

Agenda Item 3. Minutes of the August 6-7, 2018 Board Meeting

Meeting minutes from the August 6-7, 2018 Board Meeting held at the Ramada, Columbus, NE

MINUTES

Nebraska Environmental Trust
3rd Quarter Policy Discussion Session
Monday, August 6, 2018
1:30 p.m.

Ramada Columbus
Columbus, Nebraska

The Nebraska Environmental Trust Board met at the Ramada Columbus, Columbus, 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 July 17, 2018.

Chairman Hellbusch called the meeting to order at 1:34 p.m.

Roll call was conducted and a quorum was established.

Members present were: Mr. McIntosh, Syracuse; Mr. Dunn, Omaha; Mr. Krohn, Omaha; Ms. Lauritzen, Omaha; Ms. Vinton, Whitman; Mr. Christen, Steinaur; Mr. Douglas, Nebraska Game and Parks Commission; Mr. Macy, Nebraska Department of Environmental Quality; and Mr. Hellbusch, Columbus.

Member via Telephone: Jeff Fassett, Nebraska Department of Natural Resources.

Members Absent: Mr. Orr, Blair; Mr. Bowen, Humboldt; Mr. Wellman, Nebraska Department of Agriculture; and HHS representative.

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

Agenda Item #3: Public Information Update. Ms. Sheila Johnson, Public Information Officer, presented the budget for the FY 18-19. Explanation of changes and plans for media program. New theme for the upcoming annual report "Transforming Lives through Conservation". Many projects funded have huge impacts on Nebraska communities and we want to show how the diverse aspects have transformed through our funding progress. We also want to keep members of the Legislature well-informed as well as keeping the education part of the public relations with students.

Press releases listed to keep up to date on how the media spots are working out and their timing. Publicity materials ready for distribution for State Fair and other events to follow. Steady traffic to the website. Remaining priority is to the Annual report.

Agenda #4: Guest Speaker, Pete Berthelsen, Conservation Blueprint, to give and overview on the "Why are Pollinators Important". Presentation by Mr. Berthelson, going into details of pollinators. Mr. Berthelson thinks this may be a topic that is starting to become more prominent in the grant applications. Pollinators are generally on the

decline. He focused on honeybees and monarch butterflies as species that could be on an endangered list. Mentioned 1/3 of the food we eat is dependent on the pollinator. He shared some examples of how pollinators are needed not only in Nebraska but in other areas and our resources are used to aid in the production of crops we need more habitat on the ground. We need to change the way we are doing things to ensure that they are preserved.

Agenda #5: Guest Speaker, Karen Budd-Falen, Budd-Falen Law Offices, L.L.C., Cheyenne, WY, Easement Discussion. Ms. Vinton introduced Karen Budd-Falen to discuss conservation easements from a viewpoint outside of a board member or grantee in another perspective. Ms. Budd-Falen gave a brief summary of her background and explained how she got into the field of private property law. Her opinion is to look at easements each separately. Everyone's opinion stops at their own property border. That is why she suggests being aware of the easement wording and the partner in that easement. She broke it down by describing a permanent easement. Conservation benefits you are managing to maintain the conservation values. Define what it is you are protecting. It should be defined who is going to enforce maintenance on the easement. Conservation easements run with the land and are recorded in the County Courthouse. She is very aware of your property right to make that decision. She is not saying conservation easements are good or bad. She believes you have to deal with each one on its' own and come up with the best conclusion for your own circumstances.

Agenda #6: Guest Speaker, Erik Glenn, Executive Director of Colorado Cattlemen's Agricultural Land Trust and current President of the Partnership of Rangeland Trusts, Denver, CO, Easement Discussion. Mr. Brohman called on Mr. Dave Sands of the Nebraska Land Trust to introduce Erik Glenn to discuss conservation easements from his viewpoint. Mr. Sands gave a brief description of the Land Trust and how they approach conservation easements. Mr. Sands then introduced Mr. Glenn. Mr. Glenn gave a brief description of his background and how he became involved in the Colorado Cattleman's Agricultural Land Trust. They base their easements on farmers' and ranchers' needs and work with the conservation easements to manage the landowners' property. The conservation easement would be used as a tool a landowner can use and determine if it is something that can be beneficial to the landowner. Adopt principles in wanting to maintain lands in private owners. Landowner has to be engaged in the process. Easements intended to maintain the original use of the land and private property right. The landowners makes a voluntary decision to have a conservation easement. Mr. Glenn gave various scenarios of families who have used conservation easements and how it benefitted the family. Mr. Glenn mentioned that though you may not like conservation easements yourself, be objective to the grants that are presented to the Nebraska Environmental Trust from families who have chosen the option.

Questions and answers continued with Ms. Budd-Falen and Mr. Glenn starting with Mr. Christen followed by Ms. Vinton and Mr. Macy.

Mr. Sands gave a short presentation on how The Land Nebraska Trust operates and an overview of what was presented and how it relates to Nebraska and some other comparison and how the Nebraska Land Trust operate in handling these projects. Mr. Sands also noted they are accredited.

Agenda # 7: Public Comment/Good of the Order. Ms. Johnson was recognized for receiving her citizenship. Paul showed a short presentation on site visits that morning. Mr. Macy mentioned that the Nebraska Environmental Trust and the Nebraska Department of Environmental Quality have set a Partnership Memorandum which has been signed recently. Staff from both agencies can combine interests. Ms. Lauritzen acknowledged the speakers and appreciated the information and gave the group a lot to discuss and think about.

Mr. Dean Fede talked about Native Americans in the Platte Valley, modern agriculture and farms being converted to urban uses. He discussed how his family put a conservation easement on their farm.

Mr. Glenn Johnson, Chairman of the Nebraska Land Trust, and retired director of the Lower Platte South Natural Resources District, spoke about how they established the first conservation easement in the State. He described other conservation easements across the State. John Denton from Ducks unlimited spoke on accreditation and that DU is accredited. Conservation easements have been very beneficial in Nebraska. He is concerned when a three year grant gets funded for one year and then is pulled out in year two.

Andy Bishop, coordinator for the Rainwater Basin Joint Venture, thanked the Trust for partnering with them.

Karen Budd-Falen said the devil is in the details. The Trust board needs to review easements and figure which ones best fit their mission.

Josh Anderson from Edgar noted past NET projects were impacting the community negatively but things improved. He came to hear Karen Budd-Falen speak and to see what the Trust was doing on block grants. He has seen farmland devalued and others have had to pick up the difference. Conservation buyer are impacting sales.

Kyle Kinnion, farmer from Clay Center, said he is opposed to permanent conservation easements.

Agenda #8: Adjourn: 4:56 p.m.

Respectfully Submitted,



Mark Brohman, Executive Director

MINUTES

Nebraska Environmental Trust
3rd Quarter Board Meeting
Tuesday, August 7, 2018
9:00 a.m.

Ramada Columbus
Columbus, Nebraska

The Nebraska Environmental Trust Board met at the Ramada Columbus, Columbus, 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 Tuesday, July 17, 2018.

Chairman Hellbusch called the meeting to order at 9:06 a.m.

Roll call was conducted and a quorum was established.

Members present were: Mr. Ryan McIntosh, Syracuse; John Orr, Blair; Mr. Paul Dunn, Omaha; Mr. Bob Krohn, Omaha; Ms. Gerry Lauritzen, Omaha; Ms. Sherry Vinton, Whitman; Mr. Rod Christen, Steinauer; Mr. Jim Douglas, Nebraska Game and Parks Commission; Mr. Jim Macy, Nebraska Department of Environmental Quality; and Mr. Jim Hellbusch, Columbus.

Member via Telephone: Mr. Jeff Fassett, Nebraska Department of Natural Resources

Members absent: Mr. Quentin Bowen, Humboldt; Mr. Steve Wellman, Nebraska Department of Agriculture; and HHS representative.

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

Agenda Item #3: Minutes of the April 5, 2018 Board Meeting. Minutes of the April 5, 2018 board meeting were received.

Motion by Ms. Vinton, seconded by Mr. Macy to accept the minutes as received.

Voting Aye: Mr. Orr; Mr. Dunn; Mr. Krohn; Ms. Lauritzen; Ms. Vinton; Mr. Christen; Mr. Douglas; Mr. Macy; Mr. McIntosh and Mr. Hellbusch. **Motion carried.**

Agenda Item #4: Financial Reports. Mr. Brohman presented the report. A review of the budget report and fiscal year overview of the grant disbursement report and reported on the lottery proceeds. Mr. Dunn discussed the Finance Committee meeting. Reviewed the report from the finance committee. Changed some language in the body of the document as suggested by Mr. Fassett. Finance Committee approved budget for the biennium budget 2019-20 and 2020-21, budget is the same but changed some of the categories.

Motion by Mr. Douglas, seconded by Ms. Lauritzen to approve the Financial Report and Finance Committee report.

Voting Aye: Mr. Dunn; Mr. Krohn; Ms. Lauritzen; Ms. Vinton; Mr. Christen; Mr. Douglas; Mr. Macy; Mr. McIntosh; Mr. Orr and Mr. Hellbusch. **Motion carried.**

Agenda Item #5: Review Project 18-109, The Nebraska Land Trust Lower Platte Preservation Partnership II.

List of Previous conservation easements were provided as requested at the last board meeting to have to reference during conversation. Item was tabled from last meeting, Dave Sands and Glen Johnson, Chairman of the Nebraska Land Trust. Dave Sands presented information in support of this grant. He also talked about block grants and how they apply to their projects. Discussion followed.

A Motion by Mr. Macy to approve the grant; seconded by Mr. Dunn to approve Project 18-109.

Voting Aye: Mr. Krohn; Ms. Lauritzen; Mr. Douglas; Mr. Macy and Mr. Dunn. **Voting Nay:** Ms. Vinton and Mr. McIntosh; **Not Voting:** Mr. Christen; **Abstaining:** Mr. Orr and Mr. Hellbusch. **Motion failed.**

Mr. Macy had to leave the meeting.

Agenda Item #6: Proposal from the Nature Conservancy, North Platte River/Kelly Ranch, Project 00-129

Mr. Brohman introduced Jason Skold, Director of Land Protection for TNC, to talk about the proposal. The Nature Conservancy is seeking approval to trade 654 acres of land acquired in 1999 by The Nature Conservancy with Environment Trust funding from the Kelly Ranch for the equal value of additional acres under perpetual conservation easement on 6,000-6,500 acres at the Kelly family's nearby Buckboard Ranch. Mr. Skold discussed the proposal. The Kelly family was present. Mike Kelly and his two sons, Tom and Dan spoke and answered questions from the board. Discussion followed.

A Motion by Ms. Lauritzen was made and withdrawn.

A Motion by Mr. Douglas was made and seconded by Mr. Dunn, and then withdrawn.

A Motion by Mr. Krohn, seconded by Mr. Douglas to approve the concept of exchanging the land for easements with appraisals being carried out with value for value.

Voting Aye: Ms. Lauritzen; Mr. Douglas; Mr. Orr, Mr. Dunn; Mr. Krohn; and Mrs. Lauritzen. **Voting Nay:** Mr. Christen. **Abstaining:** Ms. Vinton, Mr. McIntosh, and Mr. Hellbush **Motion Carried.**

Agenda Item #7: Follow-up Discussion from Previous Day if Necessary.

Mr. Brohman reviewed some of the ideas that were discussed the day before. There was a discussion of the Grants Committee scoring, perpetual conservation easements, and the TNC Rulo tracts. Mr. Skold was called upon for information on the Rulo tracts. Ms. Vinton asked about a board review of NET policies and rules and regulations. Mr. Krohn and Mr. Douglas were concerned with the message to the public with the result of the vote of the

day on the topic of permanent easements. The Chair asked to designate up to ½ hour at the next board meeting to review policy. Mr. McIntosh asked about the NET Rules and Regulations and it was noted they had been recently approved and a new copy would be sent out to board members.

Agenda Item #8: Staff Report

Ms. Tabor presented the Grant Administration Report. Ms. Tabor commented on the late reports. The three reports Ms. Tabor has been in contact with and they are close to finalizing.

Ms. Tabor commented on modifications approved by staff. Ms. Tabor commented on the extension requests. The six month and one year extension requests were reviewed and staff had no objections.

Mr. Brohman presented the Ferguson House report. The photographers no longer rent the 3rd floor. Looking to fill with a low impact use. Events have been going well and hopes to add more docents to help in the activities. Mr. Brohman presented the Director's comments. Allo cable buried and OCIO will have to work to install equipment in the building to get public WiFi initiated. Construction on back porch continues and windows are installed. Roof on second floor and the brick on top of the wall around the back Carriage House is being finished. TNC is having a dedication in September for their new buildings (partially funded by the Trust) and the NET staff and board is invited. Looking into webinar possibilities and talked about all the possible solutions, will continue to review. Discussed Don Bohnenkamp Memorial donations. Mrs. Bohnenkamp is ok with memorial funds going to Trust grants. August 31, 2018 Senator Hughes LR 387 has a hearing on Eastern Red Cedar Tree control.

A Motion by Ms. Vinton, seconded by Mr. Douglas for Mr. Brohman to testify at the hearing that the Trust encourages volunteer removal of Eastern Red Cedar and give examples on how the Trust has supported their control.

Voting Aye: Mr. Orr; Mr. Dunn; Mr. Krohn; Ms. Lauritzen; Ms. Vinton; Mr. Christen; Mr. Douglas; Mr. McIntosh and Mr. Hellbusch. **Motion carried**

Agenda Item #9: Report and Recommendations of the Executive Committee with Salary Recommendation for the Executive Director.

Motion by Mr. Dunn, seconded by Mr. McIntosh to go into Executive Session to discuss the performance of the Executive Director and salary recommendations.

Voting Aye: Mr. Orr; Mr. Dunn; Mr. Krohn; Ms. Lauritzen; Ms. Vinton; Mr. Christen; Mr. Douglas; Mr. McIntosh and Mr. Hellbusch. **Motion carried**

Mr. Dunn announced that the Executive Session began at 11:28 a.m.

The board entered into Executive Session for the purpose of discussion of personnel matters specifically the review of the Executive Director, Mark Brohman. The board entered into executive session. Staff and public were asked to leave the meeting room.

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Mr. Brohman was asked to return to the closed executive session for further discussion at 11:45 a.m.

Motion by Mr. McIntosh, seconded by Mr. Douglas to come out of Executive Session at 11:55 p.m.

Voting Aye: Mr. Orr; Mr. Dunn; Mr. Krohn; Ms. Lauritzen; Ms. Vinton; Mr. Christen; Mr. Douglas; Mr. McIntosh and Mr. Hellbusch. **Motion carried**

Motion by Mr. Dunn, seconded by Mr. Orr to receive the Executive Committee's recommendations and approve the salary adjustment for Executive Director, Mark Brohman, of 1.75% in January 1, 2019.

Voting Aye: Mr. Christen; Mr. Douglas; Mr. McIntosh, Mr. Orr; Mr. Dunn; Mr. Krohn; Ms. Lauritzen; Ms. Vinton; and Mr. Hellbusch. **Motion carried**

Agenda Item #10: Grant Modification Requests. Ms. Tabor presented the report. Opened to questions. Ms. Tabor gave an overview and she explained that all were six month and one year extensions. Ms. Tabor confirmed that all grant modifications are wrapping up shortly and there are no problems.

Motion by: Ms. Vinton, seconded by Ms. Lauritzen to accept grant extensions.

Voting Aye: Mr. Douglas; Mr. McIntosh, Mr. Orr; Mr. Dunn; Mr. Krohn; Ms. Lauritzen; Ms. Vinton; Mr. Christen and Mr. Hellbusch. **Motion carried.**

Agenda Item #11: 2019 Application Cycle. Ms. Tabor presented the request for the board to give staff authority to seek technical reviews as appropriate for the 2019 grant applications from those persons who have participated in the technical review process in past years and from persons showing interest to participate this year. .

Mr. Dunn stepped out before vote and returned after the vote.

Motion by: Ms. Lauritzen, seconded by Mr. Krohn to approve authority for technical reviews.

Voting Aye: Mr. Douglas; Mr. McIntosh, Mr. Orr; Mr. Krohn; Ms. Lauritzen; Ms. Vinton; Mr. Christen and Mr. Hellbusch. **Motion carried.**

Ms. Tabor presented the staff recommendation for the Point Allocations for Geographical Location in which staff recommended the approval of awarding 20 points to District VI in the 2019 application cycle.

Motion by: Mr. Krohn, seconded by Ms. Lauritzen to approve the awarding of 20 points to District VI for Geographical Location in the 2019 application cycle

Voting Aye: Mr. Douglas; Mr. McIntosh; Mr. Orr; Mr. Dunn; Mr. Krohn; Ms. Lauritzen; Mr. Christen and Mr. Hellbusch. **Abstaining:** Ms. Vinton. **Motion carried.**

Agenda Item #12: Report of Grant-Funded Equipment. Ms. Tabor was asked to begin the discussion on the equipment. All grants awarded for the purchase of personal property (equipment/building) require the grantee to hold and maintain the equipment for its useful life, based on State of Nebraska Department of Revenue depreciation schedules. Insurance must be maintained for all equipment valued at \$1,000.00 or more for the useful life of the equipment.

The attachments showed status of equipment as of June 30, 2018, and all equipment still on the inventory. Any equipment that has passed its “useful life” (or End Date) has dropped off of the report already. Government entities are typically self-insured so we do not require proof of insurance on these items. A verification of the status of equipment/buildings that the Trust contributed \$25,000 or more at the time of purchase is conducted on an annual basis.

Mr. McIntosh stepped out and returned after the vote.

Motion by Ms. Lauritzen, seconded by Mr. Dunn to approve the report on equipment.

Voting Aye: Mr. Douglas; Mr. Orr; Mr. Dunn; Mr. Krohn; Ms. Lauritzen; Ms. Vinton; Mr. Christen and Mr. Hellbusch. **Motion carried.**

Agenda Item #13: Report on Grant-Funded Real Estate. A discussion of taxes and easements on properties was conducted. Reviewing policy on the different properties were discussed and clarified.

Motion by Ms. Lauritzen, seconded by Mr. Orr to approve the report on grant funded real estate.

Voting Aye: Mr. McIntosh; Mr. Orr; Mr. Dunn; Mr. Krohn; Ms. Lauritzen; Ms. Vinton; Mr. Christen; Mr. Douglas and Mr. Hellbusch. **Motion Carried.**

Ms. Tabor continued discussion on the report on defense funds status, reviewed and discussed.

Agenda Item #14: Election of Officers. Chairman Hellbusch requested nominations for election of Chair of the board.

Motion by Ms. Vinton, seconded by Mr. McIntosh to nominate Mr. Christen as Chairman.

Chairman Hellbusch called for nominations for Vice-Chair.

Motion by Mr. Christen, seconded by Ms. Vinton to nominate Mr. Wellman as Vice Chair.

Voting Aye: Mr. McIntosh; Mr. Orr; Mr. Dunn; Mr. Krohn; Ms. Lauritzen; Ms. Vinton; Mr. Douglas and Mr. Hellbusch. **Abstaining:** Mr. Christen. **Motion carried.**

Agenda Item #15: Public Comment and Good of the Order. Mr. John Denton, Ducks Unlimited, Manager, commented on the easement/block grants and the revolving lands grants discussion.

Agenda Item #16: Date and Location of the Next Meeting: November 1, 2018, 1:30 p.m., Ferguson House, Lincoln, Nebraska.

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Agenda Item #17: Adjourn. The meeting was adjourned at 12:11 p.m.

Respectfully Submitted,



Mark Brohman, Executive Director