

AGENDA

Nebraska Environmental Trust
Grants Committee

Tuesday, October 22, 2024
1:00 PM

2077 N Street, Suite 310
Lincoln, NE 68510

1. Call to Order
 - a. Roll call
 - b. Verify Quorum
 - c. Notice of Meeting; Published Wednesday, October 16, 2024
 - d. Notification of Open Meetings Law Posting
2. Public Comment
3. Approval of September 9, 2024, Grants Committee meeting minutes
4. Determination of eligibility of applications for grant funding
 - a. Eligible grant applications recommended to NET Board for consideration.
 - b. Executive Director grant applications not eligible recommendations, 25-103, 25-120, 25-125, 25-151, 25-157, 25-158, 25-159 for Grants Committee consideration.
5. Grant Portal Scoring process explanation
6. Next Meeting; December 5, 2024, NET Office, 1:00 PM
7. Adjourn

**This Agenda contains a list of subjects known at the time of its distribution on October 16, 2024. A Current copy is on file at the Nebraska Environmental Trust offices, 2077 N Street, Suite 310, Lincoln, NE 68510. Except for agenda items of an emergency nature, changes are not made later than 24 hours before the scheduled commencement of the meeting. Completing the sign-in sheet available at the meeting may offer public comment on any agenda item. The time for each speaker should not exceed 3 minutes.

MINUTES

Nebraska Environmental Trust
Grants Committee Meeting
Monday, September 9, 2024
1:00 p.m.

1. Call to Order

Committee Chairman Mr. Kanger called the virtual, on-site meeting of the Grants Committee to order at 1:01 p.m. in Suite 310 at 2077 N St, Lincoln, Nebraska.

Advanced notice of the meeting was published in the Lincoln Journal Star on August 30, 2024. The agenda and documents to be considered at the meeting were provided. The Open Meetings Act was posted near the meeting room entrance and on the Nebraska Environmental Trust website.

Roll call was conducted, and a quorum was present.

Members present (5):

District I: Committee Chairman Mr. Jeff Kanger, Lincoln.

District II: Mr. Roger Helgoth, Omaha.

District III: Mr. Eric Hansen, North Platte.

State Agency Representative: Ms. Sherry Vinton, Director, Nebraska Department of Agriculture; Mr. Tim McCoy, Director, Nebraska Game & Parks Commission.

Members Absent (1):

District I: Mr. James Hellbusch, Columbus.

Staff present:

Mr. Karl Elmshaeuser, Executive Director; Ms. Holly Adams, Grants Administrator; Ms. Madison Moe, Grants Assistant.

2. Public Comment

None.

3. Approval of December 13, 2023, Grants Committee meeting minutes

Motion by Mr. Helgoth, seconded by Mr. McCoy, "I move to approve the December 13, 2023, Grants Committee meeting minutes."

Discussion: None.

Voting Aye: Helgoth, Hansen, McCoy, Vinton, Kanger

Absent: Hellbusch

5 Voted Aye. Motion carried.

4. Grant application process timeline

Executive Director Mr. Elmshaeuser reviewed the Grants Committee timeline as follows:

- **September 9th 1:00 pm via Zoom – Grants Committee Meeting:** Information Session on Process
- **October 22nd 1:00 pm at NET Office – Grants Committee Meeting:** Grant Eligibility Determinations & Recommendations
- **November 7th 1:30 pm at NET Office – Public Hearing & Board Meeting** (Board will approve/modify recommendations for eligibility)
- **November 8th** – Grants Committee Scoring Begins

- **November 27th** – Scoring is due into the Grants Portal by Grants Committee members
- **December 5th 1:00 pm at NET Office – Grants Committee Meeting:** Grant Application Scoring & Recommendations for Funding
- **January 9th 1:30 pm at NET Office – Public Hearing & Board Meeting** (Board will approve/modify recommendations for funding & make decisions for grant awards)

Mr. James Hellbusch arrived at 1:08 pm.

5. Review Eligibility questions and criteria

Executive Director Mr. Elmshaeuser discussed the importance of divulging conflicts of interest prior to eligibility recommendations/scoring and the previous history of eligibility scoring versus how it is currently handled. Grants Administrator Ms. Holly Adams demonstrated the use of the Grants Portal.

Executive Director Mr. Elmshaeuser stated that the Executive Director is directed by Title 137 to provide eligibility recommendations to the Grants Committee prior to scoring. Discussion centered around the grant eligibility questions, the differentiation between the “shoulds” and the “shalls” for eligibility criteria, and the responsibility of the Grants Committee in determining the eligibility proposals to be made to the full Board.

6. Review Scoring questions and possible points criteria

Executive Director Mr. Elmshaeuser noted that scoring will be completed in the Grants Portal by the Grants Committee after eligibility has been determined by the NET Board on November 7, 2024.

7. Next Meeting

The next Grants Committee meeting will be held October 22, 2024, at 2077 N Street, Suite 310, Lincoln, NE at 1:00 pm.

8. Adjourn

Committee Chairman Kanger adjourned the meeting at 1:47 p.m.

Karl L. Elmshaeuser, Executive Director

Grants Committee NET Agenda Materials

Item #: 4.a & b

Object: To make determinations of eligibility of NET grant applications

Contact Person: Jeff Kanger, Karl Elmshaeuser

For: ACTION

Attachments: Title 137 Chapter 3, NET Policy Grant Applications

Eligibility: Private Gain, Grant Applications, Executive Director Recommendations

BACKGROUND

Nebraska Environmental Trust Act from Nebraska Revised Statutes §81-15,167 to 81-15,176.
Nebraska Environmental Trust Board Rules and Regulations Title 137.

Nebraska Environmental Policy Section V: Grant Applications

EXPLANATION

The Grants Committee receives an application after the Executive Director has reviewed it for completeness. A technical review is made, if necessary, and provided to the Grants Committee members in the Grants Portal. The Executive Director makes an eligibility recommendation to the Grants Committee. The Grants Committee makes a determination of eligibility and recommendation to the full NET Board for consideration.

After the Grants Committee makes their recommendations to the NET Board for consideration, the NET Board may adopt or revise the Grant Committee determination for eligibility. If the NET Board determines an applicant is eligible, it would then be scored by the Grants Committee. An application must be eligible before it is considered for scoring.

PROPOSAL

The Grants Committee received the grant applications, eligibility criteria and supporting documentation. The Grants Committee members had an opportunity to request additional information and have independently reviewed the applications. The Executive Director has provided recommendations of grants that are not eligible and the basis for those recommendations.

4.a. Eligible grant applications. Recommended motion, "I move to determine that grant applications (each listed) are eligible and forward to the NET Board for review and approval."

Note: there may be potential abstentions due to potential conflicts of interest.

4.b. Executive Director recommendations. Recommended motion, "I move to determine that grant applications 25-103, 25-120, 25-125, 25-151, 25-157, 25-158, and 25-159 are not eligible and forward to the NET Board for review and affirmation." Note: there may be potential abstentions due to potential conflicts of interest.

CHAPTER 3 - APPLICATION PROCESS

001. FORM OF APPLICATION AND ACCOMPANYING MATERIALS. An applicant for financial assistance from the Trust shall comply with prevailing application method(s) approved by the Board no later than three (3) months prior to the submission deadline. The application shall be complete in every aspect at the time of submittal and may include additional information to demonstrate the project's eligibility for funding.

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

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

002. TIMEFRAME FOR FILING AND REVIEW. All applications shall be filed by the dates set by the Board as part of the adopted calendar for the application and review processes. All necessary reviews of each application shall also be completed in accordance with that calendar.

Eligibility: Private Gain

Benefits from a Nebraska Environmental Trust Grant must be public in nature. Private benefit, especially private financial gain, must be incidental to the project. This may create a special challenge for private landholders seeking to improve their property or for for-profit enterprises seeking assistance for their operations. The following list is provided as an illustration of some, though not all, possible options that may demonstrate predominant public benefit of a project.

An applicant could incorporate any or all of the following components into a proposal in order to demonstrate that a project results in public gain:

1. The project is co-sponsored by at least one public entity in full partnership. The entity will determine appropriate public benefit as a pre-condition to partnership.
2. Incidental private gain, e.g. increased equity value, reverts to the public sector.
3. The project returns a benefit value to the public exceeding the dollar amount of the grant, and the grant represents the minimum investment required in order to produce the projected benefits to the public; and there is clear public need that is unmet and the private sector is unlikely to meet this need without public assistance.

An applicant could incorporate the following into a proposal to help determine that a project results in public gain when seeking funds for the improvement of private property:

1. The increase in ecosystem value can be quantified; e.g., tons of soil conserved, volume of water with measures of clarity, purity, etc.
2. The increase in value of private property is quantified; and the increase in ecosystem value clearly exceeds the increase in the value of private property; and the grant represents the minimum investment required in order to produce the projected benefits to the public.
3. A private property owner might enter into an agreement granting equity interest, a conservation easement, or like arrangement with a public entity to demonstrate how the private gain is to be repaid.

The burden of proof of any of these conditions lies with the applicant.

Proposed Date: 12/13/1994

Adopted Date: 02/07/1995

Adopted Policies of the Nebraska Environmental Trust Board

*In addition to the Bylaws of the Nebraska Environmental Trust

N. Internal Procedural Guidance for the Evaluation of Applications Regarding Prohibition of Directly Funding Regulatory Programs or Funding Actions Mandated by Regulations

Method Used to Determine Neb. Rev. Stat. § 81-15,176(2)(a) Eligibility:

To make a determination as to whether an application would directly fund a regulatory program or fund an action mandated by regulations, staff and board members shall utilize the following decision tree to evaluate an application:

1. Is the grant providing direct assistance to a regulatory program?
 - a. Is the applicant a governmental entity? (If yes, proceed to b. If no, the grant does not provide direct assistance to a regulatory program, skip to 2.)
 - b. Is the program being funded regulatory in nature? (If yes, proceed to c. If no, the grant does not provide direct assistance to a regulatory program, skip to 2.)
 - i. Regulatory means to control, direct, or govern. Generally this means statutes, rules, regulations, or ordinances that direct or require some other entity or person to do something. (Definition from Title 137)
 - c. Is the applicant being funded the one in control of the program? (If yes, funding is prohibited. If no, the grant does not provide direct assistance to a regulatory program, skip to 2.)
2. Is the grant funding the implementation of actions mandated by regulations?
 - a. Is the grant funding an activity the applicant is required to do? (If yes, proceed to b. If no, grant is permissible.)
 - b. Is the requirement in regulation? (If yes, proceed to c. If no, grant is permissible.)
 - i. Note: regulations means only those rules codified in the Nebraska Administrative Code or the Code of Federal Regulations. (Definition from Title 137)
 - c. Is the grant for remediation? (If yes, grant is permissible. If no, grant is funding the implementation of actions mandated by regulations and is not permissible.)

If it is determined that an application fails either Question 1 or Question 2 above, it is not eligible for funding.

Proposed Date: 08/03/2023

Adopted Date: 08/03/2023

* On July 1, 2019, the Nebraska Department of Environmental Quality (NDEQ) became the Nebraska Department of Environment and Energy (NDEE). Any references in Section V to NDEQ have been updated to NDEE.

2025 Grant Application List

App ID	Project Sponsor	Project Name
25-101	Green Recycling Enterprises, LLC	Recycling on the go!
25-102	Nebraska Game and Parks Commission	Eastern Red Cedar removal around Merritt Reservoir
25-103	Village of Utica, Nebraska	Eco Friendly Swimming Pool Revitalization Project
25-104	Lower Platte North Natural Resources District	No-Till Grass Drill
25-105	Village of Mullen	New bobcat
25-106	Northern Prairies Land Trust	Restoring Nebraska's Oak Woodlands
25-107	Southwest Weed Management	2025 - 2026 Western Republican River Basin Riparian Habitat Project
25-108	Crane Trust	EVALUATING 25 YEARS OF SLOUGH RESTORATION USING BIOLOGICAL INDICATORS
25-109	Platte River Basin Environments	Restoring Rangelands in the Wildcat Hills Through Long-term Cheatgrass Control Phase I
25-110	City of Lincoln Parks and Recreation Department	City of Lincoln -Greenways
25-111	City of Lincoln, Nebraska	Lincoln Multimodal Center - Sustainability Features
25-112	Iain Nicholson Audubon Center at Rowe Sanctuary	Restoring and Preserving Platte River Riparian Woodlands and Grasslands at Rowe Sanctuary
25-113	Nebraska Children and Families Foundation	Nebraska Youth Conservation Initiative
25-114	Wachiska Audubon Society	Prairie Habitat Improvement Program 2025-2028
25-115	Trailblazer RC&D	Electronics Recycling Events
25-116	Farwell Irrigation District	Improving Resources 2.2
25-117	Nebraska Statewide Arboretum	Trees for Nebraska Towns
25-118	Firststar Fiber, Inc.	Firststar Hub & Spoke
25-119	Middle Niobrara Natural Resources District	Sandhills Interactive Natural Resources Educational Complex (SINREC) Phase 2
25-120	Madeline Werner	Stream Ecology
25-121	Nebraska Statewide Arboretum	Greener Towns
25-122	Platte and Nuckolls County PF No-till Drills	No-Till Drills -- Platte County and Nuckolls County Pheasants Forever Chapters

2025 Grant Application List

App ID	Project Sponsor	Project Name
25-123	Heritage Elementary Parent Teacher Organization	Heritage Elementary Outdoor Classroom
25-124	Nebraska Game and Parks Commission	I-80 Lakes Invasive Tree Removal and Aquatic Habitat Enhancement
25-125	Motherboard Inc.	Bridging Nebraska's Digital Divide
25-126	Nebraska Game and Parks Commission	Windmill SRA Access and Aquatic Habitat Improvements
25-127	City of Bellevue - Public Works Department	Whitted Creek Rehabilitation
25-128	Ducks Unlimited, Inc	Platte Valley Habitat Restoration
25-129	Sarpy County Public Works	Buffalo Road Channel Bank Stabilization
25-130	Ducks Unlimited Inc.	North Platte River Valley Habitat Restoration and Enhancement Partnership IV
25-131	Nebraska Lutheran Outdoor Ministries (NLOM)	Reclamation of Crystal Springs Lake
25-132	Quail Forever	Mobile Prescribed Burn Equipment, Outreach, and Rural Fire Departments
25-133	Central Platte Natural Resources District	Interactive Education Exhibits
25-134	Ducks Unlimited, Inc.	Sandhills Habitat Improvement
25-135	Nebraska Community Foundation for Business of Rainwater Basin Joint Venture	Managing Nebraska's Mixed Grass Prairies
25-136	Sargent Irrigation District	Canal Automation Project
25-137	Pheasants Forever, Inc.	Pathway For Soil Health and Wildlife
25-138	The Nebraska Soil Health Coalition with the Nebraska Community Foundation as fiscal agent	"Implementing Regenerative Agriculture Practices in a Southwest Nebraska Hub"
25-139	City of Omaha	Eagle Run Creek Improvements
25-140	Lower Platte South Natural Resources District	Enhancing Tallgrass Prairie Health via Grazing Management
25-141	Keep Columbus Beautiful Inc.	23rd Street Streetscaping Project
25-142	Nebraska Game and Parks Commission	WILD Nebraska Program
25-143	Village of Eagle	Waste Diversion - Recycling

2025 Grant Application List

App ID	Project Sponsor	Project Name
25-144	Keep Alliance Beautiful	Community Beautification and Environmental Education
25-145	ROAM Share (dba Heartland Bike Share and Valentine Bike Share)	Securing Clean Air by Bike Share - Nebraska's Bike Share Enhancement Grant
25-146	The Nature Conservancy	Increasing Habitat Impact on Conservation Lands
25-147	Little Blue Natural Resources District	The Little Blue NRD Well Meter Upgrades and Water Efficiency Project
25-148	Rocky Mountain Bird Observatory dba Bird Conservancy of the Rockies	Prairie Stewards: Engaging the Next Generation in Habitat Conservation
25-149	Trailblazer RC&D	Household Hazardous Waste Recycling Events
25-150	Edgerton Explorit Center	Raptorology - Conservation, Care, Community
25-151	Bluestem Energy Solutions - MMPS1, LLC	MMPS1-Madison Solar PV Project
25-152	Lincoln/Lancaster County Habitat for Humanity	ReStore Waste Diversion Project
25-153	Keep Nebraska Beautiful	Nebraska School Chemical Cleanout Campaign - SC3 (2025 - 2028 Application)
25-154	Twin Valley Weed Management Area	Eastern Republican and Little Blue Watershed Improvement Project
25-155	Nebraska Game and Parks Commission	Continuing the Preservation of Nebraska's Natural Legacy through Collaboration, Education, and Outreach
25-156	Panhandle Weed Management Area	Panhandle WMA Invasive Species Education, Outreach and Control
25-157	Midwest Soilogix LLC	Compost Site Expansion
25-158	Nebraska Wildlife Rehab, Inc.	Prairie and Historic Barn Restoration for Wildlife
25-159	Bellevue University	Copy of Sustainability Technology and Engagement
25-160	Nebraska Cattlemen	Leopold Conservation Award Video and Tour Project
25-161	Sandhills Task Force	Sandhills Stewardship Improvement
25-162	City of Omaha	City of Omaha Sewer Maintenance Facility Bioretention Cell Study
25-163	Sandhills Weed Management Area	Sandhills WMA Invasive Species Management, Biocontrol and Education

2025 Grant Application List

App ID	Project Sponsor	Project Name
25-164	Sandhills Task Force	Sandhills Wetland and Stream Restoration Project
25-165	Keep Nebraska Beautiful	Keep Nebraska Beautiful Used Oil Collection Program (2025 - 2026 Application)
25-166	Habitat for Humanity of Omaha	2024 HFHO Deconstruction

25-103

Eligibility question: Does your project provide direct assistance to regulatory programs?

Applicant's Response: Yes

(a) The grants shall not provide direct assistance to regulatory programs or to implement actions mandated by regulations except remediation; Reference 81-15,176(2)(a)

PROHIBITION AGAINST FUNDING REGULATORY MANDATES. 001.01(A) Regulatory means to control, direct, or govern. 001.01(B) Regulations means only those rules codified in the Nebraska Administrative Code or in the Code of Federal Regulations. Title 137, 04.001.01

Codified in Nebraska Administrative Code Nebraska Department of Health and Human Services Title 178 Concerning Public Swimming Pools

25-120

Eligibility question: Will your project pay for private benefits or provide assistance to projects or portions of projects whose benefits are primarily private in nature?

Applicant's Response: No

Applicant's response to Project Sponsor organization Explanation: "This project is being developed to fulfill the requirements of my final master's project, naming me the primary sponsor."

The fund shall not pay for private benefits or provide assistance to projects or portions of projects whose benefits are primarily private in nature. Reference 81-15,176(2)(c)

25-125

Eligibility question: Will your project pay for private benefits or provide assistance to projects or portions of projects whose benefits are primarily private in nature?

Applicant's Response: No

Project Summary Explanation: "This grant from the Nebraska Environmental Trust will cover the fixed costs of warehouse space and advertising, enabling us to add the capacity needed to scale up."

The fund shall not pay for private benefits or provide assistance to projects or portions of projects whose benefits are primarily private in nature. Reference 81-15,176(2)(c)

25-151

Eligibility question: Will your project pay for private benefits or provide assistance to projects or portions of projects whose benefits are primarily private in nature?

Applicant's Response: No

Budget Details Explanation:

Bluestem Energy Solutions (BES) is the parent company of the project company - MMPS1, LLC - who will be the long-term project owner and operator. Total project costs are \$5,127,204. BES has contributed a

total equity of \$1,406,879 till date of which \$1,194,394 is attributed to the purchase of solar PV modules, \$135,302 is attributed to the purchase of inverters, and \$77,183 is attributed to project development expenses. The remaining funding of \$3,720,325 is being financed as conventional debt.

BES already incurred project development expense of \$77,183 which includes \$37,418 towards independent engineering services; \$24,123 for environmental consulting services; \$10,000 for interconnection studies; and \$5642 for legal expenses. BES hired Boyd Jones as the EPC General Contractor. \$2,869,235 will be paid for the General Contractor services and Electrical Balance of System components required to construct and complete the solar PV project.

BES already incurred equipment expenses of \$1,329,696 ("See BES Purchase Proof.pdf") which includes \$1,194,394 for PV Modules (ET Solar Monocrystalline Silicon PERC, 385W) and \$135,302 for 3-Phase String Inverters (Chint 132 kVA/125 kW). BES will pay Boyd Jones (EPC General Contractor) a total of \$851,090 in the near future for the following equipment, \$701,032 for Single-Axis Tracking System, \$30,058 for Foundations of single-axis tracking system, and \$120,000 for SCADA/Curtailment Equipment.

The fund shall not pay for private benefits or provide assistance to projects or portions of projects whose benefits are primarily private in nature. Reference 81-15,176(2)(c)

25-157

Eligibility question: Will your project pay for private benefits or provide assistance to projects or portions of projects whose benefits are primarily private in nature?

Applicant's Response: Yes

"Midwest Soilogix is primarily a private venture with the goal of providing as much public benefit as possible."

"While Midwest Soilogix is currently a profitable and operational compost business, this expansion project is beyond our financial capabilities. The initial costs of implementing this operation are a financial hurdle that would limit our scope and severely limit our capabilities to provide the most benefit we can for the foreseeable future. Once the expansion is completed and we are able to resume business as usual, we will continue to be a profitable operation, but now on a much larger scale."

The fund shall not pay for private benefits or provide assistance to projects or portions of projects whose benefits are primarily private in nature. Reference 81-15,176(2)(c)

25-158

Eligibility question: Will your project pay for private benefits or provide assistance to projects or portions of projects whose benefits are primarily private in nature?

Applicant's Response: No

Project Narrative: Nebraska Wildlife Rehab (NWR) is seeking funding to restore and convert a historic barn for use as a wildlife education center and public access point for wildlife services, and to restore 15 acres to native prairie habitat. It is overall in good shape but needs to be renovated in order to be properly preserved.

The fund shall not pay for private benefits or provide assistance to projects or portions of projects whose benefits are primarily private in nature. Reference 81-15,176(2)(c)

25-159

Eligibility question: Will your project pay for private benefits or provide assistance to projects or portions of projects whose benefits are primarily private in nature?

Applicant's Response: No

Applicant's Budget Categories Explanation:

\$159,397 in NET grant funding is requested. \$143,317 for Equipment and \$16,080 for Property items, equaling 40% of the \$398,492 total project cost. Equipment includes two genome-sequencing systems and one soil-testing system. Note: Both of the genome devices are highly specialized and single-source certified. i.e. Alternative vendor bids are not available.

NET funding will enable the University to accomplish more than it otherwise would attempt with only institutional and private donor support. Bellevue University's historical fiscal and institutional advancement philosophy has been to focus donated dollars on developing and improving facilities, programs, support services and enhanced capabilities to fulfill its mission. As the University's attached current-year budget indicates, operational costs are covered primarily by student tuition revenue. The University's governing Board of Directors mandates efficient, debt-free operation.

Economic Outcomes Create value, cost savings, and other economic benefits for University and urban and rural community constituencies:

Ongoing Project Operating Costs: - The University will charge nominal, affordable lab use fees for soil testing and genome-sequencing research activities benefiting non-University constituencies—farmers, ranchers, gardeners, rural community residents, etc.

The fund shall not pay for private benefits or provide assistance to projects or portions of projects whose benefits are primarily private in nature. Reference 81-15,176(2)(c)