INTERLOCAL COOPERATION AGREEMENT

SALINE WETLANDS

This Cooperation Agreement ("Agreement") is made and entered into as of the date the Agreement is fully executed below, by and between the City of Lincoln, Nebraska, a municipal corporation ("City"), the Nebraska Game and Parks Commission, an agency of the State of Nebraska ("Commission"), and the Lower Platte South Natural Resources District, a political subdivision of the State of Nebraska ("NRD").

WHEREAS, all parties are authorized by the statutes of the State of Nebraska, including the Interlocal Cooperation Act, Neb. Rev. Stat. §13-801, et. seq., as amended, to enter into cooperative agreements for the mutual benefit of the parties and to provide services in a manner that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, all parties have an interest in the management of Nebraska's wildlife habitat and the wildlife resource; and

WHEREAS, the parties agree that habitat in Nebraska, particularly the rare and unique Eastern Nebraska Saline Wetlands, need to be properly protected, restored, and managed on both public and private lands; and

WHEREAS, in 2012, the City obtained a Nebraska Environmental Trust grant for the Eastern Saline Wetland Project ("Project"). The parties to this Agreement will supply matching cash funds to acquire rights in Eastern Nebraska Saline Wetlands and to employ a project coordinator ("Coordinator); and

WHEREAS, in 2015, the City will apply for another Nebraska Environmental Trust grant for the Project with the parties to this Agreement to supply matching cash funds, which grant may or may not be awarded in 2016, and the terms of this Agreement will be dependent upon a future Nebraska Environmental Trust grant, or other grants, being awarded within the duration of this Agreement; and

WHEREAS, the parties desire to continue the Saline Wetland Conservation Partnership ("SWCP") in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, it is mutually agreed between the parties as follows:

1. **Purpose**. The purpose of this Agreement is to further the interests of the SWCP as a cooperative exercise of authority among the parties without creating a separate joint entity and employ a Coordinator for the Project. This Agreement provides a mechanism for the cooperative development, administration, implementation, management, and evaluation of the "Implementation Plan for the Conservation of Nebraska's Eastern Saline Wetlands." (Attachment A)

2. **Duration**. This Agreement shall continue for a term of four (4) years, beginning on the 1st day of July 2015 and terminating on the 30th day of June 2019.

3. **City's Responsibilities**. The City shall:

a. Employ and supervise the Coordinator during the term of this Agreement. All parties shall participate in the selection process of the Coordinator; however, the City retains the final hiring approval.

b. Contract with affiliated parties, agencies, entities, and consulting firms to promote the goals of the SWCP.

c. Be responsible for all obligations whatsoever which may occur or be required by Nebraska Workers' Compensation laws, tax law, or insurance laws in connection with the employment of the Coordinator. The City shall hold harmless and indemnify the Commission and NRD against any loss, expense, damage, claim or suit relating to any workers' compensation liability in the employment of the Coordinator, except when any loss, expense, damage, claim or suit is caused by the negligence of the Commission and/or NRD.

d. Reimburse the NRD annually in the amount of $2,000 for the expenses associated with providing office space and meeting space, equipment and supplies for the Coordinator.

e. Provide all other parties annually, on or about April 1st, a summary of the implementation and management of the SWCP, accomplishments of the Coordinator, and an itemized expense list associated with employment of the Coordinator.

f. City shall provide automobile liability insurance for NRD staff driving City vehicles involved in activities related to the Project. NRD shall indemnify, defend and hold harmless City for any claims, damages or losses related to the use of City vehicles as provided in paragraph 7 herein. Interns shall not be permitted to drive City vehicles except as allowed by written agreement. The parties shall comply with City's Administrative Regulation No. 9, including motor vehicle record checks as required, for use of City vehicles.

4. **The Coordinator**.

a. The Coordinator shall be an employee of the City and shall neither be nor represented to be an employee of either the Commission or NRD.

b. The Coordinator's duties are described in Attachment C, which include working in conjunction with the Steering Committee.

5. **NRD Responsibilities.** The NRD shall provide office and meeting space, equipment and supplies for the Coordinator as needed in order that the Coordinator may fulfill his or her duties as described in Attachment C.

6. **All parties' responsibilities.** The parties shall:

a. Not discriminate in employment of the Coordinator on the basis of race, color, religion, sex, disability, or national origin.

b. Have in place, during the term of this Agreement, a Drug Free Workplace Policy stating that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace is prohibited.

c. Work cooperatively for the purposes of promoting the conservation of Eastern Nebraska Saline Wetlands.

d. Agree to provide the dollar amount specified in the payment schedule (Attachment B) to the City as reimbursement for expenses associated with employing the Coordinator. The expenses incurred by the Coordinator in performance of duties will be payable upon consent of all parties.

e. Be responsible for its pro rata share of any debts incurred by the City in the normal administration, development, implementation, management, and evaluation of SWCP.

7. Terms.

a. To the fullest extent permitted by law, the parties shall indemnify ,defend and hold harmless each of the other parties, its officers, agents and employees from and against claims, damages, losses and expenses, including but not limited to attorney's fees, arising out of or resulting from performance of this Agreement, that results in any claim for damage whatsoever, including without limitation, any bodily injury, sickness, disease, death, or any injury to or destruction of tangible or intangible property, including any loss of use resulting therefrom, and that are caused in whole or in part by the intentional or negligent act or omission of the party or the party's employees, or anyone directly or indirectly employed by the party, or anyone for whose acts any of them may be liable. Nothing in this Agreement shall be construed to be a waiver of the sovereign immunity of any party or qualified immunity of its employees or agents.

b. The parties shall share equipment and staff for the management of all publicly owned areas within the Eastern Nebraska Saline Wetlands as determined necessary and mutually agreed upon.

c. The parties shall share expenses associated with research projects as determined necessary and mutually agreed upon.

d. The parties shall share expenses associated with land acquisitions and land management activities, including costs for land appraisals and supplies for land management activities other than equipment.

e. If one or more of the parties lacks sufficient funding for this Project, each party has the right to terminate this Agreement. This shall include termination in the event that the NET grant for 2016 is not awarded to the City. Each party shall be responsible for its share of accumulated costs of the Project up to the time of termination. The terminating party must give all other parties a ninety (90) day notice, to the extent possible, before

termination becomes effective. Any of the parties has the right terminate this Agreement if the other party or parties fail to perform as required by this Agreement, provided thirty (30) days written notice is provided of the failure to perform.

f. Upon termination of this Agreement, all personal property and support equipment used in the management of property within the Eastern Nebraska Saline Wetlands shall be divided as nearly as possible in portion to the funds provided according to this Agreement. If some or all of such property is not divisible, the City, NRD, or Commission shall have the option to acquire it by paying one or both of the other parties the then market value of the property reduced by the proportional amount of the other party's original purchase contribution.

8. **Steering Committee**. The business and affairs of SWCP shall be conducted by the Steering Committee as follows:

a. Each party shall be a member of the Steering Committee of SWCP and shall appoint a representative from either its governing body or administrative staff to act on behalf of each party at any meeting of the Steering Committee. The following officers are hereby appointed by each party as Project Officers:

(1) City: Nicole Fleck-Tooze, 2740 A Street, Lincoln, Nebraska 68502 (402) 441-8263 or another employee as designated by the City of Lincoln.

(2) Commission: Ted LaGrange, P.O. Box 30370, Lincoln, Nebraska 68503 (402) 471-5436 or another employee as designated by the Commission.

(3) NRD: Dan Schulz, P.O. Box 83581, Lincoln, Nebraska 68501 (402) 476-2729 or another employee as designated by the NRD.

b. Representatives of all parties of this Project will meet to develop the wetland conservation plan, create job descriptions, and review costs of the Project. The Steering Committee will also recommend a Coordinator for the City to hire.

c. The Steering Committee shall make recommendations to the City in regards to contracting with an affiliate party to further the goals of SWCP.

d. A representative of an affiliated party shall be appointed to the Steering Committee and shall be entitled to the same rights and responsibilities as the representatives for the City, Commission, and NRD.

9. **Acquisition of land.** Any purchase of conservation easements and titles in fee simple of wetlands, and associated uplands shall be made subject to the recommendation of the Steering Committee. The title to real property interests may be held by one or more of the parties to this Agreement subject to the recommendation of the Steering Committee and the consent of the party or parties which are to hold title.

10. **Amendments**. This Agreement may be renewed, extended, or amended by mutual written consent of all the parties.

11. **Statement of Law.** This Agreement shall be subject to the laws of the State of Nebraska and ordinances of the City.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

DATED: _____ BY: _____
Chris Beutler, Mayor, CITY OF LINCOLN,
a political subdivision

DATED: 5/28/15 BY: _____
Tim McCoy, Deputy Director
NEBRASKA GAME AND PARKS COMMISSION,
a political subdivision

DATED: _____ BY: _____
Glenn Johnson, General Manager
LOWER PLATTE SOUTH NATURAL RESOURCES
DISTRICT, a political subdivision

ATTACHMENT A

IMPLEMENTATION PLAN FOR THE CONSERVATION OF NEBRASKA'S EASTERN SALINE WETLANDS

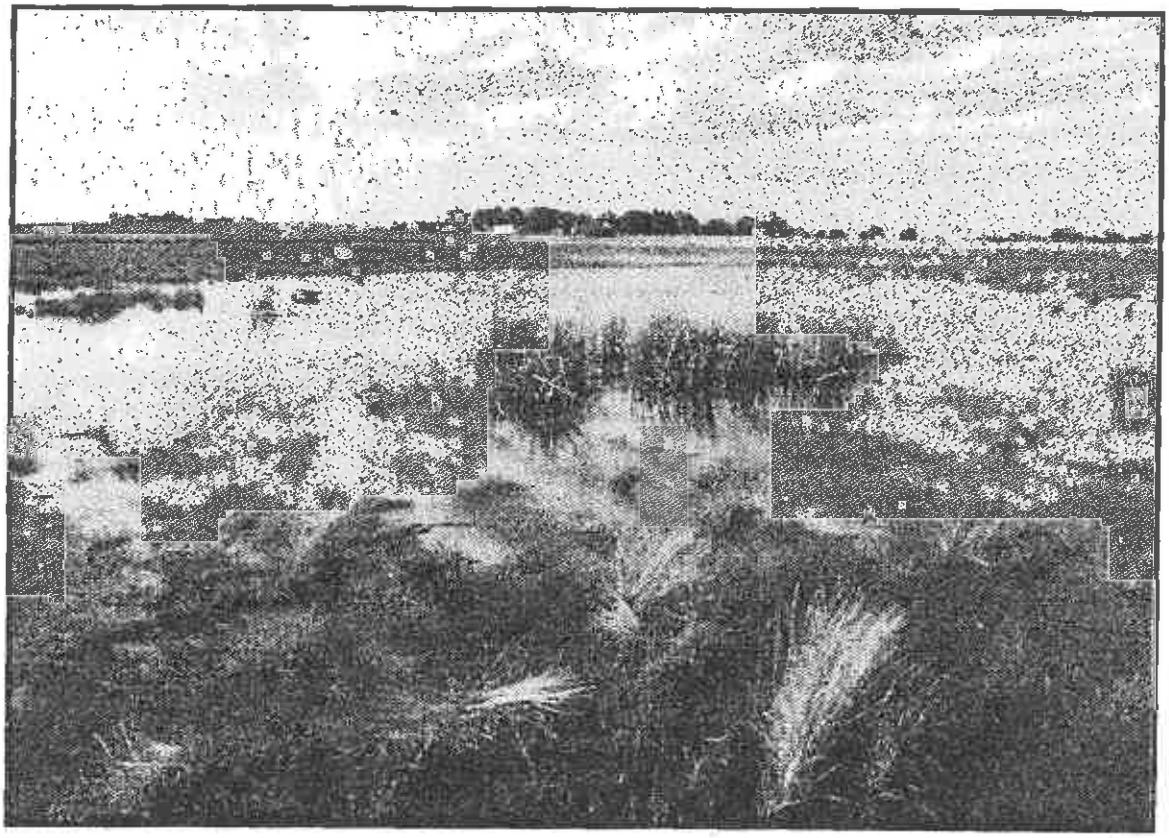
Implementation Plan

for the

Conservation

of

Nebraska's Eastern Saline Wetlands



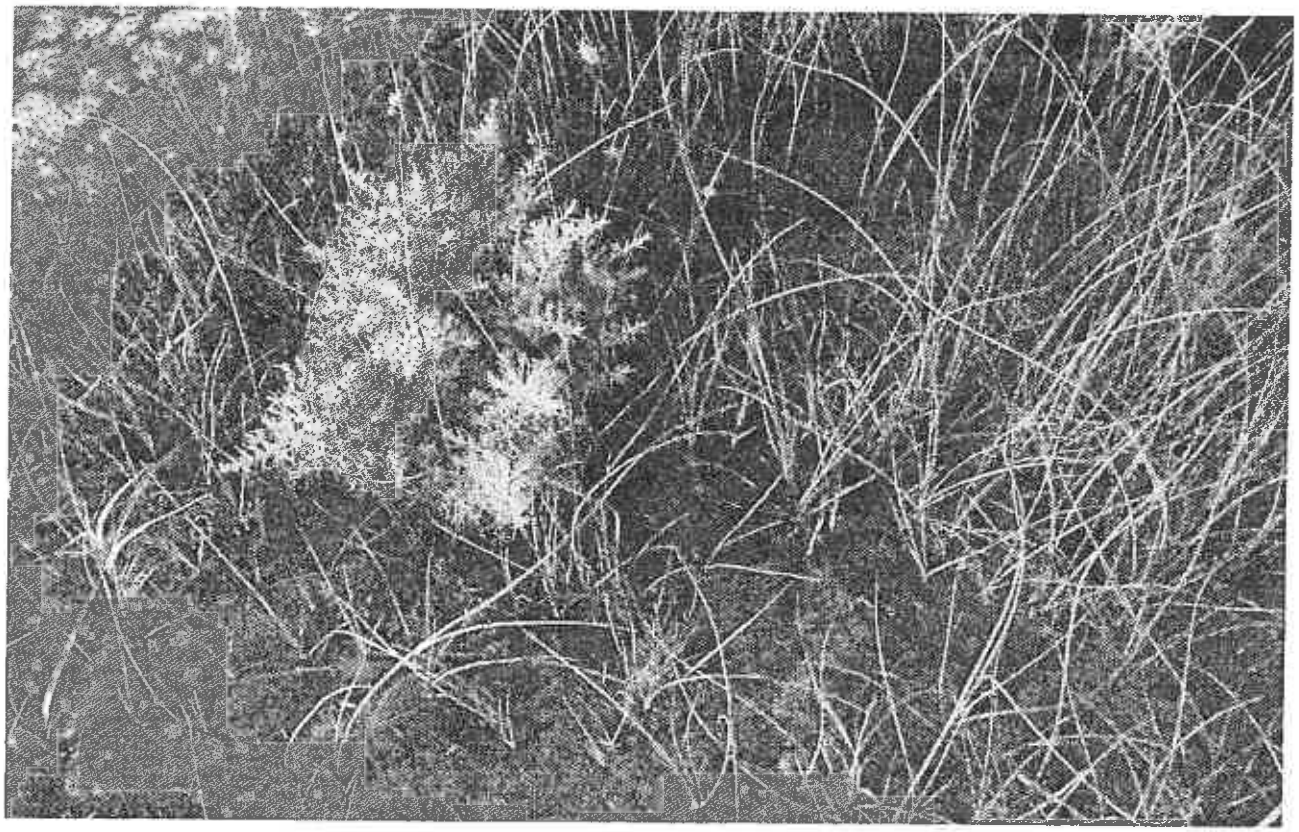
EXECUTIVE SUMMARY

Nebraska's Eastern Saline Wetlands are the most limited and endangered wetland type and vegetation community in the State and are considered critically imperiled in Nebraska. These wetlands provide habitat for a variety of native plant and animal species that depend on a saline environment, including two endangered species.

Because of their location in and around the city of Lincoln, saline wetlands are ideally located to provide recreational opportunities and flood protection. Past impacts have resulted in the degradation of nearly 90% of the saline wetlands and those remaining face continued threats.

Although several programs are in existence to address saline wetland conservation, they alone have not been able to ensure the long-term protection of this resource. This plan seeks a partnership approach to address the conservation of saline wetlands and the needs of the community. Its implementation will need cooperation among federal, state, and local agencies strengthened by the business knowledge of private enterprise, the energy and imagination of local conservation interests, and participation by private landowners to create pro-active programs, incentives, and strategies.

The Plan Goal is "No net loss of saline wetlands and their associated functions with a long-term gain in sustaining wetland functions through the restoration of hydrology, prescribed wetland management, and watershed protection." To meet this goal the Plan includes Comprehensive Strategies that address: 1) Hiring a Coordinator, 2) Outreach and Feedback, 3) Planning and Coordination, 4) Wetland Protection, 5) Priority Conservation Planning, 6) Stream Restoration, 7) Private Lands issues, 8) Taxes on public lands, 9) Research, and 10) Funding. Five Landscape Objectives are listed that address wetland protection and/or restoration for about 4,000 acres.



INTRODUCTION

Nebraska's Eastern Saline Wetlands are the most limited and endangered wetland type and vegetation community in the State (Kaul 1975) and are considered critically imperiled in Nebraska (Clausen et al. 1989). Once extending over an area estimated to be in excess of 20,000 acres, less than 4,000 acres remain and many of these are highly degraded. They occur in swales and depressions within the floodplains of Salt Creek and its tributaries in Lancaster and southern Saunders counties (figure 1). The source of salinity for these wetlands is not fully understood, but it's postulated that it is from groundwater inflow that passes through a rock formation containing salts deposited by an ancient sea that once covered Nebraska (USDA 1996). Eastern Saline Wetlands are characterized by saline soils and salt-tolerant vegetation.

These wetlands provide habitat for a variety of native plant and animal species that depend on a saline environment. The state endangered Salt Creek tiger beetle *(Cicindela nevadica var. lincolniana)* is found only in Eastern Saline Wetlands. In addition, Eastern Saline Wetlands are home to several saline plants that are found nowhere else in Nebraska, including saltwort *(Salicornia rubra)* that was recently added to the state's endangered species list. These wetlands are also particularly important as habitat for shorebirds during migration.

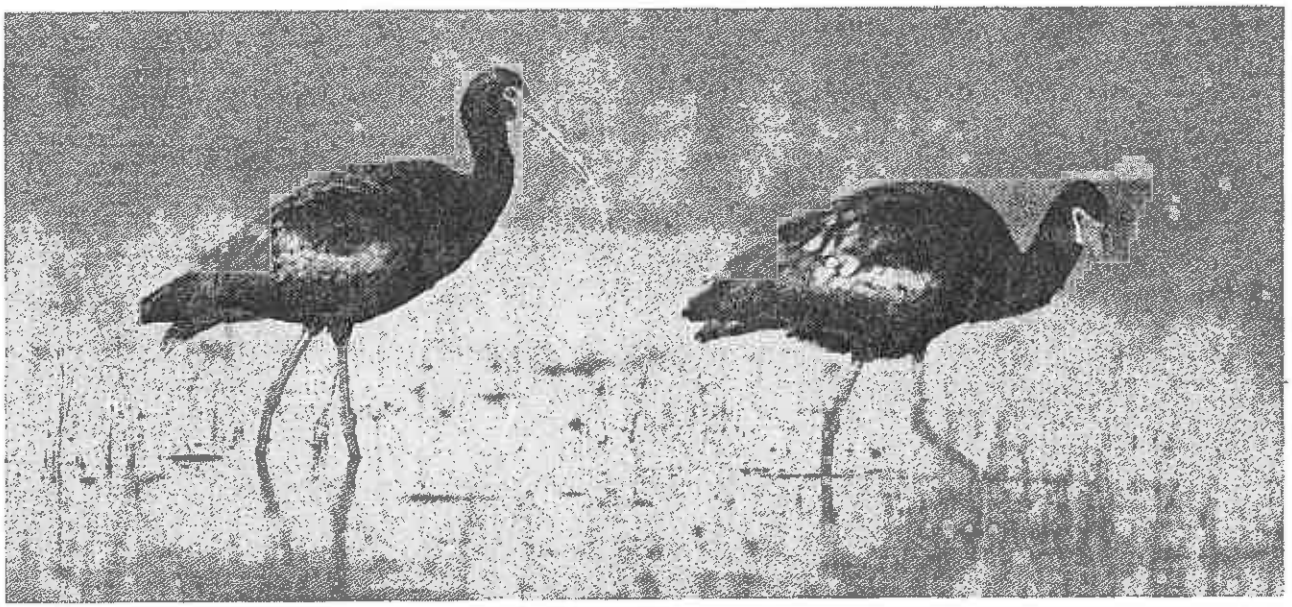
Eastern Saline Wetlands are also of historical significance since their presence spawned a short-lived salt extraction industry in the 1860's that led to the establishment of the city of Lincoln. This heritage is an important component in the need for the conservation of saline wetlands.

Functions and Values

Nebraska's Eastern Saline Wetlands provide habitat for a variety of wildlife species, and are particularly important as habitat for shorebirds and waterfowl during migration. The exposed saline mudflats provide an abundance of invertebrates as a food source. During the last century, more than 230 species of birds have been reported at the salt basins of Lancaster County (Farrar and Gersib 1991). Ten of these species are on the National Audubon Society's Blue List, and 13 are listed as species of special concern.

The Salt Creek tiger beetle, a very rare and geographically restricted subspecies, is found only on the open salt flats of Eastern Saline Wetlands. This beetle is a candidate for the Federal endangered/threatened species list and has been proposed for emergency listing.

Eastern Saline Wetlands are home to many salt-tolerant plants that are found nowhere else in Nebraska. Three plant species found growing in Eastern Saline Wetlands are considered rare in Nebraska (Clausen et al.



White-faced ibis frequent saline wetlands on the way to breeding and wintering areas.

Eastern Saline Wetlands along Salt Creek north of Lincoln. Headcuts are partially draining the wetlands.

1989) including saltmarsh aster *(Astef subulatus var. ligulatus)*, saltwort, and Texas dropseed *(Sporobolus texanus)*.

Wetlands, both saline and fresh, protect stream quality by filtering and collecting sediment from runoff water, and aid flood control by storing water after rain events and reducing peak flows. Eastern Saline Wetlands are no exception and play a particularly important role given their proximity to Lincoln. Buffer tracts and connecting corridors associated with the wetlands may also help stream quality by trapping agricultural chemical runoff from fields and preventing it from entering the stream flow.

Because of their location in and around the city of Lincoln and their proximity to Omaha, Eastern Saline Wetlands are ideally located to provide recreational opportunities. Bird watching, nature study, and waterfowl and pheasant hunting are the most common outdoor recreation activities pursued in these wetlands. Few wetland areas in Nebraska provide the educational opportunities afforded by the close proximity of these unique wetlands to so many students.

Loss and Threats

Inventory and assessment work by Gersib and Steinauer (1990) and Gilbert and Stutheit (1994) noted extensive wetland losses from expansion of the city of Lincoln and agricultural activities. They further noted that all existing saline wetlands identified in their inventory have experienced recognizable degradation. Eastern Saline Wetlands were given a priority 1 ranking in the Nebraska Wetlands Priority Plan due to extensive losses in the past (Gersib 1991).

Because the entire Eastern Saline Wetland complex is located in and near the city of Lincoln, past losses have been severe, and future threats from development activities are imminent. Saline wetland assessment work by Gersib and Steinauer (1990) indicated that 168 of 188 uncultivated wetland sites were considered to have a high or moderate vulnerability to future wetland degradation or loss.

Categories of threat to Eastern Saline Wetlands include drainage or filling, stream-bed degradation, agricultural conversion, residential or commercial development, road construction, sedimentation, and water pollution. Of these, commercial or residential development is

among federal, state, and local agencies strengthened by the business knowledge of private enterprise, the energy and imagination of local conservation interests, and participation by private landowners to create pro-active programs, incentives, and strategies.

This plan promotes the conservation of saline wetlands throughout Lancaster and southern Saunders counties (figure 1). Although this is the plan's purpose, it is recognized that this conservation may also address, at least in part, other functions such as providing green-ways and open space, recreation and education areas, flood protection, storm water management, sustainable agricultural lands, and habitat for endangered and threatened species.

Implementation of this plan will be the primary responsibility of the Saline Wetlands Conservation Partnership The full-share partners (City of Lincoln, Lancaster County, Lower Platte South Natural Resources District, The Nature Conservancy, and the Nebraska Game and Parks Commission) will work closely with other partners to ensure that the plan is successful. The implementation will be administered by a Steering Committee consisting of representatives from the full-share partners and others as deemed appropriate. The time period covered in the plan is 25 years, with updates to be made at 5 year intervals or as needed.

GOAL

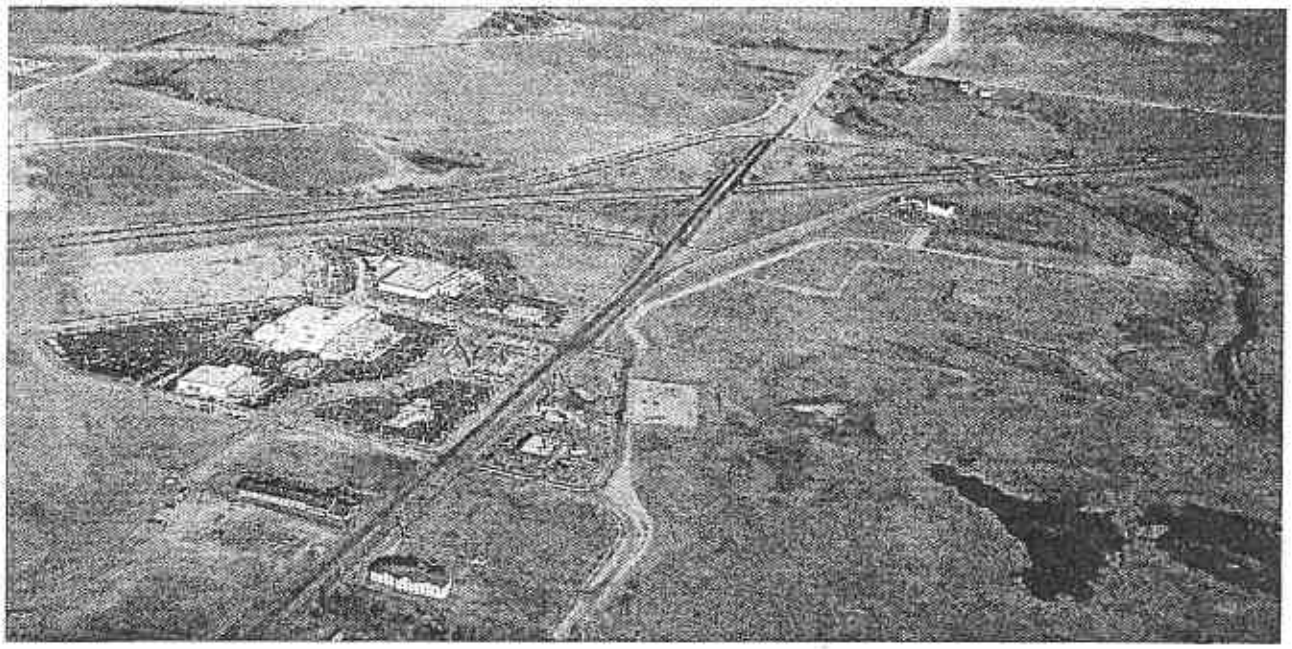
No net loss of saline wetlands and their associated functions with a long-term gain in sustaining wetland functions through the restoration of hydrology, prescribed wetland management, and watershed protection.

COMPREHENSIVE STRATEGIES

The Comprehensive Strategies are not specific to any one property, but are broader in scope and are necessary for the overall successful conservation of saline wetlands. Some of these strategies will require additional objectives and action items that will be determined by the Steering Committee.

Comprehensive Strategy 1
Coordinator

Hire a coordinator to oversee the implementation of the conservation plan. The coordinator, working in conjunction with the Steering Committee and partners, will oversee day-to-day details such as schedules, assignments, and costs. A Cooperative Agreement and Position Description have been drafted.



This aerial photo of north 27th street in Lincoln (2003) indicates the increasing urban pressures faced in the conservation efforts of the Eastern Saline wetland complex.

LANDSCAPE OBJECTIVES

Since implementation of Comprehensive Strategy 4 would ensure that, at least for now, there will be no net loss of wetlands by direct human-induced drainage, the landscape objectives focus on: 1) maintaining protection for some wetlands in case existing wetland protection laws change, 2) protecting the upland areas around the wetland to ensure that the wetlands will be sustainable, and 3) prescribing management of the wetlands to maintain wetland functions. This will require the application of different "tools" within different conservation zones in and around the wetland (figure 2). The different conservation zones include: 1) the delineated wetland, 2) a minimum100 foot buffer around the entire wetland to provide wildlife habitat and protect water quality, 3) a minimum of an additional 500 foot buffer to provide wildlife habitat and to protect for compatible uses such as hunting, controlled burns and grazing (this buffer distance may be refined as new information becomes available), 4) connecting corridors between wetlands to allow wildlife interchange, 5) the immediate wetland watershed (excluding the stream watershed), 6) the total wetland watershed (including the stream and associated flood plain), and 7) the scenic "viewshed" around the wetland to provide for open space and to minimize disturbance to wetland wildlife.

Freshwater wetlands are often located on floodplains in close association with saline wetlands. Although the landscape objectives focus on saline wetlands, it's recognized that freshwater wetlands also provide valuable functions and are in need of conservation. Where possible, the conservation of freshwater wetlands will be incorporated into the conservation of saline wetlands.

A saline wetland mudflat on the Jack Sinn Wildlife Management Area.

The landscape objectives are based on categorization data and maps compiled by an interagency team while conducting field site visits in the late 1980s and early 1990s This data provides general guidance for planning purposes and should be verified through up-to-date on-site data collection and wetland delineation as needed for any project.

Following is an abbreviated definition of the categories from the *Resource Categorization of Nebraska's Eastern Saline Wetlands* (Gilbert and Stutheit 1994).

Category 1: Site currently provides saline wetland functions of high value or has the potential to provide high values following restoration or enhancement measures.

Category 2: Given current land use and degree of degradation, site currently provides limited saline wetland functions and low values. Restoration potential is low. These sites are so degraded that they are not considered as restorable in the Landscape Objectives section. If, in the future, a Category 2 wetland is determined to be restorable, then the restoration will be considered as contributing to Landscape Objective 4.

Category 3: Site is functioning as a freshwater wetland having freshwater plant communities on a saline soil. Currently provides freshwater wetland values and no feasible restoration measures exist to re-establish the historic salt source and saline plant associations.

Category 4: Site is functioning as a freshwater wetland having freshwater plant communities on a non-saline hydric soil.

Not Categorized (NC): These sites are mapped as wetlands on the National Wetland Inventory maps but access to the site was denied and the site could not be categorized. If and when these sites are categorized, the total acreage objective for each category will need to be adjusted accordingly.

Category 1 wetlands were further classified by Nebraska Game and Parks wetland program staff as intact or degraded based on field notes and site specific knowledge. Wetlands were considered protected if they were under ownership (either fee title or easement) by the City of Lincoln, Lancaster County, Lower Platte South Natural Resources District, The Nature Conservancy, the Nebraska Game and Parks Commission, the Natural Resources Conservation Service, or the Nebraska Department of Roads (wetland mitigation sites) as of September 2001.

The following landscape objectives establish projection and restoration targets for the conservation of Eastern Saline Wetlands. A summary of these landscape objectives is provided in Table 1.

OBJECTIVE 1: Permanently protect 100% (148 ac.) of intact unprotected Category 1 saline wetlands and their associated conservation zones to ensure that the wetlands and their functions are sustained.

Strategy 1: Use easements purchased from willing sellers to permanently protect approximately 50% (74 ac.) of intact Category 1 saline wetlands and an associated 600 foot buffer to ensure that the wetlands are sustained.

Strategy 2: Use fee-title acquisition from willing sellers to permanently protect approximately 50% (74 ac.) of intact Category 1 saline wetlands and an associated 600 foot buffer to ensure that the wetlands are sustained.

Strategy 3: Use private lands programs and local ordinances to provide for sustainable uses in the immediate wetland watershed.

OBJECTIVE 2: Restore and Protect 80% (1,412 ac.) of unprotected degraded Category 1 saline wetlands and their associated conservation zones to ensure that the wetlands and their functions are sustained.

Strategy 1: Use easements purchased from willing sellers to permanently restore and protect approximately 40% (706 ac.) of degraded Category 1 saline wetlands and an associated 600 foot buffer to ensure that the wetlands are sustained.

Strategy 2: Use fee-title acquisition from willing sellers to permanently restore and protect approximately 40% (706 ac.) of degraded Category 1 saline wetlands and an associated 600 foot buffer to ensure that the wetlands are sustained.

Strategy 3: Use private lands programs and local ordinances to provide for sustainable uses in the immediate wetland watershed.

OBJECTIVE 3: Restore (to intact Category 1 wetlands) and Protect 50% (167 ac.) of unprotected Category 3 saline wetlands and their associated conservation zones to

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ATTACHMENT B

PAYMENT SCHEDULE

Saline Wetlands Conservation Partnership

DATE	CITY	COMMISSION	NRD
August 2015	$30,000		
January 2016		$40,000*	
February 2016			$40,000*
August 2016	$30,000		
January 2017		$40,000*	
February 2017			$40,000*
August 2017	$50,000		
January 2018		$45,000*	
February 2018			$45,000*
August 2018	$50,000		
January 2019		$45,000*	
February 2019			$45,000*

*Coordinator Position

ATTACHMENT C

COORDINATORS DUTIES

POSITION: Grant Coordinator II (Natural Resources Coordinator) **EMPLOYEE:** _____

PRIORITY LEVEL	RESPONSIBILITIES	ACTIONS NECESSARY TO MEET RESPONSIBILITIES
ESSENTIAL		
10 pts.	1. Responsible for developing and coordinating natural resource projects such as the E. Saline Wetland Project.	1.a. Provides leadership in developing and implementing natural resource plans such as the E. Saline Wetlands Plan. 1.b. Responsible for seeking information on property, negotiating and acquiring natural resources and buffer areas identified according to established priorities for acquisition. 1.c. Works with other agencies and organizations involved in resource protection, being able to identify with people, building effective relationships with farmers, scientists, government representatives, community leaders, elected officials, corporate representatives and volunteers. 1.d. Works independently resolving problems or in consultation with the supervisor to solve unusual or complex problems. 1.e. Develops, directs and manages multiple projects, creates and follows timelines, and flexible to make changes as needed. 1.f. Communicates effectively both orally and written with the project team, subordinates and others involved in this and related projects.
8 pts.	2. Responsible for implementing the conservation plan for natural resource projects such as the E. Saline Wetlands projects.	2.a. Assess land acquired and initiates management plan for parcel based on technical information on each parcel and following all federal, state and local regulations. 2.b. Oversees contracts for research and restoration work related to natural resource projects. 2.c. Coordinates efforts of other agencies and organizations involved with natural resource protection including the saline wetland and related fauna and flora protection. 2.d. Supervises subordinates including volunteers providing motivation, leadership and management abilities. 2.e. Makes recommendations on needed/desired changes to the conservation plan.
6 pts.	3. Develops broad based community support for the project to achieve short term and long range goals for natural resource protection.	3.a. Conducts educational seminars and programs for the public on the importance and value of various natural resources. 3.b. Conducts periodic public forums on the progress of the project and to provide information as needed. 3.c. Develops promotional and educational material on the importance of saline wetland and about the program. 3.d. Acts as a resource to others to solve problems.
6 pts.	4. Assists with budget development as well as assists with seeking additional funds.	4.a. Monitors the budget staying within the amount provided by funding sources. 4.b. Negotiates and contracts with vendors. 4.c. Accounts for all funds spent on acquisition as well as operating expeditures, following established guidelines and procedures. 4.d. Assists in seeking additional funds through grants, other agencies and private donations.