AGENDA

Nebraska Environmental Trust Board
Special Meeting
Thursday, March 3, 2022
1:00 PM CST

Nebraska Department of Environment and Energy
LL Room 031, 245 Fallbrook Blvd, Lincoln, NE

1. Call to Order
   a. Roll call
   b. Verify Quorum
   c. Notice of Meeting; Published Monday, February 21, 2022
   d. Notification of Open Meetings Act Posting

2. Consent Agenda
   a. Approval of February 3, 2022, Board Meeting Minutes

3. Public Comment

4. Board Development – Informational reviews

1:30 PM - Public Hearing on Proposed Funding List for the 2022 Grant Cycle

5. Award of 2022 Grants


7. Directors Report

8. Next Meeting; Thursday, April 7, 2022, Location and Time TBD

9. Adjourn

**This agenda contains a list of subjects known at the time of its distribution on February 18, 2022. A current copy is kept on file at the offices the Nebraska Environmental Trust, 700 S 16th Street, Lincoln, NE 68508. Except for items of an emergency nature, the agenda will not be altered later than 24 hours before the scheduled commencement of the meeting. Public comment may be offered on topics within the purview of the Board on any item before the Board by completing the sign-in sheet available at meeting. Time for each speaker should not exceed 3 minutes.**
Board Development

NET Board Agenda Materials

Item #: 2.

Object: To implement a consent agenda

Contact Person: Karl Elmshaeuser

For: ACTION

Attachment: 9 pages

BACKGROUND
The consent agenda includes a list of routine, uncontroversial items that can be approved in a single motion, no discussion, and one vote.

EXPLANATION
A consent agenda streamlines the approval of regular and routine agenda items and allows the Board to focus on more substantive issues. For a consent agenda to work, it is essential that all members review the items prior to the meeting. Although a member may request a consent agenda item to be moved to the regular agenda for discussion during a meeting, it is best to bring issues to the attention of the Executive Director prior to the meeting. If further discussion is needed, the item can be placed on the regular agenda.

Consent Agenda Items:
    a. February 3, 2022, Board Meeting Minutes

Members may ask in advance of a meeting for a correction to unapproved minutes. If a correction is made, the draft minutes will be recirculated to the Board before the scheduled meeting.

PROPOSAL
To use a consent agenda to assist in making meetings more productive, members more engaged, and allow more time for strategic issues requiring debate and deliberation.

Recommended motion, “I move that the Board approves the Consent Agenda.”
MINUTES
Nebraska Environmental Trust Board
First Quarter Meeting
Thursday, February 3, 2022
6:00 PM

1. Call to Order
The first quarter meeting of the Nebraska Environmental Trust (NET) Board was called to order by Chairman Andersen at 6:01 PM in the LL Hearing Room 031, 245 Fallbrook Blvd, Lincoln, Nebraska.

Roll call was conducted and a quorum was present.

Advance public notice was published in the Lincoln Journal Star on January 24, 2022. The agenda and documents to be considered at the meeting were provided. The Open Meetings Act was posted in the meeting room.

Members present:
District I: Mr. Jeff Kanger, Lincoln. District II: Mr. Felix Davidson, Valley; Mr. Paul Dunn, Omaha; Mr. Mark Quandahl, Omaha. District III: Chairman Josh Andersen, Edgar; Mr. Rod Christen, Steinauer; Mr. Quentin Bowen, Humboldt. State Agency Representatives: Dr. Gary Anthone, Director, Nebraska Department of Health and Human Services; Vice Chairman Jim Macy, Director, Nebraska Department of Environment and Energy; Mr. Tim McCoy, Director, Nebraska Game & Parks Commission; Mr. Tom Riley, P.E., Director, Nebraska Department of Natural Resources; Mr. Steve Wellman, Director, Nebraska Department of Agriculture.

Members absent:
District I: Mr. Jim Hellbusch, Columbus; Mr. John Orr, Blair.

Staff present:
Mr. Karl Elmshaeuser, Executive Director; Ms. Holly Adams, Grants Administrator; Ms. Pam Deines, Grants Assistant; and Ms. Sandra Weaver, Office Specialist.

2. Consent Agenda

Background on consent agenda items
The consent agenda included the January 6, 2022, Board meeting minutes, financial reports, approval to set financials aside for audit, and the Grant Administration Report.

Motion by Mr. Davidson, seconded by Mr. Riley, “I move to approve the items in the consent agenda.”

Voting Aye: Dunn, Quandahl, Davidson, Christen, Bowen, McCoy, Anthone, Riley, Wellman, Macy, Kanger, Andersen.
Absents: Hellbusch, Orr.
12 Voted Aye. Motion carried.

3. Public Comment
Mr. Dedric Gill, Green Recycling Enterprises, LLC, commented on the status of the application for grant 22-120.

Ms. Kelsi Wehrman, Pheasants Forever, Inc. and Quail Forever, commented on the proposals for the modification request for grants 15-181-3 and 18-138-2, Corners for Wildlife.
Ms. Sandy Scofield, Friends of the Trust, commented on the grants eligibility scoring process.

Mr. Bob Wickersham, Friends of the Trust, commented on the grants eligibility scoring process.

Mr. John Denton, Ducks Unlimited, commented on the status of their grant submittals.

Mr. Andy Bishop, Rainwater Basin Joint Venture, commented on previous funded grant projects and the status of the application for grant 22-126 for the Watershed Restoration Initiative.

4. Board Development – Informational reviews

Executive Director Elmshaeuser reviewed requirements and procedures with the Board for the following items.

a. Board Representation & Congressional Districts

Congressional district boundaries were changed in the last legislative session. Pursuant to Neb. Rev. Stat. § 81-15,171, vacancies on the NET Board only occur “in the event of the death, disability, or resignation of a member.” The law does not specify that a vacancy will be created or that a member will be removed if they are no longer in their district. When a member is up for reappointment and no longer in the same district, they must be reappointed for the new district in which they reside. Executive Director Elmshaeuser reported NET staff is researching ways the public may best contact citizen members as their appointed representatives.

b. NET Funding & Budget Overview

The second year of the 2021-2023 Biennium will begin on July 1, 2022. Executive Director Elmshaeuser and staff will work with the NET Finance Committee and the Nebraska Game and Parks Commission to review and recommend the biennium budgets and annual reviews of expenditures for adjustments.

Mr. Davidson suggested addressing the Endowment Fund and options for its management at the next meeting.

5. Legislative Committee Report

The 107th Legislature, 2nd Session, convened on January 5, 2022. Legislative bills that will be monitored because of possible impact to the NET, were provided for Board review.

6. Finance Committee Report and Recommendations

a. Finance Committee Report

Mr. Quandahl, Chairman of the Finance Committee, reported the Committee met on January 25, 2022. Board action was recommended by the Committee on issues addressed in 6.b and 6.c.

b. Fiscal policy for Executive Director authority

Background on agenda item 6.b
A policy is not currently in place to authorize the Executive Director to expend funds on behalf of the Nebraska Environmental Trust.

NET policy recommended by the Finance Committee:
Section I: Budget
D. Policy of Executive Director spending authority
Nebraska statute 81-15,173 (4) provides the Nebraska Environmental Trust (NET) the power to contract to receive goods and services. This policy of the NET provides that the Executive Director shall have the authority to execute purchases and contracts on behalf of the NET for all goods and services under $2,000 when such expenditures do not exceed the adopted budget and are reviewed by the NET Board when financial statements are provided.

The NET Board authorizes the Executive Director to execute service agreements for all contracts for services under $25,000 annually that includes planning, programming and administrative services that do not exceed the adopted budget and are reviewed by the NET Board when financial statements are provided.

These limits are in keeping with the State of Nebraska Procurement Manual - Updated September 14, 2018. Purchases and contracts made by the Executive Director shall follow the most current Nebraska Procurement Manual as it is updated.

Motion by Mr. Quandahl, seconded by Mr. Macy, “I move to approve the Policy of the Executive Director spending authority for the Nebraska Environmental Trust as presented and recommended by the Finance Committee.”

Discussion: None

Voting Aye: Dunn, Quandahl, Davidson, Christen, Bowen, McCoy, Anthone, Riley, Wellman, Macy, Kanger, Andersen.
Absent: Hellbusch, Orr.
12 Voted Aye. Motion carried.

c. Budget Adjustment/Deficit Spending for FY 2022-23 NET

Background on agenda item 6.c
At its meeting on April 8, 2021, the NET Board passed a motion for staff to explore a comprehensive list of alternative locations and space for NET operations that may better facilitate the realization of the vision, mission, and purpose of the NET with a report to the full Board at the Third Quarter 2021 meeting. On January 25, 2022, the Finance Committee reviewed relevant documentation and passed a motion to recommend approval by the NET Board. As part of the April 8, 2021 motion passed by the NET Board, a budget modification was requested at the February 1, 2022, fiscal legislative hearing.

Motion by Mr. Quandahl, seconded by Mr. Davidson, “I move that the NET Board make budget adjustments as necessary to provide the NET Board the ability to continue to explore efficient and effective alternative office locations. These budget line items will not exceed $64,920 for a lease agreement, $35,000 for furniture, and $3,500 for moving expenses. The total budget adjustments for these items in fiscal year 2022-23 would total $103,420 and are subject to the Nebraska Legislature Appropriations approval for spending authority.”

Discussion: Mr. McCoy clarified the motion would provide flexibility and any decision on a new location would be brought back to the NET Board for action. Executive Director Elmshaeuser stated the figures in the motion were based on estimated calculations from Building Division in 2021, based on needed square footage, number of staff, and moving costs.
7. **Grant Modification Requests**

**Background on agenda item 7**
Grantees can submit budget and project modifications and extension requests to be reviewed by the Board. These requests do not change the scope of the project. If approved, their letter of request and any attachments are a binding amendment to their grant agreement.

**Motion by** Mr. McCoy, seconded by Mr. Bowen, “I move that the NET Board approve Pheasants Forever’s request to modify their payment schedule for their awarded projects: 15-181-3 and 18-138-2, Corners for Wildlife.”

**Discussion:** The Board vetted Mr. Quandahl’s concerns with prepaying services yet to be rendered and no repayment provision if the grant project conditions are not carried through by the grantee.

**Voting Aye:** Quandahl, Davidson, Christen, Bowen, McCoy, Anthone, Riley, Wellman, Macy, Kanger, Dunn, Andersen.

**Absent:** Hellbusch, Orr.

12 Voted Aye. Motion carried.

**Motion by** Mr. Dunn, seconded by Mr. Riley, “I move that the Board approve OPPD’s request for a one-year extension for project 20-130-2.”

**Discussion:** None.

**Voting Aye:** Davidson, Christen, Bowen, McCoy, Anthone, Riley, Wellman, Macy, Kanger, Dunn, Quandahl, Andersen.

**Absent:** Hellbusch, Orr.

12 Voted Aye. Motion carried.

8. **Grants Committee Report and recommendations for eligibility**

**Background on agenda item 8**
Mr. Kanger, Chairman of the Grants Committee, reported the Committee used the eligibility criteria checklist process approved at the NET Board meeting on January 6, 2022. Using the checklist and information provided in Title 137, the Grants Committee reviewed 118 applications for eligibility. At its meeting on January 13, 2022, the Committee determined 82 out of 118 applications to be eligible. Grant projects deemed eligible by the NET Board will be referred back to the Grants Committee for scoring.

**Motion by** Mr. Kanger, “As Chairman representing the Grants Committee, I move that the Nebraska Environmental Trust Board accepts and approves the grant applications on page 8-2 of the board book, as recommended by the Grants Committee: 22-147, 22-148, 22-150, 22-183, 22-209, 22-207, 22-145, 22-146, 22-155, 22-130, 22-132, 22-152, 22-157, 22-214, 22-174, 22-141, 22-216, 22-177, and 22-182.”

Voting Aye: Quandahl, Davidson, Christen, Bowen, McCoy, Anthone, Riley, Wellman, Macy, Kanger, Andersen.

Voting Nay: Dunn.

Absent: Hellbusch, Orr.

11 Voted Aye. 1 Voted Nay. Motion carried.
Discussion: The Board discussed the grant application process and subjectivity of the technical and Grants Committee reviewers. Mr. Dunn noted he would vote against the eligibility motions because of a lack of consensus in the Grants Committee and unfairness to applicants this year and next year due to different reviewers. Mr. Kanger provided an overview of the Committee’s work. He stated the Committee review was not an outcome-oriented process but focused on the process itself. Each member put bias aside and independently applied Title 137 to the best of their ability.

Mr. Davidson suggested that the Grants Committee conduct a debriefing next year with the new Committee members and explain how eligibility criteria is applied.

Voting Aye: Christen, Bowen, McCoy, Anthone, Riley, Wellman, Macy, Kanger, Quandahl, Davidson, Andersen.
Voting Nay: Dunn.
Absent: Hellbusch, Orr.
11 Voted Aye. 1 Voted Nay. Motion carried.


Discussion: None.

Voting Aye: Bowen, McCoy, Anthone, Riley, Wellman, Macy, Kanger, Quandahl, Davidson, Christen, Andersen.
Voting Nay: Dunn.
Absent: Hellbusch, Orr.
11 Voted Aye. 1 Voted Nay. Motion carried.

Motion by Mr. Kanger, “As Chairman representing the Grants Committee, I move that the Nebraska Environmental Trust Board accepts and approves the grant applications on page 8-4 of the board book, as recommended by the Grants Committee: 22-149, 22-179, 22-140, 22-175, 22-208, 22-137, 22-156, 22-158, 22-176, 22-197, 22-180, 22-122, 22-161, 22-107, 22-128, 22-144, 22-163, 22-205, and 22-139.”

Discussion: None.

Voting Aye: McCoy, Anthone, Riley, Wellman, Macy, Kanger, Quandahl, Davidson, Christen, Bowen, Andersen.
Voting Nay: Dunn.
Absent: Hellbusch, Orr.
11 Voted Aye. 1 Voted Nay. Motion carried.

Motion by Mr. Kanger, “As Chairman representing the Grants Committee, I move that the Nebraska Environmental Trust Board accepts and approves the grant applications on page 8-5 of the board book, as recommended by the Grants Committee: 22-188, 22-189, 22-115, 22-142, 22-172, 22-118, 22-121, 22-199, 22-194, 22-218, 22-206, 22-223, 22-154, 22-184, 22-201, and 22-101.”

Discussion: None.
Voting Aye: Anthone, Riley, Wellman, Macy, Kanger, Quandahl, Davidson, Christen, Bowen, McCoy, Andersen.
Voting Nay: Dunn.
Absent: Hellbusch, Orr.
11 Voted Aye. 1 Voted Nay. Motion carried.

Motion by Mr. Kanger, “As Chairman representing the Grants Committee, I move that the Nebraska Environmental Trust Board accepts and approves the grant application for City of Papillion, 22-162, Papio-Missouri River NRD, 22-159, Keep Alliance Beautiful, 22-109, and Robert J. Hamilton, 22-185, as recommended by the Grants Committee.”

Discussion: None.

Voting Aye: Riley, Wellman, Macy, Kanger, Quandahl, Davidson, Christen, Bowen, McCoy, Anthone, Andersen.
Voting Nay: Dunn.
Absent: Hellbusch, Orr.
11 Voted Aye. 1 Voted Nay. Motion carried.

Motion by Mr. Kanger, “As Chairman representing the Grants Committee, I move that the Nebraska Environmental Trust Board accepts and approves the grant applications for Nebraska Game and Parks, 22-143, 22-166, 22-170, and UNL, 22-181, as recommended by the Grants Committee.”

Discussion: None.

Voting Aye: Wellman, Macy, Kanger, Quandahl, Davidson, Christen, Bowen, Anthone, Riley, Andersen.
Voting Nay: Dunn.
Abstaining: McCoy.
Absent: Hellbusch, Orr.
10 Voted Aye. 1 Voted Nay. 1 Abstained. Motion carried.

9. Bylaws Amendments

Background on agenda item 9

Article VII, Amendment of Bylaws, Section 1, states, “These bylaws may be amended at any regular meeting of the Board by action of the Board provided that the amendment has been submitted in writing at the previous regular meeting.”

a. Article III, Section 2, change who can place agenda items

Proposed language:

An agenda shall be developed and maintained by the Executive Director of the Nebraska Environmental Trust. Items may be placed on the agenda by the Chairperson, or the Executive Director or at the request of any Board member. A tentative agenda shall be provided to all members at least ten days prior to the meeting. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours prior to the commencement of the meeting.

Discussion: Chairman Andersen noted the proposed change brings NET into conformance with most other state boards. Typically, the chairperson and executive director work closely to prepare the agenda well in advance of the meeting. Board members may contact the
chairperson if there are any issues or wish to place an item on the agenda. Mr. Macy and Mr. Quandahl spoke in support of the proposed revision.

b. Article III, Section 3, change to majority present and voting

Proposed language:

A simple majority of the members of the Board shall constitute a quorum and a majority of the Board members present and voting shall be required to take action and make determinations.

Discussion: None.

c. Article III, Section 4, change from 14 days to 10 days

Proposed language:

A schedule for quarterly meetings of the Board shall be established when the Board establishes the annual grant calendar. Except for emergency situations, written notice of the time and place of all special meetings shall be made in advance to all Board members no less than 10 days prior to the meeting.

A recommendation was made to clarify the policy by adding “calendar” or “consecutive” days for the advance written notice. Executive Director Karl Elmsheueuser will contact the Attorney General’s office to determine whether “calendar days” or “consecutive days” is preferable.

Motion by Mr. Macy, seconded by Mr. Riley, “I move to change the proposed language in Article III, Section 4, from “10 days” to “10 calendar days” or “10 consecutive days” as per recommendation from the Attorney General’s Office.”

Discussion: None.

Voting Aye: Macy, Kanger, Dunn, Quandahl, Davidson, Christen, Bowen, McCoy, Anthone, Riley, Wellman, Andersen.

Absent: Hellbusch, Orr.

12 Voted Aye. Motion carried.

d. Article III, Section 5, Rescind, already in Open Meetings Act

Proposed to rescind:

Public notice of all Board meetings shall be by legal notice published in a newspaper or newspapers of general circulation in the state. Except for emergency situations, all meetings shall have at least 10 days published notice.

Discussion: None.

e. Article IV, Section 4, change to majority present and voting

Proposed language:

A simple majority of the members of a committee shall constitute a quorum. Action by the committee shall require a majority vote of the members present. A majority of the committee members present and voting shall be required to take action. Each committee shall meet at the call of the committee chairperson and any standing committee shall also meet at the call of two or more members. Except in case of an emergency, members shall
be given at least five (5) days notice of the time and place of the meeting. Committee members may participate in a meeting by telephone or electronic conferencing so long as each member may hear all other members who are participating.

A recommendation was made to clarify the policy by adding “calendar” days to the 5 days notice in the proposed language.

**Motion by** Mr. Riley, seconded by Mr. Christen, “I move to change the proposed language in Article IV, Section 4, from “five (5) days” to “five (5) calendar days.”

**Discussion:** None.

**Voting Aye:** Kanger, Dunn, Quandahl, Davidson, Christen, Bowen, McCoy, Anthone, Riley, Wellman, Macy, Andersen.

**Absent:** Hellbusch, Orr.

12 Voted Aye. Motion carried.

**f. Article VII, Section 1, change to any meeting of the Board**

Proposed language:

These bylaws may be amended at any regular meeting of the Board by action of the Board provided that the amendment has been submitted in writing at the previous regular Board meeting. Adopted by the Nebraska Environmental Trust Board this 8th day of September 1993.

A recommendation was made to remove the last sentence in the proposed language.

**Motion by** Mr. Macy, seconded by Mr. Wellman, “I move to strike the last sentence of the proposed language of Article VII, Section 1.”

**Discussion:** None.

**Voting Aye:** Dunn, Quandahl, Davidson, Christen, McCoy, Anthone, Riley, Wellman, Macy, Kanger, Andersen.

**Voting Nay:** Bowen.

**Absent:** Hellbusch, Orr.

11 Voted Aye. 1 Voted Nay. Motion carried.

10. Trust 22 Committee

**Background on agenda item 10**

At its meeting on April 8, 2021, the NET Board created an Ad Hoc Committee to focus on recruitment, procedures, policies, and efficiencies. The Committee shall consist of five members appointed by the chairman of the Board and shall meet monthly. The Committee is in place until January 1, 2023, or the Board dissolves the Committee, whichever comes first. The Committee has been working with the Nebraska Center of Excellence (COE) to improve the NET processes. The Trust 22 Ad Hoc Committee members include Mr. Andersen, Mr. Kanger, Mr. Davidson, Mr. Quandahl, and Mr. Macy.

**a. Performance Committee update**

Mr. Davidson, Chairman of the Performance Committee, reported work planned for issues found in the 2021 performance audit. The focus will be on ways to improve post grant project completion validation. The Committee will work with the COE and staff to do design work.
around this issue. The first design meeting is scheduled on February 16. Board members were asked to let Mr. Davidson know if they are interested in participating. Performance Committee members include Mr. Davidson, Mr. Orr, Mr. Andersen, and Mr. McCoy.

b. **Grant Administration project update**

Mr. Kanger, Chairman of the Grants Committee, reported work is planned with COE to look at Title 137 regarding eligibility and scoring to determine what may be improved and clarified in the process. Work will be on hold until the grant recommendation for funding is completed on the current grant cycle. Grants Committee members include Mr. Kanger, Mr. Quandahl, Mr. Christen, Mr. Bowen, Mr. Macy and Mr. Wellman.

c. **Executive Green Belt training update**

Executive Director Elmshaeuser reported five board members are scheduled to begin Executive Green Belt training next week. Various project improvements are being addressed. Goals for the grant process will need to be implemented before the next grant cycle. Clarifying what is needed in grant proposals and grantee expectations will be an ongoing effort.

11. **Directors Report**

Executive Director Elmshaeuser reported an op-ed article published in the Omaha World Herald on January 23, 2022, mentioned the Environmental Trust. The ad indicated a poll was taken, but there was no knowledge or participation in a poll from the staff or the Board. Another article on February 1 noted adverse financial implications for housing the NET in another location. The ad did not correctly indicate expenditures for the lease and operational expenses of the Trust. Executive Director Elmshaeuser stated his promise to the NET Board, staff, grantees, and the public is to be fair, equitable, and transparent.

12. **Next Meeting**

Thursday, March 3, 2022, 1:00 PM at the Nebraska Department of Environment and Energy, LL Room 031, 245 Fallbrook Blvd., Lincoln, Nebraska.

13. **Adjourn**

Chairman Andersen adjourned the meeting at 8:15 PM.

Karl L. Elmshaeuser
Executive Director
Award of 2022 Grants

NET Board Agenda Materials

Item #: 5

Object: To Award Grants for the 2022 Grant Cycle

Contact Person: Jeff Kanger, Holly Adams

For: ACTION Attachment: 13 pages

BACKGROUND
The Grants Committee reviewed 118 applications for eligibility, determined 82 projects were eligible, scored eligible projects, and developed recommendations for funding.

EXPLANATION
The Nebraska Environmental Trust Grants Committee members independently reviewed 118 applications for eligibility using a checklist of eligibility requirements, found in Title 137. At the Committee meeting on January 13, 2022, members determined 82 projects to be eligible. Following this meeting, each Committee member independently scored the 82 eligible projects. On January 26, 2022, the Committee developed the attached recommendations for funding for the 2022 projects.

PROPOSAL
The Grants Committee is presenting their recommendations for funding to the Board for consideration. The Board may adopt or revise the Grant Committee recommendation.

Recommended motion by the Grant Committee Chair: "As Chairman representing the Grants Committee, I move that the Nebraska Environmental Trust Board accepts and approves the grant applications, as recommended by the Grants Committee."
Grant Committee Recommendations for Funding of the 2022 Applications

The Nebraska Environmental Trust received 118 applications submitted by the September 7, 2021 deadline. The Nebraska Environmental Trust Grants Committee members reviewed 118 applications for eligibility using a checklist of eligibility requirements, found in Title 137. At the Committee meeting on January 13, 2022, members determined 82 projects to be eligible. The NET Board approved the eligibility list at the February 3, 2022 meeting.

Committee members independently scored the 82 eligible projects. On January 26, 2022, the Committee developed their recommendations for funding for the 2022 projects.

Serving on the Grants Committee were Jeff Kanger, District 1 as Chair, Mark Quandahl, District 2, Rod Christen, District 3, Quentin Bowen, District 3, Jim Macy, Dept. of Nebraska Environment and Energy, and Steve Wellman, Dept. of Agriculture.

The Grants Committee is recommending funding of 71 projects for a total of $13,896,327. Of these, 35 are new applications and 36 are carry-over projects. The Committee has prepared recommendations for funding contained in the enclosed packet.

The packet includes the following information:

- **Rank Order Listing** – The projects are presented in rank order by rated score, including a recommendation for funding amounts. - Pages 5-3 through 5-8
- **Letters of testimony** – Submitted into the record by February 25, 2022 - Pages 5-9 through 5-12
## 2022 Grants Committee Recommendations for Funding Placed in Rank Order

<table>
<thead>
<tr>
<th>Rating</th>
<th>App ID</th>
<th>Sponsor Name</th>
<th>Project Name</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Total Amount</th>
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<td>166.67</td>
<td>22-147</td>
<td>Quail Forever</td>
<td>Mobile Prescribed Burn Unit and Education Outreach</td>
<td>$114,400</td>
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<td>22-150</td>
<td>Central Platte NRD</td>
<td>Partnering to Manage Central Nebraska's Core Grasslands</td>
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<td>Platte River Whooping Crane Maintenance Trust, Inc.</td>
<td>A Partnership to Restore Central Nebraska Native Prairies</td>
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<td>Nebraska Agriculture in the Classroom, a program of Nebraska Farm Bureau Foundation</td>
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<td>22-159</td>
<td>Papio Missouri River Natural Resources District</td>
<td>Know Your Well Phase III - Growing Youth-led Groundwater Science in Nebraska</td>
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<td>152.5</td>
<td>22-173</td>
<td>City of Lexington</td>
<td>Lexington’s Patriot Park and Pond - Connecting Community to Nature</td>
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<td>22-143</td>
<td>Nebraska Game &amp; Parks Commission</td>
<td>Bringing the Natural Legacy Project to Nebraska’s Private Land Producers and Stewards</td>
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<td>Southwest Weed Management</td>
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<td>Nebraska Game and Parks Commission</td>
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<td>Twin Valley Weed Management Area</td>
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<td>Five Rivers Resource, Conservation, &amp; Development, Inc.</td>
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Totals: $3,965,980 $2,614,538 $1,379,387 $7,959,905
## 2022 Grants Committee Recommendations for Funding Placed in Rank Order

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<td>Middle Niobrara NRD</td>
<td>Sandhills Interactive Natural Resources Education Complex (SINREC)</td>
<td>$158,000</td>
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<td>-</td>
<td>20-219-3</td>
<td>National Wild Turkey Fed.</td>
<td>Forest Stand Restoration on Pine Ridge WMA</td>
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<td>20-103-3</td>
<td>NE Academy of Sciences, Inc.</td>
<td>Nebraska Environmental Public Information and Education Minigrant Program</td>
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<td>20-171-3</td>
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<td>Rainwater Basin Wetland Management</td>
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<td>20-101-3</td>
<td>NE State Irrigation Association</td>
<td>Water Leaders Academy in Nebraska</td>
<td>$56,854</td>
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<td>-</td>
<td>20-115-3</td>
<td>Northeast NE RC&amp;D</td>
<td>Early Detection &amp; Integrated Management of Invasives</td>
<td>$39,040</td>
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<td>-</td>
<td>20-153-3</td>
<td>Northern Prairies Land Trust</td>
<td>Extending the Tallgrass Prairie Partnership</td>
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<td>20-148-3</td>
<td>Platte River Whooping Crane</td>
<td>Big Bend of the Platte River Partnership for Habitat Preservation</td>
<td>$1,675</td>
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<td>20-204-3</td>
<td>Sandhills Task Force</td>
<td>Sandhills Conservation Partnerships-Grassland &amp; Wetland</td>
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<td>20-179-3</td>
<td>Spring Creek Prairie Audubon</td>
<td>Launching Spring Creek Prairie as a Demonstration Site for Tallgrass Prairie Conservation - Denton Hills</td>
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<td>20-127-3</td>
<td>The Nature Conservancy</td>
<td>Increase Fire Capacity &amp; Rangeland Impact - Sandhills</td>
<td>$60,388</td>
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## 2022 Grants Committee Recommendations for Funding Placed in Rank Order

<table>
<thead>
<tr>
<th>Rating</th>
<th>App ID</th>
<th>Sponsor Name</th>
<th>Project Name</th>
<th>Year 3 (2022)</th>
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<td>-</td>
<td>20-116-3</td>
<td>Trailblazer RC&amp;D</td>
<td>Electronics Recycling Events</td>
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<td>20-143-3</td>
<td>Trailblazer RC&amp;D</td>
<td>Household Hazardous Waste Collection &amp; Recycling</td>
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<td>Projects carried forward - previously rated</td>
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## Statement of Intents 2021 Project Recommendations

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<tr>
<th>Rating</th>
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<th>Project Name</th>
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<th>Intent Year 3</th>
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<tr>
<td>-</td>
<td>21-158-2</td>
<td>NE Department of Natural Resources</td>
<td>Integrated Water Management Action Initiative</td>
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<td>21-177-2</td>
<td>Loess Canyon Rangeland Alliance</td>
<td>Loess Canyon Grassland Stewardship</td>
<td>$ 230,000</td>
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<td>21-148-2</td>
<td>Northern Prairies Land Trust</td>
<td>Enhancing Nebraska's Oak Woodlands</td>
<td>$ 165,000</td>
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<td>21-215-2</td>
<td>Sandhills Task Force</td>
<td>Sandhills Working Ranch Conservation Partnership</td>
<td>$ 50,000</td>
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<td>21-197-2</td>
<td>NE Game and Parks Commission</td>
<td>Connecting Students to their Water Resources in Nebraska</td>
<td>$ 17,650</td>
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<td>21-122-2</td>
<td>Pheasants Forever, Inc.</td>
<td>Pathway For Wildlife, Ranchers, Farmers, and Communities</td>
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<td>21-201-2</td>
<td>NE Game and Parks Commission</td>
<td>Wagon Train Reservoir Wetland and Water Quality Enhancement Project</td>
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<td>21-216-2</td>
<td>Board of Regents of the University of Nebraska-Lincoln</td>
<td>Niobrara River Ecology and Education</td>
<td>$ 210</td>
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<td>21-205-2</td>
<td>Rocky Mountain Bird Observatory</td>
<td>Connecting Youth and Families to the Natural World in the Nebraska Panhandle</td>
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<td>21-144-2</td>
<td>Habitat for Humanity of Omaha</td>
<td>Habitat Omaha ReStore Deconstruction Project</td>
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<td>-</td>
<td>21-147-2</td>
<td>Rainwater Basin Joint Venture</td>
<td>Enhancing Groundwater Recharge and Habitat through Rainwater Basin Wetland Conservation</td>
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<td>21-211-2</td>
<td>Board of Regents of the University of Nebraska-Lincoln</td>
<td>NE Master Naturalist - Engaging Nebraska’s Youth as Naturalists</td>
<td>$ 71,630</td>
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<td>21-193-2</td>
<td>Ducks Unlimited, Inc.</td>
<td>Restoring Western Alkali and Riparian Wetlands</td>
<td>$ 40,000</td>
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<td>-</td>
<td>21-218-2</td>
<td>The Nature Conservancy</td>
<td>Connecting Nebraskans to Nature: Trails Development and Enhancements</td>
<td>$ 28,349</td>
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<td>21-162-2</td>
<td>Board of Regents of the University of Nebraska-Lincoln</td>
<td>Assessment of Greenhouse Gas Sequestration Resources in Districts 5, 6 and 7 to Improve Carbon Management Opportunities in Nebraska</td>
<td>$ 118,438</td>
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<td>$ 4,769,402</td>
<td>$ 3,300,000</td>
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Letters of Testimony
Submitted into record by February 25, 2022
Mr. Karl Elmshaeuser  
Executive Director  
Nebraska Environmental Trust  
700 S. 16th Street P. O. Box 94913  
Lincoln, NE 68509-4913

Dear Mr. Elmshaeuser:

I am writing to express our total dismay at finding out that our current grant request was declared “ineligible” for NET funding and wasn’t even scored. Platte River Basin Environments, Inc. has worked with NET on projects in Western Nebraska since the NETs very beginning. In fact, we worked hard to see that the legislation that created the NET passed. In our over 30-year history in Western Nebraska, we have opened tens of thousands of acres of lands to the public for science, education, and recreation. All of those lands have remained working landscapes and pay the SAME taxes as our neighbors. We have raised significant funding outside of the state of Nebraska to complete our projects. And we recently raised hundreds of thousands of dollars to help complete the NG+P Wildcat Hills Nature Center construction.

As you may or may not know - NET grants don’t just happen. They require hours and hours of work and organization and often months of recruiting of financial partners. Our application conforms perfectly with the mission statement of the Nebraska Environmental Trust. The Trust is to “complement existing activities, stimulate private investment and emphasize long...
term gain.” Our current project brings in $1,485,000 in outside investment to Nebraska. ($1.52 for every NET $1.00) It complements existing activities by adding nearly 2,600 contiguous public access lands in the Wildcat Hills to our current public lands, and these lands will be protected forever. The current ranching activities will continue to add economic value to our ranching families and our State. The cost to our State to manage these public access lands is zero.

I believe the citizens of the State of Nebraska deserve a full and open explanation and discussion of why the NET has abandoned their mission statement.

Sincerely

H. H. Kosman  
President  
P.O. Box 2308  
Scottsbluff, NE 69361  
308-631-3083

CC: Governor Pete Ricketts  
Senator John Stinner
Our Mission
The Nebraska Environmental Trust was established in 1992 to conserve, enhance and restore the natural environments of Nebraska. It was created on the conviction that a prosperous future is dependent upon a sound natural environment and that Nebraskans could collectively achieve real progress on real environmental issues if seed money were provided.

The Trust especially seeks projects that bring public and private partners together collaboratively to implement high-quality, cost-effective projects. The Trust values projects that leverage private investment in conservation and emphasize long-lasting results. Spending on approved projects is not to be a replacement for tax-funded projects or mandates and operations of government; it is used solely to carry out innovative ideas making Nebraska’s good life even better. Applicants for Nebraska Environmental Trust grants must meet tightly drawn criteria for eligibility to assure public benefit and substantial environmental gains.

For All of Nebraska
The Nebraska Environmental Trust is truly an asset for all Nebraska, now and far into the future. Many excellent projects would never move from the drawing board to the landscape without the financing a grant can provide. Government can do much to preserve the precious resources nature has given us. Now, so can individuals, businesses and public-spirited organizations working together with the strength and support of the Nebraska Environmental Trust.

Mission Statement
The Nebraska Environmental Trust is established to conserve, enhance and restore the natural environments of Nebraska. A prosperous future requires a sound natural environment. We must act dynamically, progressively and systematically to ensure bountiful and thriving natural resources.

The Trust is to complement existing activities, stimulate private investment and emphasize long term gain. The Trust is to lead in the development of a vision of Nebraska’s future environment. The Trust is to collaborate with public and private efforts to achieve that vision.
DATE: February 24, 2022

TO: Nebraska Environmental Trust

FROM: Steve Comfort, Professor, Soil and Water Chemistry, University of Nebraska

NET's website posting of the 2022 proposal rankings states that written comments may be sent to the Nebraska Environmental Trust via email. To that end, I wish to comment briefly on Projects 22-181 and 21-180.

I’ll begin by first stating how much we, the principal investigators of Project 21-180, appreciated the funding we received from NET in 2021. This funding allowed us to take pilot-scale research we had been working on for several years to a full, field-scale demonstration at two local eutrophic ponds.

Project 21-180 was originally submitted as a three-year grant but only given one year of funding due to some unusual circumstances that occurred during the reshuffling of eligible projects - when one (or more?) of the grantees withdrew. We understood future funding was not guaranteed but additional funding was a possibility. To that end, we did everything we could to make Project 21-180 a highly successful project (see project timeline in progress report Oct. 2021). As outlined in our two progress reports, significant advances in restoring algae-plagued ponds were achieved, as evidence by the clear visible differences in water quality before and after treatment (Fig. 1). Algae-filled ponds are commonplace in Nebraska and because of our positive results, several homeowners’ associations have contacted us for presentations about our developed technology. We will continue to credit NET funding when we make these presentations. The University of Nebraska even submitted a provisional U.S. patent on the developed technology, which means UNL could receive royalties if the technology gets licensed.

To make Project 21-180 a success however, we needed several workers, which included hiring two full-time graduate assistants to perform the work, along with several undergraduate students. These demonstrations also required significant infrastructure, some purchased and some donated (i.e., time-lapse cameras, surface runoff samplers, air compressors, and airlift pumps). In short, we invested a lot of energy and resources in Project 21-180. Proposal 22-181 was seeking funds to complete Project 21-180 (with the hired students); so, in hindsight, we wish NET would have viewed our 22-181 proposal as a carry-over project, like the 36 others that were recommended for funding in 2022. Would NET consider providing one more year of funding so that our students could graduate and continue to collect invaluable data on this promising biological-chemical approach to restoring eutrophic ponds in Nebraska?

If the answer is no, we will be disappointed but still appreciative of the funding we did receive because it allowed us to prove that our developed technology can work at the field scale – this would not have been possible without Project 21-180 funding. If it is possible to get the itemized scoring and reviewer comments on why our 22-181 proposal
was not funded, our team would greatly appreciate that feedback, so we can learn what improvements may be needed in future proposal submissions.

Sincerely,

Steve Comfort
Professor, Soil and Water Chemistry
School of Natural Resources

Figure 1. Photos and schematics of biological and chemical approach used in Project 21-180 to restore eutrophic ponds. Photos are of Cooper YMCA (Densmore Pond) using time-lapse photography.
Grant Extension Requests

NET Board Agenda Materials

Item #: 6

Object: Review and approve or deny grant modification requests

Contact Person: Holly Adams

For: ACTION

Attachment: 6 pages

BACKGROUND
Grantees can submit budget and project modifications and extension requests to be reviewed by the board. These requests do not change the scope of the project. If approved, their letter of request, any attachments are a binding amendment to their grant agreement.

EXPLANATION
Title 137, Chapter 9, Section 010: If a grantee wished to modify a project…the grantee must submit a proposed amendment to the grant agreement including a revised line-item budget...

Nebraska Statute 81-15-175 (6)...No commitment shall exceed three years without formal action by the board to renew the grant or contract...

Adopted Policies, Section VI, I. Grant Modification Requests
1. Requests for extensions to the funding period may be approved by the Board if the request is received by the Trust prior to the expiration date of the funding period. This policy is effective starting with the 2022 grant cycle.
2. Requests for budget changes within a grant may be approved by staff if less than $10,000 and received by the Trust prior to the expiration date of the funding period. This policy is effective starting with the 2022 grant cycle.

PROPOSAL
Review and approve or deny the submitted requests for modifications.
Request for modification to project:
The City of Lincoln Parks and Recreation Dept. is requesting a one-year extension. There has been delays in their project because COVID has made in person meetings with interested landowners difficult. They have two landowners currently interested in participating in their project. With this extension they will be able to complete this work as planned. This is the City’s first extension request for this project.

**Recommended motion:** "I move to approve/deny the City of Lincoln’s request to extend their project 19-139-3 for one year."

Request for modification to project:
The Lower Niobrara NRD is requesting a one-year extension. There has been many setbacks to their project due to materials delays, their staff getting COVID, 20 seasonal workers departing, and a fire that destroyed a building, equipment, and truck. This extension will give them plenty of time to install the remaining wells and complete their final report. This is the NRD’s first extension request for this project.

**Recommended motion:** "I move to approve/deny Lower Niobrara NRD’s request to extend their project 19-151-3 for one year."

Request for modification to project:
This project’s lead, Dr. Suat Irmak, is requesting a 6-month extension due to delays from him taking another position with Penn State. This extension would allow Dr. Irmak to complete the final analyses on the data and complete their final report. All payments for this project will continue to go to UNL, who is now contracting with Dr. Irmak at Penn State. This is the University’s first extension request for this project.

**Recommended motion:** "I move to approve/deny UNL’s request to extend their project 19-186-3 for 6 months."
**Application:** 20-145-2  
**Sponsor:** Nebraska Recycling Council  
**Project Name:** Recycling Equipment Grants and Consultation  
**Request:** 6-Month Extension  
**Attachment:** Page 6-7

**Request for modification to project:**
The Nebraska Recycling Council (NRC) is requesting a 6-month extension due to equipment backorders which has delayed NRC reimbursing awarded projects. This extension will give the remaining awards enough time to receive their equipment and submit their documentation for reimbursement. This is NRC’s first extension request for this project.

**Recommended motion:** "I move to approve/deny Nebraska Recycling Council’s request to extend their project 20-145-2 for 6 months."
January 24, 2022

Holly Adams, Grant Administrator
Nebraska Environmental Trust

Dear Holly,

This letter is to request the extension of the grant period for the Prairie Corridor on Haines Branch grant #19-139-3 to be completed in June of 2023. The COVID pandemic has made it difficult to schedule in-person meetings with interested landowners. These in-person meetings are critical to allow us to tour properties and visit with landowners about their plans for their property and how those plans may support the goals of the project. We do have two landowners that are interested in participating in the project, and we are confident that a one-year extension will allow us to complete the work as planned.

The City of Lincoln is very appreciative of the funding it has received from the Nebraska Environmental Trust (NET) for the conservation of the Prairie Corridor on Haines Branch. We look forward to continuing our partnership with you and NET on future projects.

If you have any questions, please call 402-441-8261.

Sincerely

Sara S. Hartzell
Lincoln Parks and Recreation Department
February 4, 2022

Nebraska Environmental Trust
700 S 16th Street
Lincoln, NE 68508

RE: Grant 19-151-3, Lower Niobrara Observation Well Network

Dear Nebraska Environmental Trust Board of Directors,

The Lower Niobrara Natural Resources District would like to request a 1 year extension for our NET grant project 19-151-3, Lower Niobrara Observation Well Network.

Test hole drilling and well design were completed at all 14 sites by UNL-Conservation and Survey Division by June 1, 2021. Downey Drilling, Inc. of Lexington, Nebraska was awarded the well installation bid in the Spring of 2021 for all 14 sites. During that time, supply and delivery of materials, especially PVC, was delayed multiple times. Downey Drilling has also had many other obstacles to overcome to get to our project. The dry summer kept them busy keeping irrigators running and crops alive. We had scheduled installation for the Fall of 2021 until Delta variant covid went through their staff, 20 seasonal workers departed, and a fire destroyed a large building, equipment, and the truck they would use to drill the monitoring wells. The 3 week well installation project is now scheduled for early March. Any weather delays will continue to push the project up against the grant dead line. We feel that even if we would get the wells installed in March, that we would struggle to receive final reports in time from UNL-Conservation and Survey due to them being out in the field for their busy test-hole drilling season.

Adequate completion of this grant project is of the utmost importance to the Lower Niobrara NRD. Not only will it help us identify and define changes in the Niobrara River Basin due to the major flooding in March of 2019, it will also help us to better manage our ground water supply as well as help us address the challenges we face with ground water quality. Approximately $143,000 remains in our grant budget, of which $20,000 is dedicated to real time data recording technology for the wells and $123,800 is dedicated to well construction. The Lower Niobrara Natural Resources District is one of the lowest tax base, tax levy, and budget Districts in the State. We can not afford to lose out on this opportunity to provide staff, directors, and constituents with better data to base crucial decisions on.

We are available to answer any questions.

Sincerely,

Terry Julesgard
General Manager

Wade Ellwanger
Water Resources Coordinator
January 13, 2022

Re: No-cost extension request for project 19-186

Dear Mr. Karl Elmshaeuser and NET Board members:

With this letter, I would like to request a 6-month no-cost extension for my project funded by NET titled “WATER USE AND SOIL-WATER STORAGE EFFECTS OF INDIVIDUAL AND MIXED COVER SPECIES AND THEIR IMPACTS ON SOIL QUALITY VARIABLES.” The project/grant number is 19-186.

The project has been quantifying the magnitude of the impacts of cover crops on soil-water dynamics (i.e., soil water content, soil-water storage) and soil health (quality), which can exhibit significant variation between the cover crop species; soil textural, chemical, and physical properties; management practices; and climatic conditions. These impacts can also vary substantially when the cover crops are planted with individual species vs. in mixed forms. This project is a unique and one of a kind that has been investigating these important topics. Thus, quantification of these dynamics and impacts will provide invaluable data, information, and knowledge to producers, managers, and other agricultural professionals.

All data collection (continues soil-water status measurements, extensive soil sampling in spring and fall of each year, quantification of other soil, water and plant parameters, etc.) have been conducted twice a year (in spring after cover crops are terminated and before corn is planted; and in fall after corn is harvested and before cover crops are drilled). This is the 3rd year of the project.

After 18 years of service, I have left UNL to my new position as the Department Head of Agricultural and Biological Engineering at The Pennsylvania State University in July 2021. Thus, some of the project progresses have been delayed. We still have another set of extensive soil sampling remains to be done in the spring of 2022 and all the samples will need to be submitted to the soil lab for analyses, which will take additional time. Extensive data analyses, interpretation, and writing the reports, etc., will require additional time. I have been fortunate to be funded by NET and many federal agencies through a significant number of grant proposals. I have never failed to deliver what I promised to any of the funding agencies, including NET. Thus, I would like to finish this project and deliver the products that will make significant contributions to producers, managers, scientific community as well as environment. Thus, I would like to request a 6-month no-cost extension to finalize the data collection, analyses, and prepare the final report with deliverables.

I am thankful to NET for providing financial and other support for this important project that will contribute to enhancing soil, water and other natural resources management and environmental services.

Sincerely,

Suat Irmak, Ph.D.; Fellow ASABE; Fellow ASCE-EWRI
Professor and Department Head
Agricultural and Biological Engineering Department
The Pennsylvania State University
105A Agricultural Engineering Building
Shortlidge Road
University Park, PA 16802
-office): (814) 865-6156
sfi5068@psu.edu
https://abe.psu.edu/directory/sfi5068
February 10, 2022

Board of Directors
Nebraska Environmental Trust
700 S 16th Street
Lincoln, NE 68508

RE: Six month grant extension request for 20-145-2 (Recycling Equipment Grant Project)

Dear Nebraska Environmental Trust Board of Directors,

I am writing to request a six month grant extension for our 20-145-2 Recycling Equipment Grant Project. We have been in contact with multiple equipment grant awardees, who have informed us that their recycling equipment purchases are backordered, and therefore the grant process, including the reimbursement process that we go through, will be delayed.

This is the time line for the remaining months of our grant:

February 15th grant application deadline
March 15th grant application deadline
April 15th grant application deadline
May 15th grant application deadline

After the monthly grant application review process, we notify successful applications of their awards and they order their equipment for recycling/composting operations. Once they order the equipment, pay for it and receive it, then they submit reimbursement paperwork to us, and we submit it to NET for review and reimbursement.

Currently we have $71,206.52 remaining to award and disburse before our grant expires on 6-30-2022. With the ongoing equipment order delays, we anticipate that we would not be able to disburse all of our grant funds by the grant expiration date and request a six month grant extension so that we can ensure a successful grant process for all of our equipment grant awardees. We appreciate your consideration of this request.

Sincerely,

Haley Nolde
Interim Director