

AGENDA

Nebraska Environmental Trust
Grants Committee

Thursday, January 13, 2022

9:30 AM

The Ferguson House
700 S 16th St, Lincoln, NE 68508

1. Call to Order
 - a. Roll call
 - b. Verify Quorum
 - c. Notice of Meeting; Published Monday, January 10, 2022
 - d. Notification of Open Meetings Law Posting
2. Public Comment
3. Determination of eligibility of applications for grant funding
4. Next Meeting; January 26 & 27, 2022, Ferguson House, 9:30 AM
5. Adjourn

**This agenda contains a list of subjects known at the time of its distribution on January 11, 2022. A current copy is kept on file at the offices of the Nebraska Environmental Trust, 700 S 16th Street, Lincoln, NE 68509. Except for items of an emergency nature, the agenda will not be enlarged later than 24 hours before the scheduled commencement of the meeting. Public comment may be offered on any agenda item by completing the sign-in sheet available at meeting. Time for each speaker should not exceed 3 minutes.

Grants Committee

NET Agenda Materials

Item #: 3

Object: To approve and recommend to the NET Board eligible grant applications

Contact Person: Jeff Kanger, Holly Adams

For: ACTION Attachment: 4 pages of instructions and scoring determinations

BACKGROUND

Working with NET staff, the Trust 22 Committee through the COE improvement process provided an eligibility checklist to assist in making eligibility determinations. The checklist uses current Title 137 rules & regulation with the appropriate section provided for reviewers reference. The Grants Committee desires to provide transparency concerning the application eligibility process prior to scoring using current applicable standards.

EXPLANATION

The Grants Committee receives an application after the Executive Director has reviewed it for completeness and after a technical review has been made, if necessary.

Title 137 provides a patchwork of rules and regulations to define an application's eligibility. The Grants Committee makes a determination and recommendation concerning an applications eligibility. It is a separate action from scoring an application. An application must be eligible before it is considered for scoring.

After the Grants Committee makes their recommendations to the Board for consideration. The Board may adopt or revise the Grant Committee determination for eligibility. If the Board determines an applicant is eligible, it would then be scored.

PROPOSAL

The NET Board approved the use of an eligibility checklist based on existing criteria in governing documents for the Trust. The Grants Committee received the applications, eligibility checklists and supporting documentation. The Grants Committee members have independently reviewed and submitted their findings to the Grants Administrator. The Grants Administrator has compiled the results for the Grants Committee to act on for each grant application.

Recommended motion, "I move to approve eligibility for grant applications (each listed) and forward to the NET Board for review and approval."

NEBRASKA ENVIRONMENTAL TRUST

STATEMENT OF ELIGIBILITY

AWARD YEAR: 2022

Project Number:

Sponsor:

Project Name:

Eligibility requirements – To be eligible for consideration in the rating processes for funding, the applicant’s proposed project must be consistent with the following criteria for eligibility, as described in Title 137, Chapter 5, Sections 002 through 006.

	Criteria	Check Box if Meets Criteria
1. Environmental Acceptability:	The project results in net gain. Title 137, Ch. 5, 002, 0002.01, 002.02, & 002.03	
2. Environmental Benefits:	The project will provide clear and direct environmental benefits. Title 137, Ch. 5, 001.08 & Title 137, Ch. 5, 003	
3. Trust Board Priorities:	The project makes a real contribution to achieving defined priorities. Title 137, Ch. 5, 001.09	
4. Public Benefits:	The project will benefit the general public. Title 137, Ch. 5, 001.10 & Title 137, Ch. 5, 002.	
5. Technical Feasibility:	The project appears technically feasible. Title 137, Ch. 5, 006 & 006.02	
6. Financial Feasibility:	The project appears financially feasible. Title 137, Ch. 5, 001.07, 006, & 006.01,	
7. Does Not Provide Regulatory Assistance:	The project does not provide direct assistance to a regulatory program. Title 137, Ch. 5, 001.01	
8. Implement Regulatory Assistance:	The project does not implement actions mandated by regulation, except to remediate soils or groundwater. Title 137, Ch. 5, 001.02, 001.03, & 001.05	
9. Private Benefits:	The project does not provide primarily private benefits nor relieve any entity of private liability. Title 137, Ch. 5, 001.04, 005	
10. Financial Hardship:	The beneficiaries of this project could not afford the costs of the benefits without financial hardship. Title 137, Ch. 5, 001.06	
11. Eminent Domain:	The project does not assist in the acquisition of property through eminent domain. Title 137, Ch. 5, 001.11	

Project was found eligible?

Yes

No

Title 137 Chapter 4

001.01 The Executive Director shall review each application submitted and shall determine whether the application is complete for initial review. The Grants Committee of the Board shall review each such application and shall make a preliminary recommendation of approval or rejection of the proposal for eligibility.

001.02 For any application, the Grants Committee will determine whether further information will be needed to evaluate the eligibility of the proposal. If additional information is needed, the Executive Director will so notify the applicant, and provide a reasonable time period for submission of the additional material.

Title 137 Chapter 6

002 Grants Committee Action. After receiving comments from any technical advisory committee reviewing an application, the Grants Committee shall make the following recommendations to the Board:

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

003 Required Findings. Prior to making any recommendation to the Board for approval of a project for funding eligibility, the Grants Committee shall determine that the project is consistent with the requirements of Chapter 5 of these rules.

Title 137 Chapter 5

001 Eligibility Requirements. To be eligible for consideration in the rating processes for funding, the applicant's proposed project must be consistent with the following criteria for eligibility as described in Sections 002 to 006 of this Chapter.

001.01 The grants shall not be used to provide direct assistance to regulatory programs.

001.02 The grants shall not be used to implement actions mandated by regulations except remediation.

001.03 No more than sixty percent (60%) of grant allocations in any year shall assist remediation of soils or ground water, and no grants for this purpose shall occur unless all other available sources of funding are, in the opinion of the board, being substantially utilized.

001.04 The fund shall not pay for private benefits or provide assistance to projects or portions of projects whose benefits are primarily private in nature. Compensation for contributions made to a project, such as land or land rights, shall not constitute payment for private benefits.

001.05 The fund shall not relieve private liability for environmental damage or, except for projects for remediation of soils or ground water, provide assistance to projects in order to relieve such liability. For purposes of this section, "private liability" shall mean liability

to a person or entity and shall include fines or penalties imposed by a governmental entity.

001.06 The fund shall not pay for projects to the extent such projects have direct beneficiaries who could afford the costs of the benefits without experiencing serious financial hardship. For purposes of this section, "direct beneficiaries" shall not be deemed to include a person who receives incidental benefits from a project which primarily benefits the general public.

001.07 The grants should assist those projects which offer the greatest environmental benefits relative to cost.

001.08 The grants should assist those projects which provide clear and direct environmental benefits.

001.09 The grants should assist those projects which will make a real contribution to achieving the board's environmental categories.

001.10 The grants should assist those projects which offer the greatest public benefits; and

001.11 The grants shall not pay for land or easements acquired without the full and express consent of the landowner.

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

002.01 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 shall meet the requirements contained in the Nongame and Endangered Species Conservation Act, Nebraska Revised Statute § 37-801; and

002.02 The plan of development minimizes any adverse impacts on the natural environment, adequately addresses existing cultural resources and results in environmental net gain.

002.03 In addition to any proposed mitigation measures, all aspects of the project which can be anticipated to result in environmental enhancement shall be considered in determining whether the plan minimizes adverse impacts. The Board may request additional information it deems necessary in determining environmental acceptability. The applicant, if required by the Board, will be provided a reasonable period of time to respond to requests for information and such other items as the applicant of the Board identifies as relevant to the issued of environmental acceptance.

003 Clear and Direct Environmental Benefits. A project will be considered to have clear and direct environmental benefits if the realization of those benefits can be reasonable expected, as a result of the project and if those benefits will be obvious, even if not quantifiable. The

application will need to describe the environmental benefits anticipated as a result of the project and how those benefits will be clearly and directly attained. Educational projects may be considered to have clear and direct environmental benefits.

004 Contribution to Achieve the Board's Funding Categories. Only those projects which contribute to the then existing environmental categories established pursuant to Chapter 2 of these rules shall be eligible for financial assistance.

005 Public Benefits. For a project to be eligible for funding assistance, it must produce public, not just private, benefits.

006 Financial and Technical Feasibility. Financial and technical feasibility may be evaluated by the use of subcommittees, contractual assistance or advisory groups. Standards for each of these factors are as set out below:

006.01 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 operate, maintain, and replace the project as applicable. Each applicant shall submit a project budget identifying the nature and amount of each source of funds to be used for the project; a schedule indicating when such funds will be received; and a schedule indicating when the funds available will be expended for project purposes. The remaining financial data supplied by the applicant will depend upon the type of applicant.

006.02 Technical Feasibility. A project that is structural in nature shall be considered technically feasible when it can and will be designed, constructed, and operated to accomplish the purpose(s) for which it was planned utilizing accepted engineering and other technical principles and concepts. A project which is nonstructural in nature shall be considered to be technically feasible when it can and will be designed and carried out to accomplish the purpose(s) for which it was planned.