

## AGENDA

Nebraska Environmental Trust Board  
Special Meeting  
Tuesday, January 10, 2023  
1:30 PM CST

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

*The public may attend the meeting at either the physical address or via Zoom at <https://outdoornebraska.zoom.us/j/98735256188> or call 1-312-626-6799, Meeting ID 987 3525 6188*

1. Call to Order
  - a. Roll call
  - b. Verify Quorum
  - c. Notice of Meeting; Published Saturday, December 31, 2022
  - d. Notification of Open Meetings Act Posting
2. Consent Agenda
  - a. Approval of November 3, 2022, Board Meeting Minutes
3. Public Comment
4. Board Development
  - a. Welcome New Board Members
  - b. Financial Overview
5. **Public Hearing on Proposed Funding List for the 2023 Grant Cycle**
6. Grants Committee Report and Recommendations, and Award of 2023 Grants
7. Department of Administrative Services Office Lease Contract Approval
8. Directors Report
9. Next Meeting; Thursday, February 2, 2023, Location and Time TBD
10. Adjourn

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**\*\*This agenda contains a list of subjects known at the time of its distribution on December 29, 2022. A current copy is kept on file at the offices the Nebraska Environmental Trust, 700 S 16<sup>th</sup> 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.

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Object: To implement a consent agenda

Contact Person: Karl Elmshaeuser

For: ACTION

Attachment: 9 pages

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**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. November 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  
Fourth Quarter Meeting  
Thursday, November 3, 2022  
1:30 p.m.

### 1. Call to Order

Chairman Quandahl called the virtual, on-site meeting of the Nebraska Environmental Trust Board to order at 1:30 p.m. in LL Room 031 at 245 Fallbrook Blvd, Lincoln, Nebraska.

Advanced notice of the meeting and public hearing was published in the Lincoln Journal Star on October 22, 2022. The agenda and documents to be considered at the meeting were provided. The Open Meetings Act was posted near the entrance of the meeting room and on the Nebraska Environmental Trust (NET) website.

Roll call was conducted, and a quorum was present.

#### **Members present (13):**

**District I:** Mr. James Hellbusch, Columbus; Mr. Jeff Kanger, Lincoln; Mr. John Orr, Blair.

**District II:** Mr. Felix Davidson, Valley; Mr. Paul Dunn, Omaha; Chairman Mark Quandahl, Omaha.

**District III:** Josh Andersen, Edgar; Mr. Quentin Bowen, Humboldt; Mr. Rod Christen, Steinauer.

**State Agency Representatives:** Dr. Gary Anthonie, 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. Steve Wellman, Director, Nebraska Department of Agriculture.

#### **Members absent (1):**

**State Agency Representative:** Mr. Tom Riley, P.E., Director, Nebraska Department of Natural Resources.

Mr. Kanger left the meeting at 3:00 p.m.

#### **Staff present:**

Mr. Karl Elmshaeuser, Executive Director; Ms. Holly Adams, Grants Administrator; Ms. Shelly Rea, Grants Assistant; and Ms. Sandra Weaver, Administrative Specialist.

### 2. Consent Agenda

#### Background on consent agenda items

The consent agenda included the August 22, 2022, Board meeting minutes, financial reports and approval to set financials aside for audit, the Grant Disbursement Report, Nebraska Lottery Proceeds Allocation Report, and Grant Administration Report.

**Motion by** Mr. Davidson, seconded by Mr. Macy, "I move to approve the consent agenda."

**Voting Aye:** Hellbusch, Orr, Dunn, Davidson, Andersen, Christen, Bowen, McCoy, Anthonie, Wellman, Macy, Kanger, Quandahl

**Absent:** Riley

**13 Voted Aye. Motion carried.**

### 3. Public Comment

None.

### 4. Board Development – Informational reviews

#### Background on informational reviews

Board development provides an opportunity for board members and staff to review statutes, rules and regulations, and policies and procedures and become more familiar with documents governing NET's operations.

Executive Director Elmshaeuser clarified procedures for meeting motions, amendments, withdrawals, and abstentions in accordance with Roberts Rules and the Nebraska Open Meetings Act.

Since the Public Hearing was not scheduled until 2:00 p.m., and there were no objections from the Board, Chairman Quandahl moved on to agenda items 10 and 11.

### 10. Title 137 Committee Report

Mr. Andersen, Chairman of the Title 137 Committee, reported the NET Board authorized the Title 137 Committee at its meeting on May 19, 2022. The Committee has met and is holding public listening sessions in each Congressional District for attendees to submit comments and suggestions for revising Title 137 Rules and Regulations. Public comments received by the Title 137 Committee and staff will be evaluated and incorporated, when possible, into the proposed revisions to present to the NET Board for consideration. Regulations are created, amended, or repealed through the hearing and adoption process.

Title 137 Listening Sessions were scheduled as follows:

- Tuesday, October 25, 2022, 1:00-2:00 p.m., Ferguson House, 700 S 16<sup>th</sup> St, Lincoln, NE
- Wednesday, November 9, 2022, from 12:00-1:00 p.m., Omaha State Office Building, Third Floor Room E, 1313 Farnam St, Omaha, NE
- Tuesday, November 15, 2022, 12:00-1:00 p.m., Kearney Public Library, North Platte Room, 2020 1<sup>st</sup> Ave, Kearney, NE
- Monday, December 5, 2022, from 1:00-2:00 p.m., online via Zoom, meeting link <https://outdoornebraska.zoom.us/j/99507450632>

Executive Director Elmshaeuser reported that the goal is to revise the rules and regulations to provide more clarity before the next grant cycle, which begins July 1, 2023. The public will have an opportunity to participate.

### 11. Policy discussions

#### a. Defense of easements funding

NET adopted the Defense Funds on Easements policy in 2015. The Trust requires a Defense Fund of at least 10% of the appraised value at the time of acquisition for enforcement and defense of the conservation easement. The survival provisions remain after the grant period ends, and reporting information is still required. Even though the survivability clause is enforceable, not all grantees are compliant. Executive Director Elmshaeuser reported the amount paid from NET funds since 2005 is \$1,189,660.12. The grantee may use investment or interest income for annual monitoring expenses.

**b. Property taxes on grant funded properties**

The payment of tax on real property is found in Title 137 and NET policy. The policy originated in 1999 and was updated in 2005.

**c. Insurance coverage on grant funded properties**

The NET's equipment insurance policy originated in 1996, with revisions in 2002 and 2022.

Executive Director Elmshaeuser asked for input from members so recommendations for policy updates could be brought to the NET Board. Given the perplexity of the issues, Mr. McCoy recommended continuing discussions with the Attorney General's Office before the Board moves forward on any recommendations.

**2:00 PM Public Hearing on Proposed Eligibility Recommendations for the 2023 Grant Cycle**

As presiding officer, Chairman Quandahl opened the public hearing at 2:00 p.m. to accept testimony on the proposed eligibility recommendations for the 2023 Grant Cycle under consideration by the Nebraska Environmental Trust Board, pursuant to Neb. Rev. Stat., Sections 81-15,167 through 81-15,176.

**Written testimony:**

Ms. Denise McGovern-Gallagher, Grand Island Area Clean Community System, concerning the recommended ineligibility status of grant application 23-101.

Mr. Andy Bishop, Rainwater Basin Joint Venture, concerning the recommended ineligibility status of grant applications 23-104, 23-116, and 23-144.

Ms. Christine Vail, Keep Keith County Beautiful, concerning the recommended ineligibility status of grant application 23-161.

Mr. Mike Murphy and Mr. Chandler Schmidt, Middle Niobrara Natural Resources District, concerning the recommended eligibility status and reviewer concerns for grant application 23-117.

Mr. Jay Jones, Village of Allen, concerning the recommended ineligibility status of grant application 23-119.

Mr. Mike Murphy, Middle Niobrara Natural Resources District, concerning the recommended ineligibility status of grant applications 23-120 and 23-130.

Mr. Mohammad Ghashami, concerning the recommended ineligibility status of grant application 23-139.

**Testimony at Hearing:**

Mr. John Thorburn, Rainwater Basin Joint Venture, testified that the organization had submitted written testimony concerning the recommended ineligibility status of its grant applications 23-104, 23-116, and 23-144. Grant application 23-125 was deemed eligible for scoring. The purpose and beneficiaries of the grants were clarified, and reconsideration was requested for the grant applications not recommended for eligibility.

Ms. Mona Bavarian, University of Nebraska-Lincoln, provided testimony on the benefits of grant application 23-157, Management of Run-off Water in the State of Nebraska, which was recommended as ineligible. Reconsideration of the application was requested.

Mr. Jeff Selden, Loup Central Landfill Association, provided testimony on the benefits of grant application 23-111, Metal Recycling Facility, which was recommended as eligible for scoring.

Mr. Scott Snell, Orton Management Associates Inc., representing the Nebraska State Irrigation Association, expressed concerns regarding the Grants Committee's recommended ineligibility status of grant application 23-145, Nebraska Water Leaders Academy. Reconsideration was requested.

Ms. Becky Ravenkamp, Lewis & Clark NRD, Bow Creek Watershed Project, testified on the project purpose and benefits of grant application 23-112, which was recommended as ineligible for scoring. Reconsideration was requested.

Ms. Denise Gallagher, Grand Island Area Clean Community System, testified on the recommended ineligibility status of grant application 23-101 and its importance to Central Nebraska. Reconsideration was requested.

Mr. Bob Wickersham, Friends of the Nebraska Environmental Trust, provided a written statement for distribution to Board members. Testimony detailed concerns about the eligibility process.

Mr. Joe Stecher, Counsel for Whitney Irrigation District, testified on criteria issue concerns and asked for reconsideration of the recommended ineligibility status of grant application 23-105.

Mr. Mohammad Ghashami, UN-L College of Engineering, explained the project benefits of grant application 23-139 and asked for reconsideration of the proposed ineligibility status.

Ms. Kathy Worley, Keep Alliance Beautiful, testified on the project benefits, criteria issue concerns, and the recommended ineligibility status for grant application 23-109. Reconsideration was requested.

Ms. Chris Vail, Keep Keith County Beautiful, explained the project benefits of grant application 23-161 and asked for reconsideration of the recommended ineligibility status.

Mr. Ron Pelton, President of Whitney Irrigation District, provided further information about the purpose of grant application 23-105, which was recommended as ineligible to proceed to scoring.

Mr. Kyle Kinyoun commended the Grants Committee on a difficult job and expressed concern that some organizations applying for grants could levy a tax or are dependent on Trust funding to function.

The hearing concluded at 2:41 p.m.

## **5. Grants Committee Report and Recommendations for Grant Application Eligibility**

### Background on Grant Application Eligibility

Six grant applications were confirmed as fake and were removed from consideration. Grants Committee members reviewed 81 applications for eligibility using the grants portal checklist and information provided in Title 137. At its meeting on October 13, 2022, the Committee determined that 47 out of 81 applications were eligible to proceed to scoring. After approval, the NET Board will refer

grant applications deemed eligible back to the Grants Committee to use the project ranking and scoring system approved on May 19, 2022.

Mr. Davidson, Chairman of the Grants Committee, thanked those who provided testimony on the proposed eligibility list. The eligibility process for grant applications during the last two years was summarized.

**Motion by** Mr. Davidson, seconded by Mr. Andersen, "As Chairman representing the Grants Committee, I move that the Nebraska Environmental Trust Board accepts and approves the grant eligibility, as recommended by the Grants Committee: 23-115, 23-131, 23-136, 23-113, 23-114, 23-122, 23-123, 23-127, 23-140, 23-149, 23-152, 23-162, 23-164, 23-166, 23-169, 23-183, 23-186, 23-107, 23-108, 23-111, 23-121, 23-125, 23-132, 23-134, 23-135, 23-141, 23-142, 23-146, 23-148, 23-150, 23-151, 23-154, 23-155, 23-156, 23-158, 23-159, 23-167, 23-170, 23-171, and 23-180."

**Discussion:** Kanger reported that as Grants Committee members determined eligibility for grant applications, Title 137 rules and regulations were next to each component. He noted the language in Title 137 is incredibly subjective, which seems consistent with feedback concerns about objectivity.

**Voting Aye:** Orr, Davidson, Andersen, Christen, Bowen, McCoy, Anthone, Wellman, Macy, Kanger, Hellbusch, Quandahl

**Voting Nay:** Dunn

**Absent:** Riley

**12 Voted Aye. 1 Voted Nay. Motion carried.**

**Motion by** Mr. Davidson, seconded by Mr. Macy, "As Chairman representing the Grants Committee, I move that the Nebraska Environmental Trust Board accepts and approves the grant eligibility, as recommended by the Grants Committee: 23-138, 23-170, and 23-172."

**Discussion:** None.

**Voting Aye:** Davidson, Andersen, Christen, Bowen, Anthone, Wellman, Macy, Kanger, Hellbusch, Orr, Quandahl

**Voting Nay:** Dunn

**Abstained:** McCoy

**Absent:** Riley

**11 Voted Aye. 1 Voted Nay. 1 Abstained. Motion carried.**

**Motion by** Mr. Davidson, seconded by Mr. McCoy, "As Chairman representing the Grants Committee, I move that the Nebraska Environmental Trust Board accepts and approves the grant eligibility, as recommended by the Grants Committee: 23-102, 23-117, 23-124, 23-153, and 23-179."

**Discussion:** None.

**Voting Aye:** Davidson, Andersen, Christen, Bowen, McCoy, Anthone, Wellman, Kanger, Hellbusch, Orr, Quandahl

**Voting Nay:** Dunn

**Abstained:** Macy

**Absent:** Riley

**11 Voted Aye. 1 Voted Nay. 1 Abstained. Motion carried.**

Mr. Davidson, Grants Committee Chairman, noted the next phase of the grant process would be scoring eligible grant applications.

## 6. Transfer of property request, City of Lincoln, Grant Contracts 13-116 & 16-122

### Background on transfer of property request

Personnel from the City of Lincoln contacted the Grants Administrator seeking guidance to transfer property under grant contracts 13-116 and 16-122. After consulting with the Executive Director, the Grants Administrator contacted the Attorney General's office. Based on the documents reviewed, the Attorney General's office determined that the City of Lincoln would need approval from the Board to transfer the properties because they were purchased in part with grant funds. The Grant Contracts require notice and prior written permission from the Nebraska Environmental Trust Board.

Ms. Jocelyn Golden, Senior Attorney for the City of Lincoln, together with the Parks and Recreation Department, came before the Board to explain the City of Lincoln's request to transfer two parcels to their cooperative partner, the Lower Platte South Natural Resources District (LPSNRD). The parcels were referred to as Bobcat I-Grant 13-116, purchased in December 2013, and Bobcat II-Grant 16-122, awarded in 2016 and purchased in 2018 with NET funds. Both properties are open to the public, with no permit or fee required. Ms. Golden clarified that the City of Lincoln is the responsible sponsor for the property taxes continuing to be paid. Executive Director Elmshaeuser stated that in accordance with applicable state law, the property may not be sold, leased, transferred, exchanged, mortgaged, or encumbered in any manner or used for purposes inconsistent with the grant without the prior written approval of the Nebraska Environmental Trust. This language is in the current deed and will continue in the following deed. The LPSNRD would not be able to transfer the property without approval from the Trust. Language will also be added concerning property taxes.

**Motion by** Mr. Dunn, seconded by Mr. Davidson, "I move to approve the transfer requested by the City of Lincoln for Bobcat I & II and include grant language concerning property taxes and the current deed restriction concerning the Nebraska Environmental Trust in any new deed."

**Discussion:** Questions from the Board were addressed. Mr. Bowen expressed concern that NET funding had been used to purchase property for perpetual easements, and the terms were later changed.

**Voting Aye:** Bowen, McCoy, Anthone, Macy, Hellbusch, Orr, Dunn, Davidson, Quandahl

**Voting Nay:** Andersen, Christen, Wellman

**Absent:** Kanger, Riley

**9 Voted Aye. 3 Voted Nay. Motion carried.**

## 7. Grant modification requests

### a. Extension request for grant 19-186-3

**Motion by** Mr. Andersen seconded by Mr. Davidson, "I move to deny UN-L's request to extend project 19-186-3 for one year."

**Discussion:** It was clarified that the current grant period closes in December 2022. Dr. Anthone expressed concern that the work done so far might be for naught if the project is not extended and work is not completed. Grants Administrator Adams reported on the total funding received and the amount still available for the project. Mr. Orr clarified that the request letter indicated additional funding would not be required if the project was extended. Mr. Davidson noted that the University is a large organization with enormous resources that could be leveraged to finish the



project. Mr. Wellman stated he would vote against extending the contract period since UN-L previously received a six-month extension and has other resources.

**Voting Aye:** Christen, Bowen, Wellman, Macy, Hellbusch, Orr, Davidson, Andersen, Quandahl

**Voting Nay:** McCoy, Anthon, Dunn

**Absent:** Kanger, Riley

**9 Voted Aye. 3 Voted Nay. Motion carried.**

**b. Budget request for grants 19-205-2, 19-132-3, and 21-139**

**Motion by** Mr. Davidson, seconded by Mr. Wellman, "I move to approve UNL's request to move funding from operating into the supplies, salaries, and benefits categories for project 19-205-2."

**Discussion:** Bowen, Hellbusch, Christen, and Quandahl expressed concern about moving project funding from operating expenses into salaries and benefits.

**Voting Aye:** McCoy, Anthon, Wellman, Dunn, Davidson

**Voting Nay:** Bowen, Hellbusch, Orr, Andersen, Christen, Quandahl

**Abstained:** Macy

**Absent:** Kanger, Riley

**5 Voted Aye. 6 Voted Nay. 1 Abstained. Motion failed.**

**Motion by** Mr. Andersen, seconded by Mr. Hellbusch, "I move to deny the Xerces Society's request to move funding from supplies, travel, and contract services into salaries and benefits for project 19-132-3."

**Discussion:** None.

**Voting Aye:** McCoy, Anthon, Wellman, Macy, Hellbusch, Orr, Dunn, Davidson, Andersen, Christen, Bowen, Quandahl

**Absent:** Kanger, Riley

**12 Voted Aye. Motion carried.**

**Motion by** Mr. Macy, seconded by Mr. Davidson, "I move to approve Southwest Weed Management's request to move \$18,435.79 from other categories into the mechanical vegetation clearing category for project 21-139."

**Discussion:** Mr. Andersen and Mr. Christen expressed support for the modification request since it directly contributes to the grant project.

**Voting Aye:** Anthon, Wellman, Macy, Hellbusch, Orr, Dunn, Davidson, Andersen, Christen, Bowen, McCoy, Quandahl

**Absent:** Kanger, Riley

**12 Voted Aye. Motion carried.**

**8. Closeout report of grants**

Background on closeout of expired grants

Upon completion of a project contract, the grantee must submit a final report. NET staff reviews reports, disbursement requests, and project balances after the contract has ended. Prior to closing out projects in the Grants Portal, the staff creates a summary report for Board review regarding each grant's final status. Before the final status report is created for the NET Board, a written 15-day notice will be sent to grant projects in breach of contract by NET's executive director. If the grantee does not

comply, the grant may be revoked, disbursements may be withheld, or the grantee may be required to reimburse the grantor. Summary information is provided to the NET Board in the final status report.

Grants Administrator Adams reported approximately 80 grant projects are ready to be closed. Currently, an additional 113 grant projects are open and still being managed. Additional projects ready to be closed will be brought to the Board in February 2023.

The grant closeout list was reviewed and discussed.

**Motion by** Mr. Andersen, seconded by Mr. Davidson, “I move to approve the grant closeout report provided and presented by NET Staff on November 3, 2022, for the closeout of the projects presented in the report.”

**Discussion:** Mr. Wellman asked if there was any issue with using the word *approve* rather than *accepted* in the motion since the numbers are unaudited. Executive Director Elmshaeuser stated the language does not change the closeout report, and he believed approval entails acceptance of the report provided by staff.

**Voting Aye:** McCoy, Anthonie, Wellman, Macy, Hellbusch, Orr, Dunn, Davidson, Andersen, Christen, Bowen, Quandahl

**Absent:** Kanger, Riley

**12 Voted Aye. Motion carried.**

## 9. Amended contracts for Five Rivers RC&D, grants 22-148, 22-200, and 22-209

### Background on potential contract amendments

Five Rivers RC&D received signed contracts for grants 22-200, 22-209, and 22-148 on April 27, 2022. On June 8, 2022, a disbursement request was submitted through the grant portal. The NET Grant Administrator reviewed the request and forwarded it to the Executive Director with concerns. An on-site audit with the Five Rivers RC&D Executive Director, Chairman, and Treasurer was conducted on June 30, 2022. Multiple documents were not available and were promised to be provided. As a result of the non-performance and serious nature of the situation, a 15-Day Notice was issued that the grants were revoked and canceled. Additional correspondence occurred. The grant applications were misrepresented as to the status of the organization’s ability to conduct business. In order to resolve the issues, amended grant contracts were presented to the Board for consideration.

**Motion by** Mr. Andersen, seconded by Mr. Hellbusch, “I move to approve the amended grant contracts as presented in the Board material for grants 22-200, 22-209, and 22-148 on November 3, 2022.”

**Discussion:** It was clarified that the amended contracts would not allow general administration expenses for the executive director and personnel. The grant application stated the organization was authorized to conduct business in Nebraska. An audit later confirmed the corporation did not have a current certificate of authority at the time of application, and a notice of dissolution had been received from the Secretary of State.

**Voting Aye:** Macy, Hellbusch, Dunn, Davidson, Andersen, Bowen, McCoy, Anthonie, Quandahl.

**Voting Nay:** Wellman, Orr

**Abstained:** Christen

**Absent:** Kanger, Riley

**9 Voted Aye. 2 Voted Nay. 1 Abstained. Motion carried.**

Agenda items 10 & 11 were addressed before the Public Hearing.

## 12. Directors Report

Executive Director Elmshaeuser reported the exterior wheelchair lift at the Ferguson House is out of service. The Building Division indicated a portable ramp on the north side of the house is not feasible. Meetings will need to be held elsewhere until the issue is resolved and building access is ADA-compliant.

Other items in the report included:

- The burglar alarm system at the Ferguson House has been updated.
- A donation of \$89,825.07 was received from the Alice H. Styskal Estate and placed in the NET Endowment Fund.
- Since May of 2022, nine audits of grant projects have been conducted by Executive Director Elmshaeuser. Audits include four in-person and five desk audits. Another audit is pending scheduling with the grantee.
- Fourteen notices have been issued to grantees for projects in non-compliance.
- Staff performance goals will be entered into the state's Employee Development Center by December 2022.

## 13. Next Meeting

Thursday, January 5, 2023, Fallbrook State Office Building, LL Room 031, 245 Fallbrook Blvd, Lincoln, Nebraska, 1:30 p.m. A public hearing will be held to approve or modify grant recommendations for funding.

## 14. Adjourn

Chairman Quandahl adjourned the meeting at 4:36 p.m.

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Karl L. Elmshaeuser  
Executive Director

## Award of 2023 Grants

### NET Board Agenda Materials

Item #: 6.

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**Object:** To Award Grants for the 2023 Grant Cycle

**Contact Person:** Felix Davidson, Karl Elmshaeuser

**For:** ACTION

**Attachment:** 5 pages

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#### **BACKGROUND**

The Grants Committee Consists of six members of the NET Board. The Chairman position rotates each year by Congressional District. One member from each Congressional District and two Agency Directors are required. These members are appointed every August by the incoming Chairman of the NET Board.

At the May 19, 2022, NET Board Meeting, following a public hearing, the Board adopted a new Project Ranking System with 10 questions on the grant applications for the 2023 grant round.

The Grants Committee reviewed 81 legitimate applications for eligibility, determined 47 projects were eligible, scored eligible projects, and developed recommendations for funding.

#### **EXPLANATION**

The Nebraska Environmental Trust received 81 legitimate applications submitted by the September 6, 2022, deadline.

The NET Grants Committee met on September 22, 2022, prior to their review of applications. At this meeting, the Committee determined that an Olympic scoring, which provides an average of the aggregated scores without the top and bottom score, would determine the minimum funding line.

At the November 3, 2022, NET Board Meeting, the Board approved the Grants Committee's eligibility recommendations, moving 47 projects to scoring.

Each grant applicant was required to answer ten Project Ranking criteria questions on their application. The Grants Committee members independently reviewed the eligible applications, including the applicant's answers to each of the ten criteria, reviewed the applicable standard, then made a scoring determination on each criterion.

On December 8, 2022, the Grants Committee developed their recommendations for funding. The Committee recommends funding 23 projects for a total of \$11,347,203.

- **Rank Order Listing** – The projects are presented in rank order by rated score, including a recommendation for funding amounts. - Pages 6-1 through 6-2
- **Letters of testimony** – Submitted into the record by January 3, 2023 - Pages 6-3 through 6-5

## **PROPOSAL**

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

## **PROPOSED MOTIONS**

**Motion 1:** 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, 23-113, 23-131, 23-115, 23-136, 23-164, 23-122, 23-114, 23-156, 23-132, 23-171, 23-149, 23-142, 23-148, 23-140, 23-162, 23-166, 23-127, and 23-150, and authorize the Chairperson and Executive Director to sign the award letters and contracts.

**Motion 2:** 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, 23-138, 23-170, and 23-172, and authorize the Chairperson and Executive Director to sign the award letters and contracts.

**Motion 3:** 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: 23-117 and 23-153, and authorize the Chairperson and Executive Director to sign the award letters and contracts.

## 2023 Grants Committee Recommendations for Funding Placed in Rank Order

Rating	App ID	Project Sponsor	Project Name	Review Group	Term of Request	Recommended Award Year 1	Recommended Award Year 2	Recommended Award Year 3	Total Recommended Award
42.33	23-113	Pheasants Forever, Inc.	Pathway For Wildlife, Ranchers, Farmers, and Communities	Rural Habitat	3	\$ 278,000	\$ 278,000	\$ 278,000	\$ 834,000
39.8	23-170	Nebraska Game and Parks Commission	WILD Nebraska	Rural Habitat	2	\$ 100,000	\$ 100,000	\$ -	\$ 200,000
39	23-131	Twin Valley Weed Management Area	Eastern Republican and Little Blue Watershed Improvement Project	Water	1	\$ 205,040	\$ -	\$ -	\$ 205,040
38.8	23-138	Nebraska Game and Parks Commission	Rainwater Basin Wetland Management	Rural Habitat	3	\$ 100,000	\$ 100,000	\$ 100,000	\$ 300,000
38.8	23-172	Nebraska Game and Parks Commission	Standing Bear Reservoir Habitat and Water Quality Enhancement Project	Lake Rehabilitation	1	\$ 500,000	\$ -	\$ -	\$ 500,000
38.5	23-115	Kearney County and Lower Platte NE Pheasants Forever Chapters	No-Till Drills Kearney Co and Lower Platte Pheasants Forever Chapters	Equipment	1	\$ 70,000	\$ -	\$ -	\$ 70,000
37	23-136	Habitat for Humanity of Omaha	2022 HFHO Deconstruction Project	Waste Management	2	\$ 250,000	\$ 250,000	\$ -	\$ 500,000
36.83	23-164	People's City Mission	Help Center baler upgrade	Equipment	1	\$ 109,950	\$ -	\$ -	\$ 109,950
36.33	23-122	Southwest Weed Management	Western Republican River Basin Riparian Habitat Project	Rural Habitat	1	\$ 147,140	\$ -	\$ -	\$ 147,140
36.17	23-114	Quail Forever	Mobile Prescribed Burn Unit, Education Outreach, and Rural Fire Departments	Rural Habitat	2	\$ 121,000	\$ 126,800	\$ -	\$ 247,800
35.83	23-156	Nebraska Public Power District	ME Energy Ethanol Powered Electric Vehicle Fast Charger	Air Quality	1	\$ 88,948	\$ -	\$ -	\$ 88,948
35	23-132	Omaha Public Power District	OPPD/Douglas County: SOLUS (Solar On Landfills Utility Scale)	Air Quality	3	\$ 50,000	\$ 1,705,000	\$ 1,705,000	\$ 3,460,000
34.83	23-171	North Platte Natural Resources District	High Plains Nutrient Management	Water	1	\$ 50,000	\$ -	\$ -	\$ 50,000
34.4	23-117	Middle Niobrara Natural Resources District	LPCW Restoration Phase 5 - WFPO Project Implementation	Water	3	\$ 547,100	\$ 547,100	\$ 547,100	\$ 1,641,300
34.33	23-149	North Platte Natural Resources District	Grassland and Greenspace Reclamation Seeder	Equipment	1	\$ 12,000	\$ -	\$ -	\$ 12,000
34	23-142	Lower Platte North Natural Resources District	Shell Creek Enhancement Plan: Phase III	Water	3	\$ 115,002	\$ 92,500	\$ 92,498	\$ 300,000
34	23-148	City of Crawford	Purchase 125 side-loader green dumpsters	Equipment	1	\$ 150,000	\$ -	\$ -	\$ 150,000
33.83	23-140	Ducks Unlimited Inc.	North Platte River Valley Habitat Restoration and Enhancement Partnership III	Rural Habitat	2	\$ 85,000	\$ 85,000	\$ -	\$ 170,000
33.83	23-162	Platte River Whooping Crane Maintenance Trust, Inc.	Crane Trust Habitat Maintenance	Equipment	1	\$ 69,000	\$ -	\$ -	\$ 69,000
33.83	23-166	Sandhills Task Force	Sandhills Stewardship and Conservation Project	Rural Habitat	3	\$ 134,000	\$ 134,000	\$ 127,000	\$ 395,000
33.67	23-127	Village of Lindsay, Nebraska	Lindsay Community Pond Restoration Project	Lake Rehabilitation	1	\$ 281,500	\$ -	\$ -	\$ 281,500
33.33	23-150	The Nature Conservancy	Blue River Water Quality Project	Water	3	\$ 93,175	\$ 93,175	\$ 84,175	\$ 270,525
33.2	23-153	The Lincoln-Lancaster County Health Department	Maximizing HazToGo - Lincoln's Hazardous Waste Center Through Material Reuse	Waste Management	3	\$ 175,000	\$ 1,110,000	\$ 60,000	\$ 1,345,000
33.17	23-186	Conservation Nebraska	Common Ground Education Program	Education	1	\$ -	\$ -	\$ -	\$ -
33	23-125	Nebraska Community Foundation For Benefit of Rainwater Basin Joint Venture	Rainwater Basin Watershed Restoration and Enhancement	Rural Habitat	3	\$ -	\$ -	\$ -	\$ -
32.67	23-111	Loup Central Landfill Association	Metal Recycling Facility	Equipment	1	\$ -	\$ -	\$ -	\$ -
32.5	23-151	Rocky Mountain Bird Observatory dba Bird Conservancy of the Rockies	Advancing Environmental Connection and Stewardship in the Nebraska Panhandle	Education	2	\$ -	\$ -	\$ -	\$ -
32.5	23-183	Iain Nicolson Audubon Center at Rowe Sanctuary	Increasing Diversity on a Rowe Sanctuary Grassland	Rural Habitat	1	\$ -	\$ -	\$ -	\$ -

## 2023 Grants Committee Recommendations for Funding Placed in Rank Order

32.33	23-169	Lexington Community Foundation	Johnson Lake Community Playground Water Station	Equipment	1	\$ -	\$ -	\$ -	\$ -
31.83	23-159	Nebraska Public Power District	Freewire Single Phase Electric Vehicle Fast Charger with Battery Storage	Air Quality	1	\$ -	\$ -	\$ -	\$ -
31.6	23-108	Bazile Groundwater Management Area	Continued Development of Research and Demonstration Sites in the BGMA for Groundwater Nitrate Reduction	Water	3	\$ -	\$ -	\$ -	\$ -
31.6	23-179	All Business & Commercial Recycling, L.L.C.	Sustaining Single-Stream Services	Equipment	1	\$ -	\$ -	\$ -	\$ -
31.5	23-121	Goodwill Industries of Greater Nebraska, Inc.	Inventory Management	Equipment	1	\$ -	\$ -	\$ -	\$ -
31.5	23-152	Northeast Nebraska Resource Conservation & Development Council Inc	Household Hazardous Waste Collections	Waste Management	2	\$ -	\$ -	\$ -	\$ -
31.17	23-158	The Nature Conservancy	Solar Powered Platte Prairies	Air Quality	2	\$ -	\$ -	\$ -	\$ -
30.4	23-102	Nemaha Natural Resources District	Nemaha Natural Resources District (NNRD) Airborne Electromagnetic (AEM) Mapping	Water	3	\$ -	\$ -	\$ -	\$ -
30.17	23-154	Lower Elkhorn Natural Resources District	LENRD Groundwater Monitoring for Public Health	Water	3	\$ -	\$ -	\$ -	\$ -
30.17	23-180	Nebraska Wildlife Rehab, Inc.	Waveland Farm Prairie Restoration & Land Addition	Rural Habitat	3	\$ -	\$ -	\$ -	\$ -
30	23-141	University of Nebraska Omaha	Monitoring and assessing nitrate impacts to playa wetlands	Water	3	\$ -	\$ -	\$ -	\$ -
29.83	23-134	City of McCook	Composting Tractor	Equipment	1	\$ -	\$ -	\$ -	\$ -
29.83	23-167	Upper Elkhorn Natural Resources District	Mitigating Nitrate through On-Farm Demonstrations in Northeast Nebraska	Water	3	\$ -	\$ -	\$ -	\$ -
29.6	23-124	Board of Regents of the University of Nebraska for the University of Nebraska-Lincoln	Implementing the Standardized All in the Hall Recycling Program at UNL	Waste Management	2	\$ -	\$ -	\$ -	\$ -
29.2	23-155	Keep North Platte and Lincoln County Beautiful	North Platte E Cycling Event	Waste Management	1	\$ -	\$ -	\$ -	\$ -
28	23-123	Nebraska Master Naturalist Foundation	Expanding Conservation Capacity in Urban Communities through Engagement and Increased Accessibility	Education	2	\$ -	\$ -	\$ -	\$ -
23	23-146	Nebraska State Historical Society Foundation	Walk to the Rock at Chimney Rock National Historic Site	Education	2	\$ -	\$ -	\$ -	\$ -
20.83	23-135	High Plains Weed Management Association	North Platte River Invasive Species Control Project Phase 6	Water	2	\$ -	\$ -	\$ -	\$ -
Withdrew	23-107	Lewiston Consolidated Schools	Community/School/FFA Partnership: Environmental Vision for Future Generations	Education	2	\$ -	\$ -	\$ -	\$ -
						\$ 3,731,855	\$ 4,621,575	\$ 2,993,773	\$ 11,347,203

# Written Testimony





The High Plains Weed Management Association began the Platte River Invasive Species Eradication and Control Project (the Project) in 2008 utilizing grant funding from the Nebraska Environmental Trust. The project area is located in the Nebraska Panhandle and covers all of Scotts Bluff, Morrill, Garden, Deuel, Cheyenne, Kimball, and Banner counties, and part of Sioux county. The objectives of the Project include improved flood control, restoration of habitat, reintroduction of native species, and increased water supply.

Before I get into more detail, I want to mention that in previous rounds of grant funding, our Project received a rating of 35, which would put it above 11 of the approved grantees on this list. This year, we mysteriously received a rating of 20.83.

The primary focus of the Project is the Russian olive tree – a species that not only chokes out native vegetation, but also depletes water supplies and increases the danger of flooding along the Platte River and its tributaries. We use funds judiciously and seek partnerships with other stakeholders, including private landowners, Ducks Unlimited, and other nonprofits, when possible.

It is our understanding the Trust is directed to strictly fund projects that would not otherwise be eligible for funding. Even though dense infestations of Russian Olives limit water movement (one tree can take up 75 gallons of water per day) and damage native vegetation, the Russian olive is currently not listed as a noxious weed in Nebraska, so its removal is therefore not eligible for noxious weed funding assistance. We can and will apply for funding through the Riparian Vegetation Management Task Force, but this funding is only for removal of trees adjacent to streams. Funding the High Plains Project would allow us to continue managing the thousands of acres in western Nebraska not otherwise eligible for assistance.

Battling Russian Olives is difficult and requires a very specific, scientific process. Most private landowners are not invasive species experts. Landowners can spend hundreds of dollars bulldozing Russian Olives, stacking and burning the brush piles, only to see a reinfestation several years later.

Russian Olives must be sheared or sawed. We mount an herbicide supply tank and spray nozzle on our equipment, allowing our operator to spray the fresh cut immediately. Herbicide must be applied to the cut tree within minutes, or the tree will seal the stump and not allow the herbicide to penetrate into the root system. Without special attention and precision, re-growth of Russian olives is incredibly common.



Follow-up treatment is often required and may extend for several years. Continued treatment promotes full eradication, which means the return of native vegetation, including grasses and shrubs. This, in turn, allows for the restoration of native wildlife and more natural water flow.

The Extension report on Russian Olives was written in 2009, shortly after we started this project. At that time, it was estimated that more than 8,500 acres of land were heavily infested with Russian Olives and saltcedar, and that this infestation may use up to **35,000-acre feet of water per year**.

Since this report was written, our project has helped eradicate thousands of Russian Olives on thousands of acres along the North and South Platte Rivers for hundreds of landowners.

As you know, water supplies in Nebraska are limited. Competitive uses including communities, the demands of agriculture, natural habitat, and interstate compact compliance require that we look for ways to minimize water loss.

If the Environmental Trust chooses not to fund this project, we will be staring down a situation similar to, or even worse, than what we were seeing 15 years ago. This project is vital to western Nebraska and can impact water supplies in a huge portion of our state. We are asking for the amount of funding allocated previously, which was \$550,000 over two years, to continue carrying out this mission.

Thank you for your consideration; I would be happy to answer any questions.

Joyce Mick 308-631-4390 or  
Clint Reisen 308-633-1264

## Ferguson House

### NET Board Agenda Materials

Item #: 7

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Object: To approve a new office lease agreement

Contact Person: Mark Quandahl, Karl Elmshaeuser

For: ACTION

Attachment: 2 pages

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#### **BACKGROUND**

The NET entered into a Property Management Agreement with DAS on July 1, 2004, for the Ferguson House. From the agreement, “Additionally, notwithstanding anything else contained in this paragraph, any of the parties has a right to terminate this Property Management Agreement for any reason upon twelve (12) months written notice to the other party.”

#### **EXPLANATION**

The NET Board at the April 8, 2021, board meeting passed the following motion, “NET staff to explore 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.”

The NET Finance Committee on January 25, 2022, passed the following motion, “I move to recommend to the NET Board to make budget adjustments as necessary to provide the NET Board the ability to continue to explore efficient and effective alternate office locations.” The NET Board also passed the same language in a motion at their February 3, 2022, meeting.

A termination notification of the current Ferguson House Property Management Agreement was approved at the April 7, 2022, NET Board meeting and was provided to DAS personnel.

DAS Building Division personnel have been working with the NET Executive Director and advertised an RFP for office space for NET. Six proposals were received, and site visits were made. DAS has followed their protocol for assessing each proposal. DAS personnel established thirteen criteria for evaluation and scoring. The NET Chairman, Executive Director and Staff contributed to the evaluation and scoring assessment that is attached.

The Environmental Trust cash fund, Program No. 162 biennium budget was set through LB380 (attached) and updated by LB1011 for the second year of appropriations. The NET Finance Committee met on March 10, 2022, to review and discuss the fiscal year 2022-23 budget. On April 7, 2022, the NET Board passed the following motion, “I move that the Nebraska Environmental Trust Board allow the Executive Director to make internal budget adjustments as

needed to be efficient and effective with the appropriations as set by the Nebraska legislature for the Nebraska Environmental Trust for fiscal year 2022-23 by statutes and as reviewed by the Finance Committee.”

The NET Finance Committee met on July 19, 2022, and recommended the following motion that was also approved by the NET Board at the August 22, 2022, meeting. “I move to approve the NET Budget Request for the Biennial Budget within the following limitations and amounts; PSL not to exceed five (5) FTE, Operational funding to include contracted increases from the previous base, State Aid amount is recommended to be \$21,000,000 in FY 2023-24 and \$22,000,000 in FY 2024-25.”

All RFP’s received are under the amount budgeted for the Ferguson House operations which was \$86,579.03 in FY21/22 and \$86,038.10 in FY22/23. They are all within the scope of funding for the budget requests for FY23-24 and FY24-25.

**PROPOSAL**

Recommended motion, “I move that the Nebraska Environmental Trust authorizes the Department of Administrative Services Building Division to enter into an office lease agreement for NET in Lincoln, Nebraska for an initial term of ten (10) years and authorize the NET Chairman and/or Executive Director to sign all applicable and necessary documents as required.”

LB380  
2021

LB380  
2021

1	Program No. 582 - School Land Trust		
2		FY2021-22	FY2022-23
3	CASH FUND est.	20,998,632	21,045,324
4	PROGRAM TOTAL	20,998,632	21,045,324
5	SALARY LIMIT	1,710,089	1,740,361

6 Cash Fund expenditures shall not be limited to the amount shown. The  
7 appropriation contained in this program is provided pursuant to section  
8 72-232.02.

9 Sec. 137. AGENCY NO. 33 - GAME AND PARKS COMMISSION

10 Program No. 162 - Environmental Trust

11		FY2021-22	FY2022-23
12	CASH FUND	20,676,142	21,182,946
13	PROGRAM TOTAL	20,676,142	21,182,946
14	SALARY LIMIT	292,196	296,460

15 There is included in the appropriation to this program for FY2021-22  
16 \$20,000,000 Cash Funds for state aid, which shall only be used for such  
17 purpose. There is included in the appropriation to this program for  
18 FY2022-23 \$20,500,000 Cash Funds for state aid, which shall only be used  
19 for such purpose.

20 Sec. 138. AGENCY NO. 33 - GAME AND PARKS COMMISSION

21 Program No. 330 - Habitat Development

22		FY2021-22	FY2022-23
23	CASH FUND	7,582,108	7,605,938
24	FEDERAL FUND est.	3,900,673	3,900,673
25	PROGRAM TOTAL	11,482,781	11,506,611
26	SALARY LIMIT	1,597,748	1,608,622

27 There is included in the appropriation to this program for FY2021-22  
28 \$1,575,000 Cash Funds for state aid, which shall only be used for such  
29 purpose. There is included in the appropriation to this program for  
30 FY2022-23 \$1,575,000 Cash Funds for state aid, which shall only be used

Points possible	10	10	30	2.5	2.5	5	7.5	7.5	15	2.5	2.5	2.5	2.5	100
Property	Rental rate	Location LNK	Location blocks	Parking space	Parking Pro/Con	Safe/Secure	Layout proposed	Layout network	Quality interior	Quality window	Quality roof	Air quality	Structure quality	Total
Telegraph	1	10	23	2.5	2.5	5	7	7	15	2.5	2.5	2.5	2.5	83
13th	5	10	27	2.5	2	2	5	5	5	1	1.5	1.5	1	68.5
7th	6	10	27	2.5	2	2	3	5	5	1	1.5	1.5	1	67.5
NAI	3	10	26	2.5	1.5	2	1	6	7	1.5	1.5	1.5	1	64.5
A-240	5	10	26	1	1	1	3	4	2	2.5	1	1	1	58.5
A-201	3	10	26	1	1	1	2	4	2	2.5	1	1	1	55.5
Average score	3.8	10	25.8	2	1.7	2.2	3.5	5.2	6.0	1.8	1.5	1.5	1.3	66.3