

## MEMORANDUM

**To:** Programs, Projects and Operations Subcommittee

**Subject:** Nebraska Land Trust Agreement

**Date:** August 2, 2006

**From:** Jim Becic

The Nebraska Land Trust is a 501 C (3) nonprofit organization that is actively involved in land conservation in Nebraska. They are also a recognized leader in the development and acquisition of conservation and habitat easements within our District.

The P-MRNRD would like to increase the use of voluntary conservation easements for many of its projects and encourage the Trust to broaden its activity within the boundaries of the NRD.

To this end, the NRD is proposing to assist the work of the Nebraska Land Trust by paying them \$5,000.00, to develop land protection and easement acquisition strategies; develop a fund raising plan, develop conservation easement templates; hold public meetings and other activities for specific areas within the Schramm District of Sarpy County as well as other areas within the District.

**It is the staff recommendation that the Programs, Projects and Operations Subcommittee recommend to the Board to approve this Agreement Between Papio-Missouri River Natural Resources District and Nebraska Land Trust for Cooperative Assistance in the amount of \$5,000.00 and authorizes the Acting General Manager to sign said Agreement for the Board.**

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.

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

WHEREAS, the NRD desires to encourage the TRUST to increase its activity in certain areas of the State of Nebraska lying within the boundaries of the NRD.

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

1. The TRUST agrees that it shall:
  - a. Hold public meetings with landowners within the NRD for the purpose of explaining conservation easements and the multiple advantages thereof;
  - b. Assist the NRD and the Sarpy Association for a Viable Environment ("SAVE") to increase the acquisition of conservation easements;

- i. Develop a land protection strategy and easement templates for the acquisition of conservation easements in the Schramm District of Sarpy County; and,
- ii. Develop a fund-raising plan, target lists and grant writing, record-keeping and communications templates specific for the acquisition of conservation easements in the Schramm District.

**2.** The NRD agrees that it will assist the TRUST to develop land protection and easement acquisition strategies for the Schramm District; will grant the sum of \$5,000 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 one year from the execution date, 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:
	David Sands, Executive Director
	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 grant.

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

Executed by THE NEBRASKA LAND TRUST, on this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

NEBRASKA LAND TRUST

By \_\_\_\_\_  
David Sands  
Executive Director

Executed by the PAPIO-MISSOURI RIVER NATURAL RESOURCES  
DISTRICT on this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

PAPIO-MISSOURI RIVER NATURAL  
RESOURCES DISTRICT

By \_\_\_\_\_  
Marlin Petermann  
Acting General Manager



## **Proposed Program For the Schramm Bluffs Preservation Initiative**

### **Introduction**

In eastern Nebraska, there are few areas that match the scenic beauty and wildlife of the Platte River bluffs in western Sarpy County. While efforts are being made to protect the area through zoning, the outcome of this effort is in doubt and in any event, zoning will never represent permanent protection as restrictions could easily be reversed in the future.

This is why land trusts focus on permanent protection through vehicles like conservation easements. If we hope to truly preserve the area for our children and beyond, permanent protection from excessive development is a goal worth pursuing.

### **Pursuing Permanent Preservation**

Given the importance of the area, the Nebraska Land Trust (NLT) has made land protection in the Schramm District a priority. This means that we will take whatever steps we can to secure the future of scenic vistas, agriculture, open space, and wildlife habitat by working with landowners who want to voluntarily preserve their land.

Like any nonprofit organization, the Nebraska Land Trust relies on donations to pursue its mission and this includes the donation of conservation easements whenever we can get them. However, given the highly appreciated value of land in the area, we also recognize that most landowners are not able to make a full donation of an easement that could easily appraise at a value of six figures. With this in mind, it is clear that the purchase of conservation easements must be a key part of any land protection initiative.

### **Funding Permanent Preservation**

To pay for the purchase of development rights, the Nebraska Land Trust will pursue a number of potential funding sources, including:

- A \$1,000,000 grant over three years from the Nebraska Environmental Trust.
- NRCS Farm and Ranch Lands Protection Program on qualifying lands, primarily those with eligible historic sites.
- Donations and grants from individuals and foundations.

is necessary to develop a fair ranking system to rate easement prospects and give the land trust guidance on which easements to pursue first. We will be working to develop this ranking protocol with substantial input from the Schramm Association for a Viable Environment (S.A.V.E.), a local landowner organization that supports our efforts.

The types of values that could factor into a priority ranking system include:

- Threatened or endangered wildlife.
- Presence of Oak-Hickory woodlands, tallgrass prairie, or other unique plant communities.
- Historic sites.
- Scenic views from public places.
- Proximity to other protected lands.
- Water quality protection.
- Size of property.
- Development threats.
- Amount of landowner donation.
- Difficulty of enforcement.

## **Summary**

- The Nebraska Land Trust proposes a conservation easement program for the Schramm bluffs also known as the Schramm District.
- Donated easements will be acquired whenever possible.
- Easements will also be purchased, subject to available funds and at least a 25% landowner donation (which will also help in securing funds from the Environmental Trust and others).
- The Nebraska Land Trust will endeavor to raise funds for this program from a variety of sources.
- On purchased easements, an effort will be made to leave the landowner with significant remainder value by allowing for some development that does not adversely impact the values that we are trying to protect.
- On all easements, a contribution to the Stewardship Fund will be required to pay for land trust expenses and to endow the long-term monitoring and defense of easements.
- Other expenses such as appraisals will be negotiated.
- Working with S.A.V.E., a priority ranking system will be developed to guide the land trust in prioritization of easement prospects.
- The Nebraska Land Trust is committed to a long-term effort, lasting as long as needed and wanted by area landowners.
- If successful, this effort could serve as a model to be replicated in other areas of the Lower Platte River Corridor.

## *The Schramm Association for a Viable Environment*

April 10, 2006

Dave Sands  
The Nebraska Land Trust

Re: Availability of funding to purchase conservation easements.

Dear Mr. Sands;

Enclosed is a plat map indicating property owners that may possibly be interested in placing conservation easements on their property if funding was available to purchase development rights.

Many of the noted landowners are members of the Schramm Association for a Viable Environment (S.A.V.E.). Our group was formed to preserve the rural character and environmental assets of the Schramm Park District of Sarpy County.

As you are aware this area near Schramm State Park, in the Platte River Corridor is probably the most scenic and environmentally valuable and sensitive land in eastern Nebraska. Unfortunately because of the likelihood of urbanization this area will be permanently degraded without protective zoning or conservation easements. Most larger land owners simply will not be able to afford to keep their land because of added assessments for community services needed with increased housing densities. Additionally since most property owners land represents the majority of their financial assets, it is unaffordable for them to totally donate conservation easements.

We would appreciate any assistance you can provide in procuring funding to purchase easements. We believe that this part of the Platte River corridor between Omaha and Lincoln is very worthy of permanent protection.

Sincerely,

Jarel Vinduska  
President, The Schramm Association for a Viable Environment

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The Nebraska Land Trust is a 501 (c) (3) nonprofit organization that relies on donations for support. Thanks to the following Friends of the Land, who have made or pledged gifts of \$100 or more in the past year, we can pursue our mission to foster conservation of natural and historical resources on private land.

**\$25,000**

Peter Kiewit Foundation (Omaha)

**\$5,000 to \$9,999**

- Mr. and Mrs. Harold W. Andersen (Omaha)
- John and Jane Ellsworth (Omaha)
- Jim and Lori Hruska (Lincoln)
- Hed Kosman (Scottsbluff)
- National Park Service (Niobrara National Scenic River Office)
- Margery Nicolson (Pacific Palisades, CA)
- Rogers Foundation (Lincoln)
- Ron and Judith Parks (Omaha)
- Dr. Gail Walling Yamney (Omaha)

**\$1,000 to \$4,999**

Jan and Jim Burch (Parachute, CO)

**\$100 to \$999**

- A to Z Printing (Lincoln)
- Tom and Jane Allman (Lincoln)
- Warren and Sue Argunbright (Valentine)
- Ann and Peter Blood (Lincoln)
- Dr. James and Laura Commers (Omaha)
- Alice M. Dittman (Lincoln)
- Ray and Paulette Duerfeldt (Omaha)
- Donald and Judith Dworak (Columbus)
- Glori and Janice Friendt (Lincoln)
- Carr Heaney (Omaha)
- Jim Hewitt (Lincoln)
- Linda Hillegass and Jim McKee (Lincoln)
- Clint and Shirley Johannes (Columbus)
- Peter and Donalyn Katt (Lincoln)
- Helen Kenefick (Omaha)
- Del Lienemann, Jr. (Lincoln)
- Ann Mactier (Omaha)
- Bradley and Connie McKimney (Scottsbluff)
- Dr. Daniel and Dorothy McKimney (Omaha)
- Bob and Mary Nefsky (Lincoln)
- W. Don and Andrea Nelson (Lincoln)
- Olsson Family Foundation (Lincoln)
- Doug and Kristin Pauley (Hastings)
- Roger and Linda Patterson (Omaha)
- Mary and Jim Pipher (Lincoln)
- Neal and Izen Ratzlaff (Omaha)
- Dave and Tracy Sands (Lincoln)
- Joe Schon (Scottsbluff)
- Julie Schroeder (Waterloo)
- Lawrence and Diane Shackman (Omaha)
- Jerry Solomon (Lincoln)
- Richard and Cammie Snellman (Omaha)

**News from The Nebraska Land Trust**

**A Path to Protection**  
One landowner's journey to permanent preservation of their land.



"I wanted to protect the land and keep it in the family for a long time." – Bill Hanley

*In 2005, Bill and Sally Hanley donated a conservation easement to the Nebraska Land Trust, on 37 acres along the Platte River west of Omaha. With this donation, they have permanently protected wetlands, grasslands, woodlands, Platte River shore line, scenic views from a highway and public land, and part of a Native American village site.*

*Landowners choose conservation easements to preserve the natural and historical character of their land for many reasons. Each follows a unique path in reaching the decision to protect their land in perpetuity. In the following interview, Bill Hanley discusses his own path to protection.*

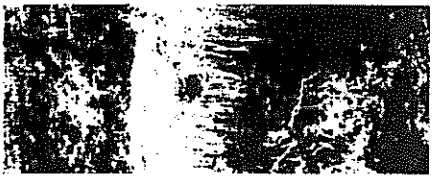
**NLT:** *How did you first develop your love for the outdoors and an interest in conservation?* **BH:** My love of nature came from my father who taught me to hunt and fish. I have always been interested in conservation because there is not enough land for hunting and fishing. Too often, development is not well thought out. It creates a patchwork of development in areas where more green

**Niobrara  
Implementation  
Potential**

**Opportunity:** selling a conservation easement  
**Problem:** purchase all or part of the land to pursue?

**Solution:** variety of options for easement purchase  
This scenario is years ago, when the Cooper Trust (NLT) in facilitated a number of easements to the Council in pursue.

Formally a conservation easement, it allows the landowner to receive a conservation easement from the landowner. See *Niobrara*





with member organizations on land conservation goals of their own, making the prospects for future collaboration exciting to contemplate!

When it comes to our work in conservation, our partners are truly our greatest asset. This includes landowners and those who provide financial support. In fact, landowners are the one essential partner, as only they can open the door to permanent protection of private land. Thanks to the "Friends" listed on the back page of this newsletter, the Nebraska Land Trust can be there to answer when the door is opened. Thanks to the partners listed below, we will answer with a high level of experience and expertise.

Partnerships are indeed a wonderful thing and some days, I marvel at our good fortune.

### The Nebraska Land Trust Board of Directors

#### **Fontenelle Nature Association**

Representatives: John Ellsworth (Chairman), Gury Garabrandt, (Treasurer), and Nancy Roberts (General Council)

#### **Lower Platte River Corridor Alliance\***

Representative: Rodney Verthoeff

#### **Lower Platte North Natural Resources District**

Representatives: John Hannah, Bob Heimann, and John Miyosini

#### **Lower Platte South Natural Resources District\***

Representatives: Glenn Johnson and Dan Schulz

#### **Nebraska Game and Parks Commission**

Representative: Bruce Sackett

#### **Nebraska State Historical Society**

Representative: Rob Bozell

#### **Nebraska Wildlife Federation**

Representatives: Duane Hovorka and Dave Koukol (Secretary)

#### **Niobrara Council**

Representative: Lance Kuck

#### **Papio-Missouri River Natural Resources District**

Representative: Jim Becic

#### **Platte River Basin Environments**

Representative: Hod Kosman

#### **Sandhills Cattle Association**

Representatives: Roy Stewart and Carl Simmons

#### **United States Army Corp of Engineers\***

Representative: Steve Rothe

#### **United States Fish and Wildlife Service\***

Representative: Bryan Schultz

\*Advisory, non-voting members

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a team of people in the pages of our newsletter, a team of people in the pages of our newsletter, a team of people in the pages of our newsletter,

om the Fontenelle Nature Association, Lower Platte River Corridor Alliance, Lower Platte North Natural Resources District, Lower Platte South Natural Resources District, Nebraska Game and Parks Commission, Nebraska State Historical Society, Nebraska Wildlife Federation, Niobrara Council, Papio-Missouri River Natural Resources District, Platte River Basin Environments, Sandhills Cattle Association, United States Army Corp of Engineers, United States Fish and Wildlife Service

his very fortunate landscape (not to mention the people) showed resources for the future of the river and the people.

nebraska other perspectives,

the Platte River was motivation, plus there are beautiful wetlands on the property.

*NLT: How do you use your land?* BH: For recreational hunting and as a place for the grandkids to play.

*NLT: What prompted you to think about the future of your land?* BH: I had an opportunity to have lunch with John Ellsworth who broached the subject of easements and sent information. I was concerned that development around the land was occurring so quickly.

*NLT: Permanent protection is a big step. Was there any particular event that convinced you it was time to take that step?* BH: Nothing in particular. I just thought that protection in perpetuity was the way to go. The monetary value of the property decreases, but money isn't everything. It was worth it to have land for the children and grandchildren in the future.

*NLT: When did you first learn that a conservation easement could achieve long-term goals for protection?* BH: From a friend who had put their land under an easement. He told me to call John.

*NLT: Was there any aspect of a conservation easement that made it especially attractive?*

BH: Perpetuity, and the ability to offset easement costs with a tax deduction. I don't know that a 10 or 20 year program keeps family interests at heart. I wanted to protect the land and keep it in the family for a long time.

*NLT: Were there any aspects of conservation easements that caused you concern?* BH: No. I didn't realize how long it takes to get things done.

*NLT: Did you consider any development options for your land?* BH: No. It was very interesting to me that the Otoe Indians lived on a part of the land, which was another reason not to develop it.

*NLT: Did your family play a role in your decision?* BH: My three sons all have an interest in the outdoors. They went to camp in Canada and became counselors there. They love the outdoors and have a passion for it. We have a family meeting once a year and all agreed it (the easement) was the best thing to do.

*NLT: In making your decision, how important was the potential federal income tax deduction for the donation of an easement?* BH: It was important. You don't

my family and  
*NLT: If you are a landowner, what would you like to see in the future of the family and the family of putting part*

## **Educational Protection**

In a state where easements are greater use. This need with Land Trust's e-

In the past meetings with Audiences have public officials the Nebraska I Council, Papio Corridor Alliance Development,

If you know to learn more about the NLT office

## **Please Celebrate Your Holiday**

Whether you are a conservationist or an educator, you are seeking win/win forward in our support from our financial support conservationists and see the wis