Insurance Administration, December, 1970.

ATTACHMENT NO. 2

DEPTH DAMAGE FACTORS
FOR
RESIDENTIAL CONTENTS

NOTE: To enter this table, use 50% of the Structure Value, i.e.: If a structure is worth \$40,000, use \$20,000; and if Code 43 was used at 4 ft. depth, 68% or \$13,600 could be claimed.

Damage Begins at Six (6) Feet Below the First Floor

Depth in Feet	CODE NO.								
	27	29	31	33	43	48	53	58	38
	Damage in % of Total Value								
8.0									
7.0									
6.0					.0	.0	.0		
5.0					60.	4.	3.	.0	
4.0					68.	5.	3.	8.	
3.0					74.	8.	4.	10.	
2.0					78.	8.	5.	10.	
1.0	.0	.0	.0	.0	82.	8.	5.	15.	.0
* .0 (0.1)	5.	5.	1.	2.	85.	21.	10.	18.	3.
1.0	35.	16.	3.	19.		40.	22.	31.	50.
2.0	50.	28.	4.	32.		58.	34.	44.	56.
3.0	60.	37.	5.	41.		70.	43.	52.	72.
4.0	68.	43.	6.	47.		76.	48.	58.	79.
5.0	74.	47.	6.	51.		80.	51.	61.	84.
6.0	78.	49.	6.	53.		82.	52.	63.	87.
7.0	81.	50.	6.	55.		83.	53.	64.	88.
8.0	83.	51.	6.	56.		85.	56.	66.	90.
9.0	85.	55.	10.	62.		85.	59.	69.	90.
10.0		58.	23.	69.		85.	64.	73.	
11.0		65.	47.	75.			71.	76.	
12.0		72.	64.	78.			76.	79.	
13.0		78.	74.	80.			78.	80.	
14.0		79.	81.	81.			80.	82.	
15.0		80.	83.	83.			82.	84.	
16.0		85.	85.	85.			85.	85.	

Location	Code
All on First Floor	27
All on First Two or More Floors.	29
In Split Level, No Basement.	33
All in basement.	43
All on First Floor and Basement.	48
All on First Two or More Floors and Basement	53
All Above First Floor.	31
In Split Level w/Basement.	58
Mobile Home, on Foundation	38

*Designates First Floor

Source: Reprinted from the Federal Insurance Administration, December, 1970.

ATTACHMENT NO. 3

DEPTH DAMAGE FACTORS
FOR
SMALL BUSINESS STRUCTURES

Damage in % of Total Value

Type Structure

<u>Depth in Feet</u>	<u>Brick</u>	<u>Metal</u>	<u>Frame</u>	<u>Concrete Block</u>
1.0	4.	4.	7.	4.
2.0	5.	6.	9.	5.
3.0	6.	7.5	17.	6.
4.0	7.	9.	19.	7.
6.0	10.	12.	27.	10.
8.0	13.	16.	29.	13.
10.0	16.	20.	31.	16.
12.0	20.	25.	32.	20.

NOTE: For Large Businesses, damage estimates must be arrived at by interview with the owner.

ATTACHMENT NO. 4

DEPTH DAMAGE FACTORS
FOR
SMALL BUSINESS CONTENTS

All on First Floor and Above

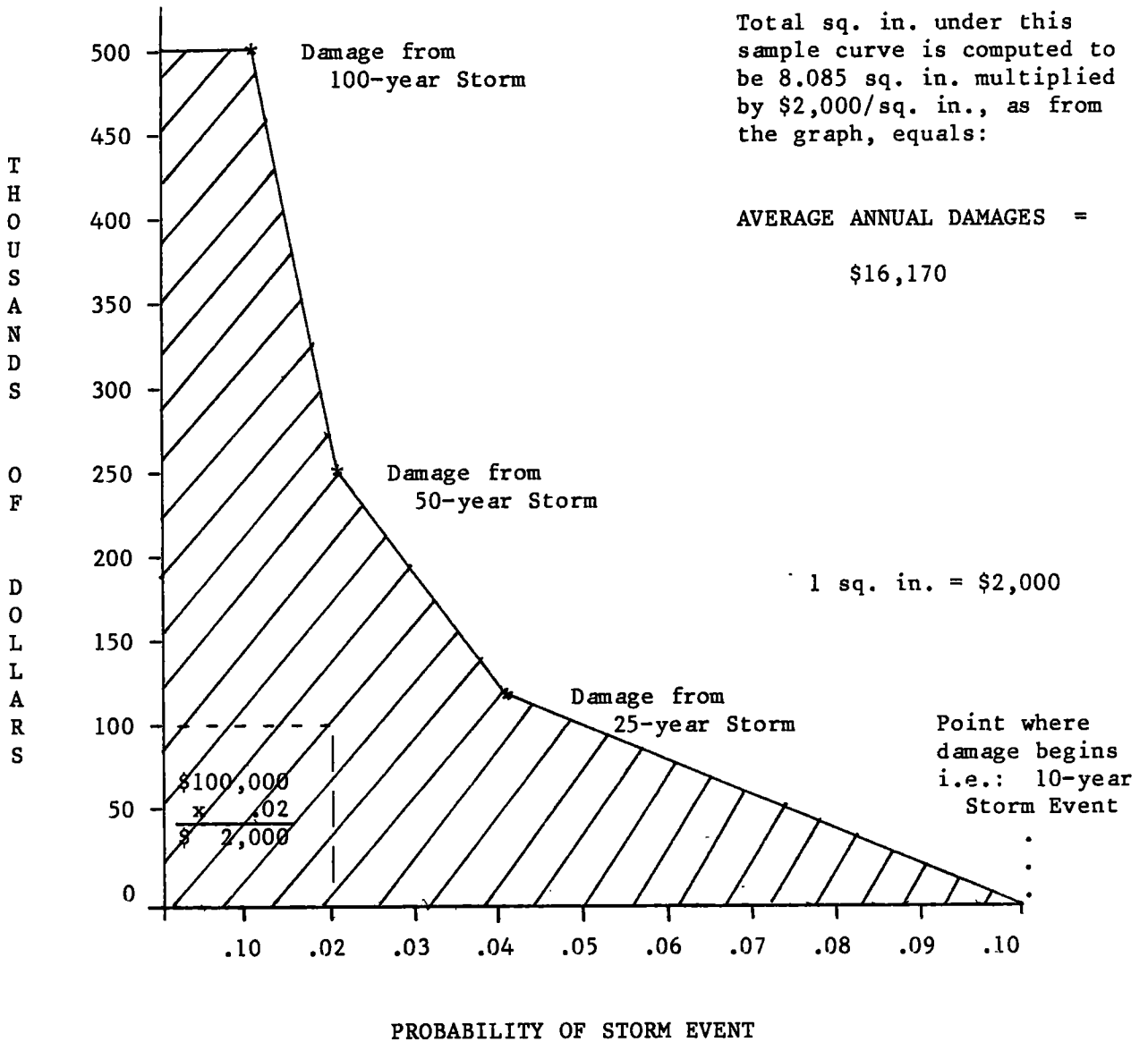
<u>Depth in Feet</u>	<u>Damage in % of Total Value</u>
First 0.0 Floor	.0
0.1	1.2
0.2	2.4
0.3	4.0
0.4	4.8
0.5	7.2
0.6	8.8
0.7	11.6
0.8	13.2
0.9	15.2
1.0	17.6
1.1	19.6
1.2	22.0
1.3	24.4
1.4	27.2
1.5	29.6
1.6	32.8
1.7	36.8
1.8	40.0
1.9	43.6
2.0	47.2
2.1	50.4
2.2	54.0
2.3	57.6
2.4	61.2
2.5	64.8
2.6	68.0
2.7	71.1
2.8	74.0
2.9	77.2
3.0	80.0
3.1	82.1
3.2	85.3
3.3	87.8
3.4	90.2
3.5	92.5
3.6	94.7
3.7	96.8
3.8	98.8
3.9	100.0
4.0	100.0

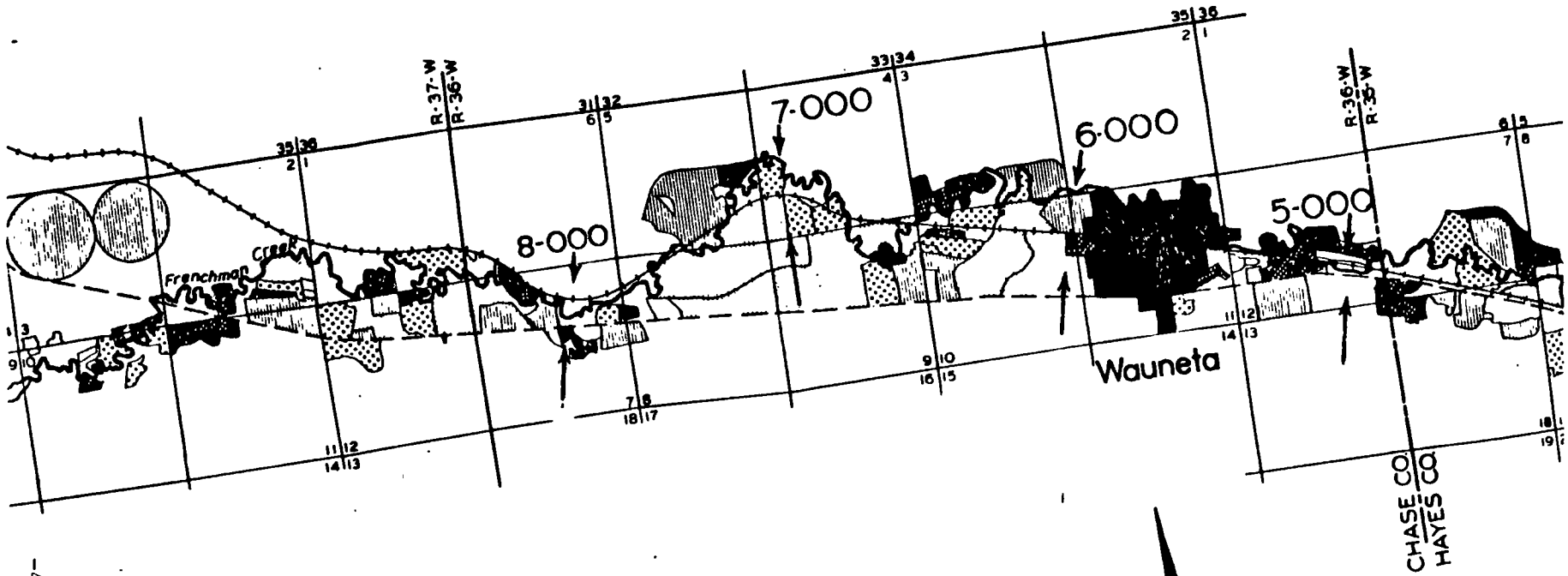
Source: Reprinted from the Federal Insurance Administration, December, 1970.

ATTACHMENT NO. 5

DAMAGE CURVE - EXAMPLE

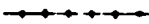
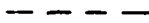






FLOOD DAMAGES UNDER
PRESENT CONDITIONS

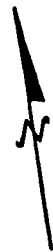




-07-

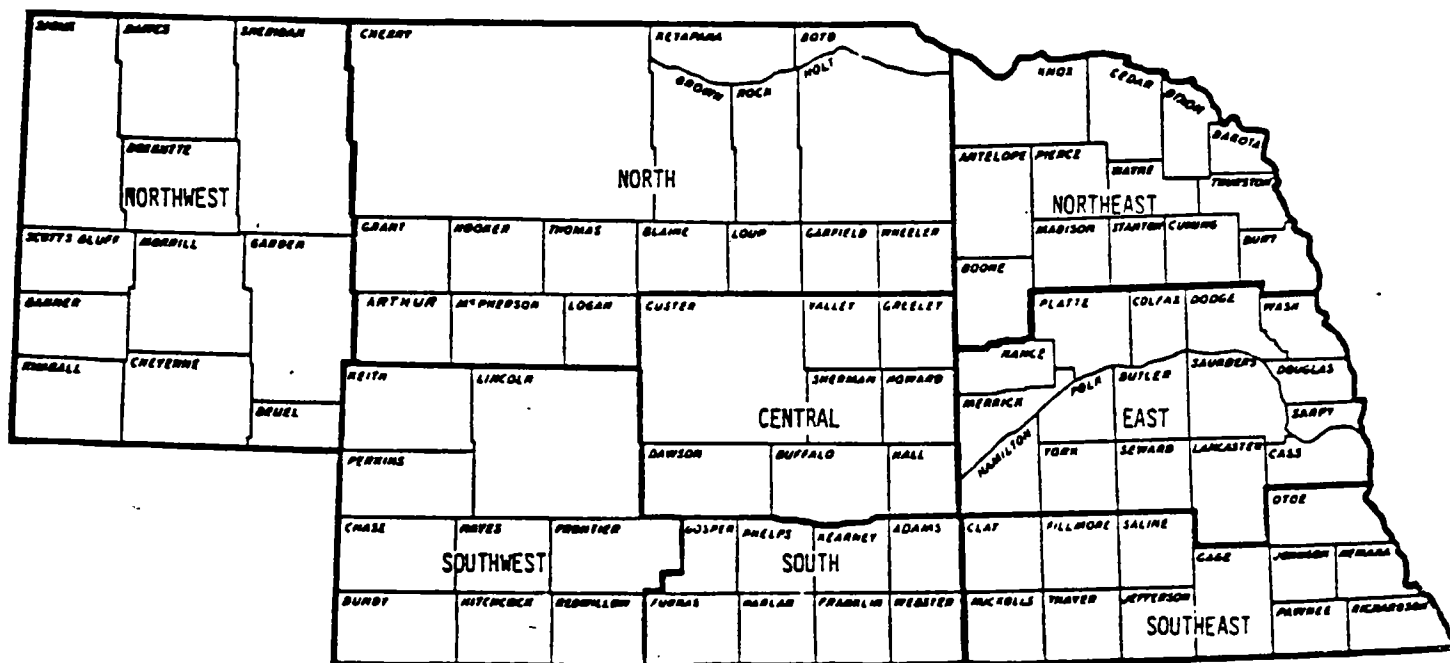
LEGEND

- Railroad 
- Highway 
- Cross Section 1-000 
- Urban Area 
- Corn 
- Wheat 
- Alfalfa 
- Pasture 



STRIP MAP - EXAMPLE

ATTACHMENT NO. 6

CROP YIELDSFive Year Average Yields
For Calendar Year 1985

		REGIONS								
		NORTH- WEST	NORTH	NORTH- EAST	CENTRAL	EAST	SOUTH- WEST	SOUTH	SOUTH- EAST	
WHEAT, WINTER	BU/ACRE	36.9	32.3	33.2	35.9	35.6	39.9	42.1	35.6	
CORN, IRRIGATED	BU/ACRE	120.6	115.3	117.7	119.6	117.6	127.0	127.6	120.9	
CORN	BU/ACRE	50.6	51.1	70.8	55.9	78.4	47.8	64.0	72.1	
OATS	BU/ACRE	42.0	43.2	48.3	40.4	48.6	51.2	51.9	48.2	
GRAIN SORGHUM, IRRIGATED	BU/ACRE	70.3	68.2	81.4	78.7	87.9	86.5	89.0	89.0	
GRAIN SORGHUM	BU/ACRE	34.2	49.8	61.3	51.9	71.0	52.1	65.2	65.0	
ALFALFA HAY, IRRIGATED	TON/ACRE	4.03	3.88	4.65	4.40	4.63	4.36	4.71	4.63	
ALFALFA HAY	TON/ACRE	1.52	1.76	3.19	2.85	3.47	2.95	3.34	3.13	
BEANS, DRY EDIBLE	CWT/ACRE	18.3	-----	-----	-----	-----	15.5	-----	-----	
SUGARBEETS, IRRIGATED	TON/ACRE	22.0	-----	-----	-----	-----	18.6	-----	-----	
SOYBEANS, IRRIGATED	BU/ACRE	-----	34.9	37.0	41.2	40.5	36.8	42.8	42.4	
SOYBEANS	BU/ACRE	-----	21.6	28.6	23.5	31.0	22.2	25.8	29.2	
NATIVE HAY	TON/ACRE	.87	.93	1.23	1.20	1.54	1.10	1.31	1.36	
PASTURELAND (PLANTED GRASS)	AUM/ACRE	1.3	2.0	3.0	1.9	2.0	.5	.2	2.4	
RANGELAND	AUM/ACRE	.7	.6	.9	.6	.8	.5	.4	.9	

^{1/} This attachment is revised annually by Commission staff.

Source: Crop yields from Nebraska Agricultural Statistics averaged by using Sum of Squares Method.

Rangeland and Pastureland yields from Current Normal used in Platte Level B Study.

ATTACHMENT NO. 8 ^{1/}COMMODITY PRICES
FOR CALENDAR YEAR 1985Average Price Received by Nebraska Farmers
For Major Agricultural Commodities
(Dollars)

Commodities	1980	1981	1982	1983	1984	5-Year Average ^{2/}
CROPS & PASTURE						
Wheat, Bu.	3.72	3.65	3.25	3.41	3.33	3.48
Corn for Grain, Bu.	3.04	2.51	2.45	2.98	2.99	2.81
Oats, Bu.	1.85	1.91	1.35	1.56	1.82	1.71
Grain Sorghum, Bu.	2.81	2.25	2.16	2.60	2.50	2.48
All baled Hay, Ton	55.00	59.50	46.50	44.92	50.32	51.53
Beans (Dry Edible), Cwt.	26.90	19.90	12.70	17.26	19.15	19.73
Potatoes, Cwt.	6.75	5.80	5.55	5.75	6.25	6.04
Soybeans, Bu.	7.18	5.75	5.35	6.51	7.50	6.51
Sugar Beets, Ton	34.00	47.00	33.70	33.00	35.50	37.01
Pasture & Range, AUM	14.50	18.50	18.00	15.75	15.08	16.44
LIVESTOCK & PRODUCTS						
Hogs, Cwt.	38.85	43.23	54.02	46.59	47.80	46.37
Beef Cattle, Cwt.	64.71	62.31	61.69	59.48	62.68	62.20
Calves, Cwt.	79.40	68.53	64.64	65.02	64.42	68.64
Sheep, Cwt.	23.26	22.32	22.44	18.58	18.13	21.06
Lambs, Cwt.	64.65	54.59	54.83	54.72	59.72	57.84
Milk Cows, Head	1127.00	1157.00	1083.00	1068.00	840.00	1060.93
Milk, Cwt.	12.72	13.40	13.38	13.38	13.36	13.25
Wool, Lb.	.74	.50	.50	.39	.58	.55

^{1/} This attachment is revised annually by Commission staff.^{2/} Sum of Squares Method

Sources: Monthly Agricultural Prices and Annual Price Summary, Crop Reporting Board, SRS, USDA.

ATTACHMENT NO. 9

COMPOSITE DAMAGEABLE VALUE PER ACRE OF FLOOD PLAIN - EXAMPLE

Flood Plain Crops	Percent of Flood Plain	Yield Per Acre of Crop	Production Per Flood Plain Acre	Value ^{1/} Per Unit	Damag-able Value
				(\$)	(\$/acre)
Corn (Irr.)	46	133 bu.	61.18 bu.	2.54	155.40
Alfalfa (Irr.)	21	5.8 tons	1.22 tons	48.24	58.85
Wheat	17	36 bu.	6.12 bu.	3.43	20.99
Pasture	12	1 A.U.M.	.12 A.U.M. ^{2/}	16.00	1.92
Misc.	$\frac{4}{100}$	-----	-----	-----	-----
					237.16

^{1/} 1983 prices developed for the Resources Development Fund

^{2/} Animal Unit Month

ATTACHMENT NO. 10

CROP DAMAGE FACTORS BY FLOOD DEPTH

CROP	0-1'	1'-3'	3'+
Corn	.142	.372	.559
Grain Sorghum	.193	.394	.486
Wheat	.119	.277	.348
Forage Sorghum	.138	.336	.447
Soybeans	.152	.381	.464
Alfalfa	.090	.311	.366
Pasture	.081	.101	.114

Source: The factors are from SCS guidelines and they include the plus or minus due to farming operations.

ATTACHMENT NO. 11

COMPOSITE CROP AND PASTURE DAMAGE RATE - EXAMPLE

Crop	Damage- able Value <u>1/</u>	Net Damage at Depth (in feet)					
		0-1.0		1.1-3.0		3.0 & Over	
	(\$/acre)	(%)	(\$/acre)	(%)	(\$/acre)	(%)	(\$/acre)
Corn	155.40	14.2	22.07	37.2	57.81	55.9	86.87
Alfalfa	58.85	9.0	5.30	31.1	18.30	36.6	21.54
Wheat	20.99	11.9	2.50	27.7	5.81	34.8	7.30
Pasture	1.92	8.1	.16	10.1	.19	11.4	.22
Misc.	--	--	---	--	---	--	---
TOTAL			30.03		82.11		115.93

1/ From ATTACHMENT NO. 9

ATTACHMENT 12

CROP CONDITIONS
WITH AND WITHOUT THE PROJECT FOR
IRRIGATION BENEFITS

A.

CROP	CONDITIONS WITH PROJECT			CONDITIONS WITHOUT PROJECT		
	Per Acre Yield	Per Unit Value	Total	Per Acre Yield	Per Unit Value	Total

B.

CROP	Per Acre Production Costs (excluding land costs)		Total	Per Acre Production Costs (excluding land costs)		Total

C. Net Values = Difference of totals of A. and B.

Total of A.	-	Total of B.	=	Net Values With Project		Total of A.	-	Total of B.	=	Net Values Without Project
<input type="text"/>		<input type="text"/>		<input type="text"/>		<input type="text"/>		<input type="text"/>		<input type="text"/>

D. Benefits or Value of Irrigation Water = Difference in Net Values of Conditions With and Without the Project

Net Values With Project	-	Net Values Without Project	=	Per Acre Benefits Or Value of Irrigation Water
<input type="text"/>		<input type="text"/>		<input type="text"/>

ATTACHMENT NO. 13

INVENTORY OF FACILITIES IN RECREATION MARKET AREA - EXAMPLE

	Beach Swimming		Picnicking Tables				
	Acres Water	Acres Land					
Communities:							
Norfolk			244				
Clarkson			28				
Leigh			30				
Madison			50				
Battle Creek			20				
Beemer			12				
Carroll			5				
Howells			12				
Stanton			21				
Wayne			35				
Wisner			44				
Columbus			40				
Schuyler			13				
West Point			30				
Recreation Areas:							
Wood Duck							
Yellow Banks							
Pilger Resvr.	.14	.46	20				
TOTALS	.14	.46	604				
Planned for Project:	.17	.57	70				

This example is to aid the sponsor in determining the amount of facilities available and the amount required. The form may be modified to fit the various recreation aspects of the project.

ATTACHMENT NO. 14

RECREATION PARTICIPATION RATES AND PROPORTION PARTICIPATING

Activity	Participation Rate (Average Number of Days Participated)	Proportion of Nebraska Population Participating
Tent Camping	6.3	.184
Recreational Vehicle Camping	10.0	.163
Hiking	10.0	.223
Stream and River Fishing	11.8	.217
Lake and Reservoir Fishing	10.9	.309
Power Boating	9.2	.206
Canoeing	5.0	.069
Bicycling	40.4	.334
Picnicking	7.2	.635
Outdoor Pool Swimming	25.0	.331
Beach Swimming	12.2	.286
Water Skiing	9.6	.122
Golf	18.5	.112
Tennis	17.9	.178
Horseback Riding	18.0	.135
Baseball	22.0	.177
Visiting Historic Areas	5.1	.389
Sailing	7.6	.029
Rafting and Other Boating	6.5	.042
Downhill Snow Skiing	----	.098
Cross-Country Snow Skiing	----	.016
Snowmobiling	5.6	.052
Ice Skating	----	.228
Ice Fishing	----	.035
Target Shooting	14.8	.099
Upland Game Hunting	----	.118
Waterfowl Hunting	----	.073
Big Game Hunting	----	.038
Non-Game Hunting	----	.061

Source: 1979 Nebraska State Comprehensive Outdoor Recreation Plan

RECREATION STANDARDS BY ACTIVITY

Activity	Number of Peak Days	% Activity On Peak Days	Turnover Rate Per Day	Average Party Size	Other
Beach Swimming	12	40%	2.5	2.5	174 parties per acre 30% of parties in water; 250 sq. ft.
Picnicking	21	60%	2.0	4.0	10 tables per acre urban; 7 tables per acre non-urban; 1 party per table.
Camping	31	50%	1.0	4.0	6 camping units per acre.
Fishing	27	30%	1.5	2.5	10 acres per fishing party.
Power Boating	28	65%	2.0	3.0	10 acres per power boat.
Hiking	26	60%	2.0	2.5	12 parties per mile.
Water Skiing	28	65%	2.0	3.0	20 acres per boat and skier.

Source: 1979 Nebraska State Comprehensive Outdoor Recreation Plan

ATTACHMENT NO. 16 ^{1/}FARMLAND VALUES

Average Reported Value Per Acre of Nebraska Farmland for Different Types of land and Grade by Crop Reporting District

Type of Land & Quality	Crop Reporting District (See Map on Attachment No. 7)							
	North-west	North	North-east	Central	East	South-west	South	South-east
	----- Dollars Per Acre -----							
Dryland Cropland (No Irrigation Potential)								
Average. . .	325	237	643	340	905	365	474	612
High Grade .	455	255	810	475	1,060	475	605	750
Low Grade. .	255	180	485	290	595	275	370	405
Dryland Cropland (Irrigation Potential)								
Average. . .	425	340	746	486	1,013	504	705	723
High Grade .	550	390	865	620	1,195	625	845	775
Low Grade. .	335	235	585	410	760	405	555	545
Grazing Land (Tillable)								
Average. . .	146	180	392	259	510	205	339	357
High Grade .	185	205	435	315	580	240	390	415
Low Grade. .	130	145	315	220	395	150	255	270
Grazing Land (Nontillable)								
Average. . .	94	115	258	192	341	118	236	243
High Grade .	110	145	290	235	385	145	275	305
Low Grade. .	75	100	165	150	275	95	180	200
Hayland								
Average. . .	261	206	332	273	470	250	258	311
High Grade .	290	260	390	330	555	315	315	380
Low Grade. .	175	165	215	230	350	205	210	245
Gravity Irrigated Cropland								
Average. . .	1,042	817	1,102	1,304	1,329	1,010	1,283	1,171
High Grade .	1,295	925	1,250	1,545	1,495	1,195	1,440	1,360
Low Grade. .	765	650	835	970	1,010	835	1,000	980
Center Pivot Irrigated Cropland								
Average. . .	691	581	875	850	1,243	691	1,055	1,020
High Grade .	820	685	1,000	1,070	1,415	860	1,230	1,140
Low Grade. .	550	445	670	640	895	570	845	815

^{1/} This attachment is revised annually by Commission staff.Source: 1985 Nebraska Farm Real Estate Market Survey.
Department of Agricultural Economics, University of Nebraska-Lincoln

ATTACHMENT NO. 17

RECREATION SUMMARY TABLES - EXAMPLE

TABLE NO. 1 RECREATION DEMAND

Activity	Pop.1/ Participation	Part. Rate	Peak Day Activ- ity Rate (%)	Peak Days	Ave. Party Size	Turn- over Rate	Carry- ing Ca- pacity Per Unit	Recre- ation Fa- cility Demand
Beach Swimming:								
Acres of Beach	.286	12.2	40	12	2.5	2.5	174	4.85
Acres of Water								2.08
TOTAL								6.93
Picnicking	.635	7.2	60	21	4	2	1	1058

TABLE NO. 2 NET RECREATION SUPPLIED BY THE PROJECT

Activity	Recreation Facility Demand	Current Supply	Net. Rec. Facility Demand	Proposed Project Recreation Facilities	Net Project Facilities
Beach Swimming:					
Acres of Beach	4.85	.46	4.39	.57	.57
Acres of Water	2.08	.14	1.94	.17	.17
TOTAL	6.93	.60	6.33	.74	.74
Picnic Tables	1058	604	454	70	70

TABLE NO. 3 RECREATION BENEFITS

Activity	Net Project Fa- cility	No. of Parties on Peak Days	Peak Day Use Factor	Peak Day Activ- ity Rate %	Activ- ity Days	Recre- ation Days	Benefits \$
Beach Swimming:							
Acres of Beach	.57	99	75	40	18,563	9,281	26,915 ^{3/}
Acres of Water	.17						
TOTAL	.74						26,915
Picnicking	70	70	168	60	19,600	9,800	28,420
TOTAL							55,335

1/ Population Proportion Participating

2/ $(64,800 \times .286 \times 12.2 \times .40) \div (12 \times 2.5 \times 2.5) \div 174 = 6.93 \times .7 = 4.85$

3/ $(.57 \times 174) = 99 \times 75 \div .40 = 18,563 \div 2 = 9,281 \times \$2.90 = 26,915$

POPULATION AND POPULATION DENSITIES FOR NEBRASKA COUNTIES

1980

County	Population	Population Per Square Mile	County	Population	Population Per Square Mile
Adams	30,643	54.5	Howard	6,719	11.9
Antelope	8,688	10.2	Jefferson	9,712	16.8
Arthur	504	0.7	Johnson	5,035	13.4
Banner	832	1.1	Kearney	6,786	13.3
Blaine	857	1.2	Keith	9,076	8.8
Boone	7,383	10.8	Keya Paha	1,266	1.6
Box Butte	13,423	12.6	Kimball	4,792	5.0
Boyd	3,321	6.2	Knox	11,108	10.0
Brown	4,035	3.3	Lancaster	186,961	221.3
Buffalo	34,757	36.6	Lincoln	35,800	14.2
Burt	8,614	17.8	Logan	971	1.7
Butler	9,075	15.6	Loup	860	1.5
Cass	20,005	36.1	McPherson	587	0.7
Cedar	11,095	15.0	Madison	31,109	54.4
Chase	4,681	5.3	Merrick	8,946	18.6
Cherry	6,639	1.1	Morrill	5,932	4.2
Cheyenne	9,909	8.4	Nance	4,746	10.8
Clay	8,124	14.3	Nemaha	8,098	20.3
Colfax	9,823	24.2	Nuckolls	6,738	11.6
Cuming	11,621	20.4	Otoe	14,801	23.9
Custer	13,575	5.3	Pawnee	3,863	8.9
Dakota	16,108	63.2	Perkins	3,600	4.1
Dawes	9,418	6.8	Phelps	9,713	17.9
Dawson	21,821	22.4	Pierce	8,289	14.5
Deuel	2,441	5.6	Platte	28,842	43.2
Dixon	6,934	14.6	Polk	6,338	14.7
Dodge	33,121	62.7	Red Willow	12,354	18.0
Douglas	388,945	1,161.0	Richardson	11,164	20.3
Dundy	2,805	3.1	Rock	2,331	2.1
Fillmore	7,688	13.3	Saline	12,985	22.6
Franklin	4,366	7.6	Sarpy	84,800	354.8
Frontier	3,572	3.7	Saunders	18,458	24.3
Furnas	6,408	8.9	Scotts Bluff	36,965	50.9
Gage	24,299	28.3	Seward	15,596	27.3
Garden	2,780	1.7	Sheridan	7,507	3.0
Garfield	2,359	4.2	Sherman	4,219	7.4
Gosper	2,068	4.5	Sioux	1,385	0.7
Grant	864	1.1	Stanton	6,480	15.0
Greeley	3,448	6.1	Thayer	7,259	12.6
Hall	47,651	88.7	Thomas	957	1.3
Hamilton	9,226	17.2	Thurston	6,423	16.6
Harlan	4,268	7.7	Valley	5,631	9.9
Hayes	1,354	1.9	Washington	14,973	33.8
Hitchcock	4,041	5.7	Wayne	9,616	21.7
Holt	13,543	5.6	Webster	4,862	8.5
Hooker	977	1.4	Wheeler	1,056	1.8
			York	14,743	25.6

Source: University of Nebraska, Bureau of Business Research

CASH FLOW STREAM - EXAMPLE

YEAR	FEASIBILITY, STUDY ENGINEERING, AND INSPECTION	PROJECT COSTS			TOTAL VALUE OF PROJECT (GROSS BENEFITS)	INCREMENTAL BENEFIT (CASH FLOW)	ACCUMULATIVE BENEFIT (CASH FLOW)
		CAPITAL ITEMS	OPERATION, MAINTENANCE, & REPLACEMENT COSTS	ASSOCIATED COSTS			
0							
1							
2							
3							
4							
5							
6							
7							
8							
9							
10-50							
TOTAL							

Year - Should cover the life of the project or 50 years, whichever is less (can cover groups of years where the cash flow is identical).

Feasibility Study - Should cover the cost of preparation and should be entered in year 0.

Engineering & Inspection - Should reflect such costs and be entered in year of occurrence.

Capital Items - Should cover all construction costs, land rights costs, and costs of auxiliary facilities.

Operation, Maintenance & Replacement Costs - Should cover all O, M & R for the life of the project.

Associated Costs - Should cover all extra costs incurred individually by beneficiaries to realize their benefits in full, such as costs incurred by a farmer in distributing water from an irrigation project or costs incurred by a farmer to convert to a new cropping system or change in land use resulting from a flood control project.

In cases where benefit measurement takes into account added cost to a primary beneficiary in realizing his benefits, the associated costs will not be computed separately.

Gross Costs - is a summation of the listed project costs.

Total Value of Project (Gross Benefits) - Should cover only the primary tangible benefits accruing because of the project or program.

Incremental Benefit (Cash Flow) - is the difference between the gross costs and gross benefits.

Accumulative Benefit (Cash Flow) - is the difference between the accumulative gross costs and the accumulative gross benefits.

ATTACHMENT NO. 19
(Continued)

CASH FLOW STREAM - EXAMPLE

YEAR	FEASIBILITY STUDY, ENGINEERING AND INSPECTION	PROJECT COSTS			TOTAL VALUE OF PROJECT (GROSS) BENEFITS	INCREMENTAL BENEFIT (CASH FLOW)	ACCUMULATIVE BENEFIT (CASH FLOW)
		CAPITAL ITEMS	OPERATION, MAINTENANCE & REPLACEMENT COSTS	ASSOCIATED COSTS			
0	5,500				5,500		-5,500
1	6,500	2,000			8,500		-8,500
2	3,000	190,500			193,500		-193,500
3	12,500	405,000			417,500		-417,500
4	12,500	185,000	8,500		206,000	8,000	-198,000
5		185,000	8,500		193,500	84,000	-109,500
6			8,500		8,500	84,000	+75,500
7-17			93,500		93,500	924,000	+830,500
18			8,500		8,500	84,000	+75,500
19			8,500		8,500	84,000	+75,500
20			8,500		8,500	84,000	+75,500
21-50			255,000		255,000	2,436,000	+2,181,000
TOTAL	40,000	937,500	399,500		1,407,000	3,788,000	2,381,000

A SAMPLE CASH FLOW SHEET
WITH ACCOMPANYING CASH FLOW STREAM DATA

Cash Flow Stream Data Showing Progression of Work by Year of Project Work:

Year

#0 1986

Feasibility Study, Engineering and Inspection, Topographic Mapping
\$5,500

#1 1987

Engineering and Inspection

Engineering \$6,000

Aerial Photos 500

Capital Items

Land R-O-W \$1,000

Land Appraisal 500

Legal Fees 450

Legal Notices 50

\$2,000

\$ 8,500

#2 1988

Engineering and Inspection, Soil Analysis

\$3,000

Capital Items

Land R-O-W \$188,000

Abstracts 2,000

Court Appraisal 500

\$190,500

\$ 193,500

ATTACHMENT NO. 19
(Continued)

A SAMPLE CASH FLOW SHEET
WITH ACCOMPANYING CASH FLOW STREAM DATA

Cash Flow Stream Data Showing Progression of Work by Year of Project Work:

Year			
#3	<u>1989</u>		
	Engineering and Inspection		
	Engineering	<u>\$12,500</u>	
	Capital Item		
	Construction Costs	<u>\$405,000</u>	<u>\$ 417,500</u>
#4 <u>1990</u>			
	Engineering and Inspection		
	Engineering	<u>\$12,500</u>	
	Capital Item		
	One-half Recreation Development	<u>\$185,000</u>	
	Operation, Maintenance & Replacement Costs		
	(This is based on the number of Recreation Days at a cost, i.e.: \$0.80/day for O, M & R or \$8,500 annual cost)		
		<u>\$8,500</u>	<u>\$ 206,000</u>
Total Value of Project			
	The structure should be completed on or near completion so flood damage benefits are counted; annually.		
		<u>\$8,000</u>	<u>\$ 8,000</u>
#5 <u>1991</u>			
	Capital Items		
	One half Recreation Development	<u>\$185,000</u>	
	O, M & R Costs (as in #5)	<u>\$8,500</u>	<u>\$ 193,500</u>
Total Value of Project			
	Flood Damage Benefits	<u>\$8,500</u>	
	Recreation Benefits		
	(# of days x \$2.90)	<u>\$76,000</u>	<u>\$ 84,000</u>
#6 <u>1992</u>			
	O, M & R Costs	<u>\$8,500</u>	<u>\$ 8,500</u>
Total Value of Project			
	Flood Damage Benefits	<u>\$8,000</u>	
	Recreation Benefits	<u>\$76,000</u>	<u>\$ 84,000</u>
#7-17 <u>1993-2003</u>			
	O, M & R (\$8,500 multiplied by 11)	<u>\$93,500</u>	<u>\$ 93,500</u>

ATTACHMENT NO. 19

(Continued)

Total Value of Project

Flood and Recreation Benefits

(\$84,000 x 11)	<u>\$924,000</u>	<u>\$ 924,000</u>
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#18-50 2003-2036

(This was broken down to a greater extent in the Cash Flow Sheet to demonstrate where positive values in the Cash Flow Column begin to appear.)

O, M & R (\$8,500 x 33)	<u>\$280,500</u>	<u>\$ 280,500</u>
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Total Value of Project

Flood and Recreation Benefits

(\$84,000 x 33)	<u>\$2,772,000</u>	<u>\$2,772,000</u>
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ATTACHMENT NO. 20 ^{1/}

LOAN INTEREST RATE

FISCAL YEAR 1985*

Data Used to Calculate Rate:

		<u>1983 FY</u>		<u>1984 FY</u>		<u>1985 FY</u>		
1982	July	11.47	1983	July	8.70	1984	July	10.10
	Aug.	10.68		Aug.	9.04		Aug.	9.58
	Sept.	9.76		Sept.	8.97		Sept.	9.58
	Oct.	9.15		Oct.	8.93		Oct.	9.72
	Nov.	9.45		Nov.	9.01		Nov.	9.78
	Dec.	9.34		Dec.	9.34		Dec.	9.54
1983	Jan.	9.00	1984	Jan.	9.00	1985	Jan.	9.08
	Feb.	8.80		Feb.	9.04		Feb.	8.98
	March	8.42		March	9.41		March	9.18
	April	8.28		April	9.54		April	8.95
	May	8.39		May	9.98		May	8.52
	June	8.76		June	10.05		June	8.24
ANNUAL AVERAGE		9.29			9.25			9.27

FY 1985 Rate = 36-Month Average = 9.29 = 9 1/4% (Rounded to nearest 1/8%)

^{1/} This attachment is revised annually by Commission staff.

Source: Federal Reserve Bulletin State and Local Aaa Bond yield.

*In effect for the period September 1, 1985, through August 31, 1986.

OPERATION AND MAINTENANCE COSTS

SCS SUGGESTED RATE FOR AVERAGE ANNUAL COSTS

<u>Control Measure</u>	Percentage of Engineers Estimates of Construction Costs (Excluding Land Prices)
<u>Waterflow Control Measures</u>	
a. Floodwater retarding structures75
b. Concrete and asphalt lined channels, re- inforced concrete chutes	1.25
c. Levees and dikes, major desilting basins	1.25
d. Channel improvements - floodways	1.50
e. Other.	1.75
<u>Drainage Measures</u>	
a. Covered drains and appurtenances75
b. Open drains and appurtenances.	1.25
<u>Irrigation Measures</u>	
a. Water supply reservoirs.75
b. Canal laterals	1.25
c. Diversion dams and canal headworks	1.75
<u>Non-Agricultural Water Management Measures</u>	
a. Water supply reservoirs.75

Operation and maintenance costs required on special items such as pumping plants, pipelines, etc. will vary so greatly no attempt is made to provide a rate.

Applicants should work closely with persons who are familiar with these special items in developing suitable rates for such facilities.

Recreation Projects (from Nebraska Game and Parks Commission)

For recreation projects, use \$0.80 per recreation day.

SECTION THREE

APPENDIX C

FINANCIAL FEASIBILITY

A project is financially feasible if sufficient funds can be made available to complete the project, and if sufficient annual revenues can be obtained to repay the reimbursable costs and operate the project. The law requires projects to be financially feasible, as provided for in the NRDF Rules and Regulations and these Guidelines. If a loan is involved, it requires assurance that adequate O, M, & R, will be conducted during the repayment life of the project, and that the loan can be repaid.

Financial analysis serves as a planning tool in testing proposed projects for financial feasibility by indicating an upper limit on capital investment. Unless a proposed project can produce sufficient revenue or other income to recover the investment within the specified payment period and at the prescribed payment interest rate, the proposal normally should be deferred or redesigned to effect necessary reductions in capital cost.

A. OPERATION AND MAINTENANCE COSTS

These are costs that have a continuous or periodic recurrence and are incident to project operations and relate to costs of electric power for pumpage, materials and supplies used in maintenance and repair, general labor, and project administration. Total operation and maintenance costs include both fixed and variable costs. A distinction between the two is necessary to determine annual

repayment charges to contracting agencies.

1. Fixed costs are those common to the project as an entirety such as administrative overhead expenses, and those that do not depend upon the extent to which project facilities are used.

2. Recurring costs that depend on, and vary with, the extent the project is used are termed variable costs.

3. Replacement costs are recurring costs of replacing facilities or major items of facilities that have an economic life which is shorter than the project repayment period. This cost may appear often within the project repayment period. Replacement costs amount to investment of capital in addition to original capital cost of a project.

B. CAPITAL AVAILABILITY

Financial costs of a project should be given in constant dollars, including engineering and technical contingencies. The sources of the necessary capital costs which are cited need to be specified.

C. REVENUE AVAILABILITY

In the determination of sufficient available revenues needed to cover the reimbursable project costs, a demand study is desirable. The purpose of the demand study is to determine revenue

derived from prices per unit of project services.

Evaluation of willingness to pay, determined by spot interviews, is limited to the current population of beneficiaries. Since repayments are generally predicated upon future demand for project service, analysis of future services should be made on the basis of historical, future expected economic growth, and the influence of service charges. In the case of urban water supply, this analysis emphasizes review of projections of population growth in relation to the local economic base.

An adequate cash flow must be shown, revenues must at least equal yearly disbursements. In the event that revenues are deficient in this respect, then there must be a reserve fund available to fulfill the obligation.

D. REPAYMENT

The repayment scheduling is a year-by-year analysis of the agency's or political subdivision's income and expenses of its projects and programs. The analysis shows operation, maintenance and replacement expenditures, payments into a reserve fund, payments of interest, and payments towards the retirement of the debt. The analysis should carry through each year of the repayment period, showing the manner in which the project works will be paid. If a development period or build-up period is necessary for quantification of financial feasibility, this aspect is to be accounted for in the repayment analysis. The analysis should be consistent with the estimates of payment capacity determined previously, and should also be consistent with the period of years in which bonds are to be issued or other types of financing are to be

arranged.

For repayment scheduling NRC/NRDF Form 02F2 must be completed.

E. For all project Applications and Feasibility Reports NRC/NRDF Form 02F1 must be completed. On NRC/NRDF Form 02F1 include the project name and complete the following:

Completed Form 02F1 and its accompanying information is to be attached to Form 02.

1. Applicant's Most Recent Financial Statement:

This is the applicant's most recent financial statement, budget document, or other documentation necessary to illustrate financial solvency of the applicant(s) political subdivision. Only one copy of the application needs to contain this document.

2. Legal Limit of Taxation by Applicant:

The limit established by statute, rule and regulation, etc., level up to which the political subdivision(s) may levy taxes. Any restriction on the annual rate of increase in taxation should also be noted.

3. Rate of Taxation Currently Being Levied:

That rate set and utilized at the current time by the applicant or applicants if more than one.

4. The Value of Property that may be Locally Taxed by the Applicant(s):

The current valuation of property upon which the taxes are levied.

5. Annual Tax Revenue:

The amount of tax revenue used to carry out the applicant(s) programs during the present year.

6. Trend of Actual Valuation:

Is it stable, increasing or decreasing. By what percentage?

7. Rate of Local Delinquency:

The amount that would not be expected to be paid or not to be available for utilization by the applicant(s).

8. Legal Limit of Revenue Bond Indebtedness:

That limit of debt in revenue bonds prescribed by law which the applicant may enter into.

9. Present Revenue Bond Indebtedness:

Self-explanatory.

10. Legal Limit of General Obligation Bond Indebtedness:

That limit of debt in general obligation bonds prescribed by law which the applicant may enter into.

11. Present General Obligation Bond Indebtedness:

Self-explanatory.

12. Other Debts or Financial Commitments Which May Affect this Project:

Self-explanatory.

13. Overlying Bond Indebtedness:

Describe the sponsor's area of responsibility and its share of debts incurred for other purposes.

14. Evaluation of Financial Status of Agency from a Financial Consulting Firm:

The latest audit of the applicant. Only one copy of the application needs to contain this document.

15. If a Loan is Requested, Complete NRC/NRDF Form 02F2:

Information required for NRC/NRDF Form 02F2 is as follows:

a. Income

1) Quantity of Project Services Sold

That volume (etc.) of services expected to be sold to a potential consumer(s) or user(s).

2) Price per Unit

That amount of charge for the service to be provided.

3) Revenue Expected to be Generated:

That amount of revenue expected to be returned by the project (annually).

4) Revenue from Taxes, if any:

Self-explanatory.

5) Other Revenues:

That which may arise from some other aspect of the project.

b. Outgo

1) Operation & Maintenance Expense:

Those expected funds required to operate and maintain the project (annual cost).

2) Replacement Cost:

That amount offset to a replacement reserve for replacement.

3) Bond Service:

If any, include principal and interest.

4) Loan Service:

If any, include principal and interest.

5) Capital Expenditures:

If any, offset to a reserve fund.

6) Other Expenditures:

Self-explanatory.

c. Reserve Funds:

1) Reserve for Replacement:

That which is required to maintain the system operable for the period of analysis. This does not include a capital depreciation fund.

2) Reserve for Bond Service:

As required by prospectus.

3) Contingency Fund for Operation & Maintenance Expense:

This limit is to be established based on records shown by profit and loss statement and balance sheet and/or the assessed valuation of the agency and overlying debts. Recognition should be given to the monthly cash flow and/or credit arrangements made for the operating fund. The minimum is two months' Operation and Maintenance expenses plus a Working Fund.

4) Reserve for Future Construction:

To be used when staged construction is an integral part of the project.

5) Other

Self-explanatory.

Nebraska Natural Resources Commission Nebraska Resources Development Fund	PROJECT NAME:	NRC/NRDF
FINANCIAL FEASIBILITY DATA		FORM
		02F1
1. Applicant's most recent financial statement	ATTACH	_____
2. Legal limit of taxation by applicant	ATTACH	_____
3. Rate of taxation currently being levied	ATTACH	_____
4. The value of property that may be locally taxed by the applicant(s)	ATTACH	_____
5. Annual tax revenue		
6. Trend of actual valuation		
7. Rate of local delinquency		
8. Legal limit of revenue bond indebtedness	ATTACH	_____
9. Present revenue bond indebtedness	ATTACH	_____
10. Legal limit of general obligation bond indebtedness	ATTACH	_____
11. Present general obligation bond indebtedness	ATTACH	_____
12. Other debts or financial commitments which may affect this project	ATTACH	_____
13. Overlying bond indebtedness	ATTACH	_____
14. Evaluation of financial status of agency from a financial consulting firm	ATTACH	_____
15. If a loan is requested, complete NRC/NRDF Form 02F2		

THIS IS A SAMPLE

Forms are available at
Nebraska Natural Resources Commission
301 Centennial Mall South - 4th Floor
P. O. Box #94876 - Lincoln, NE 68509

SECTION THREE

APPENDIX D

ENVIRONMENTAL ACCEPTABILITY

A project is considered to be environmentally acceptable when the plan of development minimizes any adverse impacts on the environment, includes appropriate compensation measures and will not jeopardize the continued existence of any threatened or endangered species or destroy any of its critical habitat. In addition to any proposed compensation measures, if applicable, all aspects of the proposed project which can be anticipated to result in environmental enhancement or environmental degradation shall be considered in determining whether the plan of development minimizes adverse impacts. To assist the Director of Natural Resources in determining environmental acceptance, the applicant will demonstrate the probable environmental and ecological consequences of the project by considering all areas of study identified on the environmental acceptance NRC/NRDF Form 02Ev1 and utilize NRC/NRDF Form 02Ev2 (Environmental checklist) to assess areas and determine the known or unknown effects.

Refer to Chapter 2, Sections 011.11, 011.12, and 011.13 of the NRDF Rules and Regulations for specific requirements regarding consultation with the Game and Parks Commission on threatened and endangered species.

NRC/NRDF Form 02Ev1

Completion Instructions

Additional sheets may be used to continue a particular segment of this form.

1. Description of the Proposed Action:

A general description of the project area and its land and water resources; zoning of area (if applicable); project facilities; and developmental opportunities regarding future land use in the project area.

2. Description of the Environment:

a. General Description:

Include site location, site characteristics and general topographic setting of project area.

b. Soils and Geology:

Information gained in the technical feasibility report may be used here. A map of the area would be beneficial. The section should include a description of the surface soil profile and the characteristics of these soils. Conversely, the subsurface profile, as it impacts on the project, should be addressed.

c. Vegetative Elements:

The major plant communities are to be identified and described. Individual species, especially dominant ones, should be identified.

d. Fish and Wildlife Elements:

Principal fish and wildlife species and their habitats should be identified and described. Particular attention should be directed to threatened and endangered species. Consultation with the Game and Parks Commission as specified in the NRDF Rules and Regulations is required.

e. Hydrology:

Drainage basin, streamflow characteristics, water table, flow of streams, size of pool(s), and design size of structures are to be included.

3. Environmental Impact of Proposed Action:

a. Acquisition Impacts:

The extent to which acquiring the said property may affect public ownership of land; relocation of families and farmsteads and possible future developmental trends.

b. Construction Impacts:

Address the impacts of construction activity as it affects soil erosion, water and air quality, etc. and discuss feasible measures to minimize any adverse impacts.

c. Recreational Development Impacts:

The extent to which recreation development will affect the site itself and the surrounding area (traffic, noise, dust, etc.)

d. Inundation Impacts:

Consequences of inundation both favorable and unfavorable are to be addressed.

e. Off-Site Impacts:

The degree of influence exerted on the surrounding area is to be determined to the extent feasible (effects on downstream hydrology, land use changes, stream habitat, erosion and/or siltation, etc.).

4. Compensation Measures:

Explain those measures proposed to replace features which may be lost due to construction of the project. Wildlife habitat plantings, grass seedings, fish habitat structures, aesthetically pleasing landscaping, and cultural resources recovery are examples of compensation measures.

5. Adverse Effects Which Cannot Be Avoided:

Include effects of the project which cannot be avoided such as: Increased noise during construction; removal of vegetation; loss of wildlife habitat; etc.

6. Relationship between short-term use and long-term productivity:

Describe the comparison and/or contrasts between these two aspects of the project.

7. Irreversible or Irretrievable Commitment of the Resources:

Describe as appropriate.

8. Alternatives to the Proposed Action:

Examine and explain those options available such as: No action; use of another site; reduced development; increased development; alternative resources to perform the same function.

Examples: Use of land treatment measures rather than a structure to control flooding or restrict development in the flood plain area rather than build a structure.

9. Consistency with Other Planning:

The extent to which the project is consistent with or contributes to the fulfillment of comprehensive planning for the state or locality.

10. Prime Farmland:

Identify any prime farmland that will be either adversely or beneficially affected. Prime farmland is that land so defined in the modern soil surveys of the U.S.D.A. Soil Conservation Service. The identification is to include a description of the soils, and the size and location of the area involved. A map which shows the prime farmland should also be included.

11. Unique Scenic, Archeological, and Historical Features:

Clearance is to be included for those areas of archeological, historical significance and unique scenic resources. If a cultural resources survey of the area is required by the Director of Natural Resources, it will be reimbursed at the same rate as other eligible project features.

The following procedure will be used to determine the need for cultural resources surveys in NRDF projects:

- I. Sponsor submits project proposal to NRC.
- II. Project proposal sent to Environmental Committee for review.
- III. Environmental Committee members review project proposal.

Representative from State Historical Society (SHS) assesses need for cultural resources survey. SHS representative responds with a letter to committee chairman stating whether a survey is or is not needed or that there is inadequate information to make a decision on the need for a survey.

- IV. The Environmental Committee determines the need for a cultural resources survey. If they determine that one should be conducted, they include that recommendation in the action they take on the project proposal.
- V. The Director of Natural Resources can require that a cultural resources survey be conducted by the project sponsor in its action on the project proposal.
- VI. If required to conduct the survey, the project sponsor sees that it is done during the one-year period that the sponsor has to complete the application and feasibility report.
- VII. Sponsor submits application, feasibility report, and cultural resources survey report to NRC.
- VIII. Above documents sent to Environmental Committee for review.
- IX. The Environmental Committee includes any appropriate recommendations in the action it takes on the project application. If the committee feels the cultural resources aspect of the project application has not been properly addressed, it does have the option of finding the project to be environmentally unacceptable at that time.

Nebraska Natural Resources Commission
Nebraska Resources Development Fund

PROJECT NAME:

NRC/NRDF
FORM

ENVIRONMENTAL FEASIBILITY

02Ev1

1. Description of the Proposed Action:

2. Description of the Environment: (ATTACH) _____

3. Environmental Impact of Proposed Action: (ATTACH) _____

4. Compensation Measures:

5. Adverse Effects Which Cannot Be Avoided:

THIS IS A SAMPLE

Forms are available at
Nebraska Natural Resources Commission
301 Centennial Mall South - 4th Floor
P. O. Box #94876 - Lincoln, NE 68509

6. Relationship between short-term use and long-term productivity:

7. Irreversible or Irretrievable Commitment of the Resources:

8. Alternatives to the Proposed Action:

(ATTACH) _____

9. Consistency with Other Planning:

10. Prime Farmland:

11. Unique Scenic, Archeological and Historical Resources:

THIS IS A SAMPLE

Forms are available at:
Nebraska Natural Resources Commission
301 Centennial Mall South - 4th Floor
P.O. Box 94876 - Lincoln, NE 68509

SECTION THREE

APPENDIX E

LEGAL DATA

Legal data submitted by the applicant in the feasibility report shall include the following:

- a. An explanation, with appropriate documentation of legal authorities of the applicant's intention to finance that part of the project or program for which assistance from the Fund is not requested.
- b. A certified copy of a resolution of the applicant requesting financial assistance from the Nebraska Resources Development Fund and containing finding that the applicant cannot finance the project from other available state or federal sources.
- c. A statement of the applicant executed by the official representative and his affidavit before an officer qualified to administer oaths and properly acknowledge that the facts contained in the application are true and correct to his best knowledge and belief.
- d. Copies of any available proposed or executed contracts for construction or consultant services necessary for construction of the proposed program or project and included as part of the total cost of the project.
- e. Such other information, plans, and specifications as are requested by the Director or the Commission and which are necessary for an adequate understanding of the project.
- f. A listing of any permits, licenses, or other approvals required for the proposed project, their current status, and estimated schedule for compliance.
- g. An explanation of the sponsor's plan to require consultants, contractors, and sub-contractors to obtain liability insurance or bonding to ensure the proper construction of the project.
- h. An analysis of the sponsor's potential liability for damages from the project, including dam failure, overflow, or seepage of water and an explanation of the sponsor's plan to protect itself from any such liability.

SECTION FOUR

DEFINITIONS

As used in the Rules and Regulations and these Guidelines, the terms listed below shall have meanings as noted:

(1) Act

"Act" shall mean Sections 2-1586 to 2-1595, R.R.S., 1943, and all amendments thereto.

(2) Applicant

"Applicant" shall mean any state agency or political subdivision applying for financial assistance under the Act.

(3) Associated Costs

Extra costs incurred individually by primary beneficiaries (above those they would incur in absence of a project to realize their benefits in full. These added costs are deducted from the gross primary benefits attributable to a project. Examples of associated costs are:

1. Costs incurred by a farmer in distributing project water from his headgate to his lands, including costs of any new on-farm irrigation systems.

2. Costs of private farm investment and farm operation under project conditions to convert to new cropping patterns or different operating methods, including increased costs for livestock, buildings, machinery, equipment, and local governmental services.

In most cases, the method of benefit measurement automatically takes into account added cost to a primary beneficiary of realizing his benefits. Where this is true, associated costs are not computed

separately or otherwise employed in the analysis.

(4) Benefits Attributable to a Project

The difference in net values under estimated future conditions with and without a project.

(5) Commission

"Commission" shall mean the Nebraska Natural Resources Commission created pursuant to Section 2-1504, R.R.S., 1943, and amendments thereto.

(6) Director

"Director" shall mean the Director of Natural Resources as provided in Section 2-1504.03, R.S. Supp., 1984;

(7) Drainage

To rid the land of its superfluous moisture by adopting or improving natural watercourses and supplementing them, when necessary, by ditches or other artificial means.

(8) Enhancement

Improvement of conditions for fish and wildlife, making a habitat better than it was under natural or non-project conditions, and resulting in increased project populations of fish and game. Enhancement also results from provision of new habitat where none existed before.

(9) Flood Control

(1) A reduction in the amount of water which escapes from a stream or other natural drainageway and inundates or overflows adjacent land area; or,

(2) A reduction in the amount of land area over flowed by water escaping from a stream or other natural drainageway.

(10) Flood Damage

Partial or complete destruction of goods, property, services, or health resulting from flood waters. Losses are calculated at the point of first impact.

(11) Fund

"Fund" shall mean the Nebraska Resources Development Fund created by Section 2-1587, R.R.S., 1943.

(12) General Benefits

Benefits that cannot be identified, appropriated, claimed as the property of, or subject to assessment by some particular agency or group of agencies.

(13) Governing Body

"Governing Body" shall mean the individual group of individuals which are empowered by law to govern the business of an applicant.

(14) Intangible Benefits

Benefits, either primary or secondary, that cannot be expressed in monetary terms.

(15) Land Enhancement

Net increase in market value of land in the flood zone, as limited by the land value at valid alternative sites where land is not a constraint;

(16) Mitigation

Measures taken, or facilities constructed and operated, to compensate for loss of fish and wildlife resources resulting from water development. Examples are provisions for a fish hatchery to compensate for lost spawning areas, and provision for a larger minimum pool in a reservoir to compensate for reduced flows in the project stream.

(17) Political Subdivision

"Political Subdivision" shall mean any political subdivision of the State of Nebraska to which has been granted the authority to develop water and related land resources, including but not limited to a natural resources district, irrigation district, public power and irrigation district, reclamation district, groundwater conservation district, county and any municipal corporation, village, or city, whether operating under home rule charter or under the general laws of the State of Nebraska.

(18) Preservation

Measures necessary to protect existing fish and wildlife resources and to maintain natural fish and wildlife productivity in connection with water project development.

(19) Primary Benefits

Net values attributable to a project of increases in products and services and of reductions in costs, damages, or losses of primary beneficiaries.

(20) Primary Beneficiaries

Those who use goods and services directly resulting from the project.

(21) Primary Tangible Flood Control Benefits

Immediate values that residents, businesses and other enterprises within a project area derive as a result of flood control measures, either through avoiding direct costs and losses or through increased net income made possible by opportunities for more economic activity.

(22) Program and/or Project

"Program and/or Project" shall mean any structural or non-structural undertaking for which assistance from the Fund is requested. Unless the context otherwise requires,

no distinction is intended between such terms and they may be used interchangeably for purposes of administration of these rules and regulations.

(23) Project Benefits

Net values of goods and services produced by the project and by activities stemming from or induced by the project after deducting all non-project economic costs (associated and secondary) involved.

(24) Project Costs

All monetary expenditures incident to construction and operation of a project, including (1) all monetary expenditures by units of federal, state, and local government necessary to establishing and operating a project, and (2) cost of any auxiliary facilities, such as distribution and drainage works, access roads, or recreation structures constructed and operated by local agencies.

(25) Project Engineer or Project Director

"Project Engineer or Project Director" shall mean any engineer, engineering firm, or other person, persons, or firm retained by the sponsor to provide professional engineering or other professional or technical services during the planning, design, and construction of the project.

(26) Rate of Return on Investment

The discount rate applied to future benefits and costs at which costs and benefits become equal and the net present worth of the project cash flow is zero.

(27) Secondary Benefits

Net values that accrue to persons other than primary beneficiaries as a

result of economic activity induced by or stemming from a project.

(28) Secondary Beneficiaries

Persons other than primary beneficiaries to whom net values accrue directly as a result of economic activity induced by or stemming from a project.

(29) Special Benefits

Benefits that can be identified, appropriated, claimed as the property of, or subject to assessment by some particular agency or group of agencies.

(30) Sponsor

"Sponsor" shall mean the state agency or political subdivision primarily responsible for the development, administration, operation, and maintenance of a program or project for which assistance from the fund is requested.

(31) State Agency

"State Agency" shall mean any agency, board, commission, or other office of state government to which has been granted the authority to develop the state's water and related land resources.

(32) Tangible Benefits

Benefits, either primary or secondary, that can be expressed in monetary terms.

(33) Prime Farmland

"Prime Farmland" is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these. (The land could be cropland, pastureland, rangeland, forest land or other land, but not urban built-up land or water.)

SECTION FIVE

NEBRASKA NATURAL RESOURCES COMMISSION

TITLE 256 - REGULATIONS GOVERNING THE
ADMINISTRATION OF THE
RESOURCES DEVELOPMENT FUND

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Title 256 - NATURAL RESOURCES COMMISSION

Chapter 1 - GENERAL PROVISIONS

001 Purpose and Effect of Rules. These rules and regulations are adopted for the purpose of carrying out the provisions of Sections 2-1586 to 2-1595, R.R.S., 1943. Under no circumstances shall these rules and regulations be construed as a limitation or restriction upon the exercise of any proper discretion that is vested in either the Director or the Natural Resources Commission, nor shall they in any event be construed to deprive the Director or the Commission of any exercise of powers, duties and jurisdiction conferred by law, nor to limit or restrict the amount or character of data or information which may be required for the proper administration of Sections 2-1586 to 2-1595, R.R.S., 1943.

002 Definitions. As used in these rules and regulations, the terms listed below shall have the meanings noted:

002.01 Act. "Act" shall mean Sections 2-1586 to 2-1595, R.R.S., 1943, and any and all amendments, additions, or deletions which may be made thereto;

002.02 Applicant. "Applicant" shall mean any state agency or political subdivision applying for financial assistance under the Act;

002.03 Commission. "Commission" shall mean the Nebraska Natural Resources Commission created pursuant to Section 2-1504, R.S., Supp., 1984, and amendments thereto;

002.04 Director. "Director" shall mean the Director of Natural Resources as provided in Section 2-1504.03, R.S. Supp., 1984;

002.05 Fund. "Fund" shall mean the Nebraska Resources Development Fund created by Section 2-1587, R.S. Supp., 1984;

002.06 Governing Body. "Governing Body" shall mean the individual or group of individuals which are empowered by law to govern the business of an applicant;

002.07 Intangible Benefits. "Intangible Benefits" shall mean benefits, either primary or secondary, that cannot be expressed in monetary terms;

002.08 Political Subdivision. "Political Subdivision" shall mean any political subdivision of the State of Nebraska to which has been granted the authority to develop water and related land resources, including, but not limited to a natural resources district, irrigation district, public power and irrigation district, reclamation district, groundwater conservation district, county, and any municipal corporation, village, or city, whether operating under home rule charter or under the general laws of the State of Nebraska;

002.09 Primary Benefits. "Primary Benefits" shall mean net values attributable to a project of increases in products and services and of reductions in costs, damages, or losses of primary beneficiaries;

002.10 Program and/or Project. "Program and/or Project" shall mean any structural or non-structural undertaking for which assistance from the Fund is requested. Unless the context otherwise requires, no distinction is intended between such terms and they may be used interchangeably for purposes of administration of these rules and regulations.

002.11 Project Engineer or Project Director. "Project Engineer or Project Director" shall mean any engineer, engineering firm, or other person, persons or firm retained by the sponsor to provide professional engineering or other professional or technical services during the planning, design, and construction of the project;

002.12 Secondary Benefits. "Secondary Benefits" shall mean net values to persons other than primary beneficiaries as a result of economic activity induced by or stemming from a project;

002.13 Sponsor. "Sponsor" shall mean the state agency or political subdivision primarily responsible for the development, administration, operation and maintenance of a program or project for which assistance from the fund is requested;

002.14 State Agency. "State Agency" shall mean any agency, board, commission, or other office of state government to which has been granted the authority to develop the state's water and related land resources;

002.15 Tangible Benefits. "Tangible Benefits" shall mean benefits, either primary or secondary, that can be expressed in monetary terms.

003 Types of Assistance. Eligible applicants for financial assistance from the Fund may receive such assistance in the form of grants, loans, or through the direct acquisition by the state of interests in eligible programs and projects. The form of assistance which may be allocated to a program or project shall be determined utilizing the following criteria:

003.01 Grants. Allocations from the Fund may be made as grants to applicants when it is determined that such an allocation will not be reimbursed from revenue or receipts and when the program or project, or separable portion thereof, appears to be of general public benefit thereby making reimbursement of such money from local tax funds inappropriate or impossible, or when the funds are intended for a state or local contribution to a program or project requiring such contribution to meet the requirements for a matching federal grant. If only a portion of the project meets the above criteria, only that

portion will be eligible for a grant. In determining the appropriateness of a grant the considerations of the Director and the Commission shall include the extent of the area over which the anticipated benefits will accrue and whether equitable distribution of the costs of the program or project can be accomplished without a grant.

003.02 Loans. Allocations may be made from the Fund as loans to applicants for any program or project or any part thereof consistent with the purposes of the Act which will directly generate revenue or receipts or which can be anticipated to culminate in a program or project which will generate revenue or receipts, or which would not generate revenue or receipts but would be of general public benefit to the applicant making repayment from local tax funds appropriate.

003.03 Acquisition of State Interests. Interests in water and related land resources projects may be acquired by the Commission in the name of the state with moneys from the fund when the public benefits obtained from the project or a part thereof are statewide in nature and when associated costs are determined to be more appropriately financed by other than a local organization. The Commission may also acquire interests in water resources projects in the name of the state to meet future demands for usable water.

003.04 Allocations to State Agencies. No grant or loan shall actually be made to state agencies for programs or projects determined to be eligible for funding unless:

003.04A The allocation is for the purpose of reserving land for a future resource development project, or;

003.04B The allocation has been approved by the Legislature by earmarking appropriations to the Fund for that purpose.

004 Eligible Projects. Moneys from the Fund may be used to (a) participate in locally sponsored projects; (b) participate in projects sponsored or financially assisted by the federal government, and; (c) finance state-sponsored projects. The types of projects and programs eligible for funding and the respective forms of such funding are as follows:

004.01 Structural Measures. Structural measures which may be eligible for allocations from the Fund in the form of grants and/or loans include measures designed for flood control; pollution abatement; fish and wildlife enhancement and preservation; outdoor recreation, irrigation development; irrigation rehabilitation; groundwater recharge; water supply for any beneficial use including domestic, agricultural, and manufacturing uses; streamflow augmentation; stream bank stabilization; and erosion and sediment control.

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Chapter 1

004.02 Non-structural measures. Non-structural measures which may be eligible for financial assistance from the Fund in the form of grants and/or loans include: flood damage reduction; fish and wildlife enhancement and preservation; outdoor recreation; reservation of lands for future resources development projects; and other water and related land resources programs.

005 Interest Rate. The rate of interest payable on loans from the Fund shall be determined annually prior to October 1 of each fiscal year. Such rate of interest shall be computed by averaging the yields, as determined by the "Moody's" rating and classification system, of Aaa State-Local Bonds issued nationally for the three previous fiscal years and by rounding off such average to the nearest one-eighth percent. The rate of interest payable on a loan for a specific program or project shall be the rate in effect for the fiscal year in which the Director recommends approval of the program or project for a loan allocation. Such rate shall remain in effect throughout the repayment period determined to be appropriate for such program or project.

006 Deferred Interest. When in the Commission's judgement a construction or preconstruction period (not exceeding five years next following the initial allocation) is justified, no payment on the interest or principal on such loans is required during that period, but interest shall begin accruing on all loan allocations immediately with disbursement. Repayment shall commence no later than one full year following completion of project construction. Any deferred interest may be apportioned over the repayment period. The repayment period will not exceed the project life or fifty years, whichever is less.

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Chapter 2 - APPLICATION PROCEDURES AND REQUIREMENTS

001 Filing Fees. No filing fee is required to accompany any project proposal or any application for assistance under the Act.

002 Filing Location. All project proposals, applications or other documents or instruments supplied by an applicant in connection with a request for financial assistance from the Fund shall be filed with the Director.

003 Application Procedure. It is recommended that each formal application for financial assistance from the Fund be preceded by an optional Project Proposal. An applicant may include the cost to the applicant of the feasibility report, the contents of which are specified by section 2-012 as a portion of the project costs of any project for which funding in an amount of less than \$50,000 is requested. Such cost may also be included as a portion of the project costs of any project for which funding in excess of \$50,000 is requested if, and only if, a project proposal has been previously submitted.

004 Information Required in Project Proposal. If the applicant decides to submit a Project Proposal, twenty-five copies shall be filed unless otherwise directed by the Director. The Project Proposal shall include the following information:

004.01 Name and address of applicant;

004.02 Applicant's authorized representative and his name and address;

004.03 A description of the proposed project and the desired accomplishments;

004.04 The primary purpose of the proposed project;

004.05 Other purposes of the proposed project;

004.06 A statement of urgency and need for the proposed project;

004.07 The applicant's most recent financial statement or budget document;

004.08 The estimated costs of the project;

004.09 The expected benefits from the proposed project;

004.10 The anticipated construction revenues or technical assistance from other sources;

004.11 The type and approximate amount of state assistance to be requested;

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004.12 A discussion of probable environmental effects which shall include a certification that the prospective sponsor has initiated consultation with the Game and Parks Commission concerning the potential impact of the proposed project on any threatened or endangered species or the critical habitat of any such species.

004.13 The estimated schedule of construction of the project, and;

004.14 A discussion of alternatives for accomplishing the purpose of the project.

005 Details of Project Proposals. The information required in Project Proposals shall be in such detail as directed by the Commission and Director. Appropriate guidelines for assistance in Project and Program Proposal preparation shall be prepared and distributed to all state agencies or political subdivisions expressing a need for such assistance.

006 Omissions in Project Proposal. If the Commission desires additional information on a Project Proposal it will so notify the applicant. If the Director determines that a Project Proposal is not complete, or if additional information is required, the Director will notify the applicant of such omissions. The applicant shall be expected to correct any such omission or provide any additional information requested within 60 days following notification.

007 Review by Commission and Director. Upon receipt of a properly completed Project Proposal, the Director shall review it forthwith, make a preliminary evaluation, and advise the Commission within 90 days: (1) that the Director recommends the Sponsor be authorized to proceed with preparation of a formal application and feasibility report; or (2) that, based upon the submitted proposal, the Director does not recommend the Sponsor prepare an application and feasibility report. The reasons for my negative recommendation shall be stated. The Director make any additional recommendations regarding the contents of the formal application and feasibility report it deems appropriate. Any such recommendations shall be forwarded to the Sponsor by the Commission. Upon receipt of the Director's recommendations the Commission shall advise the applicant: (1) that it is authorized to proceed with preparation of a formal application and feasibility report; or (2) that it is not recommended that an application and feasibility report be prepared and state the reasons for such recommendation.

008 Public Hearing and Notification. Except for projects requesting less than \$50,00 from the Fund, the applicant shall conduct at least one public hearing on all aspects of the proposed project or program prior to submission of the formal application and feasibility report. Notice of the hearing shall be provided to the general public by the publication, at least ten days prior thereto, in a newspaper or newspapers of general circulation

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Chapter 2

within the project or program area. A copy of such notice will be provided to the Director. Information gained from the hearing is to be forwarded with the application.

009 Time to Complete Formal Applications. Upon notice by the Commission of its findings on the Project Proposal, the Applicant shall be given a period of one year to complete a formal application, as set forth in these rules and regulations. If an application is not completed within one year, or within such additional time as the Commission may grant for good cause shown, the Commission may request the filing of a new Project Proposal.

010 Form of Formal Application and Feasibility Report. Applicants for financial assistance from the Fund shall file twenty copies of an application and feasibility report. Such application shall contain a specific request for each type of assistance applied for in a specified amount. The contents of such application and feasibility report shall include all items required by sections 2-011 to 2-018 unless otherwise directed by the Director. Feasibility reports shall be prepared at the initial expense of the applicant and with the assistance of licensed engineers, financial consultants, economists, recreation planners, wildlife specialists, or other consultants if deemed necessary by the Director following its evaluation of the Project Proposal. Costs of preparation of the feasibility report incurred by the applicant may be included if consistent with section 2-003.

011 Contents of Formal Application. Except to the extent that such information has previously been indicated through submission of a Project Proposal, the formal application shall include the following information:

011.01 A cover letter from the applicant submitting the feasibility report, the contents of which are specified by section 2-012;

011.02 The name and address of the applicant's authorized representative;

011.03 An outline of the initial development and background of the project;

011.04 An explanation of the need and urgency of the project;

011.05 A description of project goals and purposes;

011.06 A general discussion of alternative plans considered including a comparison of the technical, economic, and environmental aspects of each alternative with the plan chosen;

011.07 A statement whether money from other sources is available or has been sought;

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011.08 A showing that the applicant holds or can acquire the necessary land rights, if applicable;

011.09 A showing that the applicant has or may acquire all necessary water rights, if applicable;

011.10 A showing that the applicant possesses all other necessary authorities to undertake or to participate in the proposed program or project;

011.11 A certification that the Sponsor has consulted with the Game and Parks Commission regarding the impact of the project on any threatened or endangered species or the critical habitat of any such species;

011.12 A copy of any correspondence between the Sponsor and Game and Parks Commission regarding the impact of the proposed project on any threatened or endangered species or any critical habitat.

011.13 A statement that the Sponsor has determined the proposed project will not jeopardize the continued existence of any threatened or endangered species or destroy or modify the critical habitat of any such species.

012 Contents of Feasibility Report. Contents of the feasibility report are to be of sufficient detail to demonstrate the technical, economic and financial feasibility, as well as the legal soundness, of the proposed project. Additionally, the expected positive and adverse environmental and ecological consequences of the project shall be therein demonstrated. Detail of the feasibility report will depend upon the type, purpose, and complexity of the project. Upon completion of any project proposal review, the Director will, to the extent deemed necessary advise the applicant as to:

012.01 The criteria utilized to evaluate the technical, economic, financial, legal, and environmental aspects of the program;

012.02 The informational detail to be contained in the feasibility report.

013 Technical Feasibility.

013.01 A structural project shall be considered technically feasible when it can be designed, constructed, and operated to accomplish the purpose(s) for which it was planned utilizing accepted engineering and other technical principles and concepts. Technical data and information to be provided in the feasibility report should include, but is not limited to, the following:

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013.01A A detailed discussion of the plan of development selected for the project;

013.01B A description of all field investigations made to substantiate the feasibility report;

013.01C Maps, drawings, charts, tables, etc., used as a basis for the feasibility report;

013.01D A description of the water and land rights associated with the project and pertinent water supply information, if appropriate;

013.01E A detailed discussion of each component of the final plan preparation including, when applicable:

013.01E1 Required geologic investigation;

013.01E2 Required hydrologic data;

013.01E3 Design criteria for final design including, but not limited to, soil mechanics, hydraulic, hydrologic, structural, embankments and foundation criteria.

013.02 A non-structural project shall be considered to be technically feasible when it can be designed and carried out to accomplish the purpose(s) for which it was planned. Data necessary to establish the technical feasibility should include, but is not limited to the following:

013.02A A detailed discussion of the plan of development designed for the project, including techniques to be utilized in all aspects of the project;

013.02B A description of field or research investigations utilized to substantiate the project conception;

013.02C A description of the water and/or land rights necessary for project continuation, if applicable;

013.02D A discussion of the anticipated effects, if any, of the proposed project upon the development and/or operation of existing or envisioned structural measures including a brief description of any such measure.

014 Economic Feasibility. Except as otherwise specified by subsection 014.04 or subsection 014.05 of this section, a project is economically feasible if primary, tangible benefits exceed project costs. In addition, for projects

for which \$50,000 or more is requested from the Fund, each project's purpose in a multi-purpose project must provide benefits equal to or greater than its separable or specific cost as specified by the Director and there must be no known means of accomplishing the same purpose or purposes more economically. All costs and benefit data reported by the applicant will be based upon current data and sources for all data must be documented. Certain commodity prices, recreation benefit prices, and wildlife prices will be prescribed by the Director. The Director may also prescribe other costs and benefit information necessary for completion of the feasibility report. The period of analysis for economic feasibility studies shall be fifty (50) years or the life of the project, whichever is less.

014.01 Cost Information. The report shall include all relevant cost information including, but not limited to, all actual or anticipated costs for the feasibility study, the engineering and inspection costs, capital construction costs, annual operation and maintenance costs, and annual replacement costs. Cost information shall also include the estimated construction period as well as the estimated project life.

014.02 Benefit Information. Only primary tangible benefits may be counted in providing the monetary benefit information. In a multi-purpose project, the benefits will be estimated for each purpose and displayed by year for the project life. Intangible and secondary benefits of the proposed project or program should be described for consideration and evaluation by the Director and the Commission. Benefit measurement techniques and criteria shall be provided to the applicant by the Director.

014.03 Cash Flow Stream. All benefit and cost data will also be presented in a table form to indicate the annual cash flow for the life of the project, not to exceed 50 years. A form for so indicating the annual cash flow shall be supplied by the Director.

014.04 Rate of Return on Investment. The cost and benefit data expressed in the cash flow stream will be utilized by the Director to calculate the rate of return on the investment. The rate of return on the investment is the discount rate applied to future benefits and costs at which costs and benefits become equal and the net present worth of the project cash flow is zero. The Commission may prescribe a minimum rate of return for a project to be considered economically feasible.

014.05 Other Methods. In the case of proposed programs or projects for which there is no generally accepted method for calculation of primary, tangible benefits, the economic feasibility of such program or project shall be demonstrated by such method as the Director and the Commission deem appropriate.

015 Financial Feasibility. A project is financially feasible if sufficient funds can be made available to complete the project, and if sufficient annual revenues can be obtained to repay the reimburseable costs and to operate, maintain, and replace the project. When a loan is involved, financial feasibility requires assurance that the project can be adequately operated, maintained, and replaced and that the loan can be repaid during the repayment life of the project. Financial data supplied by the applicant shall include the applicant's most recent financial statement, budget document or other documentation necessary to illustrate the following:

015.01 The legal limit of the rate of taxation by the applicant and the rate currently being levied;

015.02 The limit of property that can be locally taxed by the applicant;

015.03 The level and trend of actual evaluation;

015.04 The rate of local delinquency;

015.05 The legal limit of revenue and general obligation bond indebtedness;

015.06. Any debts, including bonded indebtedness and those resulting from contractual or other obligations.

If a loan is requested, applicant shall also supply a complete year-by-year repayment schedule in such detail as directed by the Director.

016 Environmental Acceptance. A project is considered to be environmentally acceptable when:

016.01 The Director has found that the project will not jeopardize the continued existence of any threatened or endangered species or result in the destruction or modification of the critical habitat of any such species; and

016.02 The plan of development minimizes, in a manner satisfactory to the Director, any adverse impacts on the natural environment.

In addition to any proposed mitigation measures, if applicable, all aspects of the proposed project which can be anticipated to result in environmental enhancement shall be considered in determining whether the plan of development does minimize adverse impacts. To assist the Director in determining environmental acceptance, the applicant will demonstrate the probable environmental and ecological consequences of the project by considering all areas of study identified on an environmental checklist supplied by the Director.

017 Federally Assisted Projects. When assistance from the Fund is requested for participation in a project planned by an agency of the federal government, the federally prepared plan of work can be submitted by the applicant for the purpose of complying with Sections 2-013, 2-014, and 2-016 and shall be submitted at the request of the Director. The Director does, however, reserve the right to reject all or a portion of any such plan of work on the grounds that the information provided therein is insufficient or inadequate for full evaluation of the proposed project's eligibility for assistance from the Fund.

018 Required Legal Data. The applicant shall assure the Director and the Commission that all legal requirements have or can be met prior to the allocation of any funds for the proposed program or project. Legal data submitted by the applicant in the feasibility report shall include the following:

018.01 An explanation, with appropriate documentation of legal authorities, of the applicant's intention to finance that part of the project or program for which assistance from the Fund is not requested.

018.02 A certified copy of a resolution of the applicant requesting financial assistance from the Commission and containing a finding that the applicant cannot finance the project from other available state or federal sources.

018.03 A statement of the applicant executed by the official representative and his affidavit before an officer qualified to administer oaths and properly acknowledge that the facts contained in the application are true and correct to his best knowledge and belief.

018.04 Copies of any available proposed or executed contracts for construction or consultant services necessary for construction of the proposed program or project and included as part of the total cost of the project.

018.05 Such other information, plans, and specifications as are requested by the Director or the Commission and which are reasonably necessary for an adequate understanding of the project.

019 Omissions in Application. If an application submitted to the Director is not complete or if additional information is required, the Director will notify the applicant in what respect the application is incomplete; if the application is not completed within 90 days after the notice that the application is incomplete, unless the Director extends this time for good cause shown, the Director will return the application to the applicant without making any findings on the application and without prejudice to the submission of a new application at any future time.

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020 Use of Commission Data. Any pertinent data of the Commission made available to applicants for use in preparing applications and feasibility reports will be furnished at cost.

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Chapter 3 - ACTION BY THE DIRECTOR

001 Review and Report by the Director. On receipt of a completed application and feasibility report required by Chapter 2 of these rules and regulations, the Director shall review the application and feasibility report and shall within six months of receipt prepare a report containing his or her findings and recommendations with respect to the application and will file such report with the Commission. Copies of the Director's report will be furnished to the applicant. The Director's report shall include the following items:

001.01 A recommendation of approval or rejection of the program or project for funding eligibility.

001.02 If approval is recommended, a recommendation that the allocation be made in the form of a grant, loan, acquisition of state interest, or combination thereof.

001.03 If a program or project is recommended for loan assistance, a recommendation of the appropriate repayment period and rate of interest.

001.04 A recommended degree of assistance for each type of allocation recommended by the Director.

002 Committee Findings and Public Hearings. To assist the Director in making his or her review and report, the Director may refer the application and feasibility report, or any parts thereof, to such committees as he or she may establish. In addition, the Director may, at his or her discretion, conduct one or more public hearings at such location(s) as he or she shall choose for the purpose of receiving public testimony on all aspects of the proposed program or project. The record of any such public hearing, shall constitute a part of the Director's report to the Commission.

003 Considerations in Passing on Applications. In passing on applications, the Director shall consider:

003.01 The needs of the area to be served by the program or project and the benefit to be received from the program or project by the area served.

003.02 The availability of revenue to the applicant from all sources.

003.03 Whether the program or project is of such general public benefit that state financial assistance is justified.

003.04 The relationship of the program or project to the overall statewide water and related land needs.

004 Required Findings of Fact. Prior to making any report to the Commission recommending approval of a program or project for funding eligibility, the Director shall make the following findings of fact:

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004.01 The plan does not conflict with any existing Nebraska State land plan.

004.02 The proposed program or project is technically, economically, and financially feasible based upon standards contained within these rules and regulations or otherwise adopted and supplied to the applicant by the Commission.

004.03 The plan for development of the proposed program or project is satisfactory.

004.04 The plan of development minimizes any adverse impact on the natural environment.

004.05 The applicant is qualified, responsible, and legally capable of carrying out the program or project.

004.06 In the case of a loan, the borrower has demonstrated the ability to repay the loan, and there is assurance of adequate operation, maintenance, and replacement during the repayment life of the project.

004.07 The plan considers other plans and programs of the state in accordance with the provisions of Sections 84-135, Reissue Revised Statutes of Nebraska, 1943, and resources development plans of the political subdivisions of the state.

004.08 The project will not jeopardize the continued existence of any threatened or endangered species or result in the destruction or modification of the critical habitat of any such species.

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Chapter 4 - COMMISSION ACTION AND REQUIREMENTS

001 Action on the Report of the Director. Unless the Commission requests additional information from the applicant, it shall no later than its second regular meeting following submission of the report by the Director, act to approve or reject the findings of fact made by the Director pursuant to section 3-004 and the recommendations of the Director; provided, however, that no action shall be taken until a delegation composed of Commission members has visited the project site and reported the results of its tour to the Commission or the appropriate committee of the Commission. Action on recommendations made by the Director pursuant to subsections .01 and .02 of section 3-001 shall be in accordance with such recommendations unless action to the contrary is approved by each Commission member eligible to vote on the specific recommendation under consideration. A Commission member shall be ineligible to participate in the action of the Commission concerning an application for a grant or a loan only if such member is a member of the governing body or otherwise represents the applicant for financial assistance. All Commission members shall be eligible to vote on programs and projects involving state acquisition of interests in projects pursuant to Section 2-1590, R.R.S., 1943. If the Commission determines, following review of the application, feasibility report, and the Director's report, that the proposed program or project is eligible for financial assistance from the Fund, the Commission shall determine a tentative dollar figure for such assistance. Tentative allocations shall also be established for each separable component of the project, as determined in accordance with section 4-006. In establishing its tentative allocations, the Commission may take into consideration the recommendations of the Director pursuant to subsection .04 of section 3-001, the total amount of money available in the Fund, and the number of and total tentative dollar allocations for other programs and projects previously determined eligible. No tentative grant allocation shall exceed an amount equal to seventy-five percent (75%) of the portion of the estimated project costs which the local sponsor would be required to provide if financial assistance from the Fund was not available. The Commission may vary the maximum allowable cost-share rate for different categories of projects. No tentative loan allocation or combination loan and grant allocations shall exceed an amount equal to ninety percent (90%) of such portion of the estimated project costs.

002 Project Totals Exceeding Balance in Fund. Although the total of previously approved allocations exceeds the amount of funds then available in the Fund, the Commission may approve the eligibility of additional projects and establish tentative dollar allocations for such projects if such projects are otherwise eligible for financial assistance and if such approval and tentative allocations are otherwise consistent with state law. Notwithstanding any such approval, a sponsor shall not under any conditions be entitled to reimbursement for any project costs until funds have been apportioned and set aside in accordance with sections 4-005, 4-007, or 4-008 for reimbursement of costs incurred by the sponsor on such project. Costs paid, accrued or authorized by a sponsor prior to funds being set aside for such projects and costs paid, accrued or authorized by a sponsor for portions of project development in excess of those portions for which funds have been set aside, including application and engineering costs, shall be incurred at the risk of the sponsor and such sponsor shall not be

entitled to reimbursement of such costs at any time without specific Commission approval for such reimbursement. Such costs may, however, be used by the sponsor to satisfy in whole or in part the sponsor's share of the total costs of the project if funds for remaining project costs are later apportioned and set aside for such project in accordance with sections 4-005, 4-007, or 4-008.

003 Applicability of Priority System. Regardless of the status of the Fund at the time of Commission approval of the eligibility of a project, the extent, if any, to which financial assistance will be provided to such project in any one fiscal year shall be in accordance with and contingent upon the availability of funds and Commission action apportioning and setting aside funds for such project in such fiscal year in accordance with sections 4-005, 4-007, or 4-008.

004 Continued Funding. In order to assure continued funding of projects with no separable components and of separable project components which are not further separable, the Commission, when it first apportions and sets aside in accordance with sections 4-005, 4-007, or 4-008 funds for such project or project component, shall set aside an amount equal to the appropriate percentage of the total cost of the project or the component even if it is not anticipated that all of such funds could be expended during the next ensuing fiscal year. Funds thus apportioned and set aside shall, as soon as costs have been incurred by the sponsor subsequent to such apportionment, remain set aside and be committed for such project or project component until the sponsor has received all reimbursement to which it is entitled unless:

004.01 The project is abandoned or significantly delayed;

004.02 The Commission has reasonable grounds for concern that the project or any portion of it may not be completed due to public opposition, litigation, or the loss of other state, local or federal funds needed to complete the project;

004.03 The Commission fails to receive a reappropriation of unexpected funds;

004.04 The appropriation for the Resources Development Fund is reduced by subsequent legislative act; or

004.05 The Commission determines the project no longer meets the criteria for funding eligibility contained in the Resources Development Fund Act or the Commission's rules and regulations.

If the Commission determines at any time that any of these conditions have occurred, any funds apportioned and set aside for the project which have not been disbursed, may be deemed by the Commission to be released. In order that the maximum practicable assurance of continued funding may be provided to sponsors of uncompleted projects which have previously been apportioned funds for one or more separable components, two separate priority lists will be established annually. These priority lists will include all projects and

project components accepted by the Commission in the manner provided in section 4-005 and only such projects and project components. The first list shall include separable project components which are components for projects for which funds for other separable components have previously been apportioned and set aside. The second list shall include all other projects and separable project components. Whenever funds are apportioned and set aside pursuant to sections 4-005 or 4-008, such funds shall first be apportioned to and set aside for project components in the first priority list, and shall then be apportioned and set aside for projects and project components in the second priority list.

005 Determination of Fiscal Year Financial Needs.

005.01 No later than March 31 of each year beginning in 1979 each sponsor willing to utilize and capable of utilizing either an initial or an additional apportionment of funds for a project which has been determined eligible for funding shall submit a report to the Commission indicating as follows:

005.01A If the project has no previously identified separable components and no request is made for identification of any such components, the report shall indicate the estimated time schedule for beginning and completing the project.

005.01B If the project has separable components, the report shall indicate the component or components for which the sponsor is requesting an apportionment and the estimated time schedule for commencing and completing such component or components.

005.01C If desired by the sponsor, the report may also include a request for the identification of separable components for a project with no previously identified separable components or for the separation of one or more previously identified separable components into additional separable components. Any such request shall be accompanied by an estimate of the costs for completing all separable components for which identification is requested. For those components for which apportionment of funds is required by part B of this subsection shall also be provided.

005.01D The extent of any opposition to completion of the project, or any separable component, including whether any lawsuits to prevent its completion have been instituted or are anticipated, whether any problems are being experienced or are anticipated in obtaining sufficient funds to meet the sponsor's financial obligations for the project, and any other factors desired, the information which may affect the sponsor's ability to complete the project.

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005.02 The Commission shall at its first meeting following March 31 of such year review such reports and shall accept, accept in part, or reject the reports thus submitted. The reports shall not be rejected or accepted only in part unless:

005.02A The Commission determines, based upon the information available to it, that it is unreasonable to expect that a project or project component is capable of being commenced within the next ensuing fiscal year,

005.02B The request for apportionment includes funds for more than one separable component of the project and one or more of such separable components could in the opinion of the Commission be delayed without significant adverse effect on the total project, or

005.02C The Commission has reasonable grounds for concern that the project, or any portion of it, may not be completed. Reasonable grounds for concern shall include, but not be limited to, opposition to completion of the project including current or anticipated lawsuits or the unavailability or loss of local or federal funds needed to complete the project.

005.03 After taking action on the reports, the Commission shall to the extent such reports are accepted determine in which of the priority lists established in accordance with section 4-004 each project or portion thereof is to be placed. Approval of requests for identification of new separable components shall be in accordance with section 4-006. Thereafter, the Commission shall, based upon the uncommitted funds available and in accordance with the priority order specified in section 4-004 determine the priority list or lists for which the appropriate amount from the Fund may be apportioned and set aside in the next ensuing fiscal year for all projects and project components included in such list or lists. That amount of funds shall then be apportioned and set aside for all such projects and project components. The apportionment of funds for projects included within any priority list for which apportionment to all projects is not possible in the amounts determined in accordance with this section shall be determined in accordance with section 4-007.

006 Separable Components. If a project plan provides that development of the project will take place on two or more land areas not contiguous to each other, the project portion planned for each such land area shall constitute a separable component of the project. Projects for which total project development will take place all on one contiguous land area and separable components of projects of the type described above may also have separable components. A project component shall be deemed to be any distinguishable phase of project development including such phases as land rights acquisition, project construction, and related facilities development. The extent to which such components constitute separable components for any project shall be determined by the Commission after consultation with the sponsor. In the event that any project is determined to

have separable components, the Commission shall take action to identify such separable components and to determine the estimated costs of completing each such component.

007 Establishing Priorities Among Projects on a Priority List. In the event that insufficient funds are available in any fiscal year to apportion funds to all projects and project components in the appropriate percentage of the estimated costs of those accepted in accordance with section 4-005, the Commission shall prior to July 1 of such year establish priorities among the projects and project components in each priority list for which apportionments to all those listed are not possible. To provide guidance to the Commission in the establishment of such priorities, a multiple criteria point system shall be employed, with consideration given to the following criteria:

- 007.01 The rate of return on the investment;
- 007.02 The water and related resources needs addressed by the project;
- 007.03 The economic impact of the project on the local and/or regional economy;
- 007.04 The environmental impact of the project;
- 007.05 The support for or opposition to the project;
- 007.06 The urgency of need for the project;
- 007.07 The extent of benefit provided by the project.

The Commission shall establish a range of points which may be assigned to each criteria and may delegate to a staff committee the authority to assign points to all projects and project components on one or more of the criteria to be considered. The sponsors of all projects which will be considered in such priority establishment shall be notified in advance of the criteria to be considered and the point range assigned to each criteria and such sponsors shall be invited to appear before the Commission to address the manner in which their projects relate to such criteria prior to any assignment of points by the Commission and/or the Commission staff. As the multiple criteria point system is intended to provide guidance only, the Commission shall not be bound by the relative priority rating resulting from the cumulative totals of such point assignments, but may in establishing the final priority ratings make such adjustments as it deems appropriate to best carry out the purposes of the act and to make the most efficient utilization of the funds which are available.

After establishing the final priority ratings, the Commission shall, to the extent that uncommitted funds are available, apportion and set aside for projects in the order in which they appear on such priority list the amounts determined in accordance with section 4-005.

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008 Adjustments in Apportionments. A sponsor may at any time during the fiscal year submit reports containing an update of the information contained in the report submitted in accordance with section 4-005. A sponsor of a project for which no report was submitted in accordance with section 4-005 may also at any time submit a report containing the information required by such section. At the first Commission meeting following August 1, November 1, and February of each year, the Commission shall review all such reports, if any, which have been submitted since the last such review, and any other relevant information available to it and shall, if appropriate, make adjustments in the amount apportioned and set aside for any object for that fiscal year. No amount previously apportioned and set aside in accordance with sections 4-005 or 4-007 shall be decreased unless:

008.01 The sponsor has indicated a decrease in needs;

008.02 The Commission, based on information contained in the sponsor's report submitted in accordance with section 4-005 or other information available to it, finds that there are reasonable grounds for concern that the project or any separable component may not be completed;

008.03 The project is abandoned or significantly delayed;

008.04 The Commission fails to receive a reappropriation of unexpended funds;

008.05 The appropriation for the Resources Development Fund is reduced by subsequent legislative act, or;

008.06 The Commission determines the project no longer meets the criteria for funding eligibility contained in the Resources Development Fund Act or the Commission's rules and regulations.

In case of any such findings, the Commission may modify, suspend or revoke any previous action to apportion and set aside funds for the project or any separable component. Provided, however, any action to modify, suspend, or revoke any previous apportionment shall not affect the sponsor's right to reimbursement for costs which it has incurred or for which it has become legally obligated prior to such Commission action. In addition, such action shall not affect the sponsor's right to reimbursement for the cost of land or interests in land, acquired through condemnation actions commenced prior to the Commission action to modify, suspend or revoke an apportionment. If available funds allow and if all projects for which reports have been submitted in accordance with section 4-005 have funds apportioned and set aside for such projects, the Commission may also apportion and set aside funds for one or more projects for which no report was submitted in accordance with section 4-005.

009 Limitation on Reimbursements. A sponsor shall not be reimbursed during any fiscal year in any amount in excess of the amount apportioned and set aside for the sponsor's project in accordance with sections 4-005, 4-007 and 4-008.

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010 Review and Approval of Final Plans. Prior to the actual disbursement of any funds for construction for the project or for any portion thereof, the Director shall review the final plans for the proposed program or project or the portion for which funds are requested. If it appears during such review or during any prior or subsequent review or inspection of the project plans or construction, or during any review of project cost information that:

010.01 The plans and specifications for the project are not being followed;

010.02 The plan for development or any work performed on the project are not based on sound technical principles or practices;

010.03 The project or any portion thereof no longer meets the criteria for funding eligibility contained in the Resources Development Fund Act or the Commission's Rules and Regulations; or

010.04 There is or has been non-compliance with any of the terms of the contract between the Sponsor and the Commission;

The Director shall immediately bring such variances to the Sponsor's attention and may refuse to disburse any funds for the project until such time as the variances are corrected and the project is brought into conformance with all appropriate standards.

011 Limitation on Allocation. The amount actually disbursed for a program or project, or a separable component of a project, shall not exceed the dollar amount of the tentative allocation for the program, project or separable component approved by the Commission pursuant to section 4-001 or a dollar amount equal to the same percentage of the actual project costs as the tentative allocation represented to the estimated project costs, whichever is lesser, without specific Commission approval; except that funds apportioned and set aside for one separable component but not disbursed may be used to reimburse the Sponsor for the costs of another separable component even though such reimbursement may exceed the amount apportioned and set aside for that component if necessary in accordance with section 4-002 to achieve or maintain the appropriate ratio between eligible project costs paid by the Sponsor and those paid by the Commission.

012 Contractual Arrangements. State funds will not be advanced to any applicant pursuant to an approved loan or grant until a contract between the applicant and the Commission setting forth terms and conditions of such loans or grants has been executed.

013 Disbursements. The Director shall disburse, no more often than once each month, such funds from those apportioned and set aside to a program or project as are necessary to reimburse, in the proper proportion, all eligible costs incurred by the applicant in carrying out the program or project since the next preceding disbursement, if any. All such costs shall be documented

014 Inspection During Construction. The Commission and Director shall have the privilege of inspecting the construction of any project at any time in order to insure that plans and specifications are being followed, and that the works are being constructed in accordance with sound engineering and technical principles and practices, but such inspection shall never subject the State of Nebraska to any action for damages. The Director shall bring to the attention of the sponsor and the project engineer any variances from the approved plans and specifications. The Sponsor and the project engineer or project director shall initiate necessary corrective action.

015 Changes in Scope or Costs of Approved Projects. The Sponsor shall promptly report all increases in the cost of a project, or any separable component of the project, and any proposed additions, deletions, or modifications of any separable component, or any change in the purpose or purposes of the project by submitting to the Commission an amendment to the formal application and feasibility report. Commission approval of any change in the scope, purpose, or plan for development of the project, and any increase in the tentative allocation for the project, or any separable component, shall be required. Any proposed change in the scope, purpose, or plan of development for the project, any request for an increase in the allocation for the project, or any cost increase, regardless of whether an increase in the tentative allocation for the project is requested, may at the discretion of the Commission be referred to the Director for his or her review and recommendation regarding whether the project still meets the criteria for funding eligibility contained in the Resources Development Fund Act or the Commission's rules and regulations.

ANNOTATION

SECTION SIX

Resources Development Fund Legislation

2-1586. Natural resources; declaration of intent.

It is hereby recognized that it is the public purpose of this state to properly develop the water and related land resources of the state and that it is in the public interest of this state (1) to financially assist in programs and projects necessary to the development, preservation, and maintenance of Nebraska's water and related land resources, including programs and projects for the abatement of pollution, potential reduction of flood damages, reservation of lands for resource development projects, provision of public irrigation facilities, preservation and development of fish and wildlife resources, protection and improvement of public lands, provision of public outdoor recreation lands and facilities, provision and preservation of the waters of this state for all beneficial uses, including domestic, agricultural, and manufacturing uses, conservation of land resources, and protection of the health, safety, and general welfare of the people of the State of Nebraska, and (2) to financially assist natural resources districts in the preparation and management plans pursuant to section 46-673.01.

2-1587. Nebraska Resources Development Fund; created, reserve fund; administration; investment.

There is hereby created the Nebraska Resources Development Fund to be administered by the Nebraska Natural Resources Commission and to which the State Treasurer shall credit to carry out the provisions of sections 2-1586 to 2-1595 such money

as shall be appropriated to the fund by the Legislature, be paid to the state as fees, deposits, payments and repayments relating to the fund, both principal and interest, and be donated as gifts, bequests, or other contributions to such fund from public or private entities. Funds made available by any department or agency of the United States may also be credited to this fund if so directed by such department or agency. The money in the Nebraska Resources Development Fund shall not be subject to any fiscal year limitation requiring reappropriation of the unexpended balance at the end of the fiscal year. To aid in the funding of projects and to prevent excessive fluctuations in annual appropriation requirements for the Nebraska Resources Development Fund, the commission shall create a reserve fund to be used only for projects requiring total expenditures from the Nebraska Resources Development Fund in excess of five million dollars. Unless disapproved by the Governor, the commission may credit to such reserve fund that portion of any annual appropriation to the Nebraska Resources Development Fund which exceeds five million dollars. The commission may also credit to the reserve fund such other funds as it determines are available. Any money in the Nebraska Resources Development Fund available for investment shall be invested by the state investment officer pursuant to the provisions of the Nebraska State Funds Investment Act and the Nebraska Capital Expansion Act.

2-1588. Nebraska Resources Development Fund; allocation; annual report.

Any money in the Nebraska Resources Development Fund may be allocated by the Nebraska Natural Resources Commission in accordance with the provisions of sections 2-1586 to 2-1595 for utilization by the commission, by any state office, agency, board, or commission, or by any political subdivision of the State of Nebraska to which has been granted the authority to develop the state's water and related land resources. Such money may be allocated in the form of grants or loans or for acquiring state interests in water and related land resources programs and projects undertaken within the state. The allocation of funds to a program or project in one form shall not of itself preclude any additional allocations in the same or any other form to the same program or project. Funds may also be allocated to assist natural resources districts in the preparation of management plans as provided in section 46-673.01. Funds so allocated shall not be subject to the provisions of sections 2-1589 to 2-1595.

Only projects with estimated total costs of less than ten million dollars, which shall not include operation and maintenance costs, shall be eligible for assistance from the Nebraska Resources Development Fund. If cost overruns during project construction cause the cost of a project to exceed ten million dollars, the commission may continue to participate in the project and may allocate additional funds to ensure project completion.

No project, including all related phases, segments, parts, or divisions, shall receive more than ten million dollars from the fund.

Prior to September 1 of each even-numbered year, a biennial report shall be made to the Governor and the Clerk of the Legislature describing the work accomplished by the use of

such development fund during the immediately preceding two-year period, which report shall include a complete financial statement. Each member of the Legislature shall receive a copy of such report upon making a request for it to the director.

2-1589. Nebraska Resources Development Fund; allocations, grants, loans; conditions.

Allocations from the Nebraska Resources Development fund may be made as grants to agencies or political subdivisions when it is determined that such an allocation will not be reimbursed from revenue or receipts and when the program or project appears to be of general public benefit, thereby making reimbursement of such money from local tax funds inappropriate or impossible, or when the funds are intended for a state or local contribution to a program or project requiring such contribution to meet the requirements for a matching federal grant.

Allocations may be made from the fund by the commission as loans to agencies or political subdivisions for any program or project or any part thereof consistent with the purposes of sections 2-1586 to 2-1595 which will directly generate revenue or receipts or which can be anticipated to culminate in a program or project which will generate revenue or receipts, or which would not generate revenue or receipts but would be of general public benefit to the applicant making repayment from local tax funds appropriate.

2-1590. Nebraska Natural Resources Commission; powers.

In order to develop Nebraska's land and water resources, the Nebraska Natural Resources Commission may acquire interests in water and related land resources projects in the name of the state utilizing the Nebraska Resources Development Fund. Such use of the

fund shall be made when the public benefits obtained from the project or a part thereof are statewide in nature and when associated costs are determined to be more appropriately financed by other than a local organization. Such use of the fund may be made upon the determination by the commission that such acquisition is appropriate under the provisions of sections 2-1586 to 2-1595 and may be initiated upon a request filed in accordance with the provisions of section 2-1593 or by the commission itself without such a request. The commission may also acquire interests in water resource projects in the name of the state to meet future demands for usable water. Such resource projects may include but not be limited to the construction of dams and reservoirs to provide surplus water storage capacity for municipal and industrial water demands and for other projects to assure an adequate quantity of usable water. In furtherance of these goals the commission is authorized to contract with the federal government or any of its agencies or departments for the inclusion of additional water supply storage space behind existing or proposed structures.

2-1591. REPEALED.

2-1592. Grant or loan; application; procedure.

Any organization qualified to apply for and receive funds from the Nebraska Resources Development Fund may file an application with the commission for a grant or loan from such fund. Applications for grants to the commission itself shall be filed by the commission. Each application shall be filed in such manner and form, and be accompanied by such information, as may be prescribed by the commission. Any such application shall: (1) Describe the nature and purpose of the proposed program or project; (2) set forth or be accompanied by a plan for development of the proposed program or project,

together with engineering, economic, and financial feasibility data and information, and such estimated costs of construction or implementation as may be required by the commission; (3) state whether money other than that for which the application is made will be used to help in meeting program or project costs and whether such money is available or has been sought for this purpose; (4) when appropriate, state that the applicant holds or can acquire title to all lands or has the necessary easements and rights-of-way for the project and related lands and has or may acquire all water rights necessary for the proposed project; (5) show that the applicant possesses all necessary authority to undertake or participate in the proposed program or project; and (6) demonstrate the probable environmental and ecological consequences that may result from such proposed program or project. Upon receipt of an application, the commission shall refer it to the director who shall evaluate and investigate all aspects of the proposed program or project and the proposed schedule for development and completion of such program or project, determine the eligibility of the program or project for funding, and make appropriate recommendations to the commission pursuant to sections 2-1586 to 2-1595. As a part of his or her investigation, the director shall consider whether the plan for development of the program or project is satisfactory. If the director determines that the plan is unsatisfactory or that the application does not contain adequate information upon which to make determinations, the director shall return the application to the applicant and may make such recommendations to the applicant as are considered necessary to make the plan or the application satisfactory.

Requests for utilization of the Nebraska Resources Development Fund for state participation in any water and related land-water resources projects through acquisition of a state

projects through acquisition of a state interest therein shall also be filed with the commission and directed by it to the director for his or her evaluation, investigation, and recommendations. Such requests shall be filed in the manner and form and be accompanied by such information as shall be prescribed by the Commission.

2-1593. Program or project; funding; review; approve or reject; procedure.

Each program or project for which funding is requested, whether such request has as its origin an application or the action of the commission itself, shall be reviewed as provided in sections 2-15986 to 2-1595 by the director prior to the approval of any allocation for such program or project by the commission. The director shall within a reasonable time, not to exceed six months, after receipt of such request report to the commission the results of his or her review and shall recommend approval or rejection of funding for the program or project. The director shall indicate what form of allocation he or she deems to be appropriate. In the case of an approved application recommended for a loan, the commission shall indicate the appropriate repayment period and the rate of interest. The commission shall act in accordance with such recommendations unless action to the contrary is approved by each commission member eligible to vote on the specific recommendation under consideration. No member of the commission shall be eligible to participate in the action of the commission concerning an application for funding to any entity in which such commission member has any interest. The director may be delegated additional responsibilities consistent with the purposes of sections 2-1586 to 2-1595. It shall be the sole responsibility of the commission to determine the priority in which funds are allocated for

eligible programs and projects under sections 2-1586 to 2-1595.

2-1594. Program or project; costs or acquisition; approval

The director may recommend approval of and the commission may approve grants or loans for program or project costs or acquisition of interests in projects if after investigation and evaluation the director finds that: (1) The plan does not conflict with any existing Nebraska state land plan; (2) the proposed program or project is economically and financially feasible based upon standards adopted by the commission pursuant to sections 2-1586 to 2-1595; (3) the plan for development of the proposed program or project is satisfactory; (4) the plan of development minimizes any adverse impacts on the natural environment; (5) the applicant is qualified, responsible, and legally capable of carrying out the program or project; (6) in the case of a loan, the borrower has demonstrated the ability to repay the loan and there is assurance of adequate operation, maintenance, and replacement during the repayment life of the project; (7) the plan considers other plans and programs of the state in accordance with section 84-135 and resources development plans of the political subdivisions of the state; and (8) the money required from the development fund is available.

2-1595. Application for a grant, loan, or acquisition; agreement; provisions; convey interests; lien; filing; foreclosure.

If after review of the recommendation by the director the commission determines that an application for a grant, loan, acquisition of an interest, or combination thereof pursuant to sections 2-1586 to 2-1595 is satisfactory and qualified to be approved, before the final approval of

such application may be given and the funds allocated, the commission shall enter into an agreement in the name of the state with the applicant agency or organization and with any other organizations it deems to be involved in the program or project to which funds shall be applied. The commission shall also enter into such agreements as are appropriate before allocation of any funds for the acquisition of interest in any qualified project when such acquisition is initiated by the commission itself pursuant to section 2-1590. All agreements entered into pursuant to this section shall include, but not be limited to, a specification of the amount of funds involved, whether the funds are considered as a grant, loan, or for the acquisition of an interest in the name of the state, and, if a combination of these is involved, the amount of funds allocated to each category, the specific purpose for which the allocation is made, the terms of administration of the allocated funds, and any penalties to be imposed upon the applicant organization should it fail to apply or repay the funds in accordance with the agreement.

If the allocation to be approved is a loan, the commission and the applicant or applicants shall include in the agreement provisions for repayment to the fund of money loaned together with any interest at reasonable rates as established by the commission. The agreement shall further provide that repayment of the loan together with any interest thereon shall commence no later than one full year after construction of the project is completed and that repayment shall be completed within the time period specified by the commission. The repayment period shall not exceed fifty years, except

that the commission may extend the time for making repayment in the event of extreme emergency or hardship. Such agreement shall also provide for such assurances of and security for repayment of the loan as shall be considered necessary by the commission.

With the express approval of the commission, an applicant may convey its interest in a project to a successor. The commission shall contract with the qualified successor in interest of the original obligor for repayment of the loan together with any interest thereon and for succession to its rights and obligations in any contract with the commission.

The state shall have a lien upon a project constructed, improved, or renovated with money from the fund for the amount of the loan together with any interest thereon. This lien shall attach to all project facilities, equipment, easements, real property, and property of any kind or nature in which the loan recipient has an interest and which is associated with the project. The commission shall file a statement of the lien, its amount, terms, and a description of the project with the county register of deeds of each county in which the project or any part thereof is located. The county register of deeds shall record the lien and it shall be indexed as other liens are required by law to be indexed. The lien shall be valid until paid in full or otherwise discharged. The lien shall be foreclosed in accordance with applicable state law governing foreclosure of mortgages and liens. Any lien provided for by this section may be subordinate to that which secures federal assistance or other secured assistance received on the same project.

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