



## LOWER PLATTE SOUTH natural resources district

3125 Portia Street | P.O. Box 83581 • Lincoln, Nebraska 68501-3581 | P: 402.476.2729 • F: 402.476.6454 | www.lpsnrd.org

### MEMORANDUM

Date: March 10, 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, March 9, 2023, at 5:30 p.m., the Recreation, Forestry and Wildlife subcommittee met in the Large Conference Room. Subcommittee members present; Anthony Schutz – Chair, Gary Hellerich, Don Jacobson, John Yoakum, Stacie Sinclair, and Ray Stevens. Other attendees were Gary Aldridge (Director), Paul Zillig, Jay Seaton, Ariana Kennedy, and Will Inselman.

First item on the agenda was the NRCS extension agreement for the Little Salt Creek WFPO Plan-Environmental Assessment. This extension is for a one-year extension to allow more time to address NRCS comments on the plan before submission. Currently, The Flatwater Group is spearheading this effort for the NRD. There is also a request for additional funds to cover the additional work that NRCS is requiring of The Flatwater Group to complete the plan. NRCS is currently working on the extension agreement and the additional request for funds to pay our contractor (\$100,000.00). These additional funds require no funds from LPSNRD for match. Staff requested getting approval for the General Manager to sign and approve these agreements as soon as we receive them from NRCS to avoid any further delays. Staff provided additional information on the specific projects within the plan and the properties where the projects would take place.

**It was moved by Yoakum and seconded by Stevens and unanimously approved to recommend the Lower Platte South NRD Board of Directors authorize the General Manager to approve an agreement for a one-year extension and an additional \$100,000 in additional federal funding from USDA/NRCS for the Little Salt Creek WFPO Plan-Environmental Assessment, pending legal counsel approval.**

Second on the agenda was the request to transfer UTV title to the City of Lincoln. LPSNRD partnered on the purchase of the UTV for the Saline Wetland Partnership with the NRD ultimately taking ownership of the UTV. In 2020, LPSNRD contributed \$2,804.01 towards the UTV for Saline Wetland Partnership activities, with the remainder of the funding coming from a NET grant held by the City. NET recently indicated that in order for the purchase to comply with Title 136, the City would need to hold title as they were the original grant recipients. Staff requests approval of the transfer of title to the City. LPSNRD would still store the UTV and be used for management on properties tied to the Saline Wetland Conservation Partnership. Time was also spent discussing maintenance of the equipment and potential issues on the engines in this UTV that staff should be aware of.

**It was moved by Stevens and seconded by Sinclair and unanimously approved to recommend the Lower Platte South NRD Board of Directors approve the transfer of title for the UTV used for Saline Wetland Conservation Partnership activities from LPSNRD to the City of Lincoln.**

Third on the agenda was the discussion on the Oberg/Next to Nine Mile Prairie, LLC. conservation easement. Recently, an appraisal was completed by Great Plains Appraisal and estimate the value of the conservation easement at \$609,000. The family requested that LPSNRD consider applying to the NRCS conservation easement program, Agricultural Conservation Easement Program – Agricultural Land Easement (ACEP-ALE). This program would provide, if approved, 50% cost share towards the purchase of the conservation easement. Staff indicated that the deadline for application is March 17th, and in order to do this, the Board would need to take action next week to allow staff to submit an application. This program has a continuous signup throughout the year, but this deadline is tied to additional funds provided for easements through the Infrastructure Act. After speaking with the state conservation easement rep, he indicated that this project would likely rank high and have a high probability of receiving funding. Staff indicated that the deadline is indeed tight, but that they had enough information to get an application submitted. It was also made clear that submitting this application does not bind LPSNRD to purchasing the easement, this is just an application to see if we can receive financial assistance if the Board chooses to purchase the easement.

**It was moved by Yoakum and seconded by Stevens and approved to recommend the Lower Platte South NRD Board of Directors authorize the General Manager to submit an application to the USDA for 50% cost share assistance towards the purchase of the Oberg/Next to Nine Mile Prairie, LLC conservation easement.**

**Motion Passed: 5-1 (Hellerich Voting NO)**

Fourth on the agenda was a discussion item brought forth by Director Aldridge. Director Aldridge provided information to the subcommittee about the Community Forestry Program from conversations with various villages/towns at their board meetings. Director Aldridge provided information and ideas from those discussions to help the subcommittee discuss ideas to improve the use of the program. Ideas about cost-share increases, public/private cost-share rates, and sinking funds were mentioned. Staff will be putting together some of the options discussed to present to the subcommittee next month as an action item.

Last on the agenda, were staff updates and reports on various projects. Reports/updates: Backyard Prairie Pollinator Program, Tree seedling sales, Prairie Corridor on Haines Branch properties, and discussion on a Wabash Trailhead grand opening.

Meeting adjourned at 7:00 p.m.

PC: RF&W subcommittee file



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January 24, 2023

Mr. Robert Lawson, State Conservationist  
USDA-Natural Resources Conservation Service  
100 Centennial Mall North  
Federal Building, Room 152  
Lincoln, 68508

RE: Little Salt Creek Watershed Plan-EA – Project Status and Period of Performance

Dear Mr. Lawson,

The Lower Platte South Natural Resources District (LPSNRD), as the Sponsor under Agreement NR206526XXC014 with the Natural Resources Conservation Service (NRCS), is providing this project update regarding the progress of the Little Salt Creek Watershed (LSC) Plan-EA development. The contract between NRCS and LPSNRD (SLO) was executed in June 2020.

LPSNRD has been working with The Flatwater Group, Inc. (TFG) since December 2020 and Plan-EA works was initiated in January 2021. LPSNRD and TFG commenced with Plan-EA development according to the milestones identified in the project schedule developed during initial scoping in January 2021 and identified in the contract agreement as outlined in the enclosed Attachment A.

In accordance with the milestone timeline, LPSNRD and TFG submitted the complete Draft Plan-EA on June 30, 2021. Since Draft Plan-EA submittal in June 2021, LPSNRD and TFG have been working on coordination of document review with NRCS, cooperating agencies, and project partners. It appears the draft Plan-EA review will again require more time than was outline in the most recent request for extension.

With the extended review period for the Draft Plan-EA and remaining work, LPSNRD is requesting a 1-year extension for the project. The enclosed Attachment B combines the original agreement and extension timeline dates with actual dates and notes, in addition to projected milestones to completion. Please let me know if you should have any questions or need additional information.

Sincerely,

Paul Zillig  
General Manager

Cc: Allen Gehring, NRCS

## Attachments A&B - Little Salt Creek Plan-EA

### Attachment A

#### Original Agreement Timeline - June 2020

Task: Public Participation - Estimated Completion: April 2022

Task: Site Data Collection - Estimated Completion: February 2021

Task: Conceptual Design Alts - Estimated Completion: April 2021

Task: Writing Draft Plan-EA for NRCS Review - Estimated Completion: June 2021

Task: Draft Plan-EA for NWMC & NHQ Review - Estimated Completion: August 2021

Task: Public Meeting & Interagency Comments - Estimated Completion: November 2021

Task: Final Plan-EA - Estimated Completion: January 2022

Task: Final Plan-EA submitted for Authorization - Estimated Completion: April 2022

#### 1<sup>st</sup> Amended Agreement Timeline - March 2022 (thereby revised and/or added to "Milestone" section of contract)

Task: Site Data Collection - Estimated Completion - April 2021

Task: Conceptual Design Alts - Estimated Completion - June 2021

Task: Writing Draft-Plan-EA for NRCS Review - Updated Estimated Completion - April 2022

Task: Draft Plan-EA for NWMC & NHQ Review - Updated Estimated Completion - May 2022

Task: Public meeting & interagency comments - Updated Estimated Completion - May 2022

Task: Final Plan-EA - Updated Estimated Completion - September 2022

Task: Final Plan-EA submitted for Authorization - Updated Estimated Completion - April 2023

### Attachment B - Agreement Milestones and Actual Dates and Notes

<b>Agreement Milestones</b>	<b>LSC Plan-EA Timeline Highlights</b>	<b>Notes</b>
	January 2021	Contract initiated between LPSNRD and TFG
TASK: Public Participation - April 2022	24 March 2021	Agency and Public Scoping Meeting
TASK: Site Data Collection - February 2021	February - April 2021	Site Visits with LSC Plan-EA Team
TASK: Writing Draft Plan-EA for NRCS Review - June 2021	30 June 2021	TFG submitted Draft Plan-EA and appendices to NRCS per terms of Contract Agreement between LPSNRD and NRCS
	16 August 2021	Draft Plan-EA comments received from USFWS. Comments included need for preparation of a Biological Assessment.
	27 August 2021	Draft Plan-EA comments received from USACE
	27 August 2021	Draft Plan-EA comments received from NGPC

<p>TASK: Draft Plan-EA for NWMC &amp; NHQ Review - August 2021 (Original)</p> <p>1<sup>st</sup> Amendment May 2022</p>	16 September 2021	Zoom call with USACE, USFWS, NRCS and TFG to review comments and discuss responses. Agency team determined that NRCS would be lead author on Biological Assessment.
	24 September 2021	Draft Plan-EA comments received from NRCS
	6 October 2021	Economics focus discussion with NRCS-Econ, HDR and TFG as directed by NRCS during Sept 16 <sup>th</sup> discussion. Group decided to ask USFWS for economics support on determining value of endangered species habitat. TFG requested meeting with USFWS.
	26 October 2021	Email from USACE PM Adam Nebel announcing departure from Corps regulatory and Matt Wray will be new contact for LSC Plan-EA
	9 November 2021	Zoom call with USFWS economists as coordinated by Amanda Ciurej-Nebraska USFWS. USFWS economists informed LSC Plan-EA team that no economic data is available for "habitat value".
	10 November 2021	Call with HDR regarding economics and discussion on USFWS feedback. Doug Christensen-NRCS Economist out of country for 3 weeks causing delay in economics guidance.
	30 November 2021	HDR economists communicate with Doug Christensen at NRCS regarding economics questions.
	14 December 2021	Email from TFG to Rich Vaughn requesting discussion on USACE and USFWS comments. Rick Vaughn out of office for remainder of 2021.
	5 January 2022	Update call with Rich Vaughn. Discussed USACE and USFWS comments with Rich to finalize draft plan.
	10 January 2022	Email from TFG to Elisha Mackling-NRCS requesting meeting (Cc: Rich Vaughn) about how to address ecosystem restoration projects on private lands in Plan-EA for submittal to NRCS-Little Rock.
	13 January 2022	Email from TFG to Rich Vaughn requesting meeting with Paul Zillig and Allen Gehring to discuss funding components of Plan-EA
	31 January 2022	Follow-up email from TFG to Rich Vaughn requesting meeting to discuss Plan-EA funding components and archeological/cultural resource questions for projects on private lands.
	31 January 2022	Microsoft Teams meeting scheduled by Ritch Nelson-NRCS to discuss Little Salt Creek Biological Assessment (BA) - TFG assisted with meeting
	8 February 2022	Microsoft Teams meeting to continue discussion on LSC BA - TFG participation
16 February 2022	Microsoft Teams meeting to continue discussion on LSC BA - TFG participation	

18 February 2022	Email from NRCS to Paul Zillig-LPSNRD regarding time extension for LSC Plan-EA service agreement between LPSNRD and NRCS
22 February 2022	Voicemail message from TFG to Rich Vaughn seeking guidance as requested in mid-January
9 March 2022	NRCS-LPSNRD Contract extension to April 2023
30 March 2022	BA question from NRCS to TFG regarding CERT
8 June 2022	BA progress update from NRCS
5 July 2022	LSC Plan-EA cost share meeting at LPSNRD
11 July 2022	BA progress update from NRCS
13 July 2022	WFPO Wetlands guidance documentation provided by Rich Vaughn-NRCS
5 August 2022	BA update call with NRCS, USFWS, NGPC, LPSNRD and TFG
2 September 2022	Request from NRCS to TFG for supporting maps for BA
9 September 2022	Email from new NRCS staff contact coordinating LSC Plan-EA
14 September 2022	BA draft submittal from NRCS to LSC Plan-EA project team
5 October 2022	USFWS and NGPC comments on LSC BA
20 October 2022	All day saline wetland site visit in LSC watershed led by TFG including team members from NRCS new to LSC Plan-EA project
31 October 2022	ARA Planning Worksheet Guidance from Rich Vaughn-NRCS
1 November 2022	Submitted June 2021 Draft Plan-EA to new NRCS staff for review
10 November 2022	LSC Plan-EA update discussion video call between NRCS, LPSNRD, USFWS, NGPC, LPSNRD, TFG
18 November 2022	LSC Plan-EA update discussion video call between NRCS, LPSNRD, TFG
29 November 2022	NRCS additional comments on June 2021 LSC Plan-EA draft (126 comments)
29 November 2022	NRCS guidance referencing PR&G manual specific to LSC Plan-EA
5 December 2022	LSC Plan-EA update discussion video call between NRCS, LPSNRD, USFWS, U.S. Corp of Engineers, TFG
5 December 2022	LSC Plan-EA update discussion video call between NRCS, LPSNRD, TFG
16 December 2022	LSC Plan-EA meeting NRCS offices to discuss H&H standards, engineering design level for Plan-EA, and NRCS practice codes
19 December 2022	Meeting with NRCS staff to discuss wetlands and ARA maps

TASK: Public Meeting & Interagency Comments - November 2021 (Original)		Public meeting to be held after NWMC & NHQ review comments are received.
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<p><i>1<sup>st</sup> Amendment May 2022</i></p>		
<p>TASK: Final Plan-EA - January 2022 (Original)</p> <p><i>1<sup>st</sup> Amendment September 2022</i></p>		<p>Dependent on NRCS Review Timelines</p>
<p>TASK: Final Plan-EA Submitted for Authorization April 2022 (Original)</p> <p><i>1<sup>st</sup> Amendment April 2023</i></p>		<p>Dependent on NRCS Review Timelines</p>



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February 24, 2022

Mr. Robert Lawson, State Conservationist  
USDA-Natural Resources Conservation Service  
100 Centennial Mall North  
Federal Building, Room 152  
Lincoln, NE 68508

RE: Little Salt Creek Watershed Plan-EA - Project Status and Period of Performance

Dear Mr. Lawson,

The Lower Platte South Natural Resources District (LPSNRD), as the Sponsor under Agreement NR206526XXC014 with the Natural Resources Conservation Service (NRCS), is providing this project update regarding progress of the Little Salt Creek Watershed (LSC) Plan-EA development. The contract between NRCS and LPSNRD (SLO) was executed in June 2020.

LPSNRD began the consultant selection process according to our operating policy. LPSNRD selected and negotiated a contract with The Flatwater Group, Inc. (TFG), entered into a contract in December 2020 and Plan-EA work was initiated in January 2021. LPSNRD and TFG commenced with Plan-EA development according to the milestones identified in the project schedule developed during initial scoping in January 2021 and identified in the contract agreement as outlined in the enclosed Attachment A.

In accordance with the milestone timeline, LPSNRD and TFG submitted the complete Draft Plan-EA on June 30, 2021. Since Draft Plan-EA submittal in June 2021, LPSNRD and TFG have been working on coordination of document review with NRCS, cooperating agencies, and project partners. It appears the draft Plan-EA review has required more time than outlined in contract agreement.

With the extended review period for the Draft Plan-EA and remaining work, LPSNRD is requesting a 1-year extension for the project. The enclosed Attachment B combines original agreement timeline dates with actual dates and notes in addition to projected milestones to completion. Please let me know if you should have any questions or need additional information.

Sincerely,

Paul Zillig  
General Manager

Cc: Allen Gehring, NRCS

*Protecting our natural resources for future generations*



## Attachments A&B - Little Salt Creek Plan-EA

### Attachment A

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TASK: Draft Plan-EA for NWMC & NHQ Review - August 2021	26 October 2021	Email from USACE PM Adam Nebel announcing departure from Corps regulatory and Matt Wray will be new contact for LSC Plan-EA
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	22 February 2022	Voicemail message from TFG to Rich Vaughn seeking guidance as requested in mid-January
TASK: Public Meeting & Interagency Comments - November 2021	March-May 2022	TFG to work with Rich Vaughn/NRCS to finalize draft Plan-EA for submittal to NRCS-Little Rock

TASK: Final Plan-EA - January 2022	June-September 2022	Dependent on NRCS Review Timelines
TASK: Final Plan-EA Submitted for Authorization - April 2022	October 2022 - April 2023	Dependent on NRCS Review Timelines



U.S. Department of Agriculture  
Natural Resources Conservation Service

NRCS-ADS-093

**NOTICE OF GRANT AND AGREEMENT AWARD**

<b>1. Award Identifying Number</b> NR206526XXXXC014	<b>2. Amendment Number</b> 0001	<b>3. Award /Project Period</b> 06/22/2020 - 04/01/2023	<b>4. Type of award instrument:</b> Cooperative Agreement
<b>5. Agency (Name and Address)</b>  Natural Resources Conservation Service 100 Centennial Mall North, Room 152 Lincoln, NE 68508		<b>6. Recipient Organization (Name and Address)</b>  LOWER PLATTE SOUTH NATURAL RESOURCE DISTRICT PO BOX 83581 LINCOLN NE 68501-3581  DUNS Number: 044690550 EIN:	
<b>7. NRCS Program Contact</b>  Name: Allen Gehring Phone: (404) 437-4037 Email: allen.gehring@usda.gov	<b>8. NRCS Administrative Contact</b>  Name: CASSANDRA HAYES Phone: (816) 823-5608 Email: cassandra.hayes@usda.gov	<b>9. Recipient Program Contact</b>  Name: Paul Zillig Phone: (402) 476-2729 Email: pzillig@lpsnrd.org	<b>10. Recipient Administrative Contact</b>  Name: Paul Zillig Phone: (402) 476-2729 Email: pzillig@lpsnrd.org
<b>11. CFDA</b>  10.904	<b>12. Authority</b>  33 U.S.C. 701b-1 Public Law 83-566 16 U.S.C. 1001-1009 Public Law 86-468, 74 Stat. 131, 132 Public Law 86-545, 74 Stat. 254 Public Law 87-703, 76 Stat. 608 Public Law 90-361, 82 Stat. 250 68 Stat. 666, as amended Public Law 84-1018, 70 Stat. 1088 Public Law 85-865, 72 Stat. 1605	<b>13. Type of Action</b>  Amendment/Revision	<b>14. Program Director</b>  Name: Paul Zillig Phone: (402) 476-2729 Email: pzillig@lpsnrd.org
<b>15. Project Title/ Description:</b> Lower Platte South Natural Resources District for the Little Salt Creek Watershed project of Lancaster County, Nebraska, under the Watershed & Flood Prevention Operations (WFPO) Program.			
<b>16. Entity Type:</b> D = Special District Government			
<b>17. Select Funding Type</b>			
<b>Select funding type:</b>	<input checked="" type="checkbox"/> Federal	<input type="checkbox"/> Non-Federal	
<b>Original funds total</b>	\$330,000.00	\$0.00	
<b>Additional funds total</b>	\$0.00	\$0	

**Statement of Work**

Please note that any narrative below should be considered in addition to the original Statement of Work, as well as any prior amendments.

**Purpose**

The purpose of this amendment is to extend the period of performance as shown in block 3 and update the reporting frequency on the notice of award (NOA).

Except as provided herein, all other terms and conditions of the original agreement and any previous amendments remain unchanged and in full force and effect.

**Objectives**

There are no changes to this section from the original statement of work.

**Budget Narrative**

There are no changes to this section from the original statement of work.

**Responsibility of the Parties**

These sections are hereby revised and/or added to this section:

If inconsistencies arise between the language in this Statement of Work (SOW) and the General Terms and Conditions attached to the agreement, the language in this SOW takes precedence.

Submit SF-425 Financial Reports on an annual basis to ezFedGrants or Farm Production and Conservation (FPAC) Grants and Agreements Division via email to: FPAC.BC.GAD@usda.gov. Reports are due 30 calendar days after the reporting period. Please note that financial reporting is based on the calendar year.

**Expected Accomplishments and Deliverables**

There are no changes to this section from the original statement of work.

**Resources Required**

There are no changes to this section from the original statement of work.


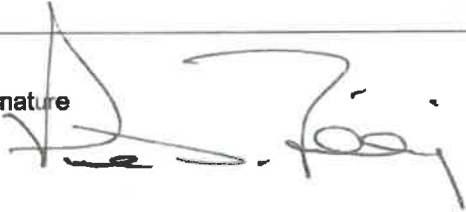
**Milestone**

These sections are hereby revised and/or added to this section:

- TASK: Site Data Collection - ESTIMATED COMPLETION: April 2021
- TASK: Conceptual Design Alts - ESTIMATED COMPLETION: June 2021
- TASK: Writing Draft Plan-EA for NRCS Review - UPDATED ESTIMATED COMPLETION - April 2022
- TASK: Draft Plan-EA for NWMC &NHQ Review - UPDATED ESTIMATED COMPLETION -May 2022
- TASK: Public meeting & interagency Comments - UPDATED ESTIMATED COMPLETION - May 2022
- TASK: Final Plan-EA - UPDATED ESTIMATED COMPLETION - September 2022
- TASK: Final Plan-EA submitted for Authorization - UPDATED ESTIMATED COMPLETION -April 2023

Grand total		\$330,000.00	\$0.00
<b>18. Approved Budget</b>			
Personnel	\$0.00	Fringe Benefits	\$0.00
Travel	\$0.00	Equipment	\$0.00
Supplies	\$0.00	Contractual	\$0.00
Construction	\$0.00	Other	\$330,000.00
Total Direct Cost	\$330,000.00	Total Indirect Cost	\$0.00
		Total Non-Federal Funds	\$0.00
		Total Federal Funds Awarded	\$330,000.00
		Total Approved Budget	\$330,000.00

This agreement is subject to applicable USDA NRCS statutory provisions and Financial Assistance Regulations. In accepting this award or amendment and any payments made pursuant thereto, the undersigned represents that he or she is duly authorized to act on behalf of the awardee organization, agrees that the award is subject to the applicable provisions of this agreement (and all attachments), and agrees that acceptance of any payments constitutes an agreement by the payee that the amounts, if any, found by NRCS to have been overpaid, will be refunded or credited in full to NRCS.

Name and Title of Authorized Government Representative <b>Robert Lawson</b> State Conservationist	Signature <b>ROBERT LAWSON</b> 	Date Digitally signed by ROBERT LAWSON Date: 2022.03.10 15:28:33 -06'00'
Name and Title of Authorized Recipient Representative <b>Paul Zilling</b> General Manager	Signature 	Date <b>MARCH 9, 2022</b>

**NONDISCRIMINATION STATEMENT**

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

**PRIVACY ACT STATEMENT**

The above statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. Section 522a).

## **GENERAL TERMS AND CONDITIONS**

Please reference the below link(s) for the General Terms and Conditions pertaining to this award:  
<https://www.fpacbc.usda.gov/about/grants-and-agreements/award-terms-and-conditions/index.html>

January 3, 2023

**Sent via email and U.S. Mail**

Mr. Karl L. Elmshaeuser  
The Nebraska Environmental Trust  
700 S. 16<sup>th</sup> Street  
P.O. Box 94913  
Lincoln, NE 68509-4913  
[karl.elmshaeuser@nebraska.gov](mailto:karl.elmshaeuser@nebraska.gov)

RE: NET Grant 16-116

Dear Mr. Elmshaeuser:

The City of Lincoln ("City") is in receipt of your letter dated December 20, 2022, regarding NET Grant 16-116, which requested a response within fifteen (15) days, or by Wednesday, January 4, 2023. The Nebraska Environmental Trust ("NET") has requested repayment of a portion of NET Grant 16-116 in the amount of \$10,000 for the purchase of a Polaris Ranger utility vehicle ("UTV"). We thank you for the opportunity to respond to provide some factual background behind the grant funds and the ownership of the UTV by the Lower Platte South Natural Resources District ("NRD").

City, NRD, and the State of Nebraska, through the Nebraska Game and Parks Commission, have been operating under cooperative interlocal agreements for the Saline Wetlands Conservation Partnership since 2003, pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801 et seq. In 2019, the current interlocal agreement for the Saline Wetlands Conservation Partnership ("Partnership") was approved by boards of both City and NRD (City Resolution No. A-91576 dated April 29, 2019), which again included Game and Parks Commission as a party and signatory.

In 2015, in furtherance of the goals of the Partnership, City applied for and was approved for NET grant 16-116 in the amount of \$795,000 over a three-year period. These grant funds have been used by the Partnership to develop tools to educate the public about the Partnership's goals and for conservation and management of the saline wetland areas.

On January 15, 2020, a meeting of the Partnership was held that included discussion by its partners (City, Nebraska Game and Parks Commission, Nebraska Chapter of Pheasants Forever, Inc., and NRD) regarding 2020 seasonal employees and the UTV purchase, which was later discussed with NET staff in the following months. Pursuant to the 2015-2019 Interlocal Agreement that was part of NET grant application, and due to the seasonal employees working from the NRD maintenance shop and ability of NRD to store the UTV indoors and provide maintenance for said UTV along with other equipment, the decision was made by the



Partnership for the NRD to hold title and provide insurance for the UTV. On March 27, 2020, an email regarding a budget modification was sent to former NET Executive Director Mark Brohman indicating purchase of UTV, which was approved by email later that same day.

The NRD purchased the UTV from ET's Lawn and Leisure of Cortland for \$12,804.01 and subsequently licensed and insured the UTV. The NRD Board approved the purchase of the UTV with the understanding that City would reimburse NRD in the amount \$10,000 from NET funding. All parties agreed that after purchase NRD would store and maintain the UTV. On April 14, 2020, the UTV was delivered to NRD. Property insurance has been continuously maintained on the UTV by NRD since its purchase.

On September 9, 2020, City sent the required quarterly report to NET, which included documentation of the UTV purchase, the NRD's reimbursement request, and the NRD's insurance certificate. On June 21, 2021, the Final Report of NET grant 16-116 was filed with NET, which identified the UTV purchase. In December 2021, as you noted in your letter, NET approved the final report and closed out the grant.

On October 6, 2022, City received an email from Shelly Rea of NET requesting insurance documentation for UTV and GPS unit, which was forwarded to NRD. The email included notes that the UTV is owned by the NRD. Emails and phone calls were traded in subsequent days between City, NRD, and NET. On October 14, 2022, Tom Malmstrom responded to Ms. Rea that the Partnership originally determined that NRD would hold title and maintain insurance for the UTV. On October 24, 2022, Tom Malmstrom filed NRD insurance certificate through the NET grant portal. On October 26, 2022, NET approved the NRD insurance certificate for UTV. Then a little less than two months later, City received NET's letter dated December 20, 2022, regarding the alleged compliance issue with the terms of the NET grant.

An option the City would like to explore, with NET's written assent, is for title to the UTV to be transferred to the City, which the NRD has agreed to facilitate through approval by its Board. Staff from both City and NRD utilize the UTV through the Partnership, as contemplated by the Interlocal Agreement, so this solution would be welcomed by both parties.

As you offered at the end of your letter, if it would be helpful to meet, either in person or via a virtual meeting, we would welcome the opportunity to discuss these facts further and the options for resolving the matter. If you require further documentation or financial records to fulfill the requirement of the grant under Title 137, Chapter 9, please let us know. We look forward to hearing from you soon.

Sincerely,



Maggie J. Stuckey-Ross, Director  
City of Lincoln Parks and Recreation

/jwg

cc: Holly Adams, NET  
Paul Zillig, General Manager, Lower Platte South Natural Resources District  
Jocelyn W. Golden, Assistant City Attorney  
Thomas Malmstrom, Parks and Recreation Department




# LOWER PLATTE SOUTH natural resources district

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Item #7

## Memorandum

**Date:** March 13, 2020  
**To:** Each Director  
**From:** Paul D. Zillig, General Manager   
**Subject:** Finance & Planning Subcommittee Meeting Minutes

The Finance & Planning Subcommittee met at 5:00 pm on Wednesday, March 11, 2020 in the NRD Office. Subcommittee members present included Dan Steinkruger, Greg Osborn, Bob Andersen, and Gary Hellerich (no quorum – motions will require a second at the Board meeting). Subcommittee members participating via teleconference included Vern Barrett and Luke Peterson. Other Directors present included Larry Ruth and Deborah Eagan. Others present included Al Langdale, Bryce Jensen, Nathan Kuhlman, and Walker Zulkoski, Dan Zomermaand, & Pat Harris of NPAIT/PMA, Steve Seglin, Corey Wasserburger, David Potter, Kathy Spence and myself.

Steinkruger opened the meeting and welcomed all those in attendance, including Barrett & Peterson who are participating via teleconference, and asked Jensen to report on the proposal to purchase a UTV (Utility Task Vehicle) for use by the Saline Wetland Partnership and NRD. Jensen reviewed the attached memo explaining the partners involved and funding, the purpose of the vehicle and the proposals received. It was moved by Andersen, seconded by Osborn, and unanimously approved by the Subcommittee Members present to recommend the Board of Directors accept the proposal from E.T.'s Lawn and Leisure to purchase a Polaris Ranger 1000 EPS in the amount of \$1,804.01 with \$10,000 being reimbursed to the Lower Platte South NRD from the City of Lincoln's 2016 NET Grant.

The next item on the agenda was to meet with our NPAIT/PMA representatives and learn more about their financial and investment capabilities. Zulkowski stated he is in the Lincoln Office and would be the NRD's primary contact, he then presented some background information on NPAIT. Harris reported on the NPAIT Investment options and history, and Zomermaand reported on the process for the NRD to consider future investment options and examples of existing investment policies that would be an option for the NRD. Attached is a copy of their presentation.

The Subcommittee's hour long discussion with NPAIT/PMA was very helpful and they provided answers to the Subcommittee's questions regarding risk, investment options, cash management/daily liquidity & fixed term services, their work with banks, bonds, investment controls, and their experience with groups such as NPAIT and LPSNRD. The Subcommittee

thanked them for their presentation, discussing their experiences, the services they provide and time answering questions.

The Subcommittee discussed their comfort level working with NPAIT, which was set up to assist political subdivisions like the NRD, and with the representatives from PMA. It was moved by Andersen, seconded by Hellerich, and unanimously approved by the Subcommittee Members present recommend the Board of Directors bring the recommendation off the table from the December Board Meeting and now recommend the Board of Directors authorize continuing under agreement with NPAIT/PMA and designate Paul Zillig, General Manager as the Authorized Representative with Full Rights, Kathy Spence, Administrative Assistant as an Authorized Representative with Limited Rights, and Dan Steinkruger, Treasurer and Bob Andersen, Treasurer Designee as Authorized Representatives with Limited Rights.

Steinkruger and Zillig reported that Spence and them met with Union Bank and are looking into an ICS (Insured Cash Sweep) account that seems like a good option to bridge our existing Union Bank accounts and NPAIT. We will be receiving more information on ICS in the near future and will bring that back to the Subcommittee along with additional thoughts on an Investment policy for the NRD.

The next item on the agenda was to report on the proposed Budget/LRIP schedule for FY'21. Spence handed out the schedule (a copy is attached), it was pointed out that it is similar to previous years, except we've extended the timeline to allow for the additional public hearing required if additional taxes will be requested.

The final item on the agenda was recap of the Director Planning Retreat last month. Potter gave a report on how we will be utilizing the information in the future and copies of the final report were provided.

There being no further business the meeting adjourned at 6:40 pm.

PDZ/pz


pc: Steve Seglin  
Corey Wasserburger



# LOWER PLATTE SOUTH natural resources district

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## Memorandum

**Date:** March 6, 2020  
**To:** Paul Zillig, General Manager  
**From:** Bryce Jensen, Operation/Maintenance Technician   
**Subject:** Utility Vehicle (UTV)

Operations and maintenance is proposing the purchase of a UTV to replace existing UTV used on saline wetlands in accordance to the agreement (Resolution No. A-91576) of the Saline Wetlands Conservation Partnership (SWCP) between the City of Lincoln, the Nebraska Game and Parks Commission, and the Lower Platte South Natural Resources District to share expenses related to land management. The current UTV was purchased in 2013 and is owned by the City of Lincoln.

This proposal for the purchase of replacement UTV would be for use on the saline wetland management areas and other public use and wetland areas within the District. The new UTV would be owned by the District. The 2013 UTV will be transferred to City of Lincoln Greenways District.

The SWCP has agreed to apply \$10,000 toward the purchase of the new UTV through the City of Lincoln 2016 Nebraska Environmental Trust (NET) Fund grant – Eastern Saline Wetlands Project – 2016. Remaining cost would be provided by the District.

On February 21, 2020 I received three proposals for the purchase of a new utility vehicle (UTV) for habitat management. Below are the proposals received for the purchase of a new utility vehicle:

E.T.s Lawn and Leisure	Polaris Ranger 1000 EPS	\$12,804.01
Platte Valley Equipment LLC	John Deere Gator XUV835	\$15,000.00
Rod's Power Sports	Honda Pioneer 1000	\$18,420.70

Staff recommendation is to accept the lowest proposal form E.T.s Lawn and Leisure for a Polaris Ranger 1000 EPS in the amount of \$12,804.01 with \$10,000 being reimbursed to the Lower Platte South NRD from the City of Lincoln 2016 NET grant.

BJ/bj



# Oberg Property

- ~75 acres
- Has ~10 virigin prairie
- Unique wetland along creek (northside of property)
- Forestry component and planting conducted in cooperation with Rich Lodes many years ago
- Are interested in having a trail to 9-Mile Prairie
- Have had conversations with Lincoln Parks & Rec on joint easement possibility



# Oberg Property Appraisal

- Total property valued at \$978,000
- Damages appraised at \$609,000 (conservation easement value)
  - 72.35 acres
- Factors used to determine damages
  - Full appraised value of the property based on comparable
  - Take the details of easement into consideration
  - Then factor highest and best use remaining – rural development potential
  - Grasslands remain the highest and best use after damages
  - Compare to surrounding properties with easements (40-64% decrease in value)

# Oberg Property Appraisal

- Agricultural Conservation Easement Program – Agricultural Land Easement (ACEP-ALE)
  - Provides 50% Cost-share
  - Protect farmland or grassland from development
  - Deadline of March 17<sup>th</sup> to take advantage of additional Infrastructure Act funds
  - ~2-year process
  - Can back out at anytime up to closing
- For reference...Nebraska Land Trust has done about 15 of these and would be willing to help us for this application