

MINUTES

Nebraska Environmental
Trust 1⁵¹ Quarter Board
Meeting Tuesday, February 4,
2020
1:30 p.m.

Ferguson House
Lincoln,
Nebraska

The Nebraska Environmental Trust Board met at the Ferguson House, Lincoln, Nebraska for the transaction of business. Advance public notice was given through release to news media and official public notice in the "Lincoln Journal Star" on Saturday, January 11, 2020.

The meeting was called to order at 1:32 p.m.

Roll call was conducted and a quorum was established.

Members present were: Mr. Jeff Kanger, Lincoln; Mr. Jim Hellbusch, Columbus; Mr. John Orr, Blair; Ms. Sherry Vinton, Whitman; Mr. Rod Christen, Steinauer; Mr. Quentin Bowen, Humboldt; Mr. Jim Douglas, Game & Parks Commission; Dr. Gary Anthone, Health and Human Services; Mr. Jim Macy, Department of Environmental and Energy, and Mr. Paul Dunn, Omaha.

Members joining by phone: Mr. Bob Krohn, Omaha.

Members absent: Ms. Gerry Lauritzen, Omaha; Mr. Jeff Fassett, Department of Natural Resources, and Mr. Steve Wellman, Nebraska Department Agriculture.

Staff present were: Mr. Mark Brahman, Executive Director; Ms. Marilyn Tabor, Grants Administrator; Ms. Allison LaDuke, Grants Assistant; Ms. Sheila Johnson, Public Information Officer and Ms. Pam Deines, Administrative Secretary.

Introduction of board members and the district they represent to the new member.

Agenda Item #3: Minutes of the November 7, 2019 Board Meeting. Minutes of the November 7, 2019, board meeting were received.

Motion by Mr. Orr, seconded by Mr. Douglas to accept the minutes as received.

Voting Aye: Mr. Hellbusch; Mr. Orr; Ms. Vinton; Mr. Christen; Mr. Bowen; Mr. Douglas; Dr. Anthone; Mr. Macy and Mr. Dunn. **Abstaining:** Mr. Kanger. **Motion carried.**

Mr. Jeff Fassett, Nebraska Department of Natural Resources joined the meeting at 1:48 p.m.

Agenda Item #4: Financial Reports. Mr. Dunn started with mentioning there are two (2) motions by the Finance Committee. Starting with the second motion to receive the financial report as it is presented and the minutes. Mr. Brahman went over a few items from the Game

and Parks Budget reports, lottery proceeds are down, grants disbursements and detail breakdown on budget sheet format with specific details. The long term Ferguson House Fund report and information review. The Trust is in good standing on our finances. We are at 52% spending and we should be at the 58% mark, so we are in good standing. Discussion continued on the Ferguson House report, the income is up with the increase in events.

Motion by: Finance Committee to accept the Financial Reports and minutes.

Voting Aye: Mr. Orr; Ms. Vinton; Mr. Christen; Mr. Bowen; Mr. Douglas; Dr. Anthone; Mr. Fassett; Mr. Macy; Mr. Kanger; Mr. Hellbusch and Mr. Dunn. **Motion Carried.**

Motion by: Finance Committee to transfer \$700,000 of the Endowment to primary Trust Fund in a 6-month period working with the State Treasurer's office to transfer at the most optimum time.

Ms. Vinton asked Mr. Brohman to explain why we had the endowment fund and how it was intended to work. When Mr. Brahman began working for the Trust the board had the Endowment Fund as a backup if something would happen to funding, to have a buffer. The board decided it was not a good idea to have a side fund and stopped putting funds into this account.

Voting Aye: Ms. Vinton; Mr. Christen; Mr. Bowen; Mr. Douglas; Dr. Anthone; Mr. Fassett; Mr. Macy; Mr. Kanger; Mr. Hellbusch; Mr. Orr and Mr. Dunn. **Motion Carried.**

Agenda Item #5: Staff Report. a.) 2021 Proposed Calendar. Mr. Brohman provided the proposed dates and reminded everyone that we would vote on the dates at the April meeting. **b.) Grant Administration Report.** Ms. Tabor presented the report. All late reports have been addressed and they are working on bringing them up to date. Discussion on the modification grants. It was explained when staff could approve extension and budget modifications so the new board members understand the difference on staff approval and board approval. **c.) Ferguson House Report.** Mr. Brahman presented the report. The Ferguson House continues to increase rentals because of the Capitol renovations. We have the two offices rented and continue to look for a prospective to rent the third floor. We have Allison to thank in scheduling and maintaining a smooth schedule. He explained how rentals operate for new members. **d.) Director's Report.** Mr. Brahman presented his report. The Nebraska Environmental Trust Annual Report is complete, online and mailed out. We will be scheduling the Grantee Seminars in April after the April board meeting. This year we will be scheduling the 5-year roundtable meetings, three meetings, one in Lincoln, one in Omaha and another in a central location in the state. Discussion on the location for the meetings and content. Ms. Vinton liked North Platte when they had it at Mid Plains College and Kearney had been a good location. We will be thinking about the locations and possible social media output. Mr. Dunn provided what the Board provides for the public involvement at these meetings and we need to have at least three meetings. Ms. Vinton asked how the meeting will be facilitated. Discussion on how to advertise the roundtable meetings. Mr. Macy suggested that we talk about which projects will be discussed at the roundtable meetings. Mr. Douglas gave examples such as cedar control and water control. We will have an update on cedar trees at an upcoming meeting. Mr. Kanger has been confirmed, Ms. Vinton will have her confirmation hearing on 2-5-20 and Mr. Fassett is going to retire by the end of the month. Scrap Central in Omaha was using the plastic removed from recycled wire on the road at Eagle Raceway. They received notice from the Nebraska Department of Environment and

Energy that it was not allowed and to correct the mistake they took up the plastic, then took it to the Sarpy County landfill. Accountability and Disclosure information about the hearing March 5th at 9:00 a.m. to eliminate statement of financial interest requirements for Trust board members was noted, but other statutes still require filings. The Chairman is going to think about location for August meeting.

Jim Douglas had to leave the meeting at 2:35 p.m. and Mr. Wellman arrived at the meeting at 2:46 p.m.

Agenda Item #6: Grant Modification Requests.

Ms. Tabor explained the one grant modification request. The Nebraska Land Trust is requesting a one-year extension to the Lower Platte Preservation Partnership grant, the landowner is working through estate planning and an application for the USDA land easement process. This modification would allow funds to remain until the project is completed. Mr. Hellbusch and Ms. Vinton discussed that the grantee had adequate time.

Motion by Ms. Vinton to deny the Extension for Lower Platte Preservation Partnership to complete the grant, seconded by Mr. Christen.

Mr. Dunn called on Dave Sands, Nebraska Land Trust, to respond. Mr. Sands said the grant ranked 15th of 130 requests. He discussed the process they had laid out when they received the grant in 2017. He discussed the year per year grant plan with year one setting up an evaluation committee and year two scoring properties. He described the estate planning that it was a delay that wasn't planned. Also discussed how it would benefit Schramm Park and the owner is in her 70's and this may be the only chance to acquire this easement. Mr. Christen, Mr. Kanger, Mr. Wellman, Mr. Hellbusch and Mr. Bowen asked questions of Mr. Sands, including public access, a true need, and donating the easement. Mr. Sands ended his discussion with stating the owner was looking for a conservation project for her property and split the property with her brother and how NRCS is involved and their timeline. Mr. Christen called the "Question" and there were no objections.

Voting Aye: Ms. Vinton; Mr. Christen; Mr. Bowen; Dr. Anthone; Mr. Fassett; Mr. Wellman; Mr. Macy; Mr. Kanger; Mr. Hellbusch and Mr. Orr.

Voting Nay: Mr. Dunn. **Motion carried.**

Agenda Item #7: Committee Report from the Legislative Committee and Recommendations. The Legislative Committee met on January 30, 2020 and discussed the Legislative Bills that are of interest to the Trust. Mr. Christen called on Mr. Brahman to summarize those listed. Discussion.

Bills of Interest to the Nebraska Environmental Trust 2020

There were 482 new bills introduced this session and 10 proposed Constitutional Amendments

LB 104 (introduced last year): Change Distribution of Lottery Educational Funds.

Introduced by Senator Linehan. In Education Committee

LB 283 (introduced last year): Provide for UNL to Complete Climate Change Study.
Introduced by Senator Pansing Brooks. In Executive Board

LB 729 (introduced last year): Adopt the Soil Health and Productivity Incentive Act.
Introduced by Senator Walz. In Agriculture Committee

LB 798: Anonymity of Lottery Winners. Introduced by Senator Brandt In General
Affairs (hearing 1-27-20)

**LB802: State a Legislative Finding and Declaration Relating to the Right to Use Ground
Water.** Introduced by Senator Hughes. In Natural Resources Committee (hearing 1-22-20)

LB 827: Change transfers from the Charitable Gaming Operations Fund.
Introduced by Senator Hilkemann. In Appropriations Committee

LB 829: NGPC required to pay taxes on properties purchased before 1977.
Introduced by Senator Erdman. In Revenue Committee

LB 855: Eliminate confirmation by the Legislature of Niobrara Council members.
Introduced by Senator Moser. In Natural Resources Committee (hearing 1-29-20)

**LB 861: Prohibit County, Municipalities or Agencies from Prohibiting Containers
(plastic bags).** Introduced by Senator Hughes. In Natural Resources Committee

LB863: Limit Ownership of Land by NGPC. NGPC can't increase land holdings after
September 1, 2020. Introduced by Senator Hughes. In Natural Resources Committee
(hearing 1-30-20)

LB904: Water Sustainability Fund. Request additional General Funds to the Water
Sustainability Fund and provide \$900,000/year to UNL Daugherty Water for Food Institute.
Introduced by Senator Bolz. **Withdrawn 1-15-20**

LB 905: Impose a 5 Cent Fee for Single-Use Checkout Plastic Bags, Fee to NDEE.
Introduced by Senator DeBoer. In Revenue Committee (hearing 1-30- 20)

LB920: Change distribution of Lottery Funds for Education. Introduced by Senator
Groene. In Education Committee (hearing 1-21-20)

LB 971: Allow Sports Betting. Introduced by Senator Wayne. In General Affairs
Committee

LB 980: Change Lottery and Raffle Act to Benefit Non-Profit Groups Raffles.
Introduced by Senator Brandt. In General Affairs Committee (hearing 1-27-20)

**LB 990: Adopt the Games of Skill Act, Proceeds to Reduce School District Property
Tax Levies.** Introduced by Senator Wayne. In General Affairs Committee

LB 998: Change the Tax Equity and Educational Opportunities Support Act. Introduced by Senator Murman. In Education Committee (hearing 1-27-20)

LB 1000: Fantasy Proceeds to Early Childhood Care. Introduced by Senator Blood
Withdrawn 1-22-2020

LB 1009: Transfer \$175,000 (2020) and \$425,000 (2021) from Water Sustainability Fund to DNR's Critical Infrastructure Facilities Cash Fund for irrigation tunnel repairs. Introduced by Senator Scheer. In Appropriations Committee (hearing 1-29-20)

LB 1026: Appropriate \$2.5M for Next Two Years to UNL Daughtery Water For Food Institute. Introduced by Senator Bolz. In Appropriations Committee

LB 1175: Impose a 10% Tax on Skill Games (mechanical amusement devises). Introduced by Senator Briese. In Revenue Committee

LB 1205: Adopt the Renewable Energy Standards Act. Introduced by Senator McCollister. In Natural Resources Committee.

LEGISLATIVE RESOLUTION 285 CA

Introduced by Senator Brewer. Used to address prison overcrowding as the Legislature may direct and any remaining money shall be transferred to the Nebraska Environmental Trust Fund **Withdrawn 1-21-20**

LR294: Review various climate-related findings and acknowledge an anthropogenic climate and ecological crisis. Introduced by Senator Kolowski. In Natural Resources Committee

Motiom recommendation by the Legislative Committee to receive minutes and for Mr. Brahman to monitor the Legislative Bills of Interest.

Voting Aye: Ms. Vinton; Mr. Christen; Mr. Bowen; Dr. Anthone; Mr. Fassett; Mr. Wellman; Mr. Macy; Mr. Kanger; Mr. Hellbusch; Mr. Orr; and Mr. Dunn. **Motion carried.**

Agenda Item #8: Grant Committee Report and Recommendations

Mr. Orr, Chair of the Grants Committee, presented the grant package to the board with an explanation of results. Six grants were deemed ineligible. The motion comes from the Grants Committee and the vote is to place the recommendation on the April board meeting. Discussion. Mr. Fassett asked about contacting UNL about the number of applications. Mr. Brahman has visited with UNL and they are going to make internal policy changes to monitor their grants.

Motion from Mr. Christen to revise the Grants Committee Recommendations by shifting all funds from 20-178; 20-181; 20-214; 20-112; and 20-119 to fully fund 20-137, second by Mr. Fassett.

Discussion on the modification and accept the motion. Discussion about Regulations that allow revision of Grant Committee recommendations. Ms. Vinton raised a Point of Order to the executive director and read from Title 137 - The Nebraska Environmental Trust Board; Chapter 6, 005 Action by the Board on Eligibility Recommendations. The Board may adopt or revise and adopt the recommendations of the Grants Committee. Mr. Orr discussed the merits of ethanol. Mr. Bowen and Mr. Christen also commented on their perspective of the motion. Mr. Bowen called the "Question". Mr. Dunn, Chairperson, spoke against the motion and supporting the grants committee's decision after reviewing all the grants and their higher rating in the evaluation process. Mr. Dunn requested a motion to vote on the "Question."

Motion by Mr. Bowen to call the "Question" seconded by Mr. Macy.

Voting Aye: Mr. Bowen; Dr. Anthon; Mr. Fassett; Mr. Wellman; Mr. Macy; Mr. Kanger; Mr. Hellbusch; Ms. Vinton; and Mr. Christen.

Voting Nay: Mr. Orr and Mr. Dunn. **Motion Carried.**

Voting on previous motion by Mr. Christen.

Voting Aye: Dr. Anthon; Mr. Fassett; Mr. Wellman; ~~Mr. Macy~~; Ms. Vinton; Mr. Hellbusch; Mr. Christen; and Mr. Bowen.

Voting Nay: Mr. Orr and Mr. Dunn.

Abstaining: Mr. Macy and Mr. Kanger. **Motion Carried.**

Mr. Orr asked for any more discussion on the full package.

Motion Mr. Hellbusch to accept the modified grant package, seconded by Mr. Christen.

Voting Aye: Dr. Anthon; Mr. Fassett; Mr. Wellman; Mr. Macy; Mr. Kanger; Mr. Hellbusch; Ms. Vinton; Mr. Christen; and Mr. Bowen.

Voting Nay: Mr. Orr and Mr. Dunn. **Motion Carried.**

Agenda Item #9 Public Comment and Good of the Order: Mr. Dunn provided a calendar that showed some of the flooding pictures from last year. Mr. Fassett is retiring end of February so the temporary replacement will be Jesse Bradley, an Assistant Director, he will be the interim Director. Legislation passed Platte River Recovery Implementation Bill end of 2019 which is good for Nebraska. Discussion on water levels and what could be some of the problems in 2020 and the future.

Agenda Item #10: Date and Location of Next Meeting. The next meeting will be held on Thursday, April 2, 2020, at 1:30 p.m. at the Ferguson House.

Agenda Item #11: Adjourn. Mr. Dunn adjourned the meeting at 3:55 p.m.

Respectfully submitted,



Mark A. Brahman
Executive Director