



## Memorandum

**Date:** December 10, 2024  
**To:** Water Resources Subcommittee  
**From:** Dick Ehrman, Water Resources Coordinator  
**Subject:** Water Resources Subcommittee Meeting Minutes – December, 2024

The Water Resources Subcommittee met via Zoom on December 9, 2024 at 12:00 noon. Subcommittee members present included Susan Seacrest (Chair), Bob Andersen, Deb Eagan, Gary Hellerich, Luke Petersen, and Mark Spangler. Other Board members present included Dave Landis. NRD staff present included Mike Sousek, David Potter, Steve Herdzina, Drew Ratkovec, and myself. Director Seacrest called the meeting to order at 12:00 noon, and a quorum was present for the meeting.

### **A. Consideration of American Rescue Plan Act (ARPA) of 2021 for Ground Water Monitoring (ACTION)**

Dick Ehrman provided a review of the Nebraska Department of Natural Resources' (NeDNR) utilization of ARPA funds to help NRDs expand their ground water monitoring activities. Currently, LPSNRD has a number of dedicated ground water monitoring wells across the District, and 18 of them have continuous water level monitoring devices (transducers) installed (see attached map). Five of those have telemetry units installed, which allows remote monitoring of those measurements through cell phone connections. District staff has worked with NeDNR to draft a contract to utilize ARPA funds to install telemetry units in the remaining 13 monitoring wells, thus expanding the District's water level monitoring capabilities. The cost for these 13 units will be \$12,891.45, and this entire amount will be reimbursed to LPSNRD from NeDNR. The two major conditions of the contract are that 1) LPSNRD will share the data gained through the project with NeDNR, and 2) LPSNRD will be responsible for the data subscription costs, which are estimated to be about \$5,200-6,500 per year. Staff anticipates that the equipment will be installed in late winter/early spring, and the cost for the data subscriptions will be included in the FY2026 budget.

**It was moved by Andersen, seconded by Hellerich, and approved 5-0 that the Board of Directors authorize the General Manager to sign the grant contract with the Nebraska Department of Natural Resources in the amount of \$12,891.45 for ARPA funds to purchase additional telemetry equipment for ground water level monitoring.**


There being no further business, the meeting adjourned at 12:07 PM.

Enclosures

cc: Dave Landis  
Corey Wasserburger



LOWER PLATTE SOUTH  
natural resources district

**TO:** Water Resources Subcommittee  
**FROM:** Dick Ehrman, Water Resources Coordinator   
**DATE:** December 6, 2024  
**RE:** American Rescue Plan Act (ARPA) Grant Application

Over the past few months, the Nebraska Department of Natural Resource (NeDNR) has made funds from the American Rescue Plan Act of 2021 (ARPA) available to the NRDs with the express purpose of supporting ground water monitoring. In the case of LPSNRD, an important need involves the establishment of real-time ground water level monitoring throughout the District. Currently, LPSNRD has 18 dedicated monitoring wells with continuous monitoring devices (transducers) installed in them to provide ongoing, constant information regarding ground water level changes. Five of these wells are outfitted with telemetry units, which are devices utilizing cell phone signals to remotely transmit water level data on a daily basis to NRD water staff. Working with NeDNR staff, LPSNRD has applied for an ARPA grant in the amount of \$12,891.45 to purchase telemetry units and associated items for installation in the remaining 13 dedicated monitoring wells. The attached grant application provides additional details; the locations of the monitoring wells and other information is provided on pages 21 and 22 of that application. If approved, the grant will allow LPSNRD to purchase and install the necessary telemetry equipment in the remainder of those monitoring wells already fitted with transducers, thereby allowing District staff to remotely monitor changes in ground water levels throughout the District, typically on a daily or weekly basis. This is a pure grant—that is, NeDNR will reimburse the District the entire amount of \$12,891.45 once the equipment is purchased and installed. The major conditions of the grant are that 1) LPSNRD will provide the data acquired through this project to NeDNR (we already provide NeDNR with our ground water level data), and 2) the NRD will pay for the data subscription plan for the telemetry units, which is approximately \$400-500/year per unit, or about \$5,200-\$6,500 per year (the exact amount will vary with volume discounts etc.). NRD staff intends to purchase the equipment in early 2025, install it in the spring and summer of 2025, and have the new stations online sometime in mid-2025. The cost for the data plans will be included in the FY2026 budget. Given the increasing emphasis on close monitoring of ground water levels throughout LPSNRD and Nebraska, this is a great opportunity for LPSNRD to increase its water level monitoring capabilities, at little cost to the District.

**Staff Recommended Motion: The Water Resources Subcommittee recommends that the Board of Directors authorize the General Manager to sign the grant contract with the Nebraska Department of Natural Resources in the amount of \$12,891.45 for ARPA funds to purchase additional telemetry equipment for ground water level monitoring.**

**STATE OF NEBRASKA AMERICAN RESCUE PLAN ACT OF 2021 FUNDS GRANT  
AWARD AGREEMENT**

**BETWEEN**

**THE STATE OF NEBRASKA**

**DEPARTMENT OF NATURAL RESOURCES**

**AND**

**LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT**

This Grant Award (“Agreement”) is entered into by and between the Nebraska Department of Natural Resources (“Department”) and the Lower Platte South Natural Resources District (“District”), sometimes individually referred to as “Party” and collectively referred to as “Parties.”

WHEREAS, the Legislature has appropriated money from the Coronavirus State Fiscal Recovery Fund pursuant to the federal American Rescue Plan Act of 2021 (“ARPA”), 42 U.S.C. 802, as amended to the Department’s Program 334 Fund; and

WHEREAS, pursuant to Sec. 133, LB814, 2023, the Department is charged with the responsibility of providing funding to eligible projects for enhanced data collection; and

WHEREAS, the purpose of the grant process is limited to attaining the goals set out in state and U.S. Dept. of Treasury’s Final Rule (“Final Rule”) for dispersal of federal funds used as state aid pursuant to the ARPA; and

WHEREAS, the Department determined that the District’s proposed project, as set forth below, is eligible for funding under the terms of LB814 as expressed in the Guidance Document for ARPA Funding (“Guidance Document”) located at <https://dnr.nebraska.gov/sites/dnr.nebraska.gov/files/doc/about/News/ARPA/2023NeDNRGuidanceDocVersion3.pdf>, Attachment A, hereby incorporated by reference into this Agreement; and

WHEREAS, the District seeks funding to implement telemetry equipment and data loggers to expand the extent of real-time groundwater level monitoring throughout the District (“Project”), which is consistent with the Guidance Document and has submitted a summary of the District’s proposed Scope of Services, Attachment B, hereby incorporated by reference into this Agreement; and

WHEREAS, the Department approved the Project and awards the District a grant for up to Twelve Thousand Eight Hundred Ninety-One Dollars and Forty-Five Cents (\$12,891.45) to carry out the Project contingent upon progress, and continued merit and eligibility for the funding.

NOW, THEREFORE, the Department and the District mutually agree as follows:

1. Term. This Agreement shall be for a term commencing upon its execution and continuing thereafter until December 31, 2025 unless all eligible reimbursements are made prior to that time, or unless the Agreement is:

- A. Terminated with cause in the event either Party defaults on any of its material obligations or representations under this Agreement. The non-defaulting Party shall notify the other Party in writing, specify in detail the nature and extent of such breach. If within thirty (30) calendar days after written notice of such default, the defaulting Party fails to remedy the default, this Agreement will terminate.
- B. Terminated by the Department, in whole or in part, in the event funding is no longer available. If funding is revoked by the Legislature or eligibility revoked by the U.S. Department of Treasury, the Department may terminate any portions of the Agreement for which funds have become unavailable. The Department will give the District notice of such revocation as soon as possible. The District shall be entitled to receive just and equitable reimbursement for any authorized work that has been satisfactorily completed as of the termination date.
- C. Amended by written amendment signed by both Parties.

## 2. Scope of Agreement.

- A. The District shall complete through its own efforts, or through contracting with a capable Party, all obligations for completing the Project and ensuring that state and federal compliance, accountability, and reporting obligations are met.
- B. Reimbursable Project components are limited to those set forth in the Guidance Document for Program 334, Attachment A.
- C. Any funds available to District through reimbursement by the Department pursuant to this Agreement are limited to those funds expended by the District by December 31, 2025, which is in conformance with the Final Rule.
- D. The District will provide the Department with full access to any data that is collected as a result of, or in conjunction with this Project.
- E. Nothing in this Agreement, including the receipt of data, creates any additional legal duties, obligations, or liabilities upon the Department, with respect to the operation, monitoring, inspection, and reporting of conditions affecting the safety of dams.

## 3. Contract Managers.

- A. The Department's Contract Manager is Jesse Bradley. His contact information is:  
Jesse Bradley  
Nebraska Department of Natural Resources

245 Fallbrook Blvd., Suite 201  
Lincoln, NE 68521  
Email: jesse.bradley@nebraska.gov  
Direct phone: 402-219-1357

- B. The District's Contract Manager is Dick Ehrman. His contact information is:
    - Dick Ehrman
    - Lower Platte South Natural Resources District
    - 3125 Portia Street
    - Lincoln, NE 68521
    - Email: dehrman@lpsnrd.org
    - Direct phone: 402-476-2729
  
  - C. Communications shall be through the respective Contract Managers.
  
  - D. The District may change its Contract Manager only after receiving written approval from the Department.
4. Reimbursement.
- A. The District agrees to only submit for reimbursement those eligible expenses, as defined in the Guidance Document and the U.S. Dept. of Treasury's Final Rule, *Compliance and Reporting Guidance for State and Local Fiscal Recovery Funds, Aug. 15, 2022, Version: 4.2*, that are incurred after May 15, 2024 and in performance of activities necessary for the Project during the term of this Agreement as described in the Scope of Services, Attachment B. The District agrees to reimburse the Department for any payments it received for costs that are subsequently disallowed or deemed ineligible pursuant to state audit.
  
  - B. The District agrees to comply with all reporting requirements, as described in the Guidance Document for ARPA Funding, Attachment A, as a condition of their award for those eligible expenses incurred after May 15, 2024. The District agrees to submit financial and programmatic reports to the State and Local Fiscal Recovery Funds, including information on obligations and expenditures, project status, and program income, as described in the Guidance Document for ARPA funding, Attachment A. The District agrees to comply with all reporting periods and due dates.
  
  - C. The total reimbursement amount and payments for this Project may not exceed Twelve Thousand Eight Hundred Ninety-One Dollars and Forty-Five Cents (\$12,891.45), and reimbursements shall be limited to amounts approved by the Department, as described in Scope of Services, Attachment B. The total

reimbursement amount does not include monthly cell charge fees, which will be paid for by the District.

- D. The Department shall reimburse the District for eligible expenses submitted to the Department in writing. All submissions shall include a detailed, itemized summary of its reimbursable component expenditures and include appropriate support documentation.
  - E. Reimbursement payments shall be made by the Department no more often than a monthly basis based upon the reimbursement request submissions.
  - F. Expense records shall be subject to inspection by the Department and any other agency of the State of Nebraska with responsibility for monitoring progress or auditing records pursuant to this Agreement. The Department shall have the right to audit billings both before and after payment, and payment under this Agreement shall not foreclose the right of the Department to recover excessive or improper payments.
  - G. The District, upon payment of the amounts due under this Agreement, releases the Department, its officers and employees, and the State of Nebraska from all liabilities, claims and obligations whatsoever arising from or under this Agreement.
5. Personnel. The District shall provide and technical personnel to perform in a timely manner the services required by this Agreement.
  6. Equipment and Material. The District shall provide and maintain adequate support to permit timely completion of the Project.
  7. Independent Contractor.
    - A. It is agreed that nothing contained in this Agreement is intended to be or should be construed in any manner as creating or establishing the relationship of partners between the Department and the District, or contractors of the District.
    - B. All claims on behalf of any person arising out of employment or alleged employment (including but not limited to claims of discrimination against the District, its officers or its agents) shall in no way be the responsibility of the Department or the State. The District will hold the Department and the State harmless from any and all such claims. The District personnel and all other persons acting for the District shall not require nor be entitled to any reimbursement, rights or benefits from the Department or the State including but not limited to tenure rights, medical and hospital care, sick and vacation leave, severance pay or retirement benefits.

8. Notices. All notices, requests, demands and other communications hereunder shall be in writing and delivered or mailed, with postage prepaid, to the Contract Managers at the addresses set forth in Section 3 of this Agreement.
9. Binding. This Agreement shall inure to and bind the successors, assigns, and representatives of the Parties, provided, however, this Agreement may not be assigned by either Party without the prior written consent of the other. Neither the Department nor the District intends anyone to be a third-party beneficiary of this Agreement.
10. Entire Agreement/Severability/Waiver. This Agreement is the entire agreement between the Parties hereto; no representations, inducements, promises or agreements, oral or other, between the Parties not embodied herein shall be of any force or effect. In the event any provision of this Agreement shall be held invalid and unenforceable, the remaining provisions shall be valid and binding upon the Parties. One or more waivers by either Party of any provision, term, condition or covenant shall not be construed by the other Party as a waiver of a subsequent breach of the same by the other Party.
11. Amendment of Agreement. This Agreement may be amended only by a written instrument signed by the Department and the District.
12. Attachments. If there are any terms and conditions contained in any Attachment hereto which are inconsistent with the terms and conditions contained in this Agreement, the terms and conditions of the Attachments shall be construed to conform to the terms of this Agreement unless specifically expressed in a writing signed by the Parties.
13. Prevailing Law. This Agreement is governed by the laws of the State of Nebraska including the State Contract Claims Act, Neb. Rev. Stat. §§ 81-8,302 through 81-8,306.
14. Indemnification. Neither the Department nor the State of Nebraska shall be liable for any damage or compensation payable with respect to or in consequence of any accident or injury to any workman or other person in the employment of the District that would be covered by worker's compensation insurance, liability insurance, or otherwise, save and except an accident or injury resulting from an intentional act of the Department. The District shall indemnify, defend, and hold harmless the Department and the State of Nebraska against all such damages, compensation, and against all claims, proceedings, costs, charges, attorney's fees, and expenses whatsoever in respect thereof or in relation thereof. The District shall indemnify the Department and the State of Nebraska for any damages, claims or liability to the extent caused by the Recipient's negligent acts, errors or omissions arising out of the performance of professional services under this Agreement. The District expressly waives all statutory or common law defenses, including but not limited to those under Workers' Compensation, Contribution, Comparative Fault or similar

statutes or legal principles to the extent said defenses are inconsistent with or would defeat the purpose of the indemnification under this section.

15. Drug Free Workplace Policy. The District certifies that it maintains a drug free workplace environment to ensure workers safety and workplace integrity and agrees to provide a copy of its drug free workplace policy at any time upon request by the Department.
16. Technology Access. The District agrees to ensure compliance with Nebraska Access Technology Standards. See website at: <http://nitc.nebraska.gov/standards/2-101.pdf>. In the event that the State's technology access standards change during the term of the Contract, the Department may create an amendment to the Agreement to ensure that it complies with the changed standard. If the amendment causes any changes in costs to the District, the costs must be mutually agreed on by both Parties in order for such costs to be binding upon the Parties.
17. Fair Employment Practices. The District agrees to ensure compliance with the Nebraska Fair Employment Practice Act which prohibits contractors of the State of Nebraska, and their subcontractors, from discriminating against any employee or applicant for employment, with respect to hire, tenure, terms, conditions or privileges of employment because of race, color, religion, sex, disability, or national origin, Neb. Rev. Stat. §§ 48-1101 through 48-1125.
18. Worker Eligibility Status Requirements. The District is required and hereby agrees to use a federal immigration verification system to determine the work eligibility status of any new employees paid with proceeds of this Agreement that are physically performing services within the State of Nebraska. The District understands and agrees that lawful presence in the United States is required for such employment and that it may be disqualified or the contract terminated if such lawful presence cannot be verified as required by Neb. Rev. Stat. § 4-108. A federal immigration verification system means the electronic verification of the work authorization program authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324a, known as the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee.
19. Compliance with All Laws and Ordinances.
  - A. The District covenants that it does and shall at all times pertinent to this Agreement comply with all state, federal, and local laws, ordinances, and regulations including but not limited to corporate registrations, payment of taxes and registration required for payment of taxes, acquisition and payment for permits, licenses and approvals necessary for this Agreement.



B. The District covenants that it will remain in compliance with the specific federal requirements set out in the Award Terms and Conditions section of U.S. Dept. of Treasury’s *Compliance and Reporting Guidance for State and Local Fiscal Recovery Funds, Aug. 15, 2022 Version: 4.2*. These obligations include the following items in addition to obligations for recipients pursuant to the Coronavirus State and Local Fiscal Recovery Funds (“SLFRF”) statute, the Uniform Guidance, Treasury’s Final Rule, and applicable federal laws and regulations.

1. SAM.gov Requirements.

District and its contractors are required to have an active registration with the System for Award Management (“SAM”) (<https://www.sam.gov>) pursuant to 2 C.F.R. Part 25.

2. Recordkeeping Requirements.

District must maintain records and financial documents for five years after all funds have been expended or returned to Treasury and agrees to provide or make available such records to Treasury upon request, and to the Government Accountability Office, Treasury’s Office of Inspector General, and their authorized representative in order to conduct audits or other investigations.

3. Single Audit Requirements pursuant to the Single Audit Act and its implementing regulation at 2 C.F.R. Part 200, Subpart F regarding audit requirements.

For-profit entities that receive subawards are not subject to Single Audit requirements. However, they are subject to other audits as deemed necessary by authorized governmental entities, including Treasury eligible recipients.

4. Civil Rights Compliance.

District and its contractors must meet legal requirements relating to nondiscrimination and nondiscriminatory use of federal funds, including ensuring they do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Department’s implementing regulations, 31 C.F.R. Part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1691 et seq., and the Department’s implementing regulations, 31 C.F.R. Part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 C.F.R. Part 23.

20. Audit Requirements. All District's books, records, and documents relating to work performed or monies received under the Agreement shall be subject to audit at any reasonable time after reasonable notice by the Department. The District shall maintain all these records for a period of five (5) full years from the date of final payment, or until all issues related to an audit, litigation or other action are resolved, whichever is longer. All records shall be maintained in accordance with generally accepted accounting principles.
21. Audit by Office of State Auditor. Any public or private non-profit entity or political subdivision of the state serving as the recipient or sub-recipient of funds under this Agreement, except for an individual person, is subject to audit by the Office of State Auditor and must comply with requests for any information or records within three business days after the actual receipt of the request pursuant to Neb. Rev. Stat. §§ 84-304(4)(a) and 50-1213(2).

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date last stated below.

LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT

By: Mike Sousek, General Manager  
Lower Platte South Natural Resources District  
3125 Portia Street  
Lincoln, NE 68521

\_\_\_\_\_ Date \_\_\_\_\_

NEBRASKA DEPARTMENT OF NATURAL RESOURCES

By: Jesse Bradley, P.G., Interim Director  
Department of Natural Resources  
245 Fallbrook Boulevard, Suite 201  
Lincoln, NE 68521

\_\_\_\_\_ Date \_\_\_\_\_

## GUIDANCE DOCUMENT FOR ARPA FUNDING

Issued 6/2/2022

Updated 9/11/2023, Version 3

*This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document. Neb. Rev. Stat. § 84-901.03.*

### SUMMARY

The American Rescue Plan Act (“ARPA”) is the result of a federal stimulus bill passed by Congress in the spring of 2021. The Nebraska Department of Natural Resources (“Department”) has been appropriated funds under LB1014 (2022) and LB814 (2023). In 2022, LB1014 appropriated funds into two programs: **Program 314 – Critical Infrastructure Facilities was appropriated \$23,100,000 and Program 319 – Water Projects was appropriated \$20,000,000.** In 2023, LB814 appropriated funds into two programs for three projects: **Program 319 – Water Projects was appropriated \$179,200,000 and Program 334 – Soil and Water Conservation was appropriated \$1,200,000 in FY2023-24 and \$1,200,000 in FY2024-25.**

The legislature stipulated the following requirements to ensure federal compliance, accountability, and reporting obligations are met:

*All grants utilizing Federal Funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund shall meet the eligible uses under the federal American Rescue Plan Act of 2021 and any relevant guidance on the use of such funds by the United States Department of the Treasury.*

### PROJECT GOALS FOR PROGRAM 314 – Critical Infrastructure Facilities:

The purpose of this program is as follows (excerpt from LB1014, 2022):

There is included in the amount shown as aid for this program for FY2021-22 \$23,100,000 Federal Funds to provide a grant to an irrigation district which is part of an

interstate irrigation system that experienced a failure, to satisfy matching requirements for a project authorized by the United States Bureau of Reclamation for construction and repairs on any tunnel or canal pursuant to the federal American Rescue Plan Act of 2021 and will contract with GFLID on specific terms of the grant.

## **GUIDELINES FOR ELIGIBLE FUND RECIPIENTS:**

The Department has reviewed the eligibility criteria established in LB1014 and determined that the Gering-Fort Laramie Irrigation District (“GFLID”) is the only eligible applicant for these funds. The Department is currently working with GFLID to determine total project costs and those funds that are necessary to satisfy matching requirements for the repair and construction costs associated with tunnel repairs that are integral to the operations of their irrigation system. The Department will continue to work with GFLID and the United States Bureau of Reclamation to determine final matching fund requirements for the project. No further action is required by GFLID to be determined as the eligible recipient under LB1014.

## **ELIGIBILITY CRITERIA UNDER ARPA:**

The Department has reviewed the final rule published by the Department of The Treasury [31 CFR Part 35 RIN 1505-AC77]. The Secretary of the Treasury (“Treasury”) adopted as final the interim final rule published on May 17, 2021, with amendments. This rule has been revised, based in part, on provisions of the Infrastructure Investment and Jobs Act in the fall of 2021 (“IIJA”). The provisions of the final rule reviewed by the Department are effective as of April 1, 2022. The eligibility for the expenditures of GFLID have been reviewed in the context of this rule.

The Infrastructure Investment and Jobs Act amended sections 602(c) and 603(c) of the Social Security Act to add an additional eligible use of SLFRF funds, providing that SLFRF funds “may be used for purposes of satisfying **any non-Federal matching requirement required for [an authorized Bureau of Reclamation project].**” This amendment permitted the use of SLFRF funds to meet non-federal matching requirements of any authorized Bureau of Reclamation project, regardless of whether the underlying project would be an eligible use of SLFRF funds under the water and sewer infrastructure eligible use category. These amendments are effective as of March 11, 2021, as if included in the ARPA at the time of its enactment. Treasury will provide further guidance to recipients on the scope of Bureau of Reclamation water projects and expenses covered by this provision. The provisions cited for eligibility under the final Treasury rule are contained on **page 291** of the rule.

## **REPORTING AND FUND ADMINISTRATION:**

**All recipients are required to submit Quarterly Project and Expenditure Reports.**

### **Quarterly Reporting:**

Recipients are required to submit financial and programmatic reports to the Coronavirus State and Local Fiscal Recovery Funds (“SLFRF”) as a condition of their award acceptance throughout the period of performance, including partial calendar quarters, as well as for periods where no

grant award activity occurs. Future awards and fund drawdowns may be withheld if these reports are delinquent, demonstrate a lack of progress, or are insufficient in detail.

The following reporting periods and due dates apply:

Reporting Period	Report Due Date
October 1-December 31	January 31
January 1-March 31	April 30
April 1-June 30	July 31
July 1-September 30	October 31

Other Required information to report:

**Obligations and Expenditures:** Once a project is entered the recipient will be able to report on the project’s obligations and expenditures. Recipients will be asked to report:

- Current period obligation
- Cumulative obligation
- Current period expenditure
- Cumulative expenditure

**Project Status:** Once a project is entered the recipient will be asked to report on project status each reporting period, in four categories:

- Not Started
- Completed less than 50 percent
- Completed 50 percent or more
- Completed

**Program Income:** Recipients should report the program income earned and expended to cover eligible project costs, if applicable.

In addition, because SLFRF funds must be obligated by December 31, 2024, and recipients must expend all funds under the award no later than December 31, 2026, recipients must be able to, at a minimum, determine and report to Treasury on the amount of SLFRF funds obligated and expended and when such funds were obligated and expended.

**PROJECT GOALS FOR PROGRAM 319 – Water Projects:**

The purpose of this program is as follows (excerpt from LB1014, 2022):

There is included in the amount shown as aid for this program for FY2021-22 \$20,000,000 Federal Funds to provide a grant to a city of the primary class that utilizes more than thirty million gallons per day of water to be used for the design, construction, and implementation of additional water supply projects, which shall only be used for such purpose. Eligible project costs shall include, but not be limited to, costs for a water treatment plant, land acquisition, acquiring permits, a wellfield, pumping, and transportation of water over twenty-five miles for the purpose of providing potable water to the city. The Department of Natural Resources may award a grant to a city of the

primary class based on criteria and procedures established by the department.

## **GUIDELINES FOR ELIGIBLE FUND RECIPIENTS:**

The Department has reviewed the eligibility criteria established in LB1014 and determined that the City of Lincoln (“Lincoln”) is the only eligible applicant for these funds. The Department will be working with Lincoln to determine total project costs and the specific expenditures that will be planned for these funds within the limitations established in LB1014. No further action is required by Lincoln to be determined as the eligible recipient under LB1014.

## **ELIGIBILITY CRITERIA UNDER ARPA:**

The Department has reviewed the final rule published by the Department of The Treasury [31 CFR Part 35 RIN 1505-AC77]. The Secretary of the Treasury (“Treasury”) adopted as final the interim final rule published on May 17, 2021, with amendments. This rule has been revised, based in part, on provisions of the Infrastructure Investment and Jobs Act in the fall of 2021 (“IIJA”). The provisions of the final rule reviewed by the Department are effective as of April 1, 2022. The eligibility for the expenditures of Lincoln have been reviewed in the context of this rule.

The final Treasury rule provides for opportunities to make necessary investments in water, sewer, or broadband infrastructure. The rule creates limitations on certain investments in water infrastructure but does provide for eligibility for drinking water projects needed to support increased population. Projects of the type that meet the eligibility requirements of 40 CFR § 35.3520 if the following conditions are met: (A) The project is needed to support increased population, with need assessed as of the time the project is undertaken; (B) The project is designed to support no more than a reasonable level of projected increased need, whether due to population growth or otherwise; (C) The project is a cost-effective means for achieving the desired level of service; and (D) The project is projected to continue to provide an adequate level of drinking water over its estimated useful life. 31 CFR § 35.6(e)(1)(v).

***Drinking Water State Revolving Fund*** projects or activities of the type that meet the eligibility requirements of section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) as implemented by the regulations adopted by the Environmental Protection Agency (“EPA”) under 40 CFR § 35.3520 are also eligible, provided that: (A) The recipient is not required to comply with the limitation under 40 CFR § 35.3520(c)(2) to acquisitions of land from willing sellers or the prohibition under 40 CFR § 35.3520(e)(6) on uses of funds for certain Tribal projects; and (B) In the case of lead service line replacement projects, the recipient must replace the full length of the service line and may not replace only a partial portion of the service line. 31 CFR § 35.6(e)(1)(iii).

Expenditures by Lincoln consistent with the limitations expressed in LB1014 and the eligibility criteria described above would be eligible uses of the funds. To be allowable, all costs charged to the award or applied to the cost-share must be reasonable in nature and amount and allocable to the award. Eligible costs are limited by LB1014 to:

- Cost for water treatment plant
- Land acquisition
- Acquiring permits
- A wellfield
- Pumping
- Transportation of water

**REPORTING AND FUND ADMINISTRATION:**

**Quarterly Reporting:**

Recipients are required to submit financial and programmatic reports to the Coronavirus State and Local Fiscal Recovery Funds (“SLFRF”) as a condition of their award acceptance throughout the period of performance, including partial calendar quarters, as well as for periods where no grant award activity occurs. Future awards and fund drawdowns may be withheld if these reports are delinquent, demonstrate a lack of progress, or are insufficient in detail.

The following reporting periods and due dates apply:

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Other Required information to report:

**Obligations and Expenditures:** Once a project is entered the recipient will be able to report on the project’s obligations and expenditures. Recipients will be asked to report:

- Current period obligation
- Cumulative obligation
- Current period expenditure
- Cumulative expenditure

**Project Status:** Once a project is entered the recipient will be asked to report on project status each reporting period, in four categories:

- Not Started
- Completed less than 50 percent
- Completed 50 percent or more
- Completed

**Program Income:** Recipients should report the program income earned and expended to cover eligible project costs, if applicable.

In addition, because SLFRF funds must be obligated by December 31, 2024, and recipients must expend all funds under the award no later than December 31, 2026, recipients must be able to, at a minimum, determine and report to Treasury on the amount of SLFRF funds obligated and expended and when such funds were obligated and expended.

## **PROJECT GOALS FOR PROGRAM 319 – Water Projects:**

### **Project #1:**

The purpose of this program is as follows (excerpt from LB814, 2023):

There is included in the appropriation to this program for FY2023-24 \$177,200,000 Federal Funds to provide a grant to a city of the primary class that utilizes more than thirty million gallons per day of water to be used for the design, construction, and implementation of additional water supply projects, which shall only be used for such purpose. Eligible project costs shall include, but not be limited to, costs for a water treatment plant, land acquisition, acquiring permits, a wellfield, pumping, and transportation of water over twenty-five miles for the purpose of providing potable water to the city. The Department of Natural Resources may award a grant to a city of the primary class based on criteria and procedures established by the department.

## **GUIDELINES FOR ELIGIBLE FUND RECIPIENTS:**

The Department has reviewed the eligibility criteria established in LB814 and determined that the City of Lincoln (“Lincoln”) is the only eligible applicant for these funds. The Department will be working with Lincoln to modify their existing contract (funds received from LB1014, 2022), and determine total project costs and the specific expenditures that will be planned for these funds within the limitations established in LB814. No further action is required by Lincoln to be determined as the eligible recipient under LB814.

## **ELIGIBILITY CRITERIA UNDER ARPA:**

The Department has reviewed the final rule published by the Department of The Treasury [31 CFR Part 35 RIN 1505-AC77]. The Secretary of the Treasury (“Treasury”) adopted as final the interim final rule published on May 17, 2021, with amendments. This rule has been revised, based in part, on provisions of the Infrastructure Investment and Jobs Act in the fall of 2021 (“IIJA”). The provisions of the final rule reviewed by the Department are effective as of April 1, 2022. The eligibility for the expenditures of Lincoln have been reviewed in the context of this rule.

The final Treasury rule provides for opportunities to make necessary investments in water, sewer, or broadband infrastructure. The rule creates limitations on certain investments in water infrastructure but does provide for eligibility for drinking water projects needed to support increased population. Projects of the type that meet the eligibility requirements of 40 CFR § 35.3520 if the following conditions are met: (A) The project is needed to support increased population, with need assessed as of the time the project is undertaken; (B) The project is designed to support no more than a reasonable level of projected increased need, whether due to population growth or otherwise; (C) The project is a cost-effective means for achieving the desired level of service; and (D) The project is projected to continue to provide an adequate level of drinking water over its estimated useful life. 31 CFR § 35.6(e)(1)(v).



**Drinking Water State Revolving Fund** projects or activities of the type that meet the eligibility requirements of section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) as implemented by the regulations adopted by the Environmental Protection Agency (“EPA”) under 40 CFR § 35.3520 are also eligible, provided that: (A) The recipient is not required to comply with the limitation under 40 CFR § 35.3520(c)(2) to acquisitions of land from willing sellers or the prohibition under 40 CFR § 35.3520(e)(6) on uses of funds for certain Tribal projects; and (B) In the case of lead service line replacement projects, the recipient must replace the full length of the service line and may not replace only a partial portion of the service line. 31 CFR § 35.6(e)(1)(iii).

Expenditures by Lincoln consistent with the limitations expressed in LB814 and the eligibility criteria described above would be eligible uses of the funds. To be allowable, all costs charged to the award or applied to the cost-share must be reasonable in nature and amount and allocable to the award. Eligible costs are limited by LB814 to:

- Cost for water treatment plant
- Land acquisition
- Acquiring permits
- A wellfield
- Pumping
- Transportation of water

**REPORTING AND FUND ADMINISTRATION:**

**Quarterly Reporting:**

Recipients are required to submit financial and programmatic reports to the Coronavirus State and Local Fiscal Recovery Funds (“SLFRF”) as a condition of their award acceptance throughout the period of performance, including partial calendar quarters, as well as for periods where no grant award activity occurs. Future awards and fund drawdowns may be withheld if these reports are delinquent, demonstrate a lack of progress, or are insufficient in detail.

The following reporting periods and due dates apply:

Reporting Period	Report Due Date
October 1-December 31	January 31
January 1-March 31	April 30
April 1-June 30	July 31
July 1-September 30	October 31

Other Required information to report:

**Obligations and Expenditures:** Once a project is entered the recipient will be able to report on the project’s obligations and expenditures. Recipients will be asked to report:

- Current period obligation
- Cumulative obligation
- Current period expenditure

- Cumulative expenditure

**Project Status:** Once a project is entered the recipient will be asked to report on project status each reporting period, in four categories:

- Not Started
- Completed less than 50 percent
- Completed 50 percent or more
- Completed

**Program Income:** Recipients should report the program income earned and expended to cover eligible project costs, if applicable.

In addition, because SLFRF funds must be obligated by December 31, 2024, and recipients must expend all funds under the award no later than December 31, 2026, recipients must be able to, at a minimum, determine and report to Treasury on the amount of SLFRF funds obligated and expended and when such funds were obligated and expended.

### **Project #2:**

The purpose of this program is as follows (excerpt from LB814, 2023):

There is included in the appropriation to this program for FY2023-24 \$2,000,000 Federal Funds to provide a grant to a city of the first class located in the first congressional district that is constructing riverfront improvement projects, including water recreational facilities, arts and entertainment facilities, and other projects associated with riverfront improvement.

## **GUIDELINES FOR ELIGIBLE FUND RECIPIENTS:**

The Department has reviewed the eligibility criteria established in LB814 and determined that the City of Norfolk (“Norfolk”) is the only eligible applicant for these funds. The Department will be working with Norfolk to determine total project costs and the specific expenditures that will be planned for these funds within the limitations established in LB814. No further action is required by Norfolk to be determined as the eligible recipient under LB814.

## **ELIGIBILITY CRITERIA UNDER ARPA:**

The Department has reviewed the final rule published by the Department of The Treasury [35 CFR Part 35 RIN 1505-AC77]. The Treasury adopted as final the interim final rule published on May 17, 2021, with amendments. This rule has been revised, based in part, on provisions of the IJA in the fall of 2021. The provisions of the final rule reviewed by the Department are effective as of April 1, 2022. The eligibility for the expenditures of Norfolk have been reviewed in the context of this rule.

The final Treasury rule provides for opportunities for responding to the negative economic impacts of the COVID-19 public health emergency for purposes including a program, service,

capital expenditure or other assistance that is provided to a disproportionately impacted household, population, or community, including: investments in communities to promote improved health outcomes and public safety such as parks and recreation facilities and facilities and equipment related to the provision of these services to the disproportionately impacted household, population, or community. 31 CFR § 35.6(b)(3)(ii)(A)(11). The final rule specifies the following households and communities are presumed to be disproportionately impacted by the COVID-19 public health emergency or its negative economic impacts: households and populations residing in a qualified census tract and low-income households and populations. 31 CFR § 35.6(b)(2)(iii)(A). Per the United States Census Bureau, 12.9% of persons within the City of Norfolk have income below the poverty level which is higher than rest of the state at 10.8%. The City of Norfolk also contains parts of two Qualified Census Tracts, as designated by the U.S. Department of Housing and Urban Development: Census Tract 9607 in the north and northeastern portion of Norfolk, and Census Tract 9611 in the southern portion of Norfolk.

**REPORTING AND FUND ADMINISTRATION:**

**Quarterly Reporting:**

Recipients are required to submit financial and programmatic reports to the Coronavirus State and Local Fiscal Recovery Funds (“SLFRF”) as a condition of their award acceptance throughout the period of performance, including partial calendar quarters, as well as for periods where no grant award activity occurs. Future awards and fund drawdowns may be withheld if these reports are delinquent, demonstrate a lack of progress, or are insufficient in detail.

The following reporting periods and due dates apply:

Reporting Period	Report Due Date
October 1-December 31	January 31
January 1-March 31	April 30
April 1-June 30	July 31
July 1-September 30	October 31

Other Required information to report:

**Obligations and Expenditures:** Once a project is entered the recipient will be able to report on the project’s obligations and expenditures. Recipients will be asked to report:

- Current period obligation
- Cumulative obligation
- Current period expenditure
- Cumulative expenditure

**Project Status:** Once a project is entered the recipient will be asked to report on project status each reporting period, in four categories:

- Not Started
- Completed less than 50 percent
- Completed 50 percent or more
- Completed

**Program Income:** Recipients should report the program income earned and expended to cover eligible project costs, if applicable.

In addition, because SLFRF funds must be obligated by December 31, 2024, and recipients must expend all funds under the award no later than December 31, 2026, recipients must be able to, at a minimum, determine and report to Treasury on the amount of SLFRF funds obligated and expended and when such funds were obligated and expended.

## **PROJECT GOALS FOR PROGRAM 334 – Soil and Water Conservation:**

The purpose of this program is as follows (excerpt from LB814, 2023):

There is included in the appropriation to this program \$1,200,000 from Federal Funds in FY2023-24 and \$1,200,000 from Federal Funds in FY2024-25 from funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund pursuant to the federal American Rescue Plan Act of 2021, 42 U.S.C. 802, as amended, for enhanced data collection.

## **GUIDELINES FOR ELIGIBLE FUND RECIPIENTS:**

The Department has reviewed the eligibility criteria established in LB814 and determined that the Nebraska legislature intended for the Nebraska Department of Natural Resources (Department) to be the recipient of these funds to Program No. 334 – Soil and Water Conservation for the purpose of enhanced data collection. The Department will work to determine total project costs and specific expenditures that will be planned for these funds within the limitations established in LB814. No further action is required by the Department to be determined as the eligible recipient under LB814.

## **ELIGIBILITY CRITERIA UNDER ARPA:**

The Department has reviewed the final rule published by the Department of The Treasury [31 CFR Part 35 RIN 1505-AC77]. The Secretary of the Treasury (“Treasury”) adopted as final the interim final rule published on May 17, 2021, with amendments. This rule has been revised, based in part, on provisions of the Infrastructure Investment and Jobs Act in the fall of 2021 (“IIJA”). The provisions of the final rule reviewed by the Department are effective as of April 1, 2022. The eligibility for the expenditures of the Department Program No. 334 have been reviewed in the context of this rule.

The final Treasury rule provides for opportunities to provide emergency relief from natural disasters that are threatened to occur in the future or their negative economic impacts. The interim final rule explains that for purposes of the SLFRF program, a natural disaster is defined as inter alia, “flood, high water, or drought...in each case attributable to natural causes, that causes or may cause substantial damage, injury, or imminent threat to civilian property or persons.” Further, if providing assistance to **lessen or avert the threat of a future natural disaster**, recipients should document evidence of historical patterns or predictions of natural

disasters that would reasonably demonstrate the likelihood of future occurrence of such natural disaster in its community. Expenditures by the Department for enhanced data collection consistent with the limitations expressed in LB814 and the eligibility criteria described above would be eligible uses of the funds.

In addition, the final Treasury rule provides for opportunities to make necessary investments in water, sewer, or broadband infrastructure, including Clean Water State Revolving Fund projects or activities of the type that meet the eligibility requirements of Section 603(c) of the Clean Water Act. Expenditures by the Department for enhanced data collection consistent with the limitations expressed in LB814 and the eligibility criteria described in the requirements of Section 603(c) of the Clean Water Act would be eligible uses of the funds.

**REPORTING AND FUND ADMINISTRATION:**

**Quarterly Reporting:**

Recipients are required to submit financial and programmatic reports to the Coronavirus State and Local Fiscal Recovery Funds (“SLFRF”) as a condition of their award acceptance throughout the period of performance, including partial calendar quarters, as well as for periods where no grant award activity occurs. Future awards and fund drawdowns may be withheld if these reports are delinquent, demonstrate a lack of progress, or are insufficient in detail.

The following reporting periods and due dates apply:

Reporting Period	Report Due Date
October 1-December 31	January 31
January 1-March 31	April 30
April 1-June 30	July 31
July 1-September 30	October 31

Other Required information to report:

**Obligations and Expenditures:** Once a project is entered the recipient will be able to report on the project’s obligations and expenditures. Recipients will be asked to report:

- Current period obligation
- Cumulative obligation
- Current period expenditure
- Cumulative expenditure

**Project Status:** Once a project is entered the recipient will be asked to report on project status each reporting period, in four categories:

- Not Started
- Completed less than 50 percent
- Completed 50 percent or more
- Completed

**Program Income:** Recipients should report the program income earned and expended to cover eligible project costs, if applicable.

In addition, because SLFRF funds must be obligated by December 31, 2024, and recipients must expend all funds under the award no later than December 31, 2026, recipients must be able to, at a minimum, determine and report to Treasury on the amount of SLFRF funds obligated and expended and when such funds were obligated and expended.

**CONTACT INFORMATION:**

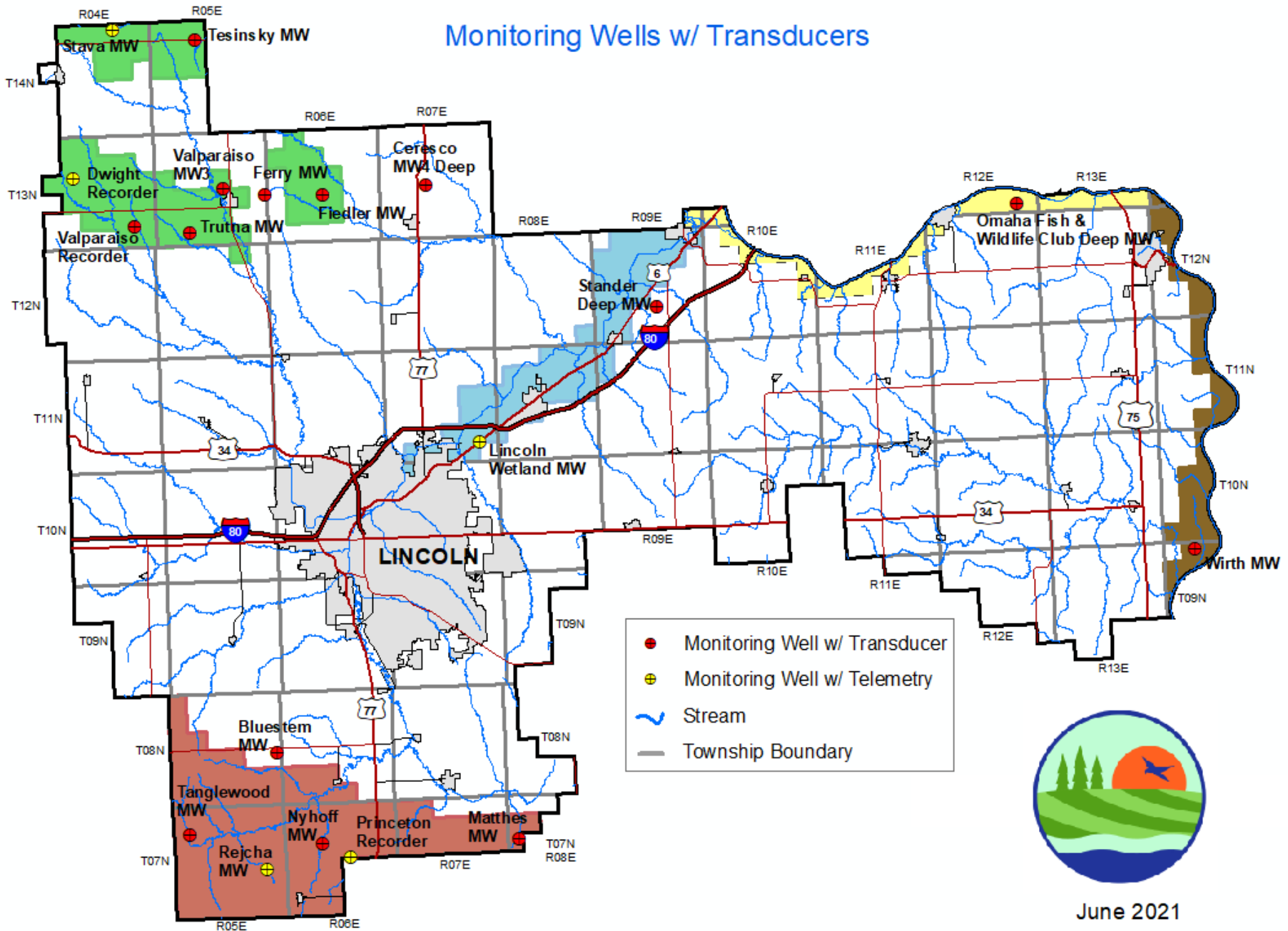
For questions regarding the contents of this guidance document, please contact Jesse Bradley [jesse.bradley@nebraska.gov](mailto:jesse.bradley@nebraska.gov) or (402-219-1357).

# Lower Platte South Natural Resources District

## Monitoring Wells w/ Transducers

NEDNR Contract #1590

Attachment B



21 of 22



June 2021

Well Name	Registration Number	County	Static WL (ft)	Cell Service Reliability
Bluestem	G-107743	Lancaster	100	H
Ceresco MW4 Deep	G-137712	Saunders	100	H
Ferry	G-155630	Saunders	230	H
Fiedler	G-180399	Saunders	75	H
Matthes	G-131363	Lancaster	120	H
Nyhoff	G-131380	Lancaster	85	H
Omaha F&W Club	G-162879	Cass	15	M
Stander Deep	G-107751A	Cass	20	H
Tanglewood	G-097144	Lancaster	75	H
Tesinsky	G-180398	Saunders	75	H
Trutna	G-137714	Saunders	60	H
Valparaiso MW3	G-097146	Saunders	90	H
Valparaiso Recorder	G-070766	Butler	100	H

Each well will require a Vu-Link telemetry unit (\$876.20), external antenna (\$31.45), and military-grade battery set (\$84.00), for a total of \$991.65 per unit. These quotes were received via phone from In-Situ, Inc. on December 4, 2024. So, for the 13 units, the total cost would be **\$12,891.45**.

Note: Telemetry unit cost does not include monthly cell charge fees which will covered by the District.