

## MEMORANDUM

**To:** Programs, Projects and Operations Subcommittee  
**Subject:** Nebraska Land Trust Agreement  
**Date:** 6 March, 2018  
**From:** Jim Becic

The Nebraska Land Trust (NLT) is a 501 C (3) nonprofit organization that has been actively involved in land conservation in Nebraska since 2001. Rather than duplicating efforts with a P-MRNRD (NRD) conservation easement program that was contemplated over 15 years ago, the NRD decided to partner with the NLT in this endeavor.

In their relatively short existence, the NLT has achieved the status of the only fully accredited land trust in Nebraska by the National Land Trust Alliance. With only two employees, they've completed 38 easements and amassed over 19,000 acres under permanent conservation easement protection in 17 counties. Fourteen of those easements (39%) are in the Lower Platte Valley in Douglas, Sarpy and Saunders Counties. As detailed in the Lower Platte Valley Preservation Partnership (attachment), early easements were donated but subsequent ones have been purchased with the NLT raising over 6.5 million dollars in this effort from federal, state and private sources.

The NRD, is a charter member of the diverse NLT Board and in 2009, entered into a three-year Cooperative Agreement with the NLT, to provide a financial contribution of \$30,000.00 per year to assist in their operations. This Agreement was extended in 2012 to continue the original Agreement for an additional three years and again in 2015. The NLT is now requesting that this partnership continue with a Third Addendum. (Attached: original AGREEMENT; Lower Platte Valley Advisory Committee Position Description; and Spreadsheet of NLT Conservation Easements through 2017.)

To this end, staff is proposing that the District continue to assist the work of the Nebraska Land Trust to develop land protection and easement acquisition strategies; develop fund raising plans, develop conservation easement templates; hold public meetings, provide easement education for the general public as well as elected officials and other conservation easement activities for specific areas within the Lower Platte Valley as well as other locations within the District for an additional three year period beginning in Fiscal Year 2019.

**Management recommends that the Programs, Projects and Operations Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed THIRD ADDENDUM to the 18 March, 2009 "AGREEMENT BETWEEN PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT AND NEBRASKA LAND TRUST FOR COOPERATIVE ASSISTANCE" that allows for an additional three year District commitment in the amount of \$30,000/year, commencing in fiscal year, 2019 subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.**

**THIRD ADDENDUM  
TO  
AGREEMENT BETWEEN  
PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT  
AND  
NEBRASKA LAND TRUST  
FOR  
COOPERATIVE ASSISTANCE**

This Addendum ("THIS ADDENDUM") is intended to further extend the AGREEMENT BETWEEN PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT and NEBRASKA LAND TRUST FOR COOPERATIVE ASSISTANCE ("THE AGREEMENT") that was executed by the PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT ("the DISTRICT") on March 18, 2009 and by the NEBRASKA LAND TRUST ("the TRUST") on March 16, 2009, and extended by the FIRST ADDENDUM entered into by the parties in March 2012 for a term terminating on December 31, 2014 and the SECOND ADDENDUM entered into by the parties in March 2015 for an additional term terminating on December 31, 2017.

By executing THIS ADDENDUM, the parties hereby agree that the term of THE AGREEMENT should be extended for an additional period of time beginning July 1, 2018 and continuing until December 31, 2020, thus also extending the DISTRICT's commitment made therein to pay the sum of \$30,000 annually during the three years of 2018, 2019 and 2020 to the TRUST for the purpose of partially funding the activities of the TRUST undertaken pursuant to THE AGREEMENT.

Except as so extended, THE AGREEMENT is ratified and confirmed in all respects.

THIS ADDENDUM is executed by the TRUST on this \_\_\_\_ day of \_\_\_\_\_, 2018.

**NEBRASKA LAND TRUST**

By \_\_\_\_\_

Title \_\_\_\_\_

THIS ADDENDUM is executed by the DISTRICT on this \_\_\_\_ day of \_\_\_\_\_, 2018.

**PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT**

By \_\_\_\_\_  
JOHN WINKLER, General Manager

AGREEMENT BETWEEN  
PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT  
AND  
NEBRASKA LAND TRUST  
FOR  
COOPERATIVE ASSISTANCE

THIS AGREEMENT is made and entered into by and between the PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT (hereinafter referred to as the "NRD") and the NEBRASKA LAND TRUST (hereinafter referred to as "the TRUST").

WHEREAS, The TRUST is a 501 (c) (3) nonprofit organization that has adopted Standards and Practices promulgated by the Land Trust Alliance and actively acquires or stewards conservation lands and conservation easements, with the goal of land conservation in Nebraska.

WHEREAS, the mission of the TRUST is to accept conservation easements or gifts of land to preserve lands that remain essentially in their natural state; are ecologically, historically, or archeologically significant; serve as wildlife habitat, and/or are used for low impact agriculture; and,

WHEREAS, the authorities of the NRD include prevention of damages from floodwater and sediment, development and management of fish and wildlife habitat and recreational and park facilities, and forestry and range management, and the NRD wishes to increase its focus on protecting these resources in the lower Platte and Missouri River corridors (hereinafter referred to as "the Corridor"); and,

WHEREAS, the TRUST provides independent oversight to ensure public confidence in voluntary land conservation; and,

WHEREAS, the NRD desires to utilize the expertise and experience of the TRUST to explore the opportunities for acquisition of conservation easements within the Corridor; and,

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

1. The TRUST has prepared A Proposal For The Lower Platte Valley Preservation Project, attached hereto as Exhibit "A" and incorporated herein, and agrees that it shall:

- a. Conduct educational programs with landowners, public officials and others within the NRD for the purpose of explaining conservation easements and the multiple advantages thereof; and,
- b. Develop a land protection strategy and easement templates for the acquisition of conservation easements in the Corridor; and,
- c. Develop a fund-raising plan, target lists and grant writing, record keeping and communications templates specific for the acquisition of conservation easements in the Corridor; and,
- d. Assist the NRD in negotiations and acquisition of conservation easements over priority properties.

2. The NRD agrees that it will cooperate with the TRUST in the Proposal incorporated as Exhibit "A" and will assist the TRUST to develop land protection and easement acquisition strategies for the Corridor; will pay the sum of \$30,000.00 annually, to the TRUST for the purpose of partially funding the activities of the TRUST undertaken pursuant hereto; and, will work with the TRUST to identify prospective donors of conservation easements, additional funding sources and partnership opportunities.

3. The term of this Agreement shall commence upon execution thereof by both parties; and this Agreement shall terminate on December 31, 2011, unless sooner terminated as provided below.

4. 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:	For the TRUST:
James Becic, Environmental Coordinator	David Sands, Executive Director
John Winkler, General Manager	John Ellsworth, Chairman

5. This Agreement may be terminated by either party with or without cause on 60 days written notice delivered to the other party. If the NRD terminates the agreement without cause, the TRUST shall not be required to refund the current year's grant.

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

Executed by THE NEBRASKA LAND TRUST, on this 16<sup>th</sup> day of March, 2009.

NEBRASKA LAND TRUST

By David Sands  
David Sands  
Executive Director

Executed by the PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT on this 18<sup>th</sup> day of MARCH, 2009.

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT

By John Winkler  
John Winkler  
General Manager

## Exhibit "A"

# A Proposal For The Lower Platte Valley Preservation Project

### Purpose

It has been 10 years since a vision for the Lower Platte River "Bluffs Region" was first advanced in a collaborative report from the Lower Platte River Corridor Alliance (LPRCA). Citing the region's beauty, geology, productive farmland, and biological diversity, the report called for "a balance between economic expansion and the preservation of rural character."

More recently, this concept of balance has been echoed and amplified by the Nebraska Innovation Zone Commission (NIZC). With a mission to bring economic development to the Interstate-80 Corridor, they have been told by experts that "natural amenities" like the Lower Platte River can be an attractor for families and businesses. In a web survey by the NIZC, 62% of respondents listed "Preservation of environmentally important areas, such as the Platte River valley, hills, streams, and woodlands" as their top priority in developing the I-80 Corridor; more than 20 % higher than any of the other 18 options.

As a result, the NIZC's Draft Regional Comprehensive Plan called for "Limited development south of Exit 432 [essentially the Bluffs Region], with a primary value placed on preservation of views and environmental quality." There are also areas upriver that have high conservation values, like the Yutan Bottoms with large remnants of tallgrass prairie, or Pahuk bluff which has ecological and historical significance. With such valuable resources located in a region projected to have 2,000,000 people by 2050, land protection efforts are a pressing need.

Of course land preservation in the Lower Platte Valley presents significant issues. An expansion of public land is one option, but realistically, a large impact through land purchase is unlikely as the cost would be too high, funds for purchase are scarce, political consensus is very difficult to obtain, willing sellers can be hard to find, and ongoing land management is a financial drain. However, there is one land preservation tool that can avoid or mitigate many of these obstacles – voluntary, permanent land preservation agreements with private landowners.

Commonly known as "conservation easements," these agreements lower the price of land preservation as they typically cost 40% to 60% less than full value and there are currently exceptional tax incentives for the donation of easements. In addition, land stays on the tax rolls and in productive use such as agriculture, while avoiding the ongoing expense of management. For the landowner who would prefer to preserve their land and keep it in agriculture or wildlife habitat, conservation easements can offer an attractive financial option. Because these agreements are voluntary, they avoid controversy and conflict. With a phased approach that includes Education, Prioritization, Preservation, Partners, and Funding, significant land protection in the valley is possible.

## **Exhibit "A"**

### **Education**

In Nebraska, where conservation easements are relatively unknown compared to other states, a broad education program is needed for an effort to succeed. While easements have garnered some attention in the media and the Nebraska Land Trust (NLT) has made progress in raising awareness, much still needs to be done.

A number of strategies should be employed, starting with a simple tri-fold brochure that would be distributed widely through direct mail, events, and other venues. Informational meetings throughout the corridor would be necessary and the LPRCA "Coffee Shop" meetings would be an ideal venue. For landowners with significant interest, detailed information and individual meetings must also be made available. Ultimately, informed landowners will self-select themselves as potential candidates for easement purchases.

Information would be provided to public officials as well, since municipal and county governments must approve easements according to state statute. Any educational effort should also reach out to developers and other real estate professionals, especially since conservation developments are mandated in certain areas of Douglas and Sarpy Counties. Presentations to civic groups would be valuable in building community support.

### **Prioritization**

Conservation easements are not about stopping development; they are about preserving special places as development occurs. This means it is essential to identify special places, so that our limited human and financial resources can be focused in those areas.

There are a number of data sets in existence that could be used to identify "Conservation Focus Areas (CFAs)." Biological data relating to the needs of wildlife and existing native plant communities is available from the Nebraska Game and Parks Commission (NGPC). The Natural Resources Districts also have similar information, in addition to GIS departments and hydrologists. The Platte River Cumulative Impact Study (CIS) will show us what has been lost and what can still be saved. The Nebraska State Historical Society (NSHS) has information on historic and cultural sites. The NIZC has recommendations from an economic development perspective.

There may be some holes to fill, such as an assessment of scenic viewsheds, but mostly, existing information could be pulled together by a group with various interests and expertise, that can provide a holistic look at potential priority areas. Such a group might include NRDs, counties, the NLT, LPRCA, NGPC, USFWS, NSHS, NIZC, and others.

Once conservation focus areas are identified, a second filter will be needed to prioritize individual properties within that area. Whether there are two interested landowners in a given landscape or 20, there should be a transparent, on-the-ground process that provides guidance on individual land protection priorities. The NLT has a model for such a process, which has been used to score prospective easement properties based on agricultural, historical, and natural resources in the Schramm Bluffs of Sarpy County.

## **Exhibit "A"**

### **Preservation**

The actual acquisition of conservation easements will happen in three ways: 1) a complete donation of the easement that results in tax benefits; 2) a "bargain purchase," where a portion of the easement's value is donated while the balance is paid for; or 3) a full purchase of the easement's appraised value.

At the heart of each conservation easement are the Reserved Rights and Restrictions. Understandably, landowners want to play an active and informed role in designing these provisions and they should; it is one of the things that make these agreements attractive. While every easement must be true to the conservation values it is intended to protect, a "building envelope" for a new home or barn, farming, grazing, hunting, and other conservation compatible land uses may be part of the bargain.

Like any real estate transaction, the path to a conservation easement can involve unforeseen twists, turns, and a few dead ends. Success improves with experience and consistency in negotiations, appraisals, easement documents, baseline reports, transaction costs, enforcement, county approvals and more. Consistency and experience also breeds familiarity with the organization and the process, for landowners and county officials.

### **Partners**

**The Lower Platte South (LPSNRD) and Papio-Missouri River (PMRNRD) NRDs** are potential anchors for this effort, as they share jurisdiction and responsibility for natural resources in the Bluffs Region. For example, in **Phase One**, the NLT created a successful model in the Schramm Bluffs of Sarpy County and the PMRNRD was an early supporter, by executing a Cooperative Agreement with the NLT in 2006 to pursue conservation easements in this area. **Phase Two** would start a similar effort on the west side of the river downstream from Ashland, at which point the LPSNRD would become an invaluable partner. **Phase Three** would extend the effort upstream to Fremont (and possibly beyond), at which point the LPNDRD may wish to become a partner.

The NLT's experience in the Schramm Bluffs makes it a good candidate to take the lead in implementing the various phases of this effort, as it has been implementing **Phase One** in this area since 2006 with good results. It also has a track record of land protection in the Lower Platte Valley, including:

- Nearly 2,000 acres of donated and purchased conservation easements, with:
  - Over four miles of Lower Platte River frontage.
  - 20 individual wetlands and several lakes used by migratory waterfowl.
  - Mature oak/hickory woodlands at the very western edge of its range.
  - Mature riparian woodlands along the river used by bald eagles.
  - Grasslands that provide habitat for declining species like bobolinks.
  - Some of the highest rated farming soils in the state.
  - Scenic views from public parks, roads, and places.
  - Two sites listed on the National Register of Historic Places.
- Receipt of a \$1.1 million NET grant to purchase Schramm Bluffs easements.
- Receipt of \$128,000 from the NRCS Farm and Ranch Protection Program and a \$78,000 NET grant to purchase a Platte Valley easement in Saunders County.



## **Exhibit "A"**

- Receipt of more than \$50,000 in grants from foundations to support these efforts.

Other potential partners include the LPRCA, NGPC, NSHS, USFWS, agricultural interests, and conservation organizations, all of whom (including the three lower Platte NRDs) serve on the NLT Board of Directors.

### **Financial Incentives for Conservation Easements**

There should be no illusions that permanent land conservation is cheap or quick. Over the course of many years, millions of dollars would be needed.

While the challenge seems daunting, there is good news in the form of a large increase in federal funding for the purchase of easements through several Farm Bill programs. At the head of this list, the NRCS Farm and Ranch Protection Program (FRPP) will pay up to 50% of the appraised value for a conservation easement. National funding for this program has been doubled, increasing from \$96 million in 2009, to \$200 million in 2012. It allows the landowner to donate up to 25% of the easement's value, which would lower the amount needed from a non-federal source like the NET to 25%. In fact, this is the basic formula the NLT employed to purchase a conservation easement on "Pahuk Hill."

The full donation of conservation easements is another route that will be pursued whenever feasible. For landowners who can utilize a substantial income tax deduction, donation is a faster way to realize a financial benefit, as the Farm Bill also contained a two-year renewal of significantly enhanced federal income tax deductions for these donations. In fact, of the five easements held by the NLT on the lower Platte, four were acquired through donation.

### **Funding for the Work of Conservation Easements**

The Nebraska Land Trust is uniquely positioned to tackle a Platte Valley Preservation Project. Based on their experience in the Schramm Bluffs, the NLT could:

- Design and implement a comprehensive education initiative.
- Convene an advisory group to access existing information on conservation values in the corridor and identify Conservation Focus Areas.
- Identify prospective easement properties through meetings with landowners.
- Implement on-the-ground assessments of prospective easement properties and identify the highest priorities for permanent conservation.
- Obtain funding for the purchase of easements from FRPP, NET, and other sources.
- Negotiate with landowners who wish to sell and/or donate an easement.
- Perform all functions needed to complete the easement process.
- Facilitate media coverage when easements are completed, if appropriate.
- Monitoring and enforcement of easements in perpetuity.

What the NLT cannot do is tackle this effort with its current financial and human resources. It would necessitate the hiring of additional staff and require a large share of the Executive Director's time. Expenses associated with the project would escalate as

## **Exhibit "A"**

well, such as legal fees, travel, printing, appraisals, title commitments, closing costs, surveys, and more. As the attached budget shows, at least \$90,000 would be needed to fund Phase Two of the project, and more would be needed to implement Phase Three. It should also be noted that Phase One is ongoing and will continue as Phase Two is implemented. Multi-year commitments from partners would be essential for success. If funding was reasonably assured, the NLT could begin Phase Two in 2009.

### **Phase Two Operating Budget**

**(Includes ongoing costs for Phase One. Does not include cost of easement purchases)**

#### **Projected Annual Expenses**

<b>Staff Salaries*</b>	<b>\$55,000</b>
<b>Legal Fees**</b>	<b>9,000</b>
<b>Appraisals***</b>	<b>12,000</b>
<b>Title &amp; Closing Costs</b>	<b>2,000</b>
<b>Printing</b>	<b>2,000</b>
<b>Travel/Mileage</b>	<b>5,000</b>
<b><u>Administrative Expenses</u></b>	<b><u>5,000</u></b>
<b>TOTAL</b>	<b>\$90,000</b>

\* 50% of Executive Directors time and 80% of new staff member's time.

\*\* Based on three easements at \$3,000 each.

\*\*\* Based on three appraisals at \$4,000 each.

#### **Projected Annual Revenues**

<b>LPSNRD Cooperative Agreement</b>	<b>\$30,000</b>
<b>PMRNRD Cooperative Agreement</b>	<b>30,000</b>
<b><u>Grants and Individual Donations</u></b>	<b><u>30,000</u></b>
<b>TOTAL</b>	<b>\$90,000</b>

## **Exhibit "A"**

### **Three-year Timeline**

#### **2009**

- Continue implementation of **Phase One** in the Schramm Bluffs, which has moved into the Preservation stage with a \$1.1 million NET grant to purchase easements.
- Hire new staff to begin implementation of **Phase Two** on other side of the river.
- Schedule informational meetings and implement other aspects of education program, focusing on the west/south side of the valley, possibly as a part of the LPRCA "Coffee Shop" meetings.
- Convene working group to gather data and identify Conservation Focus Areas (CFAs) downstream from Ashland on west/south side of the river, as well as the addition of any new areas (besides Schramm) on the east/north side of the valley.
- Apply for NET grant to fund easement purchases in newly identified CFAs.

#### **2010**

- Through group and private meetings with landowners, identify those with land in CFAs who are interested in conservation easements.
- Begin prioritization of prospective properties with on-the-ground assessments.
- Begin negotiations with landowners of priority properties downstream from Ashland if NET funding is obtained.
- Submit a new NET request (if needed) and/or FRPP grant to fund easement purchases in CFAs on both sides of the valley.
- Continue to acquire easements in Schramm area as funding allows.
- Begin implementation of **Phase Three** as funding allows, with educational meetings upstream from Ashland, identification of CFAs in this area, and identification of interested landowners.

#### **2011**

- Ongoing negotiations and easement purchases with landowners involved in **Phase One** and **Phase Two**.
- Begin negotiations with priority landowners in CFAs upstream from Ashland, subject to available funding.
- Submit additional funding requests as needed.

#### **Ongoing**

- Education
- Performance of all duties necessary to implement easements, including negotiations, document drafting, appraisals, baseline reports, title reports, press coverage, county approvals, acquisition of Stewardship Funds for monitoring and defense of easements, and more.
- Fundraising for operating costs.
- Monitoring and defense of existing lower Platte conservation easements.



*Preserving Our Agricultural, Historical And Natural Resources*

## **Lower Platte Valley Advisory Committee Position Description**

### **Introduction**

***At the Nebraska Land Trust (NLT), we believe it is important for our work to be relevant in the communities where it occurs. For this reason, we do not tell people in these communities "This is what we want to protect." Instead the NLT prefers to ask local stakeholders, "What do you want to protect?" As the only nonprofit statewide land conservation organization started by Nebraskans, based in Nebraska, governed by Nebraskans and dedicated to working with private landowners, the perspectives of local residents are of paramount importance to the NLT!***

### **Purpose of the Lower Platte Valley Advisory Committee**

As a state-based land conservation organization, the NLT's work should be relevant to Nebraskans who live in the areas where our projects are located. Because of this, when the NLT proposes to focus on multiple projects in a specific landscape like the Lower Platte Valley, it is essential that we work with local interests to create conservation criteria and pursue projects that recognize local priorities.

Criteria developed by the Lower Platte Valley Advisory Committee (LPVAC) will be used to guide the NLT's selection of projects through a fair, transparent and locally relevant ranking protocol. Members may also volunteer to assess potential properties through site visits using the ranking protocol. In addition, the LPVAC will provide ongoing advice to assure that our work remains relevant to people who live, work and recreate in the Valley.

### **Need**

In eastern Nebraska, there are few areas that match the beauty, history, recreational opportunities and natural resources of the Lower Platte Valley. The Valley is a braided ribbon of river, wetlands, woodlands, bluffs, prairie and prime farmland draped across Nebraska's most populous region. It sustains wildlife in a Biologically Unique Landscape and families in agriculture. It also sustains 1,000,000 people with drinking water and opportunities to enjoy nature near the state's two largest cities. The Lower Platte Valley below Fremont is also a region projected to have 2,000,000 people by the year 2050.

Despite several state parks, its future is largely in private hands creating a challenge for conservation. The NLT has been addressing this challenge since 2002 through voluntary agreements known as conservation easements and to date, 3,384 acres have been permanently conserved in this region. By working with landowners who care about the future of their land, the NLT can protect agricultural, historical, and natural resources in one of Nebraska's most scenic, historic, valued and populous regions.

The Lower Platte Valley Advisory Committee will be asked to develop and prioritize conservation criteria that will be used to score prospective properties and guide the NLT's selection of projects in the future. This is especially important when the NLT pursues limited state and/or federal funding needed to purchase conservation easements, so that the greatest conservation benefit is obtained for the dollars spent. The Lower Platte Valley Advisory Committee will provide this input through the following responsibilities:

### **Responsibilities**

- Answer the questions: What do you want to preserve? What is important to your community? The process of answering these questions should result in criteria for land protection, from habitat and history to working farms.
- Prioritize identified resources based on local importance, creating a transparent ranking system to score potential projects.
- Work cooperatively with Committee members to achieve consensus on decisions.
- Identify any "red flags" that should be avoided in land conservation projects.
- Attend four to five meetings to be held in the Valley during the summer and early fall of 2017, to develop and prioritize conservation criteria.
- Participate via email or telephone in discussions of issues as needed.
- Provide information and data as needed from one's area(s) of expertise.
- Once the above process is completed, the Committee would continue to serve as an advisor and sounding board on NLT projects and activities in the Lower Platte Valley, by meeting at least once a year.
- Members may also participate in site visits and help to score properties if they wish.

## **Lower Platte Valley Advisory Committee Stakeholders**

- **Agricultural Landowners (from Sarpy, Cass and Saunders Counties)**
- **County Government (Cass, Saunders, Douglas and Sarpy)**
- **Recreation**
- **Tourism**
- **Business**
- **Camps**
- **Conservation Organization**
- **University of Nebraska Extension**
- **Lower Platte South, Lower Platte North and Papio-Missouri River NRDs**
- **Nebraska Game and Parks Commission**
- **Natural Resources Conservation Service**
- **Nebraska State Historical Society**
- **Nebraska Forest Service**
- **Valley Communities**

# **LPVAC Members**

## **Agricultural Landowners**

- Sarpy – Dean Fedde; Ron and/or Carol Patterson
- Cass – Kimberlie Scholting
- Saunders – Tim Shanahan

## **County Government (Cass, Saunders, Douglas and Sarpy)**

- Sarpy – Bruce Fountain
- Cass – Jim Peterson, Cass County Commissioner
- Saunders – Larry Mach, Saunders County Commissioner
- Douglas – Doug Cook, Planning and Zoning Coordinator

## **Valley Communities**

- Janece Mollhoff, Ashland City Council

## **Recreation**

- Daniel Huebner, Platte River Rentals

## **Tourism**

- Richard Hilske, Cellar 426 Winery
- Alexander Duryea, Nebraska Tourism Commission

## **Business**

- Dave Brakenhoff, Western Sand and Gravel (NEBCO)

## **Camps**

- Mark Dietz, Camp Maha
- Brad Schweer, The Cloisters on the Platte

## **Conservation Organization**

- Mary Brown, Tern and Plover Conservation Partnership

## **University of Nebraska Extension**

- Meghan Sittler

## **Lower Platte South, Lower Platte North and Papio-Missouri River NRDs**

- LPSNRD – Dan Schulz
- LPNNRD – Chris Poole
- PMRNRD – Jim Becic

## **Nebraska Game and Parks Commission**

- Jim Swenson, Nebraska Game and Parks Commission

## **Nebraska State Historical Society**

- John Rissetto

## **Nebraska Forest Service**

- Steve Karloff, District Forester, Southeast Nebraska

## **Municipal Water Systems**

- Eric Lee, Lincoln Water System



*Preserving Our Agricultural, Historical And Natural Resources*

## **Report to the Papio-Missouri River Natural Resources District on the Lower Platte Valley Preservation Partnership**

**Reporting Period: 9/1/16 to 12/31/17**

The Nebraska Land Trust (NLT) has been focused on permanent land conservation in the Lower Platte Valley (LPV) since our inception in 2001 and both the Papio-Missouri River NRD (PMRNRD) and the Lower Platte South NRD (LPSNRD) have been key partners in our success! Land protection comes with costs which can include significant staff time, travel, title work, baseline documentation, legal fees, grant writing, NRCS applications, printing, administrative expenses and more. Without the partnership of the PMRNRD and LPSNRD, we would not have had the resources to permanently conserve more than 3,500 acres on both sides of the river.

**Whereas several of our early easements were donated, since 2008 the NLT has purchased most of our easements in the LPV and raised \$6,680,449 from state, federal and private sources for this purpose. If the PMRNRD were to look at our Cooperative Agreements (CA) as an investment, the funds raised for easement purchases since 2009 represent a 24 to 1 return on investment for land protection!** Of course the most important and lasting returns are the permanent protection of watersheds, wetlands, scenic views, wildlife habitat, riparian forest, oak/hickory woodlands, ponds, miles of Platte River frontage, a potential river access site, prime agricultural land in an urbanizing region, and significant Native American cultural sites.

Our current CA with the PMRNRD will set the table for even more land protection in the future, as the CA was instrumental in our decision to initiate the Lower Platte Valley Preservation Partnership (LPVPP). The purpose of this new initiative (launched in 2016) is to involve LPV stakeholders in the determination of future priorities for permanent land conservation.

While \$6.68 million is not a small sum, there are always more landowners who want to sell easements than funds to purchase them. Given this limited funding, it is essential to get the biggest conservation “bang for the buck.” But rather than telling people what we want to protect, we prefer to ask local stakeholders; What makes your region special? What do you want to conserve for future generations? What are your priorities? Our CAs with the LPSNRD and PMRNRD are critical because this is a more time-consuming and careful path to future land conservation that requires greater financial resources. It is also the right path for long-term success! We call this approach “Community Conservation” and it is being modeled after a successful effort in Nebraska’s Pine Ridge, where community involvement has resulted in our current pursuit of four projects totaling more than 7,000 acres!

To fund the purchase of conservation easements in the LPV and elsewhere, the NLT typically matches Nebraska Environmental Trust (NET) grants with federal NRCS funds and/or landowner donations through bargain sales. With this in mind, in September of 2016 we submitted a request to the NET for \$1,000,000 over three years to purchase conservation easements in the LPV, with project selection to be determined through the Community Conservation process.

Although the NET had very limited funds to grant in 2016, they still approved our Year-1 request for \$350,000 and encouraged the NLT to resubmit a request for the remaining \$650,000, which we did in September. By virtue of our CAs with the LPSNRD and PMRNRD, both are important partners in this grant request. Our request would allow for these funds to be spent on both sides of the river downstream from North Bend.

With approval of Year-1 funding for this project, we started the recruitment of members for a new Lower Platte Valley Advisory Committee (LPVAC) last summer. In consultation with our NRD partners and Megan Sittler, we crafted a Position Description (attached), listed stakeholder groups who should be represented and then identified individuals who could be asked. We were greatly encouraged by the response, as almost all of our "first choices" agreed to serve. A list of stakeholder groups and their representatives is attached. It was particularly gratifying that four LPV county governments (Sarpy, Douglas, Saunders and Cass) agreed to participate. To our knowledge, this may be the first time these four counties have sat at the same table to strategize about the future of land conservation in the LPV! .

The primary goal for the LPVAC is to identify resources that should be conserved, prioritize those resources and then develop project ranking criteria based on those resources and priorities, along with a protocol for scoring. The scores of potential projects will be used to prioritize and select projects in the Valley going forward.

At the first meeting, the group agreed to operate by consensus with the NLT's executive director, Dave Sands, serving as facilitator. Most of the first meeting was informational to make sure that the group understood conservation easements and the NLT. At that meeting, members also expressed a desire to be better educated about the wide range of resources found in the Valley.

As a result, the next meeting was packed with informational presentations. Nolan Johnson with the Nebraska State Historical Society covered historical and cultural resources. Meghan Sittler with UNL Extension gave a presentation on water resources. Krystal Stoner with Nebraska Game and Parks covered wildlife and ecosystems while Dean Fedde spoke about the importance of working farms in the Valley. Dave Brakenhoff covered sand and gravel mining (and the importance of that habitat for piping plovers and least terns), while Alex Duryea and others spoke about tourism and recreation.

At the September meeting, there was one additional presentation from Bruce Fountain, Sarpy County Planning Director, about the Schramm Conservation Overlay District and the resources that the county hopes to protect in the area. Armed with all of this information, the group started discussion of the potential boundaries for the project area where easements will be purchased.



With a desire to draw this boundary based on resources, the group do so based on where the following resources are found:

- Well Head Protection Areas
- Flood plains
- Flood ways
- Platte tributaries
- ALL local, state, federal lands, including the National Guard base at Ashland and University of Nebraska land (Mead)
- City limits that extend to the statutory jurisdictional limits
- Archeological, historical and cultural sites identified by the Nebraska State Historical Society
- Slopes greater than 15%
- Soils of Statewide Importance and Prime Farmland
- Trails
- Municipal well fields
- Woodlands based on tree cover
- Wetlands
- Critical wildlife habitat
- Native prairies based on existing data
- WRP and other conservation easements

Chris Poole with the Lower Platte North NRD is working to create this map. It was agreed that the western boundary of the project should extend to North Bend due to development threats and that the Schramm Conservation Overlay District boundaries would be used in western Sarpy County to conform with their Comprehensive Plan. Members also felt that boundaries should be drawn along section lines or roads for clarity.

The group also started to list the attributes that make the Lower Platte Valley a unique and special landscape which generated the following list:

- The most important natural landscape left in eastern Nebraska
- Coexistence of agriculture within this landscape
- Habitat that serves as a critical stopover for birds migrating between South America and Canada, making it internationally important
- Critical source of drinking water
- Diverse woodlands, including eastern oak/hickory woodlands at the western edge of their range in North America
- Front door to Nebraska on I-80 heading west and the front door to Omaha heading east – arguably the most scenic part of I-80 in its entire length across Nebraska
- The “funnel” in a drainage that encompasses a huge geographic area from the Rocky Mountains to the Sandhills
- Beautiful state parks that could be adversely affected by development on their borders
- “Front porch” accessibility to Lincoln and Omaha. No other natural area is so close to so many people.
- Unique recreational and tourism opportunities with much to do and cool communities to visit.
- A unique history that differs from western Nebraska, with a rich concentration of historical and cultural sites.

- A natural landscape uniquely located to offer outdoor education to urban kids, who have limited options on where they can connect to nature.
- Quantity and quality of water resources that provide water to more than half of the state's population
- The Platte provides a stark contrast the channelized Missouri River, as the Platte still functions and looks like a large river ecosystem, not a canal.
- Wildlife diversity that includes mountain lions, eagles and otters. It is important to preserve habitat so they can flourish.
- One of the state's richest areas for prehistoric and historic occupation.
- History, recreation and entertainment from wineries to rafting.
- Scenic Byways like Highway 31 and Highway 66, which add to recreational opportunities like driving and biking.
- Economic opportunities to start and maintain a business.
- Tranquility and a sense of well-being that comes from a river environment.

This led to a discussion of the resources that people would like to preserve which included:

- Water Quality and Quantity
  - Open water for waterfowl, including sand and gravel
- Parks and Rec
- Wildlife
- Access and opportunities
- Water flows to maintain habitat
- Known Historical sites
  - -sites on National Register
  - -potentially eligible
- Open Space
- Viewsheds from State Parks and Highways
- Quality and Diversity of experience e.g. agriculture, wildlife, etc.
- Family farms with conservation practices / Diversified farming
- Diversity of habitats along Flyway
- Ag buffer strips
- Diverse and quality woodlands
- Free flowing river (keep invasive species out)
- Open space with access around parks/towns/camps
- More opportunities to enjoy the Valley
- Maintain and enhance river access
- Economic opportunity – not too restrictive
- Facilitate opportunities

Looking ahead to the next three years, our CAs with the NRDs will be critical to completing the process of choosing quantifiable criteria that will serve to preserve the above values, prioritization of those criteria by assignment of point values, development of a protocol for scoring, site visits to assess prospective properties, prioritization of properties, application for NRCS and NET funding, and all of the transaction costs and considerable staff time needed to complete projects. **Our continued partnership with the PMRNRD will allow us to complete all of these steps and more, leaving a legacy in the Lower Platte Valley that will last forever!**

# Nebraska Land Trust Conservation Easements

Original Owner	Current Owner	Acres	Date Acquired	How Acquired	Location	Township/Range	Zip Code	Primary Conservation Values Protected	Monitored	Time on Property
Dave Janke	Barry James	227.71	12/6/2002	Transferred	Douglas	T-14N/R-10E	68069	About 3/5 mile of natural Elkhorn River shoreline, hydrologically connected oxbow wetland, pond, grasslands, riparian woodlands, scenic views from Q St.	8/11/2016	
Clarence Werner	Same	577	12/20/2002	Donation	Douglas	T-16N/R-9E	68064	Over 1 mile of Platte River shoreline along dike, cropland, 18 delineated wetlands, pond, slough, grasslands, and woodlands.	11/23/2016	
Ginger Woods Reserve, L.P.	Luke Janke	213.66	6/24/2003	Donation	Douglas	T-16N/R-9E and T-15N/R-9E	68064	About 2 miles of natural Platte River shoreline, wetlands, ponds, scenic views, wet meadows, grasslands, riparian woodlands.	11/21/2016	
William Hanley (S&B Part.)	Pete Hanley	37	12/10/2004	Donation	Saunders	T-15N/R-9E	68070	About 1/3 mile of natural Platte River shoreline, seasonal pond, wetland, grassland, historical site, scenic views, adjoins wetland mitigation bank.	11/14/2016	
Wanda Clark/Monica Dunse	John and Erin Woods	644	12/28/2007	Donation	Lincoln	T-11N/R-28E	69151	Critical habitat for elk and endangered American burying beetle, virgin mid-grass prairie, scenic views, ranching, adjoins Wapiti WMA.	5/25/2017	1.5
Pat and Nancy Shanahan	Same	257.6	4/11/2008	Bargain Sale using FRPP and NET funds	Saunders	T-17N/R-7E	68015	One-half mile of natural Platte River shoreline, oak/hickory forest at western extreme of range, Pahaku cultural site, scenic views, prime farmland, adjoins Gilbert CE land and Scout Camp.	5/9/2017	2.5
John and William Walz	Jarel Vinduska	90.38	10/21/2008	Bargain Sale using NET and mitigation funds	Sarpy	T-12N/R-10E	68028	One-half mile of natural Platte River shoreline, one-half mile of a Platte River tributary, riparian woodlands, farming, scenic views, adjoins Schramm State Park.	9/11/2017	1
John Dunse	Same	343	11/17/2008	Bargain Sale using NGPC funds	Lincoln	T-11N/R-28W	69151	Critical habitat for elk and endangered American burying beetle, virgin mid-grass prairie, scenic views, ranching, adjoins Clark/Dunse CE land.	5/25/2017	1
George Krueger	Jo Jean Preuit - Trustee	438.9	6/23/2009	Donation	Seward	T-12N/R-28W	68439	Riparian woodlands along Lincoln Creek and conservation farming practices such as terraces and grass waterways	12/20/2016	
Theodore (Ted) and Ramona (Mona) Thiemann Nine Penny Ranch -- Kris Fischer and the L. Wayne Davidson and Chestyne K. Davidson Revocable Living Trust	Same	160	7/17/2009	Donation	Boone	T-22N/R-7W	68652	Native grassland habitat on the eastern fringe of the Sandhills and ranching.	9/13/2017	2
	Kris Fischer	949.05	5/20/2010	Full Purchase using NET and FRPP funds	Lincoln	T-12N/R-28W	69151	Critical habitat for elk and endangered American burying beetle, virgin mid-grass prairie, scenic views, ranching.	5/25/2017	1.5
Ron and Carol Patterson	Same	68.62	6/15/2010	Bargain Sale using NET and FRPP funds	Sarpy	-13N/R-10E and T-12N/R-10E	68028	Oak/hickory woodlands, flowing stream, significant archeological sites, farmland in an urbanizing county, and scenic views from Hwy 31.	8/15/2017	2.75
Sunny Brook Ranch, FLP (Roy and Steve Breuklander)	Steve B.	1,124.57	8/11/2010	Full Purchase using NET and FRPP funds	Keya Paha	T-33N/R24W	68778	Ranching; 4 of the 6 ecosystems found in the Niobrara Valley (ponderosa pine forest, eastern deciduous forest, mid-grass prairie, & tallgrass prairie); 1.3 miles of river front on the Niobrara NSR; contiguous to TNC Niobrara Valley Preserve; scenic views from the river and River Road; recreational uses; 9 archeological/historical sites;	6/8/2017	3
OPM Partnership	Same	830.8	8/23/2010	Transferred from Fontenelle Forest	Saunders	T-16N/R-9E	68025	Extensive wetlands, 1.5 miles of river frontage, riparian woodlands, grasslands.	6/30/2016	
Dean and Wayne Fedde	Same	157.8	3/30/2011	Bargain Sale using FRPP and NET funds	Sarpy	T-12N/R-10E	68028	Oak/hickory woodlands, flowing stream, archeological site, farmland in an urbanizing county, adjacent to Schramm State Park, currently an organic farm, and scenic views from Hwy 31.	4/17/2017	3.5
Ron and Carol Patterson	Same	178.99	4/7/2011	Bargain Sale using FRPP and NET funds	Sarpy	T-13N/R-10E	68028	Oak/hickory woodlands, flowing stream, significant archeological sites, farmland in an urbanizing county, and scenic views from Hwy 31.	See Patterson I	See Patterson I

Paul, Lori, and Gregory Hosford	Same	546	12/27/2011	Bargain Sale using wind mitigation funds	Boone	T-20N/R-5W and T-19N/R-5W	68620	Farming, Native American lodge sites, Native American mounds, potential burial sites, riparian woodlands along the Beaver and O'Neill Valley Creeks, meandering unchanneled portions of these creeks, unplowed and restored tallgrass prairie, and educational use by local schools.	9/13/2017	3.5
Gary and Nancy Fisher	Same	546.51	12/29/2011	Full Purchase using NET, FRPP, and other funds	Dawes	T-31N/R-51W	69339	Ranching, key wildlife habitat between two large parcels of public land, key bighorn sheep habitat, a large stocked pond and a portion of West Ash Creek (a trout stream), scenic views from public lands and W. Ash Creek Rd.	8/4/2017	1
Chief Dull Knife College	Same	1,121.36	3/27/2012	Full Purchase using NET, FRPP, and other funds	Sioux	T-31N/R-53W	69346	Adjacent to Ft. Robinson State Park and the Petersen WMA; critical lambing habitat for bighorn sheep; historical significance as the site of the Cheyenne Breakout of 1879; has a locally rare wetland, scenic views from public lands and Hwy 20; continued ranching; potential for education.	8/5/2017	0.75
Stan Swanson and Connie Anderson-Swanson	Same	36.44	7/26/2012	Bargain Sale using NET funds	Sarpy	T-12N/R-10E	68028	Oak/hickory woodlands, significant archeological sites including trail ruts, farmland in an urbanizing county, demonstration plot for cedar removal, and scenic views from 204th St.	5/5/2017	1.75
Francis and Margaret Kennedy	Same	262	7/3/2013	Bargain Sale using FRPP, NPPD, and USFWS	Sarpy	T-12N/R-11E	68028	Oak/hickory woodlands; unhardened Platte River shoreline, farmland in an urbanizing county; scenic views from Hwy 31, the MOPAC Trail (which crosses the land), and Platte River State Park; habitat for endangered pallid sturgeon, least terns, and threatened piping plovers; some archeological sites; rare oak woodland on the river with Chinquapin oaks, the first documented in Sarpy County;	5/5/2017	3
Ron and Carol Patterson	Same	174.84	7/5/2013	Bargain Sale using FRPP and NET funds	Sarpy	T-12N/R-10E	68028	Oak/hickory woodlands; flowing stream; pond; significant archeological sites; farmland in an urbanizing county with soils of statewide importance; some native prairie; and scenic views.	See Patterson I	See Patterson I
Brent and Mary Boerkircher	Same	1,038.31	12/9/2013	Donation	Lincoln	T-11N/R-28W	69151	Habitat for the endangered American burying beetle; habitat for wild elk; native prairie; historical marker; cattle ranching; adjoins John Dunse Easement.	5/25/2017	2.5
John and Julia Schutz	Same	80	12/26/2013	Donation	Merrick	T-14N/R-8W		Grassland with some native components; grassland habitat in a farming area; native woodlands; hay production.	12/20/2016	
Claudeen Penry	Same	160	12/27/2013	Donation	Holt	T-30N/R-15W	68713	Native grassland habitat in a farming area; some virgin prairie; fruit trees and honey production; hay production and grazing; potential outdoor classroom for education. High quality native oak-hickory woodland on Missouri River bluffs and productive terraced farmland in an urbanizing area.	9/12/2017	3.5
Ken and Diane Hansen	Same	67	6/19/2014	Donation	City of Blair	T-18 & 19 N/R-11E	68008	Virgin tallgrass prairie in Sandstone Prairies BUL with intermittent stream and associated native woodlands.	5/8/2017	1.75
Robert and Cheryl Robart	Same	80	12/29/2014	Purchase using wind funds	Jefferson	T-1N/R-3E	68516		4/22/2016	
Terrance and Karen Waite	Same	685	12/30/2014	Donation	Lincoln	T-16N/R-33W	69101	Native Sandhills prairie and portions of Birdwood Creek	5/26/2017	2
Todd and Laura McWha	Same	720	2/10/2015	Donation	Lincoln	T-16N/R-33&34W	69101	Native Sandhills prairie and portions of Birdwood Creek	5/26/2017	See Waite
Armbrust Acres, Inc.	Same	282.93	9/24/2015	Bargain Sale using FRPP and NET funds	Sarpy	T-12N/R-10E	68028	Oak/hickory woodlands; flowing stream; pond; significant archeological sites; terraced farmland in an urbanizing county with soils of statewide importance; and scenic views.	See Patterson I	See Patterson I
Dr. Delia "Dee" Burchfield	Same	983.56	10/27/2015	Full Purchase using ALE/GSS and NET funds	Banner	T-20N/R-53 & 54W of the 6th P.M.	69334	Ranching, haying, & grazing; native grasslands; wildlife habitat within Wildcat Hills BUL; important habitat for bighorn sheep; scenic views from public places, including the Williams Gap WMA.	6/3/2017	1

Gary and Laura Marshall	Same	261.5	11/18/2015	Full purchase using Crofton and Prairie Breeze wind mitigation funds	Boyd	T-32N/R-9W of 6th P.M.	68760	Grassland with some native components; grassland habitat in a farming area; native woodlands; grazing and hay production; lower Niobrara River frontage; wildlife habitat within the Lower Niobrara BUL; wetlands; the original Ponca Agency site which is on the National Register of Historic Places.	12/28/2016	
Todd and Laura McWha	Same	303.5	12/22/2015	Full purchase using Broken Bow II wind mitigation funds	Lincoln	T-11N/R-27W of 6th P.M.	69123	Ranching and grazing, native grasslands within the Loess Canyons BUL, habitat for the endangered American burying beetle, elk, and other grassland wildlife, scenic views	5/26/2017	2.75
James and Christine Voeller Revocable trusts	Same	1304	12/31/2015	Bargain Sale using NET and partner grant funds	Sioux	T-32N/R-55&56W of the 6th P.M.	69346	Ranching and grazing, native wildlife habitat and plant communities within the Pine Ridge BUL, critical habitat for bighorn sheep and elk, Cold Water Class A trout stream in Sowbelly Creek, scenic views from two public roads and Coffee Park.	6/4/2017	0.75
Mary Lou Chapek	Same	595.83	12/21/2016	Donation	Washington	T-17N/R-12E	68023	Oak-Hickory woodlands in the Missouri Valley Bluffs; much of the Turkey Creek Watershed, including the creek itself, wetlands and marshes; productive farmland; restored tallgrass prairie; educational use; and scenic views from Hwy 75		
Loy and Jean Baumann	Same	240	12/18/2017	Donation	Keith	T-15/R-39 W of the 6th PM	69146	Ranching and grazing, Sandhills prairie and associated habitat, scenic views from Hwy 92 and Lake McConaughy.	New	
<b>TOTAL</b>		<b>15775.86</b>							<b>2017:</b>	<b>43</b>