

NEBRASKA NATURAL RESOURCES COMMISSION

MEETING MINUTES – December 15th, 2021

CALL TO ORDER – PLEDGE OF ALLEGIANCE & ROLL CALL

Chairman Steffen called the meeting to order at 8:30 a.m. in the Holiday Inn and Convention Center, Kearney, Nebraska, and called the roll.

Roll Call:

Commissioners		Absent	Present	Commissioners		Absent	Present
Anderson	Garry		X	Krause	Timothy P		X
Batie	Donald		X	Kubat	Rick		X
Bradley	Lawrence	X		McDonald	Mike		X
Citta Jr.	Joseph L		X	Miller	John		X
Clouse	Stan		X	Reynolds	Michael (Mick)		X
Czaplewski	Mark		X	Schroer	Lyle		X
Deines	Dave		X	Sievers	LeRoy		X
Dunbar	Brad	X		Smathers	Scott		X
Fornoff	Kevin		X	Steffen	Jeff		X
Hadenfeldt	N. Richard		X	Steinkruger	Dan		X
Halligan	Bill		X	Strauch	Walter Dennis		X
Heaston	John	X		Taylor	Loren		X
Knutson	Thomas		X	Wilke	Greg		X
Kraus	Don		X				

DNR staff in attendance:

Kent Zimmerman and Emily Rose.

Others in attendance were:

John Mohr, JEO; Tyler Thulin, CNPPID; Scott Dickie, CNPPID; Kent Miller, TPNRD; Mike Murphy, MNNRD; Dennis Schueth, UENRD; and Marie Krausnick, UBBNRD.

Announcements:

None

NOTICE OF THE MEETING

Notice of the meeting was published on the State Public Meetings Calendar and on the Natural Resources Commission (Commission) web site at <https://nrc.nebraska.gov>. A copy of Nebraska’s open meeting statutes was available in the room. The following DHHS guidelines regarding COVID-19 were implemented:

- Tell invitees not to attend if they are sick.
- Face coverings were provided, and use was encouraged when not seated.

- Seating arrangements provide at least six feet of distancing between attendees and presenters.
- Food, beverages and snacks stations were not available to reduce physical proximity and community touching of common surfaces.
- Proper social distancing expectations was reviewed with the attendees related to discussions, training room entry and egress, restroom breaks, etc.
- Attendee roster was completed verbally and recorded by the meeting organizer instead of sign-in sheets.
- Minimize sharing resources/equipment such as pens, markers, presentation remotes, handouts, etc.

MINUTES

Knutson moved and Smathers seconded the motion to approve the minutes of the August 19th, 2021 Commission meeting.

Motion Passed.

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Anderson	X				Krause	X			
Batie			X		Kubat	X			
Bradley				X	McDonald	X			
Citta	X				Miller	X			
Clouse	X				Reynolds	X			
Czaplewski	X				Schroer	X			
Deines	X				Sievers	X			
Dunbar				X	Smathers	X			
Fornoff	X				Steffen	X			
Hadenfeldt	X				Steinkruger			X	
Halligan	X				Strauch	X			
Heaston				X	Taylor	X			
Knutson	X				Wilke	X			
Kraus	X				TOTALS	22	0	2	3

DNR UPDATE & PUBLIC COMMENTS

Chairman Steffen opened the floor for comments, none were offered.

EXECUTIVE COMMITTEE

The Executive Committee met prior to this meeting. Chairman Steffen asked DNR's attorney, Emily Rose, to give an update on the following:

- Rules Changes Update – Rose explained the draft changes to NRC Rules Titles 257 & 262 are being reviewed by the Governor's Policy Research Office staff and should be completed in January.
- Statute/Rules Relating to NRC Member Conflict of Interest. Rose reviewed Resources Development Fund Rules Title 256 which state that a Commission member shall be ineligible to participate in an action of the Commission concerning an application for a grant or loan only if such member is a member of the governing body or otherwise represents the applicant for financial assistance. This review was in response to an inquiry by Commissioner Reynolds at the August 19th, 2021, Commission meeting regarding his participation in a vote on an issue pertaining to a district which he is a board member. Rose confirmed that he was correct to abstain from that vote because he is on that board.

PROGRAM COMMITTEE

Staff lead discussion on agenda topics pertaining to program activities. No unusual activity was reported during review of status reports for the following funds.

Resources Development Fund

The status report showed business as usual.

Small Watersheds Flood Control Fund

This is currently an unfunded program.

Soil & Water Conservation Program Fund

The status report showed business as usual.

Natural Resources Water Quality Fund

The status report showed business as usual.

Water Well Decommissioning Fund

The status report showed business as usual.

Water Sustainability Fund

The status report showed business as usual. A table titled WSF Project Proposed Close Outs & Grant Reductions, 2021 was discussed and reviewed.

Sievers moved and Miller seconded the motion to adjust grants as described in the Proposed Close Outs and Grant Reduction table (below) by reducing the amount granted to that proposed in the Final Grant column; transfer the unused balance of \$37,318.54 described in the Grant Release column to the Large Projects balance of the WSF; and formally closeout each project listed in the table.

WSF Project Proposed Close Outs & Grant Reductions, 2021

App No.	Year Filed	Approved Grant	Grant Released	Final Grant	Sponsor
4118	2015	151,680.00	0	151,680.00	CPNRD
4124	2015	249,900.00	0	249,900.00	CPNRD
4146	2016	100,979.00	2,587.60	98,391.40	LBNRD
4147	2016	100,153.00	34,493.38	65,659.62	LBNRD
4164	2016	247,437.60	51.78	247,385.82	LPSNRD
5188	2017	87,540.00	151.28	87,388.72	CPNRD
5193	2017	120,000.00	0	120,000.00	Papio
5222	2018	86,400.00	0	86,400.00	URNRD
5238	2019	420,000.00	0	420,000.00	Papio
5241	2019	105,000.00	0	105,000.00	UBBNRD
5255	2019	236,100.00	34.50	236,065.50	NNRD

Total 37,318.54

Motion Passed.

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Anderson	X				Krause	X			
Batie	X				Kubat	X			
Bradley				X	McDonald	X			
Citta	X				Miller	X			
Clouse	X				Reynolds	X			
Czaplewski	X				Schroer	X			
Deines	X				Sievers	X			
Dunbar				X	Smathers	X			
Fornoff	X				Steffen	X			
Hadenfeldt	X				Steinkruger	X			
Halligan	X				Strauch	X			
Heaston				X	Taylor	X			
Knutson	X				Wilke	X			
Kraus	X				TOTALS	24		0	3

APPLICATION REVIEW COMMITTEE

Committee Chairman Czaplewski thanked members of the Committee and DNR staff for all of the work and time that was put into reviewing this round of applications. The Application Review Committee met here in Kearney in November to review and score the applications. The Committee followed the same process and procedures as have been used in the past. The Committee also produced recommendations for scores, ranking and funding that was then provided to Commissioners for review prior to this meeting.

There were two applications filed for Combined Sewer Overflow (CSO) funding, one for ten percent of this years funding and one for the \$1,086,503.30 that was retained from last year as there were no applications filed for this type of funding in 2020.

Czaplewski moved and Batie seconded the motion to approve City of Omaha's CSO applications No. 5308 in the amount of \$1,086,503.30 which was carried forward from FY 21; and application No. 5309 for 10% of the FY 22 WSF Legislative Appropriation.

Motion Passed.

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Anderson	X				Krause	X			
Batie	X				Kubat	X			
Bradley				X	McDonald	X			
Citta	X				Miller	X			
Clouse	X				Reynolds	X			
Czaplewski	X				Schroer	X			
Deines	X				Sievers	X			
Dunbar				X	Smathers	X			
Fornoff	X				Steffen	X			
Hadenfeldt	X				Steinkruger	X			
Halligan	X				Strauch	X			
Heaston				X	Taylor	X			
Knutson	X				Wilke	X			
Kraus	X				TOTALS	24	0	0	3

Chairman Czaplewski stated that eight applications had been reviewed in the small project request category which had a combined request of over \$1.4 million.

Taylor noted that application No. 5321 was specific to the situation in Lincoln and Omaha and would not be applicable elsewhere in the state, so he believes the City should fund this themselves. It was noted by Commissioners that if any project scores highly in the review process, the Commission typically should follow the Application Review Committee results and fund that project.

Committee member Steinkruger noted that even though there was sufficient funding reserved to fund all requests in this category, the Hooper Pipeline application (No. 5310) was deficient on some information that was needed for the evaluation.

Czaplewski moved and Smathers seconded the motion to approve the Application Review Committee's recommended scores and fund all small projects with a score of 33 or higher subject to the conditions proposed by the Application Review Committee.

It was noted that Commissioners should abstain if they are board members of an organization with an application being funded. (Commissioners abstaining noted the application Number for which they were required to abstain.)

Motion Passed.

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Anderson	X				Krause	X			
Batie	X				Kubat	X			
Bradley				X	McDonald	X			
Citta			X		Miller			X	
Clouse	X				Reynolds	X			
Czaplewski	X				Schroer	X			
Deines	X				Sievers	X			
Dunbar				X	Smathers	X			
Fornoff	X				Steffen	X			
Hadenfeldt			X		Steinkruger	X			
Halligan	X				Strauch	X			
Heaston				X	Taylor	X			
Knutson	X				Wilke	X			
Kraus	X				TOTALS	21	0	3	3

Chairman Czaplewski stated that with that motion passing there would be some money left over.

Czaplewski moved and Knutson seconded the motion to transfer \$62,033.30 from the WSF Small Project balance to the WSF Large Project balance.

Motion Passed.

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Anderson	X				Krause	X			
Batie	X				Kubat	X			
Bradley				X	McDonald	X			
Citta	X				Miller	X			
Clouse	X				Reynolds	X			
Czaplewski	X				Schroer	X			
Deines	X				Sievers	X			
Dunbar				X	Smathers	X			
Fornoff	X				Steffen	X			
Hadenfeldt	X				Steinkruger	X			
Halligan	X				Strauch	X			
Heaston				X	Taylor	X			
Knutson	X				Wilke	X			
Kraus	X				TOTALS	24	0	0	3

Chairman Czaplewski stated in the large project category request six applications requesting a total of over \$20 million had been reviewed. The Committee recommended funding all projects with a score of 45 or higher by using the cap to fund application No. 5317.

Anderson stated the minimum score being funded this year was higher than past years. Several additional comments were made by other Commissioners noting the overall quality of most project proposals was quite high this year. Chairman Czaplewski stated this will be the second time out of seven rounds of applications that the cap has been used and the recommendation to utilize the cap is not taken lightly and was heavily debated by the Committee. Ultimately, the Committee decided to use the cap because of the high quality of projects and because not using the cap and asking the applicant to refile next year, would leave over \$7.6 million dollars on the table and delaying the start of the project which would likely increase total project costs.

Czaplewski moved and Citta seconded the motion to approve the Application Review Committee's recommended scores and fund all large projects with a score of 45 or higher subject to the conditions proposed by the Application Review Committee; and limiting the obligation for WSF No. 5317 to all remaining funding \$7,674,502.83, in accordance with

Title 261 Chapter 3 Subsection 002.03 and Neb. Rev. Stat. § 2-1507 (4). The allocation is \$8,982,946.00, the obligation is \$7,674,502.83, and the remaining balance is \$1,308,443.17.

(Commissioners abstaining noted the application Number for which they were required to abstain.)

Motion Passed.

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Anderson	X				Krause	X			
Batie	X				Kubat	X			
Bradley				X	McDonald	X			
Citta	X				Miller	X			
Clouse	X				Reynolds	X			
Czaplewski	X				Schroer	X			
Deines	X				Sievers	X			
Dunbar				X	Smathers	X			
Fornoff	X				Steffen	X			
Hadenfeldt	X				Steinkruger	X			
Halligan	X				Strauch	X			
Heaston				X	Taylor	X			
Knutson	X				Wilke			X	
Kraus			X		TOTALS	22	0	2	3

OTHER BUSINESS & AGENDA ITEMS

Chairman Steffen asked for any other business to be brought forward.

- Application Review Committee Chairman Czaplewski recommended addressing several items in the discussions regarding changes to the WSF rules. Czaplewski requested clarification to the appropriate use of the Federal mandate bonus points, issues around funding studies, and procedures for resolving ties and tie breakers in situations where there is insufficient funding to fund both projects.

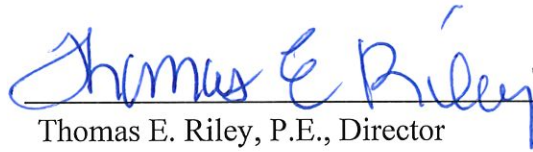
- Steffen reminded Commissioners to submit expense reimbursement requests within 60 days.
- Comprehensive Planning Committee Chairman Reynolds stated the Committee will meet following the NRC meeting February 23, 2022, and again March 8th to begin discussing changes to the rules for the WSF. Reynolds reminded Committee members to bring their calendars to the next meeting as one of the agenda items would be scheduling additional Committee meeting dates. Batie asked Commissioners to forward any items they want addressed in the next rules change discussion to Emily Rose who will compile the topics.
- Commissioners were reminded to reapply on the Governor's website if their term ends next spring and they want to remain on the Commission.
- McDonald requested streaming of the NRC meetings be added to the February agenda.

ADJOURNMENT

The meeting was adjourned at 9:30 a.m.



Donald P. Batie



Thomas E. Riley, P.E., Director

2021 NRC Application Review Committee Recommendation

App No	Large (>\$250,000) Project Name	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13	Q14	Q15	Bonus	Total Points	Requested \$ Amount	Funding Recommendation
5323	MNRD Bone & Lone Pine Watershed Improvement	2	6	4	4	4	4	4	4	2	3	3	2	3	3	2	0	50	894,640.00	Yes
5315	MNRD Map & Model for Water Balance	4	6	4	4	4	4	4	2	1	2	3	2	1	2	2	0	45	1,222,899.17	Yes
5317	CNP&EID Elwood Siphon	2	6	4	4	4	4	4	4	1	2	3	2	1	2	2	0	45	8,982,946.00	Yes
5314	MLPP&ID Flow Measurement & Efficiency	2	4	4	4	4	4	2	4	1	3	2	2	3	3	1	0	43	850,837.00	No
5318	Papio's WP-4	2	4	2	6	4	4	0	4	2	2	2	2	2	3	2	0	41	7,660,000.00	No
5320	Whitney Siphon Repair	0	4	0	2	4	4	0	2	0	1	2	1	2	1	1	0	24	451,500.00	No
Recommended Total																			\$ 11,100,505.17	(Using CAP)

App No	Small (≤ \$250,000) Project Name	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13	Q14	Q15	Bonus	Total Points	Requested \$ Amount	Funding Recommendation
5312	ENWR4 GW Recharge Mapping	4	4	4	4	4	4	2	2	2	3	2	2	2	2	2	0	43	144,000.00	Yes
5311	LPSNRD 3-D Hydrologic Framework	4	2	4	4	4	4	2	2	2	2	3	1	1	2	2	0	39	247,500.00	Yes
5313	Lincoln Nance County Aquifer Mapping	4	4	4	4	4	4	2	2	2	2	2	2	1	2	2	0	38	250,000.00	Yes
5321	Lincoln Water Supply Arsenic Study	6	4	0	2	2	4	2	2	2	2	3	2	2	1	2	0	36	145,000.00	Yes
5322	LIBNRD Nitrate Accumulation Study	4	4	2	4	2	4	2	2	2	1	2	2	1	2	2	0	36	167,553.00	Yes
5316	Papio's IMP GW Quantity Monitoring	4	4	4	4	4	4	0	2	1	2	2	1	1	1	2	0	34	243,000.00	Yes
5319	TPNRD Data Collection & Modeling - Phase 2	2	4	4	2	2	4	2	2	1	2	2	2	1	1	2	0	33	132,090.00	Yes
5310	Hooper Pipeline	0	4	2	2	2	2	0	0	1	2	2	1	2	2	2	0	24	79,300.00	No
Recommended Total																			\$ 1,329,143.00	

The 2021 Application Review Committee Recommends:

- (1) Funding CSO application #5308 & #5309.**
- (2) Approving all conditions as set forth in the following “WSF 2021 Conditions and Considerations” which will then apply to the approval of any 2021 WSF applications.**
- (3) Funding applications with a score of 33 or more in the small project category (≤ \$250,000).**
- (4) Funding applications with a score of 45 or more in the large project category (≥ \$250,000). There is insufficient funding available to fully obligate both applications in the large project category with a scores of 45 points. Therefor the Committee suggests:**
 - **Transferring all unused funding from the 2021 WSF project closeouts into the large project category,**
 - **Transferring any remaining balance after funding those with a score of 33 or more in the small project category to the large project category,**
 - **Fully obligating WSF application #5315 and obligating the remaining available balance to WSF #5317,**
 - **Completing obligation to WSF #5317 with the next legislative grant to the WSF prior to consideration of any other applications.**

WSF 2021 Conditions & Considerations

The Application Review Committee also recommends the following overall conditions be part of the approval of each WSF grant:

Grant awards from the Water Sustainability Fund (WSF) are contingent upon the availability of funds, as well as the applicant organization and the Nebraska Department of Natural Resources (Department) entering into a grant award agreement. If the applicant organization indicated that it has all necessary land rights to undergo the project, the Department must determine that proper documentation was submitted verifying this fact before entering into a grant award agreement with the applicant organization.

Reimbursements from the WSF shall be limited to amounts approved by the Department as having met the requirements under Title 261 Neb. Admin. Code and that include adequate documentation. Reimbursements under the WSF shall not be made for litigation-related costs in acquiring property rights or other permits if applicable.

The Application Review Committee recommends the additional following condition for Application No. 5310, Hooper Irrigation District's Pipeline Project:

A grant award from the Water Sustainability Fund (WSF) for Application #5310, Hooper Irrigation District's Pipeline Project is contingent upon the following provision being included in the grant award agreement between Hooper Irrigation District and the Department of Natural Resources:

- In-kind services are not allowed for cost share as project expenses unless prior approval by the Director is obtained. Prior to the Department entering into an agreement with the applicant, the applicant must acknowledge and agree to the use of cash for its local share.

The Application Review Committee recommends the additional following condition for Application No. 5311, Lower Platte South NRD's 3-D Hydrologic Framework Project:

A grant award from the Water Sustainability Fund (WSF) for Application #5311, Lower Platte South NRD's 3-D Hydrologic Framework Project is contingent upon the following provision being included in the grant award agreement between Lower Platte South NRD and the Department of Natural Resources:

- **Coordination, Communication, and Data Sharing with the Department.**
 - A. Throughout the Project timeline, Sponsor shall coordinate and communicate with the Department on the Project's compatibility with water management goals, objectives, and action items resulting from the joint planning efforts between Sponsor and the Department.
 - B. Sponsor shall share with the Department all data that is generated as a result of this Project in a form that includes documentation and metadata and that is mutually agreed upon by Sponsor and Department.

The Application Review Committee recommends the additional following condition for Application No. 5312, ENWRA's Groundwater Recharge Mapping Project:

A grant award from the Water Sustainability Fund (WSF) for Application #5312, ENWRA's Groundwater Recharge Mapping Project is contingent upon the following provision being included in the grant award agreement between ENWRA and the Department of Natural Resources:

- **Coordination, Communication, and Data Sharing with the Department.**
 - A. Throughout the Project timeline, Sponsor shall coordinate and communicate with the Department on the Project's compatibility with water management goals, objectives, and action items resulting from the joint planning efforts between Sponsor and the Department.
 - i. Within sixty (60) days following the execution of this Agreement, Sponsor and Department shall meet to further mutually define the scope of this coordination and communication requirement.
 - B. Sponsor shall share with the Department all data that is generated as a result of this Project in a form that includes documentation and metadata and that is mutually agreed upon by Sponsor and Department.

The Application Review Committee recommends the additional following condition for Application No. 5313, Lower Loup NRD's Nance County Aquifer Mapping Project:

A grant award from the Water Sustainability Fund (WSF) for Application #5313, Lower Loup NRD's Nance County Aquifer Mapping Project is contingent upon the following provision being included in the grant award agreement between Lower Loup NRD and the Department of Natural Resources:

- Sponsor must provide to Department the information as stated on page No. 5 of the application, "After the completion of the data collection, interpretation, and framework update, the information about the aquifer characteristics and extents will be provided to the NDNR for incorporation into the existing models as the "best available" information in the FAB Report (NDNR, 2021).

The Application Review Committee recommends the additional following condition for Application No. 5314, Middle Loup Public Power & Irrigation District's Flow Measurement & Efficiency Project:

A grant award from the Water Sustainability Fund (WSF) for Application #5314, Middle Loup Public Power & Irrigation District's Flow Measurement & Efficiency Project is contingent upon the following provision being included in the grant award agreement between Middle Loup Public Power & Irrigation District and the Department of Natural Resources:

- The Department will enter into a grant award agreement with MLPP&ID contingent upon receiving a certification that they have all necessary land rights to underdo the project and that a complete listing of all lands involved in the project along with proof of ownership will be provided if requested by the Department.

The Application Review Committee recommends the additional following condition for Application No. 5315, Middle Republican NRD's Mapping & Modeling for Water Balance Project:

A grant award from the Water Sustainability Fund (WSF) for Application #5315, Middle Republican NRD's Mapping & Modeling for Water Balance Project is contingent upon the following provision being included in the grant award agreement between Middle Republican NRD and the Department of Natural Resources:

- **Coordination, Communication, and Data Sharing with the Department.**
 - A. Throughout the Project timeline, Sponsor shall coordinate and communicate with the Department on the Project's compatibility with water management goals, objectives, and action items resulting from the joint planning efforts between Sponsor and the Department.
 - i. Within sixty (60) days following the execution of this Agreement, Sponsor and Department shall meet to further mutually define the scope of this coordination and communication requirement.
 - B. Sponsor shall share with the Department all data that is generated as a result of this Project in a form that includes documentation and metadata and that is mutually agreed upon by Sponsor and Department.

The Application Review Committee recommends the additional following condition for Application No. 5316, Papio NRD's IMP Groundwater Quantity Monitoring Project:

A grant award from the Water Sustainability Fund (WSF) for Application #5316, Papio NRD's IMP Groundwater Quantity Monitoring Project is contingent upon the following provision being included in the grant award agreement between Papio NRD and the Department of Natural Resources:

- **Coordination, Communication, and Data Sharing with the Department.**
- A. Throughout the Project timeline, Sponsor shall coordinate and communicate with the Department on the Project's compatibility with water management goals, objectives, and action items resulting from the joint planning efforts between Sponsor and the Department.
 - i. Within sixty (60) days following the execution of this Agreement, Sponsor and Department shall meet to further mutually define the scope of this coordination and communication requirement.
- B. Sponsor shall share with the Department all data that is generated as a result of this Project in a form that includes documentation and metadata and that is mutually agreed upon by Sponsor and Department.

The Application Review Committee recommends the additional following condition for Application No. 5317, Central Nebraska Public Power & Irrigation District's Elwood Siphon Project:

A grant award from the Water Sustainability Fund (WSF) for Application #5317, Central Nebraska Public Power & Irrigation District's Elwood Siphon Project is contingent upon the following provision being included in the grant award agreement between Central Nebraska Public Power & Irrigation District and the Department of Natural Resources:

- Litigation expenses related to land right purchases will not be eligible for WSF cost share, only the purchase price of the land.

The Application Review Committee recommends the additional following conditions for Application No. 5318, Papio NRD's WP-4 Project:

A grant award from the Water Sustainability Fund (WSF) for Application #5318, Papio NRD's WP-4 Project is contingent upon the following provision being included in the grant award agreement between Papio NRD and the Department of Natural Resources:

- Litigation expenses related to land right purchases will not be eligible for WSF cost share, only the purchase price of the land.
- Applicant must implement conservation measures as agreed to with Nebraska Game and Parks Commission dated January 26, 2021 regarding the state-threatened Northern Long-eared bat.
- Relating to land acquisition, it is essential any review of water projects evaluate appropriate alternatives that minimize impact to stakeholders including producers, residents, businesses, and political subdivisions that may not receive direct benefit from those projects. Projects must include the input of the stakeholders and strive for transactions that are willing seller and willing buyer based. If a project has a conservation easement as a component, that easement shall not be longer than 99 years.

The Application Review Committee recommends the additional following condition for Application No. 5319, Twin Platte NRD's Data Collection & Modeling – Phase 2 Project:

A grant award from the Water Sustainability Fund (WSF) for Application #5319, Twin Platte NRD's Data Collection & Modeling – Phase 2 Project is contingent upon the following provision being included in the grant award agreement between Twin Platte NRD and the Department of Natural Resources:

- **Coordination, Communication, and Data Sharing with the Department.**
 - A. Throughout the Project timeline, Sponsor shall coordinate and communicate with the Department on the Project's compatibility with water management goals, objectives, and action items resulting from the joint planning efforts between Sponsor and the Department.
 - i. Within sixty (60) days following the execution of this Agreement, Sponsor and Department shall meet to further mutually define the scope of this coordination and communication requirement.
 - B. Sponsor shall share with the Department all data that is generated as a result of this Project in a form that includes documentation and metadata and that is mutually agreed upon by Sponsor and Department.

The Application Review Committee recommends the additional following conditions for Application No. 5320, Whitney Irrigation District's Siphon Repair Project:

A grant award from the Water Sustainability Fund (WSF) for Application #5320, Whitney Irrigation District's Siphon Repair Project is contingent upon the following provision being included in the grant award agreement between Whitney Irrigation District and the Department of Natural Resources:

- Prior to entering into an agreement with the Department, the District must certify and demonstrate it has the required 40% local share to complete the project.
- The Department will enter into a grant award agreement with Whitney Irrigation District contingent upon receiving a certification that they have all necessary land rights to underdo the project and that a complete listing of all lands involved in the project along with proof of ownership will be provided if requested by the Department.
- The applicant must not let construction related activities cause negative impacts to northern long-eared bats or their habitat. No tree clearing may occur between June 1st and July 31st of any year during construction.

The Application Review Committee recommends the additional following condition for Application No. 5322, Upper Big Blue NRD's Nitrate Accumulation Study Project:

A grant award from the Water Sustainability Fund (WSF) for Application #5322, Upper Big Blue NRD's Nitrate Accumulation Study Project is contingent upon the following provision being included in the grant award agreement between Upper Big Blue NRD and the Department of Natural Resources:

- **Coordination, Communication, and Data Sharing with the Department.**
 - A. Throughout the Project timeline, Sponsor shall coordinate and communicate with the Department on the Project's compatibility with water management goals, objectives, and action items resulting from the joint planning efforts between Sponsor and the Department.
 - i. Within sixty (60) days following the execution of this Agreement, Sponsor and Department shall meet to further mutually define the scope of this coordination and communication requirement.
 - B. Sponsor shall share with the Department all data that is generated as a result of this Project in a form that includes documentation and metadata and that is mutually agreed upon by Sponsor and Department.

The Application Review Committee recommends the additional following conditions for Application No. 5323, Middle Niobrara NRD's Bone & Lone Pine Watershed Improvement Project:

A grant award from the Water Sustainability Fund (WSF) for Application #5323, Middle Niobrara NRD's Bone & Lone Pine Watershed Improvement Project is contingent upon the following provision being included in the grant award agreement between Middle Niobrara NRD and the Department of Natural Resources:

- MNNRD must provide proof that an easement/agreement is in place to allow construction and maintain the structures for the life of the project prior to reimbursement for construction expenses.

- Relating to land acquisition, it is essential any review of water projects evaluate appropriate alternatives that minimize impact to stakeholders including producers, residents, businesses, and political subdivisions that may not receive direct benefit from those projects. Projects must include the input of the stakeholders and strive for transactions that are willing seller and willing buyer based. If a project has a conservation easement as a component, that easement shall not be longer than 99 years.