



LOWER PLATTE SOUTH natural resources district

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MEMORANDUM

Date: July 14, 2023

To: Lower Platte South Natural Resources District Board of Directors

From: Will Inselman, Resources Coordinator *WI*

Subject: Minutes for Recreation, Forestry & Wildlife Subcommittee Meeting

On Thursday, July 13, 2023, at 6:04 p.m., the Recreation, Forestry and Wildlife subcommittee met in the Large Conference Room. Subcommittee members present; Anthony Schutz – Chair, Gary Hellerich, Stacie Sinclair, Christine Lamberty, Don Jacobson, John Yoakum, and Ray Stevens. Other attendees were David Landis, Paul Zillig, Mike Sousek, David Potter, Ariana Kennedy, and Will Inselman.

The first item on the agenda was the amendment to the agreement with Solidago Conservancy to increase the NRD's funding commitment from \$20,000 annually to \$30,000. Solidago has seen an increase in staff time and fixed costs for the organization. The group is currently working on a fund development plan for fundraising to offset these additional costs. This request is in line with the funding commitment from the Lincoln Parks and Recreation Department. Staff provided a letter of request and a progress report submitted by Solidago, detailing their projects completed over the last two years. Staff reported that Solidago has already been a helpful player in acquiring important conservation properties and working on outreach to landowners with whom we would like to acquire additional land or easement for projects. Staff fully supported this request from Solidago Conservancy.

It was moved by Yoakum and seconded by Sinclair and approved to recommend the Lower Platte South NRD Board of Directors approve an amendment to the agreement between the NRD and Solidago Conservancy to change the annual funding commitment from the NRD to Solidago Conservancy from \$20,000 to \$30,000.

Motion Passed: 6-1 (Hellerich voting No)

Second on the agenda was a resolution to pursue the purchase of a conservation easement from Audubon on a new addition to Spring Creek Prairie, the Boman property. After conversations with Audubon, it is requested that the LPSNRD Board of Directors consider passing a resolution that would affirm the NRD's commitment to purchasing a conservation easement on Audubon's Boman property, which Audubon is currently in the process of purchasing. The Boman property is an approximately 310-acre tract of land that borders the northern boundary of Spring Creek Prairie Audubon Center. This piece is integral in the development of the Prairie Corridor on Haines Branch Trail. This conservation easement would be purchased by the NRD using funds allocated in the FY2024 budget set aside to assist Audubon in its acquisition of this particular property. The

resolution would give staff the authority to start the conservation easement acquisition process with Audubon. Audubon will bankroll the entire purchase of the property and this resolution will provide an assurance to Audubon that the NRD is committed to providing funds towards this purchase in return for a conservation easement. Both the NRD and the Lincoln Parks and Recreation Department will partner on providing funds for the conservation easement. Staff anticipate the conservation easement will be acquired by December 2023. Solidago Conservancy is in the process of purchasing the property from the current landowner and will then subsequently sell that property to Audubon, who will be the owner and manager of the property.

It was moved by Stevens and seconded by Yoakum and approved to recommend the Lower Platte South NRD Board of Directors approve Resolution 7-19-2023 authorizing the NRD to partner with the City of Lincoln to work towards purchasing a conservation easement from Audubon on the Boman property as part of the Prairie Corridor on Haines Branch Project.

Motion Passed: 6-1 (Hellerich voting No)

Third on the agenda was a discussion on request from a Lancaster County Commissioner for funding support on the replacement of the SW 91st bridge, south of Denton. The Commissioner has requested that the LPSNRD consider contributing \$100,000 towards the replacement of a bridge on SW 91st. The SW 91st bridge has been on the repair list for the county for many years, but funding has not been available to complete the ~1-million-dollar project. With the recent award of a \$250,000 NDOT grant, the County is now hoping to get this project done. This road is currently only used by the Village of Denton to access the village's water source and the LPSNRD to access our Honvlez and Kapke properties. However, LPSNRD is currently in the process of developing an alternative access off Yankee Hill Rd. NRD staff would support this funding commitment if the bridge can be used in the future as a trail crossing over Spring Creek. NRD and Lincoln Parks and Recreation staff had highlighted this bridge and portion of SW 91st as part of the trail corridor many years ago. Partners on the project would be LPSNRD, City of Lincoln (Parks & Recreation), Village of Denton, NDOT, and Lancaster County. Staff indicated that they would be meeting with Lincoln Parks and Recreation Department to get on the same page for partnering on funds for this project. Staff indicated that there would need to be assurances from the County to allow us use of the bridge and road for our trail. Staff will report back to the subcommittee when a formal plan is ready for review.

It was moved by Stevens and seconded by Yoakum and unanimously approved to recommend staff continue discussions with Lancaster County Engineering Department and Lincoln Parks and Recreation Department on a plan to contribute funds towards the replacement of the SW 91st Street bridge.

Motion Passed:7-0

Fourth on the agenda was a request for a crossing on Oak Creek Trail. In May, staff received a letter from landowner Marvin Potter in Saunders County requesting the development of an agricultural crossing across the Oak Creek Trail to access his property. The current landowner inherited this parcel from his parents and due to how the properties were split up, cannot get access to part of his property from his neighbor (his brother). Currently the trail splits the landowner's property into a north and south parcel. The landowner would like an agricultural crossing to allow a new tenant to farm both sides of the trail. The landowner does not currently have a way to access the ~4 acre parcel of his property. Staff provided a report on the pros and cons of having a crossing in this location, and remained neutral on the matter. Mr. Potter was present and fielded questions from the Directors. Staff will begin working on a draft temporary easement to bring back to the subcommittee for action.

It was moved by Hellerich and seconded by Stevens and unanimously approved to recommend staff work on drafting a temporary easement that would allow the construction, use, and maintenance of an agricultural crossing across Oak Creek Trail that was requested by landowner Marvin Potter.

Motion Passed: 7-0

Fifth on the agenda was consideration of conducting a conservation easement appraisal on a property with the Prairie Corridor on Haines Branch Project area. Staff have been in discussion with a landowner south of Denton within the Prairie Corridor on Haines Branch Project. The landowner, Terry Clement, had approached the NRD in the past about conservation easements but had not followed through. The Clements family would like to revisit discussions on a conservation easement on his 160-acre property or pursue a conservation easement for a trail on the far east side of his property. Staff would like approval to proceed with an appraisal to take the next steps with the landowner. Staff would be updating an appraisal that was completed in 2016. This parcel is a critical piece of the Prairie Corridor on Haines Branch Project and borders the Samani conservation easement to the north. If staff were able to acquire this property, there would be only one more property left to complete a corridor from Spring Creek Prairie Audubon Center to the Village of Denton. The Directors encouraged staff to take these next steps and continue discussions with the landowner. Staff will work on scheduling an appraisal and will report back to the subcommittee once there are actionable items on this matter.

Last on the agenda were staff updates. Reports/updates: Mopac East Connector update was provided by staff.

Meeting adjourned at 7:12 p.m.

PC: RF&W subcommittee file



May 31, 2023

Paul Zillig, General Manager
Lower Platte South NRD
3125 Portia Street
Lincoln, NE 68521
SENT VIA EMAIL

RE: LPSNRD - Solidago Conservancy Cooperative Agreement

Dear Paul:

It has been our pleasure to work with the District during the last two years on conservation projects in the Salt Valley Greenways through our cooperative agreement. This includes considerable activity within the Prairie Corridor on Haines Branch and Little Salt Creek, and in the greenways along Wilderness Park and Nine Mile Prairie. We have attached a report summarizing this work, which has resulted in a meaningful addition to the Prairie Corridor, significant funding in support of conservation and stewardship, fruitful relationships, and a strong foundation for continued success.

Consistent funding is essential for Solidago's capacity to support our work with partners and landowners, to facilitate conservation planning and to be a nimble partner that can assist in real estate transactions to protect natural resources. We have seen an increase in staff time and fixed costs for our organization. As you know, we have initiated a fund development plan which will be the basis for fundraising beginning this fall for projects and programs to support collaborative conservation work with our partners.

Funding from our key partners is a critical part of demonstrating local support to leverage additional funds. We would like to request an increase in the District's annual contribution via our cooperative agreement from \$20,000 to \$30,000. This will match the level of commitment from Lincoln Parks and Recreation through a similar cooperative agreement.

Please let me know if you have any questions or need additional information. We are grateful for this partnership!

Sincerely,

A handwritten signature in blue ink, appearing to read "Nicole Fleck-Tooze".

Nicole Fleck-Tooze
Executive Director

CC: Mike Sousek, Will Inselman - Lower Platte South NRD
Brad Brandt - President, Solidago Conservancy Board of Directors
Maggie Stuckey - Director, Lincoln Parks and Recreation Department

In 2021, Solidago Conservancy and the District entered into a cooperative agreement for Solidago to assist the NRD in collaborative efforts to protect prairie, wetlands, floodplains and other natural resources in support of the District's mission.

Progress to date is organized by Solidago's four main areas of responsibility, with activities completed in partnership with the District and other conservation partners:

1. Conservation Priorities: Establish conservation priorities and project selection criteria to guide proactive conservation of natural areas and greenways.

- Membership and training through the Land Trust Alliance
- Review of peer plans and guidance documents
- Completion of 3-year strategic plan to provide guidance for conservation, funding, and organizational activities
- Significant work toward completion of collaborative conservation plan with priority areas, project selection criteria, and partner roles and responsibilities, for completion in 2023
- 10-year review of Prairie Corridor progress, status, and priorities with input and guidance from partners

2. Partnerships: Cultivate community partnerships, developing meaningful communication and collaborations with landowners, donors, project partners, community members and other stakeholders.

- Established cooperative agreements with City of Lincoln and LPSNRD, and engaged both through ex-officio seats on Solidago Board of Directors
- Convened focus group and one-on-one meetings with broad range of partners to seek input on conservation priorities, roles and responsibilities
- Participated in Network for Landscape Conservation's peer learning program to connect with and learn from conservation partners at national scale
- Convened partner meetings, prepared notes and assisted in clarifying and ensuring follow-up on next steps
- Investments in tools to cultivate relationships and fundraising

3. Real estate transactions: Assist in real estate transactions on a case-by-case basis to acquire priority land or easements or other real estate interest to convey to the NRD, including assistance with creative solutions to reach conservation goals such as charitable agreements, options to purchase, or land subdivisions.

- Collaborated with partners on outreach to landowners in priority focus areas and elsewhere in Salt Valley Greenway
- Considerable work with District and City to acquire key property enabling expansion of Prairie Corridor by 40 acres east of Two Creeks Prairie and resale of area not needed for project
- Extensive negotiations in support of conservation of open space and saline wetlands and logistical support for partner collaborations to conserve tallgrass prairie resources
- Development of legal and financial strategies to facilitate land conservation work with landowners and partners

4. Funding: Work in cooperation with the NRD and other public and private partners to identify funding priorities and develop and implement a fund development plan for resource conservation, including support for land and easement acquisition, habitat development, and land stewardship.

- Raised private funds for conservation of prairie, wetlands and other natural resources, including \$75,000 for Prairie Corridor on Haines Branch, \$215,000 for Nebraska's Eastern Saline Wetlands, and \$125,000 toward endowments for long-term stewardship of Salt Valley greenways
- Significant additional private funds pledged for other recreational facilities and conservation projects where landowner discussions are in various stages of development
- Fund development plan underway to create a pool of financial support to enable quick response to conservation opportunities and establish long-term land stewardship endowment

AGREEMENT BETWEEN
LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT AND
THE SOLIDAGO CONSERVANCY
FOR COOPERATIVE ASSISTANCE

THIS AGREEMENT is made and entered into by and between the LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT (hereinafter referred to as the "NRD") and THE SOLIDAGO CONSERVANCY (hereinafter referred to as "Solidago").

WHEREAS, Solidago is a 501(c)(3) nonprofit organization affiliated with the Lincoln Parks and Recreation Foundation ("hereinafter referred to as the "Foundation") that works with partners to conserve and expand greenways and natural areas in accordance with Standards and Practices promulgated by the Land Trust Alliance; and

WHEREAS, the Foundation has been a primary funding and project partner on the Prairie Corridor on Haines Branch project and has worked cooperatively with the City of Lincoln Parks and Recreation Department since 1992 to support parks, trails, greenways, and natural areas; and

WHEREAS, the mission of the NRD is to maintain a sustainable environment through the conservation of land, water, and wildlife, and the NRD has a history of cooperation and collaboration with other agencies and organizations to support the programs and projects of mutual benefit; and

WHEREAS, Solidago will assist the NRD, City of Lincoln, and other partners to protect tallgrass prairie, wetlands, floodplains, riparian corridors, woodlands, wildlife habitat, recreational facilities, and other green spaces and natural resources in the Salt Valley watershed; and

WHEREAS, Solidago supports the natural climate solutions identified in the City of Lincoln's Climate Action Plan and the cooperative projects undertaken as part of this Agreement will provide benefits to reduce flooding risks, improve soil health, sequester carbon, and maintain natural systems within the City of Lincoln and Lancaster County; and

WHEREAS, Solidago is a private partner that can be nimble and flexible to assist with real estate transactions and other conservation measures and can benefit the NRD and other project partners by leveraging modest public investments to secure substantial grant and private funding; and

WHEREAS, the NRD desires to utilize the expertise and experience of Solidago to explore the opportunities for acquisition of land and conservation easements associated with the Salt Valley Greenway and connecting corridors, and to assist with real estate transactions, funding opportunities, and community outreach.

NOW, THEREFORE, for and in consideration of the foregoing recitals and their mutual covenants hereinafter expressed, the parties agree as follows:

1. Solidago Responsibilities

Solidago shall:

- a. Work with the NRD and other public and private partners to establish conservation priorities and project selection criteria to guide proactive conservation of natural areas and greenways; and
- b. Cultivate community partnerships, developing meaningful communication and collaborations with landowners, donors, project partners, community members and other stakeholders; and
- c. Assist in real estate transactions on a case-by-case basis to acquire priority land or easements or other real estate interest to convey to the NRD, including assistance with creative solutions to reach conservation goals such as charitable agreements, options to purchase, or land subdivisions; and
- d. Work in cooperation with the NRD and other public and private partners to identify funding priorities and develop and implement a fund development plan for resource conservation, including support for land and easement acquisition, habitat development, and land stewardship.

2. NRD Responsibilities

The NRD shall:

- a. Assist Solidago in the development of conservation priorities and project selection criteria to guide proactive conservation of natural areas and greenways; and
- b. Work with Solidago to identify prospective landowner partners and additional funding sources and partnership opportunities; and
- c. Consider acquisition of land, easements, or other real estate interest in mutually identified priority properties where funding is available, as may be approved by the NRD Board of Directors; and
- d. Pay the total sum of \$20,000 annually to Solidago for the purpose of partially funding the activities of Solidago undertaken pursuant hereto, within 90 days of the execution of the agreement and on the anniversary of the initial payment thereafter; and
- e. Provide expertise and guidance to Solidago as a partner in conservation as requested.

3. Mutual Responsibilities

The parties shall:

- a. Cooperatively develop plans and strategies for resource conservation, habitat development and land stewardship. Initial project focus areas include Prairie Corridor on Haines Branch, Nebraska's Eastern Saline Wetlands, and Salt Creek Floodplain south of Wilderness Park; and
- b. Utilize their own equipment and staff for the accomplishment of their respective responsibilities, unless otherwise provided herein or agreed to in writing; and
- c. Cooperate in the pursuit of grants and other funding opportunities to support project costs.

4. Duration and Termination of the Agreement

- a. The term of this Agreement shall commence upon execution thereof by both parties and continue through June 30, 2022. Thereafter, the Agreement shall automatically renew on an annual basis, unless amended, or terminated by either party according to the provisions noted below.
- b. This Agreement may be terminated by either party with or without cause with sixty (60) days written notice delivered to the other party. Should the agreement be terminated by the NRD after remittance of the annual payment, Solidago will refund the balance of the annual payment on a pro rata basis.

5. Amendment

This Agreement may be amended by mutual consent of both parties. Any amendments to this Agreement must be in writing.

6. Notices

The following personnel shall represent the parties in carrying out the terms of this Agreement and are designated to receive notices hereunder:

For the NRD:

Paul Zillig, General Manager
PO Box 83581
3125 Portia Street
Lincoln, NE 68521

For Solidago:

Nicole Fleck-Tooze, Executive Director
3131 O St. Suite 301
Lincoln, Nebraska 68510

7. Mutual Indemnification

The parties shall indemnify, defend and hold harmless each other and its officers, agents and employees from and against claims, damages, losses and expenses, including but not limited to attorney's fees, if provided by law, arising out of or resulting from performance of this Agreement, that results in any claim for damage whatsoever to the other party, including without limitation, any bodily injury, sickness, disease, death or any injury to or destruction of tangible or intangible property, including any loss of use resulting therefrom, and that are caused in whole or in part by the intentional or negligent act or omission of the party or the party's employees, or anyone directly or indirectly employed by the party, or anyone for whose acts any of them may be liable.

8. Insurance

It shall be the responsibility of Solidago, if so requested by NRD, to assure that any property, real or leased, or owned, is covered by the needed hazard and public insurance policy or policies. The hazard insurance policies shall insure the premises against loss or damage by fire and other perils as required by Nebraska Standard Fire Insurance and extended coverage endorsements. Property damage shall be insured against in the amount \$1,000,000. The public liability insurance shall provide coverage with a minimum limit of \$1,000,000. The payment of premiums therefore shall be made by Solidago. Solidago shall name the NRD as an additional insured upon the policies.

9. No Partnership, Joint Venture, or Principal/Agent Relationship Created

Notwithstanding the use of the term partner in this Agreement, nothing herein shall be interpreted as creating a partnership, joint venture, or relationship of principal and agent between the parties.

10. Antidiscrimination


The parties shall require every contract to which it is a party to contain a provision requiring a contractor or its contractors not to discriminate against any employee or applicant for employment, to be employed in the performance of such contract, with respect to their hire, tenure, terms, and conditions of employment, because of race, color, religion, age sex, sexual orientation, gender identity, genetic information, national origin, disability, familial status, veteran status, or marital status.

11. Officers and Directors Liability Insurance. Solidago shall purchase at its own cost and expense, Officers and Directors Liability Insurance in the amount of \$1,000,000.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates hereinafter indicated.

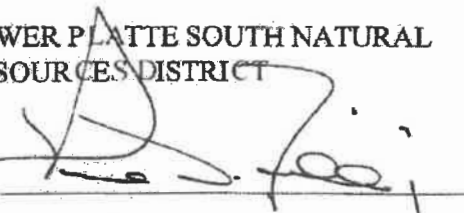
Executed by THE SOLIDAGO CONSERVANCY, on this 29th day of June, 2021.

THE SOLIDAGO CONSERVANCY

By 
Nicole Fleck-Tooze, Executive Director

Executed by the LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT, on this 29th day of JUNE, 2021.

LOWER PLATTE SOUTH NATURAL
RESOURCES DISTRICT

By 
Paul Zillig, General Manager

Resolution 7-19-2023

WHEREAS, the Lower Platte South Natural Resources District (“NRD”) is a political subdivision of the State of Nebraska and, pursuant to Neb. Rev. Stat. § 2-3229, has the authority to develop and execute plans, facilities, works, and programs which includes, among others, erosion prevention and control, development and management of fish and wildlife habitat, development and management of recreational and park facilities, and forestry and range management; and

WHEREAS, the National Audubon Society, Inc. (“Audubon”) is a 501(c)(3) nonprofit organization that works to protect birds and the places they need, today and tomorrow, through the Americas using science, advocacy, education, and on-the-ground conservation; and

WHEREAS, Audubon provides oversight for the Spring Creek Prairie Audubon Center (“Spring Creek”) whose focus is conservation of the tallgrass prairie ecosystem and the birds that rely on it; and

WHEREAS, along with the NRD and the City of Lincoln, Nebraska, Spring Creek has been a cooperating project partner on the Prairie Corridor on Haines Branch project since 2013, working to conserve, restore, and reconstruct tallgrass prairie and to connect people with the environment via a recreational trail; and

WHEREAS, Audubon is working to purchase the neighboring Boman property, a 310-acre native prairie parcel; and

WHEREAS, prior to purchasing the Boman property, Audubon has requested a commitment from the NRD that it will pursue the purchase of a conservation easement for the further perpetual protection of the Boman property; and

WHEREAS, a conservation easement will include the terms necessary to perpetually protect the property from development and allow a recreational connector trail; and

WHEREAS, the purpose of this Resolution is to express to Audubon the NRD’s commitment to pursue the purchase of a conservation easement for at least a portion of the Boman property; and

WHEREAS, following Audubon’s purchase of the Boman property, the NRD will obtain an appraisal of the value of a conservation easement that protects the property from development and allows a recreational trail, and the NRD will present an offer to Audubon to purchase such a conservation easement over at least a portion of Audubon's Boman property.

NOW THEREFORE, be it resolved that the NRD and Audubon work to further the interest of both parties to protect the Boman native prairie from future development by filing a perpetual conservation easement on the property.

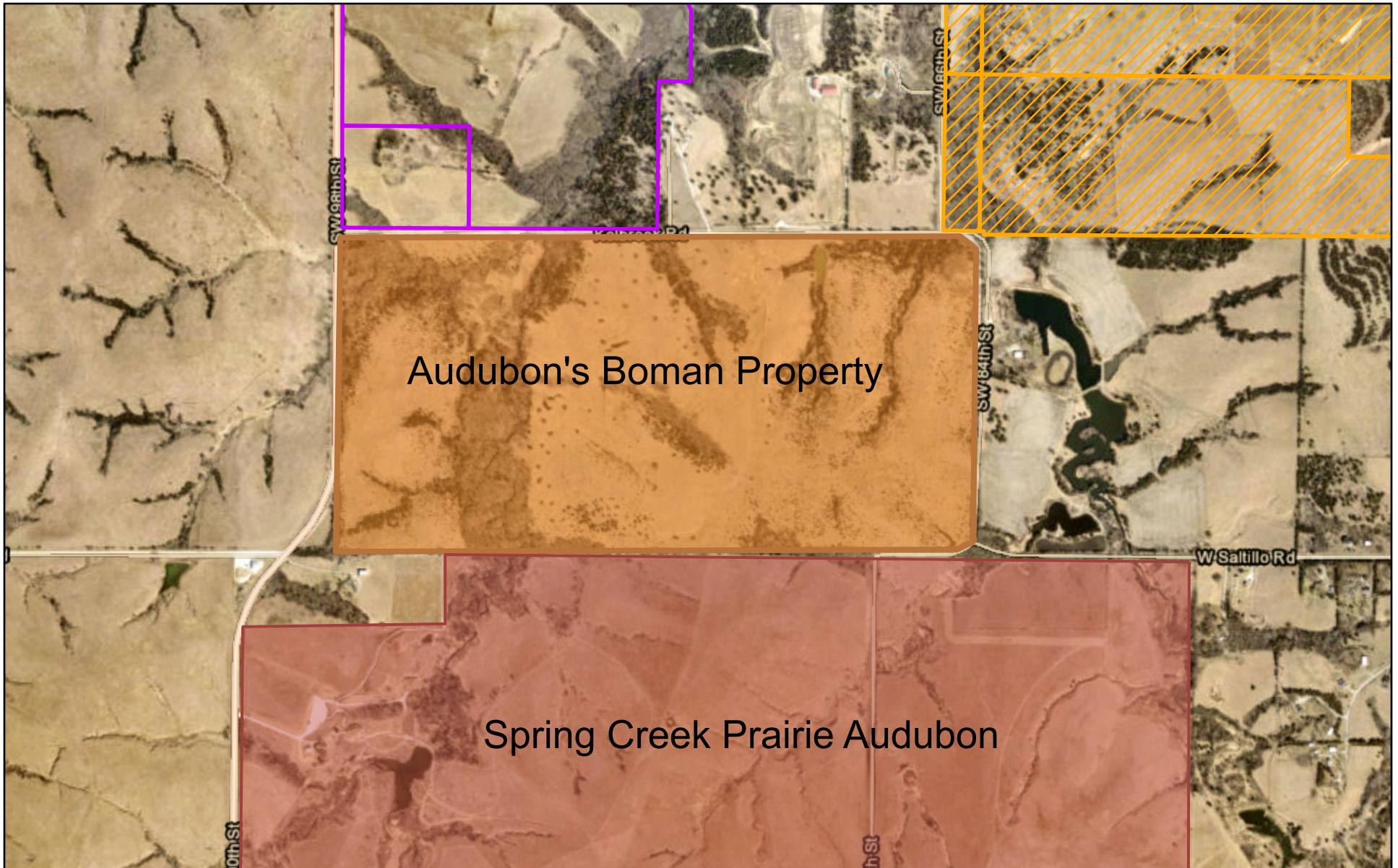
Passed and adopted this 19th day of July, 2023 by the Lower Platte South Natural Resources District.

Dave Landis, Chair




Attest:

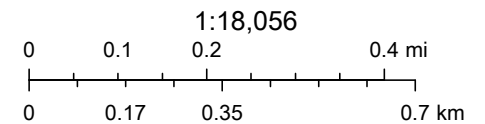
Lisa Lewis, Board Secretary

Boman Property



7/11/2023, 10:20:19 AM

-  Conservation Easements
-  LPSNRD Boundary
-  Prairie Corridor - NRD Property



Esri, HERE, iPC, Lancaster County, NE GIS, Maxar

Web AppBuilder for ArcGIS

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