

MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager's Report

DATE: August 7, 2015

FROM: John Winkler, General Manager



A. **INFORMATION/EDUCATION REPORT:** The Information and Education Report detailing the department's activities for the month of July, 2015, is attached for your review.

B. **PERSONNEL/MISCELLANEOUS ITEMS:**

1. **Heather Borkowski, Purchasing Agent**, has submitted her resignation as the District's Purchasing Agent effective August 28th. Heather started with the District in January 2007, as an Intern in the Information Education Department. We wish Heather the best of luck in her future endeavors, she will be greatly missed. The District is currently advertising for this position.
2. The District received an email from Karen Rudolph, regarding the Zorinsky Basin #2 project. Ms. Rudolph advocates the Board's approval of a levy increase to fund this project. A copy of her email is attached to this report.
3. The District received an email from Michael Zimmerman, thanking staff for their support for the Rip Roar Kids Triathlon, which was held at Chalco Hills on July 18th. A copy of his email is attached to this report.
4. Staff member Martin Cleveland has provided an update on the Thompson Creek levee project sewer relocation professional services. The District received four work change acknowledgement letters for additional engineering services. A copy of Martin's memo and the letters of change order are attached for your review.

C. **REPORT ON PURCHASES – CONSTRUCTION SERVICES, PROFESSIONAL SERVICES AND PERSONAL PROPERTY:** Pursuant to Board direction, attached is a report indicating construction services, professional services and personal property purchases from the month of July, 2015. Please review this report and contact me if you have any questions.

D. **CURRENT AND ON-GOING PROJECTS – P-MRNRD LEGAL COUNSEL:** Attached is a copy of the current and on-going projects for District Legal Counsel, Husch Blackwell, as of July 14, 2015. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.

E. **PAPILLION CREEK WATERSHED PARTNERSHIP REPORT:** The July 23, 2015, Papillion Creek Watershed Partnership meeting was cancelled. The next Partnership meeting is scheduled for August 27, 2015.

F. **NEWS CLIPS:**

- ✓ July 8, 2015, NEBRASKAland article, Another New Fishing Hole! Danish Alps State Recreation Area to open for public use
- ✓ July 9, 2015, Atkinson Graphic article, Natural Resources Districts take stand against EPA “Water Rule”
- ✓ July 10, 2015, Omaha World Herald article, Five NRDs seek to coordinate water efforts in Niobrara basin
- ✓ July 10, 2015, Blair Enterprise article, Is a lake in Arlington’s future?
- ✓ July 14, 2015, Blair Pilot-Tribune article, Troubled trail: How did a \$2.8M gift become neglected?
- ✓ July 14, 2015, Omaha World Herald article, Scrap-tire collection set for fairgrounds in Arlington in August
- ✓ July 15, 2015, KPTM News article, 23 Water Rescues in 30 Days Has Man Urging Folks Not to Forget Their Life Jackets
- ✓ July 16, 2015, Dakota Co. Star article, My first weekend at Kramper Lake
- ✓ July 19, 2015, Omaha World Herald article, Nebraska’s NRDs have planted 95 million trees – including more than 800,000 trees so far this year – since 1972
- ✓ July 17, 2015, Washington Co. Enterprise Editorial, Bury a trail; pull up the welcome mat
- ✓ July 21, 2015, Omaha World Herald article, A perfect day to be ‘gone fishing’
- ✓ July 21, 2015, Omaha World Herald article, Wait a sec...wasn’t Lake McConaughy supposed to be lower than normal this year?
- ✓ July 22, 2015, Alliance Times-Herald article, Nebraska NRD’s Tree Planting Numbers Reach 95 Million
- ✓ July 23, 2015, Omaha World Herald article, Gernandt, neighborhood leader happy about progress at Spring Lake Park
- ✓ July 27, 2015, Omaha World Herald article, Groundwater Management Other states eye Nebraska’s system
- ✓ July 27, 2015, Lincoln Journal Star article, Water resources envy of other states
- ✓ July 28, 2015, Omaha World Herald article, OHA audit report reveals details of missteps
- ✓ July 30, 2015, Omaha World Herald article, Japp, lawyer told to pay in spat with NRD board
- ✓ August 1, 2015, Omaha World Herald editorial, Lakes boost local areas
- ✓ August 5, 2015, Omaha World Herald editorial, Report gives Offutt good grade
- ✓ August 10, 2015, Omaha World Herald editorial, Water rules may be legally wobbly
- ✓ August 10, 2015, Lincoln Journal Star article, Flood control dams did their job; four lakes set record storing May storm

July 2015 Information/Education Report

Information

- Continued preparation of I&E budget recommendations
- Assisted with Grand Opening of Danish Alps Recreation Area
- Updated web site. Web site is now a “responsive site” (automatically adjusts to accommodate smart phone and iPad viewing.
- Continued scheduling of Information Campaign video spots
- Updated Facebook and Twitter use
- Began work on Fall Spectrum newsletter.
- Responded to numerous requests for materials and information received through web site and Facebook.
- Distributed news releases.

Education

July Programming Schedule:

7/6- Millard Library- Insects- 48 children (2-4 yr. old)

7/8- Blair Library- Owls- 120 children and parents

7/9- Millard Library- Reptiles- 75 children and parents

7/10- Channel 10/11 T.V. interview on Summer Camps

7/13-7/15- Boys Challenge Camp- 25 boys (9-14 yr. old)

7/17- The Hills Montessori- 48 children (2-4 yr. old)

7/29-7/31- Girls in the Wild Camp- 22 girls (9-14 yr. old)

Planning:

I&E Trailer cleanout /load Summer Camps

Updates/Monitoring of Papio-Missouri River NRD Facebook Page and Web Pages

General NRD Animal Care

Geocaching Applications

Outdoor Classroom Grant Applications

Organize/Clean-up of Garage and Basement

Camp Teacher Help—W-9's/pay

Meetings:

MORE Nature Meeting

Networking Weaving Webinar

Watershed Education Toolbox Meetings/Conference Call

From: Karen Rudolph <karen.rudolph@milliman.com>

Date: July 31, 2015 at 4:35:53 PM MDT

To: Amanda Grint <agrint@papionrd.org>, Curt Frost <curtfrost2012@gmail.com>, David Klug <DavidKlugNRD@gmail.com>, Fred Conley <fred.conley@NOFHD.org>, Jim Thompson <zippijd@aol.com>, John Conley <conleyjh@cox.net>, "John Winkler" <jwinkler@papionrd.org>, Lori Laster <llaster@papionrd.org>, "Marlin Petermann" <mpetermann@papionrd.org>, Patrick Bonnett <patrickbonnett@nrd9.com>, Patrick Leahy <leahypatrick@yahoo.com>, "Rich Tesary" <tesarduck@msn.com>, Ron Woodle <rwoodlel@cox.net>, Scott Japp <sjapp@abbnebraska.com>, Tim Fowler <tfowler007@cox.net>

Subject: Zorinsky Basin #2

I am writing concerning the Papio-Missouri River Natural Resources District (NRD) development of Zorinsky Basin #2 (ZB-2) to be situated on the northwest corner of 204th Street and F Street.

The ZB-2 water quality basin is one of four Lake Zorinsky water quality basins designated by the NRD. The other three basins have been constructed and are in operation.

As you are well aware, the primary purpose of these water quality basins is to prevent the degradation and siltation of Zorinsky Lake downstream.

As property owner, and recognizing the expanding zone of development to include the area of 204th and F Streets, I advocate the NRD board's approval of a levy increase to fund this important project. As property owner of a fairly large portion of the area in which the basin would be sited, I am willing to work with the NRD on a structured payout for land acquisition. It is also important to identify the basin perimeters so that cost sharing efficiencies in grading and other infrastructure activities can be achieved as the property moves from farmland to developed residential.

Please contact me at the direct number below if you would like to discuss this important topic.

Karen Rudolph, FSA, MAAA | Milliman, Inc. | Karen.rudolph@Milliman.com
1120 South 101st Street, Suite 400 | Omaha, NE 68124
Office: 402-393-9400 | Direct: 402-361-1515

From: Michael Zimmerman [<mailto:michael@riproarevents.com>]
Sent: Sunday, July 19, 2015 9:01 AM
To: Borkowski, Heather
Subject: THANK YOU!!!

Heather,

Please give your entire staff a huge thank you from our team! What a great group of people to work with!

The par was fantastic and the event went off without issue. There were a few first year "issues" that we will want to adjust going forward but nothing too difficult. We had 150 kids compete and something like 500 people in the park from 11 states. It was a great start.

I would like to have a debrief in a few weeks time by phone with you and your staff to get reactions and thoughts going forward. I would love to see this event return to the park next year and would love to have the chance to talk through some ideas while it's still fresh.

Can we look at the first week of August for the phone call?

Again, Thank you so much for all you did to help. You guys are the best!

All The Best,

Michael

--

Michael Zimmerman
319.721.7837 | RIPROAREVENTS.COM

MEMORANDUM

TO: John Winkler, General Manager

FROM: Martin P. Cleveland

SUBJECT: Thompson Creek Levee Project – Sewer Relocation Professional Services

DATE: August 4, 2015

This memo is an update to the June 3, 2015 memo on this topic to you.

Lamp Rynearson and Associates was hired to provide professional services for the referenced sewer relocation project, including engineering design of the sewer, construction staking and construction administration. Enclosed is a copy of the May 19, 2014, Lamp Rynearson and Associates (LRA) contract with the District. The contract is set up on an hourly basis with the maximum not to exceed cost of \$29,900. The 27 inch diameter by 1900 ft. long concrete (RCP) sewer is being moved away from the levee base to allow for levee relocation away from the creek. The sewer project was initially bid in December 2014 and rebid in January 2015 due to higher than expected bid prices. The second bid letting resulted in an \$86,412 cost savings over the first bid letting. The project was awarded to Valley Corporation with a base bid of \$460,721. Valley Corporation was allowed 40 working days to complete the sewer project.

LRA has been paid \$43,361.71 to date for engineering work on this project. There is an invoice (\$8,641.30) that is pending for August 13, 2015 Board approval. When this invoice is paid, the total paid LRA engineering services to date will be \$52,003.06, which is \$22,103.06 over the original contract amount.

The District has received four work change acknowledgement letters for additional engineering services (March 6, March 26, June 3 and July 27, 2015), copies of which are enclosed. Management believes these scope of work changes are justifiable and therefore being approved. A summary of these work change acknowledgement letters and associated cost impact is as follows:

1. **March 6, 2015 letter:** Additional services during design phase including revising the plans in order to rebid the project with multiple pipe materials. Additional contract cost: **\$2,100**
2. **March 26, 2015 letter:** Additional services during construction administration/observation phase to address City of LaVista inspection requirements. City of LaVista required more on site observation for RCP joint testing by LRA than LRA anticipated in the original contract scope. Additional contract cost: **\$6,000**

3. **June 3, 2015 letter:** Additional services during construction administration/observation phase to address MUD water line conflict, cracked sewer pipe, weather delays and overall slowness of the sewer contractor. The contractor was granted 6 additional working days due to the MUD water line conflict and other items not in the original contract. These above tasks required additional on-site construction observation, site survey and re-engineering of sewer at MUD water line conflict area. Additional contract cost: **\$10,100**
4. **July 27, 2015 letter:** Additional construction administration services due to delays created by the contractor. The contractor has overrun the original contract period and change order period (40 + 6) by 12 working days for total working days period of 58 days. Staff plan on deducting liquidated damages at \$200 per working day multiplied by 12 days for a total deduct of \$2,400 from the construction final payment. The additional consultant contract cost: **\$7,500**.
5. Original contract amount: \$29,900; Work Additional Services (Letters 1, 2, 3, 4): \$25,700; Revised contract total(estimated): **\$55,600**

CC: Marlin Petermann, NRD

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May 19, 2014

VIA EMAIL

Mr. Martin Cleveland
Papio-Missouri Natural Resources District
8901 South 154th Street
Omaha, NE 68138-3621
mcleveland@pmnrd.org

REFERENCE: Proposal for Civil Engineering Services
Thompson Creek Levee Improvement Project – Sewer Relocation
LaVista, Nebraska

Dear Mr. Cleveland:

Lamp, Rynearson & Associates, Inc. (LRA) is pleased to present this proposal to the Papio-Missouri River Natural Resources District (CLIENT) to provide civil engineering services associated with the Thompson Creek Levee Improvement Project – Sanitary Sewer Relocation. We understand that the scope of our services for this project will include the following tasks.

SCOPE OF SERVICES

A. Engineering Design

1. Complete one (1) pre-design site visit.
2. Prepare preliminary plans for P-MRNRD and local agency approval
3. Prepare final construction plans for the 27" sanitary sewer relocation, in accordance with local regulatory agency requirements, as required by the proposed improvements.
4. Prepare contract documents and technical specifications.
5. Prepare cost estimates for public improvements, as required by the local regulatory agency.
6. Complete one (1) plan-in-hand meeting.
7. Coordinate with local regulatory agency staff to assist in obtaining approval of final plans and specifications.
8. Coordinate with the CLIENT.
9. Submit plans and application for a wastewater construction permit to the Nebraska Department of Environmental Quality and respond to any comments.
10. Attend one (1) pre-bid meeting at the project site.
11. Answer contractor questions during the bidding process.

Engineering Design Assumptions

1. A topographic survey has been completed by the CLIENT and provided to LRA. If additional topographic survey is required, it will be provided by the CLIENT.
2. A siphon structure will not be required. If a siphon structure is required, the design will require additional services.
3. The grading and SWPPP sheets will be provided under a separate proposal.
4. Removal plan sheets will be provided by others.
5. Relocation of OPPD power poles will be coordinated by others.

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6. The Papio-Missouri River NRD will provide and compile the contract documents and will put together the contract.
7. The Papio-Missouri River NRD will bid the project. LRA has assumed three (3) hours during the bidding process to answer contractor questions. If additional time is required, it will be discussed with the CLIENT.
8. Temporary easement, permanent easement and property acquisition documents will be completed by others.
9. Geotechnical testing is not included in the scope of services. LRA recommends that the CLIENT retain a geotechnical engineer to perform any required testing.
10. The CLIENT will prepare any required wetland delineation and US Army Corp of Engineer's 404 Nationwide Permits required for the project.

B. Construction Staking

1. Provide construction staking for the CLIENT.
2. Complete an as-built survey for the construction record drawings.

C. Construction Administration

1. Attend one (1) pre-construction meeting with the contractor.
2. Provide construction administration services, including:
 - a. Full-time construction observation as required by the local regulatory agency for the construction of public improvements,
 - b. Complete weekly reports,
 - c. Review pay applications and make recommendations for payment,
 - d. Coordinate testing, and
 - e. Coordinate with the contractor and CLIENT.
3. Answer contractor questions and RFIs during construction.
4. Prepare and submit construction record drawings (CRDs) to the local regulatory agency.

D. General Assumptions

1. The project will be completed in accordance with the scope outlined above and assumes a "one-time design." Any modifications to the design concept after work has been completed will be considered additional services.
2. Fees for any applications, filings or permitting, fees required by governing agencies, or any other fees not specifically defined herein are not included in our fees and, if required, will be paid by the CLIENT.
3. Unless LRA specifically requests that shop drawings or other material information be submitted for review, LRA will not accept, review, or transmit any shop drawing or other submittals.
4. Materials testing is not included in our scope of services and will need to be provided by others.

SCHEDULE

We anticipate our work to take approximately six (6) weeks after the geotechnical and topographic survey is completed. We will coordinate the project schedule with the CLIENT.

COMPENSATION

We propose to bill for our services on the basis of hourly charge rates plus reimbursable expenses incurred. For the tasks listed above, our fees will not exceed the amounts listed below.

Engineering Design	\$14,000
Construction Staking / As-built Survey	\$2,600
Construction Administration	\$13,300
Subtotal	\$29,900

A copy of our current charge rate schedule is attached. This schedule is updated on approximately April 1 of each year. Additional services beyond the scope of services outlined above will be billed on the basis of hourly charge rates plus reimbursable expenses incurred.

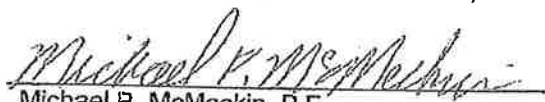
SUPPLEMENTAL TERMS AND CONDITIONS

1. Invoices will be submitted monthly. All invoices are due upon receipt.
2. All reports, drawings, specifications, computer files, field data, notes, and other documents prepared by Lamp, Rynearson & Associates, Inc. are instruments of professional service and shall remain the property of Lamp, Rynearson & Associates, Inc. Lamp, Rynearson & Associates, Inc. shall retain all common law, statutory, and other reserved rights, including, without limitation, the copyrights thereto.
3. This proposal is valid if acceptance of this proposal and work authorization for our services are both received within 90 days from the date of this proposal. After this deadline, our scope of services and fees may be re-evaluated.
4. Past due accounts are charged a one percent (1%) interest rate per month on any unpaid balance. If payment in full is not paid within 30 days from the date of the invoice, LRA reserves the right to immediately cease work. LRA shall be entitled to recover attorney fees, court costs, and any other costs of collection that may be incurred in collecting this account.
5. If directed to suspend or cease work, LRA shall be paid for services performed prior to the receipt of notice to cease work, together with any expenses from cessation of work. Should work on this project be stopped and consequently re-started, CLIENT hereby agrees that LRA may adjust the proposed fees or other compensation for the remaining work.

We appreciate the opportunity to present this proposal and look forward to assisting you in the successful completion of this project. We would be glad to discuss any questions you may have on our proposal. Please refer questions to Mike McIntosh, our project manager. If this proposal is acceptable, we ask that you acknowledge by signing below and returning one signed copy to us.


Sincerely,

LAMP, RYNEARSON & ASSOCIATES, INC.


Michael P. McMeekin, P.E.
President


Michael P. McIntosh, P.E., CFM
Senior Project Manager

Accepted By:


Martin Cleveland, P-MRNRD
Martin Petermann
Enclosure


Date



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March 6, 2015

VIA EMAIL

Mr. Martin Cleveland
Papio-Missouri Natural Resources District
8901 South 154th Street
Omaha, NE 68138-3621
mcleveland@pmnrd.org

REFERENCE: Work Change Acknowledgement #001
Thompson Creek Levee Improvement Project – Sewer Relocation
La Vista, Nebraska
LRA Job No. 0114041.01-310


Dear Mr. Cleveland:

This letter is intended as a work change acknowledgement (WCA) for the above mentioned project. Our work is being completed under a standard Lamp, Rynearson & Associates, Inc. (LRA) letter agreement dated May 19, 2014. LRA performed additional services in the amount of \$2,100 during the design phase of the project. These additional services included the work required to revise the plans in order to re-bid using multiple pipe materials and to perform additional pre-bid services.

LRA has additional tasks under the letter agreement to perform construction staking and construction administration. If there are fees remaining at the end of the project, a change order for this WCA may not be necessary; however, if LRA uses the original contract fees during the construction phase of the project, a change order may be required. This will be determined at the conclusion of the project.

Sincerely,

LAMP, RYNEARSON & ASSOCIATES, INC.


Michael P. McIntosh, P.E., CFM
Senior Project Manager

Approved for Release by NSA on 09-12-2013 pursuant to E.O. 13526

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March 26, 2015

VIA EMAIL

Mr. Martin Cleveland
Papio-Missouri Natural Resources District
8901 South 154th Street
Omaha, NE 68138-3621
mcleveland@pmnrd.org

REFERENCE: Work Change Acknowledgement #002
Thompson Creek Levee Improvement Project Sewer Relocation
LRA Job No. 0114041.01-310

Dear Mr. Cleveland:

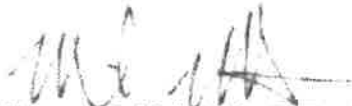
This letter is intended as a work change acknowledgement (WCA) for the above-referenced project. Our work is being completed under a standard Lamp, Rynearson & Associates, Inc. (LRA) letter agreement dated May 19, 2014.

LRA had a discussion with Mr. John Kottman of the City of La Vista, regarding the level of effort for construction observation services. Due to the contract requirements for the contractor to air test all the R.C.P. joints, the City would like LRA on-site to view random joint tests. Mr. Kottman stated that LRA did not need to be present for all the joint testing. From our conversation, it was agreed that LRA would spend three to four hours on site each working day to observe construction and to verify random joint tests. Based on these requirements, we anticipate that our fee for construction observation of \$13,300 could be exceeded by \$6,000. If the contractor were to use two crews or otherwise finish ahead of schedule, we believe the overrun could be less. If the contractor exceeds his schedule, the additional fees could increase above the stated amount.

LRA will continue to work diligently under the existing contract fees; however, if the amounts are exceeded, it will require a change order. Please let us know if you have any questions regarding this.

Sincerely,

LAMP, RYNEARSON & ASSOCIATES, INC.

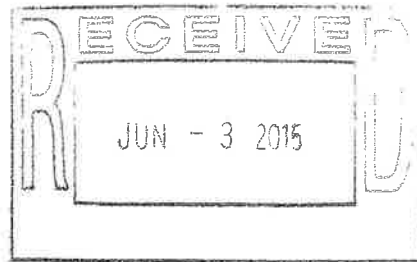

Michael P. McIntosh, P.E., CFM
Senior Project Manager

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June 3, 2015



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Mr. Martin Cleveland
Papio-Missouri Natural Resources District
8901 South 154 Street
Omaha, NE 68138-3621
mcleveland@pmnrd.org

REFERENCE: Work Change Acknowledgement 003
Thompson Creek Levee Improvement Project Sewer Relocation
LRA Job No. 0114041.01-310

Dear Mr. Cleveland:

This letter is intended as a work change acknowledgement (WCA) for the above-referenced project. Our work is being completed under a standard Lamp, Ryneearson & Associates, Inc. (LRA) letter agreement, dated May 19, 2014.

LRA has been encumbered with additional services for construction administration in addition to the work described in WCA 001 and WCA 002. The additional services were required due to an existing water main conflict encountered during construction. The water main conflict resulted in additional on-site construction observation, site survey, and re-engineering. In addition, LRA has provided additional on-site construction observation due to issues with cracked pipes, weather delays, and overall slow progress by the contractor.

LRA has estimated the additional work under this WCA 003 as \$10,100. This estimate is the total additional costs we believe necessary to complete our services, including development of as-built record drawings.

The following summarizes the three WCAs that have been provided.

WCA 001: Additional services due to drawing modifications to re-bid the plan with multiple pipe materials - \$2,100;

WCA 002: Additional construction administration services estimated due to the additional site observation required for R.C.P. joint testing - \$6,000;

WCA 003: Additional construction administration services estimated due to issues encountered during construction, weather delays and slow progress from general contractor - \$10,100.

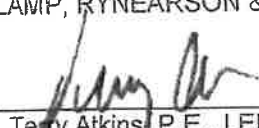
The following table summarizes the additional services:

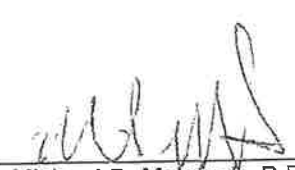
Services	Original Contract Amount	Additional Services Request	New Proposed Fee Total
Design	\$14,000	\$2,100	\$16,100
Construction Observation and Staking	\$15,900	\$16,100	\$32,000
Total Estimated Final Fee			\$48,100

Please let us know if you have any questions regarding this.

Sincerely,

LAMP, RYNEARSON & ASSOCIATES, INC.


Terry Atkins, P.E., LEED® AP
Senior Vice President

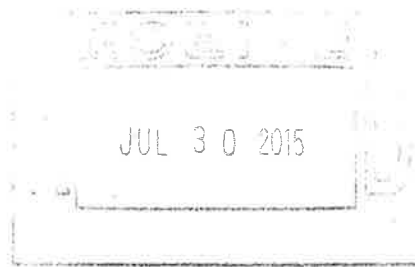

Michael P. McIntosh, P.E., CFM
Senior Project Manager

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July 27, 2015



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Mr. Martin Cleveland
Papio-Missouri Natural Resources District
8901 South 154 Street
Omaha, NE 68138-3621
mcleveland@pmnrd.org

REFERENCE: Work Change Acknowledgement 004
Thompson Creek Levee Improvement Project Sewer Relocation
LRA Job No. 0114041.01-310

Dear Mr. Cleveland:

This letter is intended as a work change acknowledgement (WCA) for the above-referenced project. Our work is being completed under a standard Lamp, Rynearson & Associates, Inc. (LRA) letter agreement, dated May 19, 2014.

LRA has been encumbered with additional services for construction administration in addition to the work described in WCA 001, WCA 002 and WCA 003. The additional services for WCA 004 include the additional construction administration work required due to the contractor going beyond the working days in the original schedule.

LRA has estimated the additional work under this WCA 004 as \$7,500. The following also summarizes the three WCAs that have been provided.

WCA 001: Additional services due to drawing modifications to re-bid the plan with multiple pipe materials - \$2,100;

WCA 002: Additional construction administration services estimated due to the additional site observation required for R.C.P. joint testing - \$6,000;

WCA 003: Additional construction administration services estimated due to issues encountered during construction, weather delays, and slow progress from general contractor - \$10,100.

WCA 004: Additional construction administration services due to delays from the contractor. This work is for additional construction administration services beyond the original schedule. - \$7,500

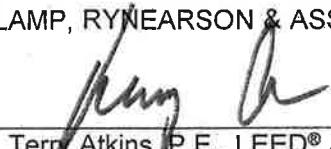
The following table summarizes the additional services:

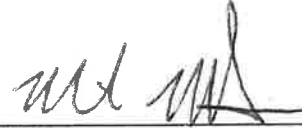
Services	Original Contract Amount	Additional Services Request	New Proposed Fee Total
Design	\$14,000	\$2,100	\$16,100
Construction Observation and Staking	\$15,900	\$23,600	\$29,500
Total Estimated Final Fee			\$55,600

Please let us know if you have any questions regarding this.

Sincerely,

LAMP, RYNEARSON & ASSOCIATES, INC.


Terry Atkins, P.E., LEED® AP
Senior Vice President


Michael P. McIntosh, P.E., CFM
Senior Project Manager

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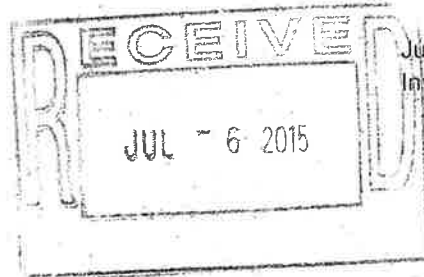
Leaving a Legacy of Enduring Improvements to Our Communities - PURPOSE STATEMENT

ENGINEERS SURVEYORS PLANNERS



**LAMP RYNEARSON
& ASSOCIATES**
ENGINEERS | SURVEYORS | PLANNERS

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Omaha, NE 68154
[P] 402.496.2498
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June 25, 2015

Invoice No:

0114041.01 - 0000012

MARTIN CLEVELAND
PAPIO-MISSOURI RIVER NRD
8901 SOUTH 154TH STREET
OMAHA, NE 68138-3621

Project 0114041.01

NRD - THOMPSON CREEK LEVEE RELOCATION

Professional Services through June 06, 2015

Task 310 CONSTRUCTION ADMINISTRATION
PROFESSIONAL PERSONNEL

	Hours	Rate	Amount
Principal III	.50	234.00	117.00
Engineering Technician IV	.30	84.00	25.20
Senior Construction Engineer II	33.40	115.00	3,841.00
Observer III	51.50	71.00	3,656.50
Senior Administrative Assistant II	1.80	74.00	133.20
Administrative Assistant II	.60	59.00	35.40
Total Labor			7,808.30
Total Reimbursables			380.57
Unit Billing			20.27
Total this Task			\$8,209.14

Task 434 CONSTRUCTION STAKING
PROFESSIONAL PERSONNEL

	Hours	Rate	Amount
Party Chief II	3.00	76.00	228.00
Field Technician II	3.00	59.00	177.00
Total Labor			405.00
Unit Billing			27.16
Total this Task			\$432.16

TOTAL INVOICE AMOUNT **\$8,641.30**

Billings to Date

	Contract Amount	Additional Services	Current	Prior	Total Remaining
ENGINEERING DESIGN	14,000.00	2,100.00		16,100.00	
CONSTRUCTION STAKING	2,600.00	2,000.00	432.16	3,638.58	529.26
CONSTRUCTION ADMINISTRATION	13,300.00	14,100.00	8,209.14	18,038.67	1,152.19

Outstanding Invoices

Number	Date	Balance
0000011	6/2/2015	5,584.51
Total		5,584.51

Terms: Due Upon Receipt

CHECK # _____
CHECK DATE 8-13-15
POST DATE 7-7-15
BANK ACCOUNT General
1099 BOX _____
CAPITAL ASSET _____
USE TAX _____
ACCRUAL MONTH June



DESCRIPTION Thompson Creek
ACCOUNT 0103 511 4400
APPROVED BY [Signature]
FEDERAL GRANT _____

July, 2015

[illegible]

Updated: July 14, 2015

Current and On-Going Projects P-MRNRD Legal Counsel

★ = Top Priority

F = Future Work – No Assignment

N = New Assignment

O = Others Handling

W = Work in Progress

P = Counsel Portion Completed

B = Next Board Meeting

- **Little Papio:** (Cleveland)
 - Culvert Repair Project Consultant Contract (W)
 - ★ City of Bellevue Interlocal on Culvert Repair Project (P)
- **Big Papio:** (Cleveland)
 - Culvert Repair Project Consultant Contract (W)
 - ★ City of Bellevue Interlocal on Culvert Repair Project (P)
- **West Branch:** (Cleveland)
 - ★ Land Exchange with Sarpy Co. (96th St.) (W)
- **Western Sarpy Dike:** (Cleveland/Petermann)
 - NRDs/NE-ARNG Interlocal for Camp Ashland Property (F)
 - Review NE-ARNG WSCC Chute Monitoring Right-of-Way (W)
- **Floodway Purchase Program:** (Laster/Grint)
 - ★ King Lake Purchase Agreements and Closings (W)
- **Trail Projects:** (Williams)
 - ★ West Papio Trail, Union Pacific Rail Road Right-of-Way Review Rail Bank Provisions (W)
 - ★ Hell Creek Bridge Stabilization Interlocal Agreement Amendment with Omaha/La Vista (B)
- **Missouri River Corridor Project:** (Becic)

- **USDA PL 566 Projects, Silver Creek and Pigeon/Jones Watershed:** (Schumacher/Cleveland)
 - ✧ Papio W-3 Eminent Domain (Camden) (W)
 - Papio W-3 Access-Quiet Title Action (F)
 - Tek/Mud PL 566 Site 41A access (F)
 - ✧ Papio PL 566 Site W-2 Issues (W)
- **Papio Watershed Dam Sites:** (Grint/Laster/Williams)
 - ✧ Transfer Deed to City of Papillion for Prairie Queen (W)
 - ✧ Contract/Agreement Amendments for DS-15A Sewer Modifications with HDR, Omaha, and McArdle (B)
- **Papio Creek Watershed Partnership (Stormwater):** (Grint)
 - ✧ Interlocal Agreement w/City of Omaha on NDEQ 319 Grant (P)
- **Missouri River R-613 and R-616 Levees:** (Cleveland/Woodward)
 - ✧ Offutt AFB O&M Agreement (P)
- **Rural Water Projects:** (Nelson)
 - ✧ Fort Calhoun Lawsuits on WCRW (W)
 - Northern Hills Estates III Water Main Extension Developer Agreement (W)
- **Other:**
 - ✧ Elkhorn River 240th Street Land Acquisition Documents (W) (Williams)
 - ✧ Glacier Creek Interlocal Agreement and Purchase Agreement w/UNO (W) (Grint)
 - ✧ City of Blair Interlocal Agreement on Flood Mitigation Project (W) (Grint)
 - Chalco O&M Shop/156th Street ROW (F) (Cleveland)
 - ✧ Chalco Hills Recreation Area Giles Road Agreement w/Sarpy County (W) (Cleveland)
 - ✧ Elk/Pigeon Creek IPA Letter to Landowner Review (N) (Nelson)

NEBRASKAland

Another New Fishing Hole!

Posted by: Daryl Bauer July 8, 2015 in Barbs and Backlashes, Conservation, Featured, Fishing Leave a comment

Another long-awaited, new reservoir has opened for fishing! Anglers grab your gear!

Danish Alps State Recreation Area to open for public use

LINCOLN — Danish Alps State Recreation Area (SRA) near Hubbard will open to the public on Wednesday, July 8, at 9 a.m.

The 746-acre area includes RV and tent camping, equestrian camping facilities, day use areas, a walking and hiking trail and excellent angling and wildlife watching opportunities.

Kramper Reservoir, a 226-acre lake, was planned with shoreline fishing and boat fishing in mind, and a wide spectrum of aquatic habitat features were incorporated to make this new reservoir suitable for fish to reproduce and grow rapidly. The lake has been stocked with largemouth bass, bluegill, black crappie, walleye and channel catfish.

Come fall, hunting will also be permitted on portions of the SRA.

"It's a good all-purpose recreation area with outstanding angling opportunities" said Jim Swenson, parks division administrator for the Nebraska Game and Parks Commission.

The wet spring and summer slowed construction efforts for some facilities at the SRA, and as a result, not all services may immediately be available and landscaping is not yet complete. However, an excellent fishing outlook and excitement from anglers led Game and Parks and the Papio-Missouri Natural Resources District to open the park for public use sooner rather than later.

A grand opening celebration is scheduled for Aug. 1 from 9 a.m. to 4 p.m. The celebration will be open to the public and will offer boat tours, fishing demonstrations and other activities.

Anglers are reminded that Kramper Lake is a no-wake lake and that live bait fish are not allowed. Boaters are asked to clean, drain and dry their boats to prevent the spread of aquatic invasive species such as zebra mussels. A Nebraska Park Entry Permit is required for each vehicle entering the park. Park permits are available at OutdoorNebraska.org and at Hook, Line & Sinker and Wal-Mart, both in South Sioux City.



Aerial view from the west looking east.

Here is another aerial view from the dam looking south. This was taken during construction and it will give you an idea of some of the features that are now under water.



This reservoir was built for flood control and recreation by the [Papio-Missouri River Natural Resource District](#). We, the Nebraska Game & Parks Commission, are proud to partner with entities like the Papio-Missouri River NRD during new reservoir construction. A lot of features can be incorporated into a new reservoir that will benefit water quality, aquatic habitat and fishing for years to come. It is a lot easier to build reservoirs with that in mind than it is to go back years later to rehabilitate them.



Here is more information on the project, reservoir, and recreation area from the [Omaha World-Herald](#), [Expectations are deep for Kramper Lake](#).

Here are some more pictures I snapped just a few weeks ago:



Boat ramp on west side of reservoir.



View from southeast looking towards dam.



View from south looking north.

There will be fish present in Kramper large enough to be caught right now. Largemouth bass, bluegill, channel catfish, walleye and black crappie have been stocked. The black crappie were stocked only last fall, so do not expect any of those fish to be very large yet. Some largemouth bass and bluegill were stocked in the fall 2012 and those fish will have grown relatively fast in the new reservoir habitat; those fish will be large enough to catch, but do NOT expect any large fish to be present. Likewise, the walleyes were stocked as fingerlings just a year ago, and some 10-inch channel catfish have been stocked in the past couple of years. Give 'em all some time to grow yet.

Oh, and do not even think of transporting ANY fish to the reservoir on your own. More than one fishery has been ruined by illegal stockings by well-intentioned “bucket biologists”. No live baitfish will be allowed at the reservoir to reduce the risk of something showing up in there that we do NOT want. Other than that, and the 5 mph, no-wake boating limit, statewide fishing rules and regulations will apply at Kramper Reservoir.

There is a contour map/brochure in the works. Here is a **draft** of what that is going to look like:

Kramper Reservoir Contours and Structures



Accessible Fishing Pier
(42°23'01.5, -96°34'17.5)

190-acre
Reservoir

Depth measured in feet
Contour interval: 1.00 foot MSL
All reservoir points 219 surface area

Water Quality
Basin #2

Water Quality
Basin #2



Sunken Bridge Area
(from west)

Water Quality Basin #1



Area Detail
(from east)



Shoal with Gravel



Aquatic Habitat



NEBRASKA
110° 15' 15"

0 125 250 500 Feet

Broken Concrete

Shoreline Riprap

Shoal

Shoal

Shoal

Shoal

Shoal

Shoal

Shoal

Shoal

Shoal

Shoal

Shoal

Shoal

Shoal

Sorry to tease you with that small version of the map. That is the best I can show you at this time. When the final version is done, it will be much larger and we will make it available, immediately!

I have always said that in Nebraska, every body of water, every fishery is important. We need every one, and need to maximize the fisheries potential of every one. Kramper certainly fills that bill and now it is time to GO FISH!

About Daryl Bauer



Daryl is a lifelong resident of Nebraska (except for a couple of years spent going to graduate school in South Dakota). He has been employed as a fisheries biologist for the Nebraska Game and Parks Commission for 25 years, and his current tour of duty is as the fisheries outreach program manager. Daryl loves to share his educational knowledge and is an avid multi-species angler. He holds more than 120 Nebraska Master Angler Awards for 14 different species and holds more than 30 In-Fisherman Master Angler Awards for eight different species. He loves to talk fishing and answer questions about fishing in Nebraska, be sure to check out his blog at outdoornebraska.org.



Natural Resources Districts take stand against EPA "Water Rule"

On behalf of the Nebraska Association of Resources Districts, we would like to personally commend Governor Pete Ricketts for leading



the effort in opposition to the new Waters of the United States (WOTUS) rule that will significantly expand federal regulatory authority by the Environmental Protection Agency (EPA) and the Army Corps of Engineers (CORPS) over Nebraska citizens.

While NARD supports efforts to protect water quality and quantity in Nebraska, and has a proven track record of cooperation with local residents and other agencies to do so, we believe the Final Rule will have the federal government more involved in the daily lives of Nebraskans and will not result in improved water quality. Rather, it will only result in significant cost increases and delays in economic and management activities for landowners, homeowners, agencies and businesses.

"Based upon the NRDs' experience, conservative estimates for 404 permit requirements under the current rule already take about 18 months to process and it is not uncommon for them to cost upwards of \$100,000," said Dean Edson, NARD Executive Director. "We believe expanding the CORPS and the EPA's permitting authority will only add to the existing delays and increase the cost to more individuals and businesses. Further, under the rule there is no guarantee that after incurring the additional time delays and financial cost that individuals or businesses would be granted a federal permit to enhance and use their property," Edson said.

The application of the rule is not "Black and White" as portrayed by the EPA. The rule cites that the "100-year flood plain" and "ordinary high

water mark" on rivers and tributaries will be relied upon to assert categorical jurisdiction. Although this sounds definite, these benchmarks are not defined for every river and tributary in Nebraska and are not delineated on any map. The definitions for these terms grant the EPA and the CORPS wide latitude to expand their jurisdiction. It is safe to assume that thousands of individuals, businesses, farmers, ranchers and public works projects that were once exempt from the rule, will now be subject to federal oversight and permitting.

For anyone that had erosion on their land this year due to the heavy rains or flooding, before repairs can be done you will need to check with EPA and the CORPS to see if you need a permit to repair the damage to your land, as filling a hole with dirt, may impact a newly-defined water of the U.S. under the Final Rule. Due to the sweeping breadth of the new definitions, everyone will need to evaluate whether a permit is necessary, or whether an exemption applies, which often involves hiring legal counsel and engineers to help with the process. If you think you don't need a permit, and the EPA or CORPS determines later that you did, you will be subject to hefty fines and penalties for making the repairs to your land without the permit.

For those that end up in these situations, the "Black and White" definitions portrayed by the federal agencies will probably feel more like "Black and Blue" regulations for those that get caught up in the heavy hand of the federal government.

Nebraska has a successful system in place through the local Natural Resources Districts (NRDs) to allow local citizens to help craft resource management plans that have a proven track record of protecting water and land resources for current and future uses. The Nebraska state agencies also provide sound, common sense regulations to protect natural re-

sources.

Current federal laws require the agencies in a rule-making process to consider account for impacts to small businesses and existing actions that local and state government entities may already have in place to address regulatory concerns. This is required under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. The agencies failed to engage in this process and take these under consideration. The US Supreme Court earlier this week just ruled against EPA for ignoring this provision in their new Air Quality Regulations.

"The federal laws are clear that land use and water regulation is reserved to the states to protect and regulate. This policy has been upheld several times by the federal courts. However, the rule ignores these longstanding policies and extends the heavy-hand of the federal government into the daily lives of Nebraska citizens," said Edson.

The Nebraska Association of Resources Districts (NARD), the trade association for Nebraska's 23 natural resources districts, works with individual NRDs to protect lives, protect property, and protect the future of Nebraska's natural resources. These districts are unique to Nebraska. NRD's are local government entities with broad responsibilities to protect our natural resources. Major Nebraska river basins form the boundaries of the 23 NRDs, enabling districts to respond best to local conservation and resource management needs. To learn more about Nebraska's NRDs visit www.nrdnet.org. Or you can head to the Natural Resources Districts' Facebook page at www.facebook.com or follow NARD's Twitter page at [@nebrnd](http://www.twitter.com). NARD is located at 601 S. 12th St. Suite 201, Lincoln, Nebraska 68508. Email NARD at nard@nrdnet.org or call NARD at (402) 471-7670.

The NARD is a member of Com-

Five NRDs seek to coordinate water efforts in Niobrara basin

POSTED: FRIDAY, JULY 10, 2015 12:30 AM

By David Hendee / World-Herald staff writer

Five natural resources districts across northern Nebraska are working on a joint plan to coordinate water management activities across the Niobrara River basin.

The districts also are developing local voluntary integrated management plans with the Nebraska Department of Natural Resources.

The initiatives are designed to protect the economy and existing water users in the basin and to safeguard the water supply for future uses, said Mike Murphy, manager of the Middle Niobrara Natural Resources District in Valentine.

“We know we have water to use but ... it still comes back to when we need water in June, July and August,” he said. “The National Park Service wants water for recreation in the Niobrara National Scenic River. The Nebraska Game and Parks Commission wants water for fishermen. And farmers want water for irrigating.”

Voluntary management plans are not required by law, but they allow local districts and the state agency to work together. Local districts manage underground water. The state manages surface water.

Murphy said his district is starting by imposing a six-month moratorium on expanding the number of acres irrigated with groundwater. The state has imposed a moratorium on new surface water rights. Public meetings will be held to gather information about future water uses and economic opportunities, Murphy said.

Other districts in the joint plan are the Upper Niobrara White, Lower Niobrara, Upper Loup and Upper Elkhorn.

Contact the writer: 402-444-1127, david.hendee@owh.com

7-10-2015

Blair F.O.

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or email online@enterprisepub.com

Is a lake in Arlington's future?



LEEANNA ELLIS | THE ENTERPRISE,

Arlington Village Board members discussed the feasibility of building a lake on this property east of the Two Rivers Sports Complex.

BY LEEANNA ELLIS
online@enterprisepub.com

Could Arlington be home to a new man-made lake?

That's what Paul Kaup would like to find out.

The village board member suggested during a special budget meeting Tuesday that they research the possibility of building a lake on the land just east of the Two Rivers Sports Complex.

The village owns the property, which is planted with wildflowers, prairie grasses and a few trees.

"There's lots of different communities that have something like this where they even have an area that goes out part way into the lake so you can fish on both sides," Kaup said. "They put gazebos out in the middle."

A lake, Kaup said, could be used year-round.

"It's summertime enjoyment. It's wintertime

enjoyment," he said.

The cost could also be minimal, he said.

"I don't know that it would be any more cost down the road — once it's built — to maintain," Kaup said.

Runoff from the splash pad could also be used to keep the lake full. The water currently is funneled into a ditch.

The property has been prone to flooding in the past from Bell Creek.

"Would (a lake) be a type of flood control?" Kaup asked.

Board Chairman Paul Krause suggested looking into what government entities, such as the Papio-Missouri River Natural Resources District, could help with such a project.

"I think it would be an interesting use of that land," Krause said.

Kaup agreed to research the project's feasibility and report back to the board.



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Troubled trail

How did a \$2.8M gift become neglected?

BY KATIE ROHMAN
 editor@enterprisepub.com

Cyclist Christopher Herrick hits the city streets and trails on his road bike about three to four times per week, and at least 20 percent of the time, he heads into Washington County.

"It's a beautiful ride up there," he said. "Boyer Chute's wonderful."

Herrick, superintendent of the Fremont-Mills Community School District in Tabor, Iowa, lives in downtown Omaha. He "loves to explore," which led him to River Road — a 5-mile, paved trail from the Washington County line along County Road P51 to the entrance of Boyer Chute National Wildlife Refuge.

But River Road is not a recognizable route for the vast majority of cyclists traveling in and out of Washington County. The few who are aware it exists choose not to ride on it.

Herrick began taking his Washington County route about four years ago, and soon after, would jump from the trail in Douglas County to CR P51 just as he crossed the county line.

"They don't keep those trails debris-free," said Herrick, whose 120 psi tires are susceptible to flats. "They don't brush them off like they should."

"If it's a smooth surface, definitely, I would ride the trail," he said.

Only in the past few weeks has River Road even been easily visible from CR P51. Overgrown weeds camouflaged the trail —

even creating almost a canopy effect in some places. Mike Smith, Washington County weed superintendent and a Fort Calhoun resident, began mowing along the trail after asking cyclists he saw regularly riding through the area why they didn't ride on the trail instead of CR P51. The end of the trail by Boyer Chute, however, is still nearly indistinguishable under a blanket of sand accumulated during the 2011 flood.

about 2003 or 2004, U.S. Sen. Bob Kerrey began discussions about getting people "back to the river" and providing infrastructure to provide an economic impact to rural communities. He secured federal funding for 100 percent of 5 miles of Washington County's CR P51, which runs parallel to the

SEE TRAIL, 12A

A 16-MILE DREAM

According to Jim Becic, environmental coordinator for the Papio-Missouri River Natural Resources District (PMNRD), in



JOE BURNS / PILOT-TRIBUNE

Nearly every weekend, Marina Monreal and Ericka Carbajal make the 20-mile ride from Council Bluffs, Iowa, along the trails to Boyer Chute and then back home. They were pleased with the condition of River Road on Sunday, they said. On previous trips, they were forced to leave the trail and travel on County Road P51 due to weeds and water covering parts of the trail.

TRAIL: gift becoming neglected

Missouri River.

"Additionally, the paved road design called for a crushed rock bicycle/pedestrian trail to run adjacent to the hard-surface road," Becic told the Pilot-Tribune. "Once completed, it was anticipated that there would eventually be a trail that extended the entire 16 miles from Lewis and Clark Landing in downtown Omaha north to the Boyer Chute National Wildlife Refuge."

No Washington County funds were used for construction of the \$2.8 million project.

"Virtually all of the road/trail project right of way was either existing or acquired by the county at minimal cost," Becic said.

The PMRNRD also contributed approximately \$75,000 to "upgrade" the trail from a crushed-rock surface to a hard surface.

"While no formal agreement has been made, it was understood by the PMRNRD that the trail, seen as having a tremendous benefit to the county as well as Fort Calhoun and wholly within county right of way, would be operated and maintained by Washington County," Becic said.

WHAT HAPPENED TO RIVER ROAD?

The entire 16-mile route is named the "Missouri River Trail," and the Washington County segment only is "River Road." Additional sections of the Missouri River Trail funded and built by the PMRNRD and the Nebraska Department of Roads

(NDOR) were about 3 miles long, extending north from NP Dodge Park in Douglas County and stopping at the southernmost end of River Road.

The other sections of trail that extend south of NP Dodge Park were constructed by the City of Omaha, with or without NDOR assistance, Becic said.

More than a decade after Kerrey first envisioned the trail project, the last segment to complete the 16 miles — south of the Carter Lake, Iowa, area — is scheduled to be done this year, Becic said.

Washington County Board of Supervisors Chairman Jeff Quist, District 5-Blair, said Monday that the board doesn't

currently have plans to address the trail.

"We have the equipment to mow it," he said. "It's our policy (to mow CR P51) anyway. That's a hard-surface road."

An option to abandon the road was briefly discussed at a recent county board meeting, but Quist said he is not sure what the process entails to abandon a trail.

"We've had so many other things going on, it's not been really high on the priority list," he said of the trail. "I haven't really viewed it with a critical eye since the flood. The landscape changed so much."

Quist said he has spoken with residents who live near the trail, and they have reported that bicy-

clists choose to take CR P51 instead of River Road.

"It would be my perception that it's a casual ride, and they want to ride two, three abreast," he said. "There is just not that many people on the road, P51, and (from) what I observe, the bikers ride the county road."

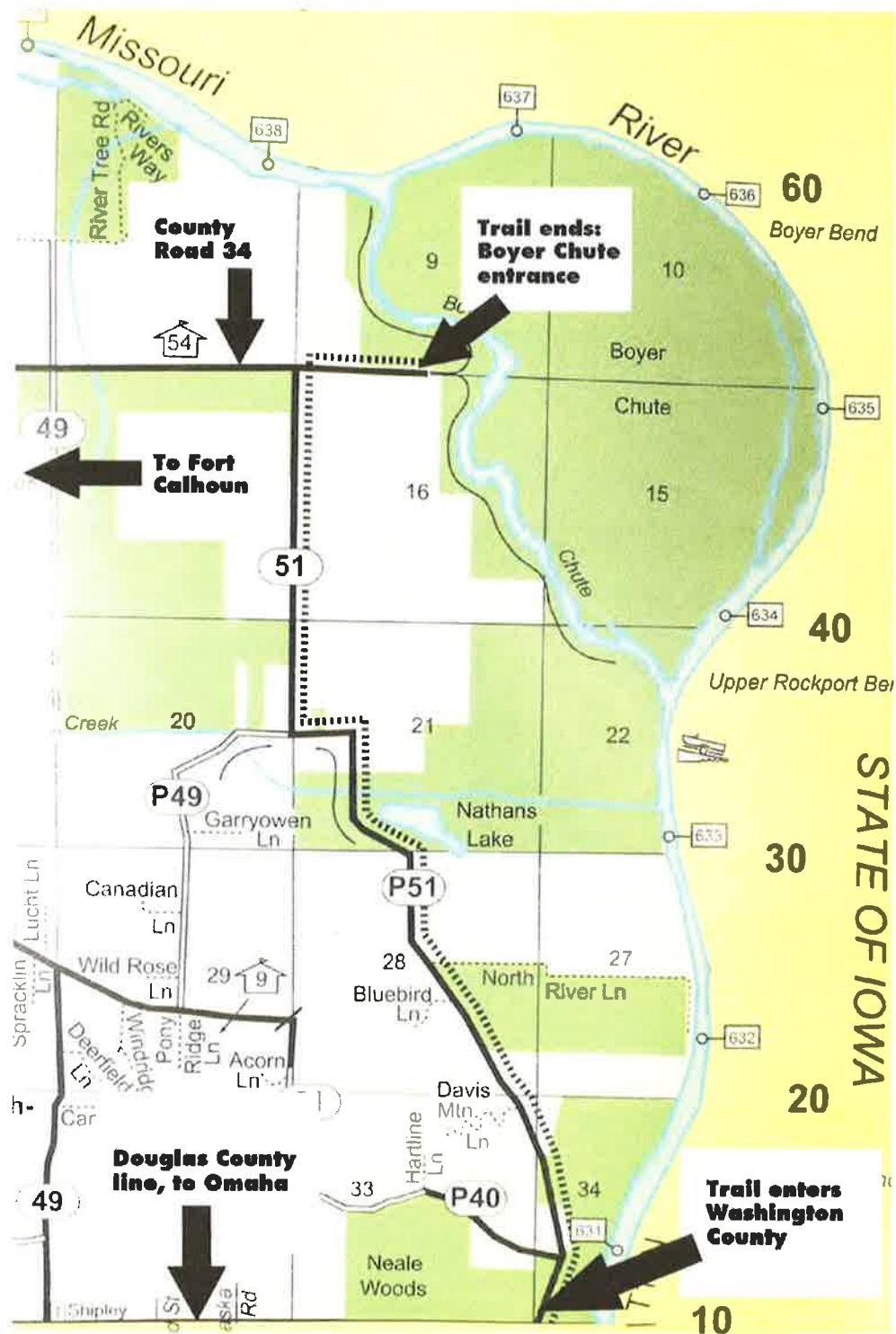
Quist, who was serving on the county board at the time the trail was built, said he believes the PMRNRD should have to maintain the trail because it's their "baby."

"They had a grant, they had a bunch of money burning a hole in their pocket, and that was their wishes," he said. "You want to put it in, and you take care of it."



JOE BURNS | PILOT-TRIBUNE

Christopher Herrick of Omaha rides on County Road P51 in Washington County. He doesn't use the River Road trail adjacent to it because of the debris on the trail.



KATIE ROHMAN | PILOT-TRIBUNE
A GRANT FUNDED A \$2.8 MILLION TRAIL PROJECT, RIVER ROAD, WHICH STARTS AT THE WASHINGTON COUNTY LINE AND ENDS AT BOYER CHUTE NATIONAL WILDLIFE REFUGE.

Scrap-tire collection set for fairgrounds in Arlington in August

By Jay Withrow / World-Herald staff writer | Posted: Tuesday, July 14, 2015 12:47 pm

People will be able to drop off scrap tires next month in Arlington, Nebraska.

The scrap-tire collection is set for Aug. 7 from 8 a.m. to noon at the Washington County Fairgrounds.

The Papio-Missouri River Natural Resources District, the Nebraska Loess Hills Resource Conservation & Development Council and the Lower Elkhorn Natural Resources District are sponsoring the event.

Scrap tires will be accepted from 10 counties: Burt, Colfax, Cuming, Dakota, Dodge, Douglas, Sarpy, Stanton, Thurston and Washington.

The fairgrounds are situated on the north side of U.S. Highway 30 on Arlington's west end. Vehicles should enter the fairgrounds using the east entrance on Highway 30.

Officials said the collection will accept all sizes of car, truck and tractor tires. Each load is limited to 100 tires. All tires must be off their rims. Limited unloading help will be available. Semitrailer trucks may not be allowed to unload if there is limited maneuvering room.

Champlin Tire Recycling of Concordia, Kansas, will take the collected tires to its facility for processing, which includes repair and retread of salvageable casings, reclamation of tires meeting used-tire specifications, and conversion into picnic tables and park benches.

23 Water Rescues in 30 Days Has Man Urging Folks Not to Forget their Life Jackets

Posted: Jul 15, 2015 7:38 PM CDT Updated: Jul 15, 2015 8:40 PM CDT



OMAHA (FOX42KPTM)-With all of the rain recently, a lot of debris is floating in metro area lakes and rivers. One man says that means possible hidden dangers in metro area lakes and rivers. With 23 rescue calls in 30 days, John Winkler, General Manager of the Papio-Missouri River Natural Resources District says when it comes to navigating waters in the area, saving your life might be as simple as remembering to wear one key thing. "If you continue with those numbers, somebody's going to drown, and that's not what we want to happen," said Winkler, who adds by simply wearing a life jacket, you could save your own life and avoid a fine.

For local rivers and lakes here in the metro, swimming is generally prohibited. And anyone who gets into the water is required to have a life jacket on. For boaters, the life jacket can be stored onboard. But for every passenger, there must be a life jacket. Boaters are also required to take along a spare jacket.

Winkler says in the past, the rules regarding life jackets haven't been enforced as much as they could be. So he's working with law enforcement agencies to step up the effort and issue citations in hopes that folks will follow the rules so they don't end up with a fine. "Hopefully a few citations get written for people who aren't following the rules, the word spreads quickly and hopefully people start following the rules," said Winkler who adds, doing so could save your life.



My first weekend at Kramper Lake

A first-hand account as told by Star Correspondent Amy Freeman

Kramper Lake held its soft opening last week on Wednesday and we arrived before nine o'clock with three various vehicles in front of us. Together we represented all the fun things you can do at the lake—camping, fishing and horse riding. I was so proud to be the first rider on the equestrian trail. I was home once again in my valley.

It all started in 1999 when Vinnie Kramper stopped by to inform me of a meeting that Papio- Missouri NRD was holding in South Sioux City and that we should attend. We of course attended and were shocked to find out they had been making plans to make a lake and needed some of our land. We love our acreage and were not pleased or excited. They told us then that this project would be 10 years at least to complete. So the years ticked away and we attended all the meetings and as time went on we reluctantly adjusted to the possibility of this being a reality.

I am a very optimistic person and I am expert at making lemons into lemonade. So that's what I did. I started to think of a riding stable on the land we retained.

It took thirteen years to purchase our property and we built a house on some land we had purchased for hunting and speculation in case we didn't build on the leftover land at the lake. Turns out we did build on the hunting land and we are three miles from the lake.

Sixteen years and the lake is now opened to fishing, boating at 5 miles per hour, kayaking, walking, biking,

horseback riding, camping and picnicking.



Opening day with a line waiting to get in were people from Wakefield, Herman, Bancroft and Hubbard.

My family hauled two campers and stayed all week end. It was so cool being in the area we used to live in once again. We rode horses, kayaked, fished and ate some of our catch of sunfish, catfish and largemouth bass which were all delicious!

I took pictures of the various craft on the lake and activities we participated in.

Our family is very impressed with what we were able to do and how much work has gone into our old stomping ground. Wednesday, while riding the horse trail, I did let loose a big "Yee Haw" to let the valley know I was back.



The Freemans, the Wordens (my family) and the Arnolds all enjoyed the weekend.



Two lonely trees are the only landmarks where our house stood. The cottonwood tree had a huge rope swing on it for years.

Nebraska's NRDs have planted 95 million trees — including more than 800,000 trees so far this year — since 1972

Posted: Sunday, July 19, 2015 12:11 pm

LINCOLN (AP) — Nebraska's natural resources districts have planted 95 million trees since they were created in 1972.

The Nebraska Association of Resources Districts says the districts have planted more than 800,000 trees so far this year. Most were planted on private property to help conserve and protect land.

The group said conservation trees and shrubs benefit people, animals and the environment. The benefits include shade and reduced energy costs for homes, protection of crops and livestock, and reduced soil erosion from water and wind. The trees also help capture carbon from the atmosphere and help raise property values.

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Bury a trail; pull up the welcome mat

Editorial

Washington County Enterprise

Posted: Friday, July 17, 2015 6:15 am

0 comments

We want to lure more residents to this area, right? People who work here, shop here, buy homes here and enroll their children in our schools. Perfectly paved roads are great, but they don't sell potential residents on a community.

Trails can be very tedious and costly to build. That's why the 5-mile, \$2.8 million River Road trail in Washington County being engulfed by Mother Nature would leave officials in other counties tearing their hair out in frustration.

The Papio-Missouri River Natural Resources District built the trail from the Douglas County line to Boyer Chute National Wildlife Refuge about a decade ago at no cost to Washington County.

But why should the county embrace a project fully funded by the federal government? What's the catch?

There was never a formal agreement, but the trail was handed over to the county. Mowing along the trail, and, ideally, clearing it of debris, will keep it usable. Future bigger expenses, like paving and repairs, could be budgeted or funded through recreation grants.

But why should the county start maintaining a trail that — allegedly — no one uses?

Well, would you prefer to ride a bike on a clear, debris-free trail, or on a trail covered in silt and overgrown weeds? If it's not maintained, of course, no one will use it. Just like a road.

That has changed, however. Cyclists — from those on casual rides to those on 60-mile treks — are taking the trail again instead of the adjacent County Road P51. This means that with a little effort on behalf of one county employee, that trail is not a waste.

If there are people who care about River Road trail and recreation in the county — and there are — they should form a group. Many communities have bicycling clubs and trail advocacy organizations that support trails through volunteering and event organizing.

The City of Blair's ongoing project to expand its trail system totals in the millions. Residents of all ages use that trail year-round.

Omaha has more than 120 miles of paved trails, with several connected to trails outside of the city. That actually impacts Washington County, which is directly connected via the River Road trail.

Talk to any of the bicycling groups or individuals you see on the county roads and highways here. Many of these people are from Omaha and Iowa. One group of cyclists comes from Omaha to Washington County every Tuesday. The president of CHI Creighton University Medical Center and the superintendent of Fremont-Mills schools each ride from Omaha to Washington County regularly.

Regardless of how the trail was obtained financially, it's here. With the growing effort to spur local tourism and economic development, promotion of a quiet trail with beautiful views could eventually translate to higher property values and tax revenue.

As the old saying goes, don't look a gift horse in the mouth.

A perfect day to be 'gone fishing'



Rachel Winkler, left, baits a hook for Amanda Horn Monday at Prairie Queen Recreation Area.

[Previous](#) [Next](#)



KENT SIEVERS / THE WORLD-HERALD

Rachel Winkler, left, and Amanda Horn, both 16 and from Papillion, spend Monday afternoon fishing at Prairie Queen Recreation Area.

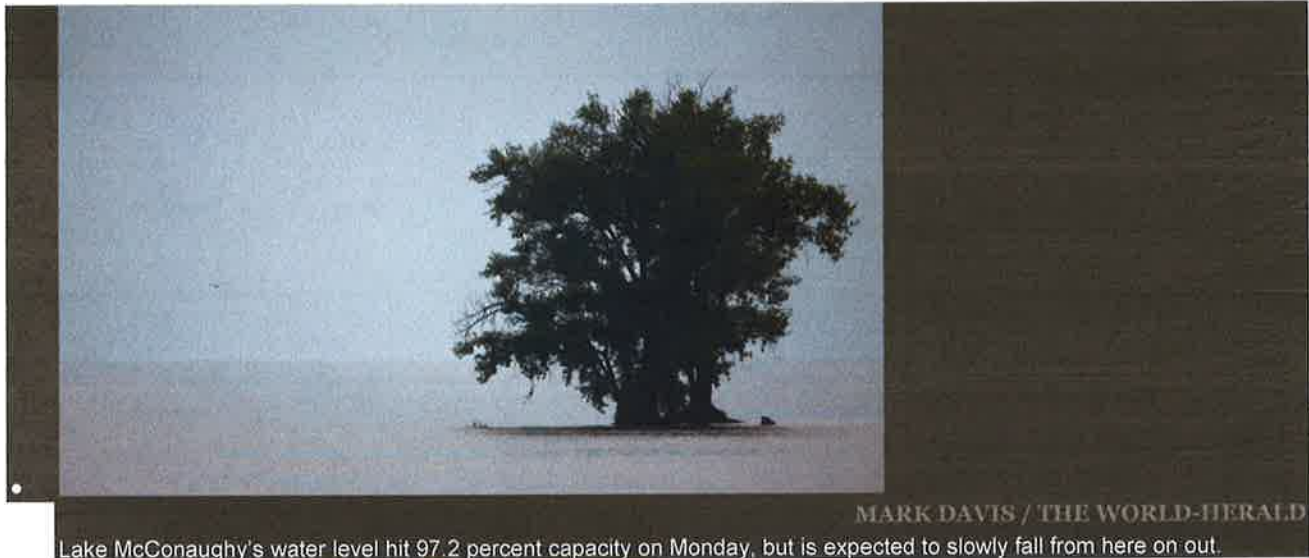


[View all 3 images in gallery.](#)

POSTED: TUESDAY, JULY 21, 2015 12:30 AM| UPDATED: 1:17 AM, TUE JUL 21, 2015.

After a bit of morning rain Monday, skies cleared and the breeze picked up, making for a picture-perfect summer day. Rachel Winkler and Amanda Horn, both 16 and from Papillion, took full advantage, heading to the Prairie Queen recreation area near 132nd Street and Lincoln Road for some fishing. The next three days should be just as nice for people planning to head outdoors — forecasters called for plenty of sunshine and highs in the 80s.

Wait a sec ... wasn't Lake McConaughy supposed to be lower than normal this year?



MARK DAVIS / THE WORLD-HERALD
Lake McConaughy's water level hit 97.2 percent capacity on Monday, but is expected to slowly fall from here on out.



MARK DAVIS / THE WORLD-HERALD

The waterline passes one of Lake McConaughy's more prominent markers. Campers used to sandy beaches are finding spots in trees this year.

[**View all 2 images in gallery.**](#)

POSTED: TUESDAY, JULY 21, 2015 12:30 AM| UPDATED: 12:50 AM, TUE JUL 21, 2015.

By David Hendee / World-Herald staff writer

OGALLALA, Neb. — Mother Nature apparently didn't get the memo.

This was expected to be another below-average, but respectable, year for Lake McConaughy. So said the engineers who manipulate the massive reservoir — Nebraska's largest lake — to keep corn-growing farmers and beach-loving families happy.

It was projected that North Platte River runoff into Lake McConaughy from Rocky Mountain snowpack in Wyoming would amount to about a third of normal this spring. That meant the lake would start the summer season an ideal 80 percent full and lined with sandy beaches.

Then heavy, late-spring snow and rain fell in Wyoming's eastern desert plains. It rained more. And more. Then it rained again.

The lake rose 5 feet in May. At peak flows in June, the North Platte delivered about seven times more water than normal into Big Mac.

The reservoir rose nearly 2½ feet during the first week of June.

Then over 2 feet more the next week. By the end of the month, McConaughy was a rare 13 feet higher and 2 miles longer than it was May 1.

And the signature white-sand beaches that draw upward of 1 million visitations a year were underwater.

Lamar Messer of Denver, who has spent a week at the lake nearly every year since 1984, is familiar with Big Mac's yo-yo cycles.

"We've seen it high. We've seen it low," Messer said while firing up a Jet Ski and launching it through submerged cottonwood trees, into a flooded bay that is a dry camping area most years. "We don't like it real high. We don't like it real low. Somewhere in the middle is just right."

His son, Rich Spahn of Denver, added: "We're spoiled."

The vacationing Coloradans — and tens of thousands of others — want it all. Big water. A big walleye bite. Big beaches.

McConaughy often delivers. Sometimes big. Sometimes not.

Colby Johnson is in his third summer as superintendent of Lake McConaughy State Recreation Area. He praised visitors for their resiliency in adapting to this year's high-water conditions after plentiful beach camping in 2013 and 2014.

"The vast majority of people are a little disappointed when they first arrive," he said. "But after they acclimate and find good camping in the trees, they realize it wasn't quite as bad as they thought."

Campers are pitching tents and parking recreational vehicles everywhere along the north shore of the 22-mile-long lake, instead of packing onto broad sandy beaches on the eastern end.

Omaha Beach, at the far western end of the lake, has seen more campers this summer than any time in the last two decades, Johnson said.

During the atypical ideal summer, McConaughy will provide 10,000 to 15,000 acres of beach. Campers pull up to the water's edge, and others fill in behind them. So far this summer, there are virtually no beaches.

In recent weeks, Johnson's crews mowed 1,000 acres of grassland above the flooded beaches and trees to create camping places beyond the numerous established campgrounds. And people keep coming. Lake McConaughy hosted an estimated 177,000 visitors during the four-day Fourth of July weekend. It was the lake's second-highest holiday turnout, trailing only last year's record 181,000.

Omahans Vernon and Lorie Rahn vacationed at the lake last week with about two dozen relatives from Colorado and Texas.

"It's not less fun," Vernon said. "It's just less space."

They spent their mornings fishing and their afternoons water skiing and riding personal watercraft out of Martin Bay. They camped below Kingsley Dam at Lake Ogallala.

Johnson said fishing can be tough when the lake is high because walleye and other game fish spread out and have plenty of flooded brush in which to hide and feast on bait fish.

"But the fish that anglers are catching are fat and happy," he said. "Fishing should be off the charts in coming years because the walleye are eating nonstop this summer."

Nate Nielsen, Kingsley Dam foreman for Central Nebraska Public Power and Irrigation District, doesn't complain about working with a full reservoir.

The lake was at 97.2 percent capacity Monday. It is expected to slowly fall during the rest of the summer as Central, which owns and operates the reservoir, releases water for downstream irrigators.

Nielsen has worked at the dam since 1994. When he took over as foreman in 2006, McConaughy was struggling to survive a multiyear drought of historic scale. Eight of the 10 lowest years for North Platte River inflows at the lake have occurred since 2001-02. Big Mac threatened to become Mini Mac.

“Those are years you don’t want to repeat,” Nielsen said. “Everybody gets depressed. The lake was still a lot of fun. Everybody liked the big beaches, but you worried about what the next year would bring.”

McConaughy’s spring surprise this year can’t be attributed only to inflows from the North Platte. Central has been holding back releases from the reservoir to avoid aggravating flooding in west-central Nebraska caused by the historic high flows in the South Platte River, which merges downstream with the North Platte to create the Platte River.

Many factors determine the reservoir’s level each year. They include upstream and downstream rainfall, irrigation demand, temperatures, soil moisture, South Platte flows, carryover storage in the lake from year to year and other uses, such as cooling water for the Nebraska Public Power District’s Gentleman Station.

The lake rebounded from the drought years of a decade ago and filled in 2011. But a deep drought the next year left the lake 54 percent full in 2012 and at 46 percent capacity in 2013. “This is money in the bank,” Nielsen said of the brimming reservoir. “This is way better than being 70 feet low.”

Spahn, the vacationing Coloradan, said he understands, to a point. He and his father and their families were the vanguard of about 20 relatives who were expected to squeeze into their temporary claim on West Theis Bay.

The Spahns and Messers arrived July 13 with an RV, a tent camper, a ski boat, two personal watercraft, a four-wheel-drive pickup truck and a pair of blue-and-orange Denver Broncos awning tents.

They searched for a piece of beachfront property the next morning and ended up waiting for another camper to pull up stakes from an unofficial spot on the edge of the bay.

They pounced on it.

“We love the water level high,” Spahn said. “It looks beautiful. It’s fun. But we like to have the beach, too. We’d really like a beach.”



Nebraska NRD's Tree Planting Numbers Reach 95 Million

LINCOLN — The Nebraska Association of Resources Districts is proud to announce the 23 Natural Resources Districts have planted an estimated 95 million trees in Nebraska since being created by the Nebraska Legislature back in 1972.

In 2015 alone, records show the NRDs planted just over 800,000 trees across the state. The majority of trees planted is on private land. The NRD Conservation Tree program continues to be successful as farmers, ranchers, private landowners and general public stay dedicated to conserving and protecting our land.

"We want to commend the landowners for working with the Natural Resources

Districts and getting involved in the NRD Conservation Tree Program," said Terry Martin, president of the Nebraska Association of Resources Districts. "By planting trees, the landowners are doing their part to protect their property and the state's natural resources and future."

The Natural Resources Districts continue to spread awareness about the benefits the trees provide to Nebraska. Conservation trees and shrubs benefit people, animals and the environment. They shade and shelter homes, reduce energy costs, protect and increase crop yields, reduce soil erosion caused by water and wind, improve water quality, control snow and preserve winter

moisture, protect livestock, provide food and cover for wildlife, control noise, capture atmospheric carbon, raise property values, and add beauty to our landscape.

To learn about the Natural Resources Districts' Conservation Tree Program, contact the local Natural Resources District or the Nebraska Association of Resources Districts at 402-471-7670.

You can also go to the Natural Resources Districts' NRD Conservation Tree Program website at www.nrdtrees.org. The Natural Resources Districts will start taking orders in the fall of 2015.

Gernandt, neighborhood leader happy about progress at Spring Lake Park



REBECCA S. GRATZ/THE WORLD HERALD

park1

Excavation is underway at Spring Lake Park on the 10- to 15-foot deep lake, which should be complete in 2015.

[Previous](#) [Next](#)



CHRISTOPHER BURBACH/THE WORLD-HERALD

Park2

Omaha City Councilman Garry Gernandt, right, with Nebraska Environmental Trust Director Mark Brohman, left, and Marty Grate, Omaha's environmental services manager on Thursday. Excavation has begun for returning a pond to historic Spring Lake Park, part of the City of Omaha's sewer overhaul project. The pond will slow the flow of storm water into the city's sewage treatment system, thus helping reduce the amount of e-coli the city dumps into the Missouri River.



CHRISTOPHER BURBACH/THE WORLD-HERALD

park3

Excavators and trucks removing dirt for the pond planned for Spring Lake Park, part of the city's "green solutions" sewer overhaul efforts.



REBECCA S. GRATZ/THE WORLD-HERALD

park4

Marty Grate, Omaha's environmental services manager, said the Spring Lake Park project will save about \$5 million in pipe construction costs.



REBECCA S. GRATZ/THE WORLD-HERALD

park5

The 10- to 15-foot-deep lake under construction at Spring Lake Park also will be good for birds, education and recreation, said Mark



THE WORLD-HERALD

Brohman, executive director of the Nebraska Environmental Trust.

POSTED: THURSDAY, JULY 23, 2015 3:00 PM | UPDATED: 11:24 PM, THU JUL 23, 2015.

Gernandt, neighborhood leader happy about progress at Spring Lake Park By Christopher Burbach / World-Herald staff writer The Omaha World-Herald

Garry Gernandt and Janet Bonet are digging what they're seeing at Spring Lake Park in South Omaha.

Dirt work has begun in the effort to return a lake to the historic park, as part of the City of Omaha's sewer overhaul project.

Gernandt, a longtime neighborhood advocate before he became an Omaha City Council member, said Spring Lake neighborhood leader Bonet approached him years ago and said, "Let's put the lake back in Spring Lake."

He's happy it is happening now.

The lake will be north of F Street at about 20th Street, near Spring Lake Elementary School and the Spring Lake swimming pool. It's expected to be completed in 2018, said Marty Grate, the city's environmental services manager.

The project will cost about \$10 million, part of which is funded through \$1.3 million in grants from the Nebraska Environmental Trust. That money helps pay for making the body of water an urban fishery and adding such amenities as a recreational trail around the water.

Grate joined Gernandt on Thursday in thanking the environmental trust for the grants.

The lake will primarily serve to help Omaha keep sewage out of the Missouri River. The city is separating storm and sanitary sewers in neighborhoods around the park.

Some of the rainwater, but no sewage, from the neighborhoods will flow through wetlands and into the new lake. The lake will hold and slowly release the stormwater, thus reducing the amount of water flowing into the city's sewage treatment system during rainfalls. That should help the city meet its federal mandate to reduce the amount of E. coli bacteria that Omaha discharges into the river.

Grate said the project, part of the city's "green solutions" sewer overhaul efforts, will save about \$5 million in pipe construction costs.

The 10- to 15-foot-deep lake also will be good for birds, education and recreation, said Mark Brohman, executive director of the Nebraska Environmental Trust.

Bonet predicted it will be "a gem."

"I can't wait to see the hikers and bikers, and parents and grandparents fishing with their kids, and the bird-watchers," she said.



GROUNDWATER MANAGEMENT

Other states eye Nebraska's system

Reliance on natural
resources districts is of
interest in places that
are running dry

LINCOLN (AP) — Nebraska's unique system for managing its groundwater is catching the attention of some states that are running dry and threatening farmers with restrictions after decades of overuse.

Despite its widespread use for crop irrigation, Nebraska's groundwater supply has remained stable while states such as California and Texas struggle with shortages. The difference has led some out-of-state water groups and local governments to ask about Nebraska's water-management practices.

"I think interest has certainly increased, and I wouldn't be surprised if it didn't continue to increase," said Jim Schneider, acting director of the Nebraska Department of Natural Resources.

Nebraska regulates its groundwater through 23 natural resources districts, represented by locally elected board members, while the State Department of Natural Resources oversees rivers and lakes. Schneider has been invited to discuss Nebraska's system in November before the American Water Resources

Association, a national group that includes private and government water-management experts.

The Nebraska Association of Resources Districts, which represents the 23 districts, has also seen growing interest from states over the past five years, said Dean Edson, the group's executive director.

Edson said he has received inquiries from Florida, Indiana, Oklahoma and Utah, given presentations in Kansas and South Dakota, and is scheduled to speak at a conference of Western states in California next month.

Nebraska regulates its groundwater more heavily than any other state, but the system works well because it relies on local control, said Kris Polly, a special adviser to the Washington-based National Water Resources Association, which organized the California conference. Polly said Nebraska's policies could serve as an example for states that tap their groundwater.

"If there were no controls in place in Nebraska, there would be rapid declines in the Ogallala Aquifer," he said. "There

have been some, but due to the regulations, the water level is under control and in some places advancing."

Edson noted that the NRDs have greater authority than most local water boards.

Nebraska's districts have taxing authority to pay for water conservation projects. Their boundaries are drawn by river basin rather than county lines, letting board members focus on the basin as a whole instead of political interests.

Nebraska's boards also allow anyone who is eligible for public office to serve, while other states restrict their board memberships to farmers, who may be reluctant to impose restrictions on themselves.

Nebraska was the nation's largest irrigator in 2012, according to the most recent U.S. Census of Agriculture, a study conducted by the federal government every five years. Nearly 8.3 million acres statewide were irrigated, accounting for 15 percent of the national total. The second-largest irrigator was California, a state with more than twice as much total land.

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Water resources envy of other states

Leaders credit NRD structure

By GRANT SCHULTE
 The Associated Press

Nebraska's unique system for managing its groundwater is catching the eye of other states that are running dry and threatening farmers with restrictions after decades of overuse.

Despite its widespread use for crop irrigation, Nebraska's groundwater supply has remained stable while states such as California and Texas struggle with shortages. The difference has led some out-of-state water groups and local governments to ask about Nebraska's water-management practices.

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See WATER, Page B2

■ Water

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"If there were no controls in place in Nebraska, there would be rapid declines in the Ogallala Aquifer," he said. "There have been some, but due to the regulations, the water level is under control and in some places advancing."

Edson said the natural resources districts, commonly known as NRDs, are effective in part because they have greater authority than most local water boards.

Unlike most states' water regulators, Nebraska's districts have taxing authority to pay for water conservation projects. Their boundaries are drawn by river basin rather than county lines, letting board members focus on the basin as a whole instead of local political interests.

Nebraska's boards also allow anyone who's eligible for public office to serve, while other states restrict their board memberships to farmers who may be reluctant to impose tougher restrictions on themselves.

"Nobody wants to be regulated, but if you want good management of your water resources, you have to have some regulation," Edson said.

The Nebraska boards usually include a mix of farmers, bankers, agribusiness owners, professors and other professionals who rely on scientific data from their

staff to make decisions, Edson said. Districts prevent farmers from digging too many irrigation wells in one area, and use their taxing power to pay for canals, dams and other projects that replenish groundwater.

Nebraska was the nation's largest irrigator in 2012, according to the most recent U.S. Census of Agriculture, a study conducted by federal government every five years. Nearly 8.3 million acres statewide were irrigated, accounting for 15 percent of the national total. The second-largest irrigator was California, a state with more than twice as much total land.

Some of Nebraska's water bounty is due to luck: The state sits atop the thickest and widest portions of the Ogallala Aquifer, a massive groundwater supply that lies beneath eight states. Nebraska's portion of the aquifer easily recharges

because of large areas of sandy soil that allow water to seep back into the ground.

Nebraska delegates an unusual amount of groundwater-management authority to its local natural resources districts compared to other states, said Karina Schoengold, an associate professor at the University of Nebraska-Lincoln's Department of Agricultural Economics and School of Natural Resources.

Schoengold said some parts of the state's groundwater supply face long-term concerns, but the NRDs are starting to look at new restrictions to protect it.

With the NRD system, "it's not someone who's across the state who's affected," she said. "It's your neighbor that's affected if you're using too much water. There's a greater vested interest in managing the resource."



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MIDLANDS

Omaha World-Herald

TUESDAY, JULY 28, 2015

SECTION B

OHA audit report reveals details of missteps

Two-year-old federal finding says funds were mishandled and some officials used intimidation to sway decisions

By CHRISTOPHER BURBACH
 WORLD-HERALD STAFF WRITER

U.S. Rep. Brad Ashford and U.S. Sen. Chuck Grassley released copies Monday of a two-year-old audit report on the Omaha Housing Authority that the federal government previously had refused to make public.

The U.S. Department of Housing and Urban Development had rejected public records requests

from The World-Herald and others for the report, which was completed in 2013.

But on Monday, HUD sent copies of its auditors' report to Grassley, R-Iowa, and Ashford, D-Neb., who in turn provided copies to The World-Herald. The senator and congressman each had asked HUD in June to release the report.

The report contains more details and recommendations

connected with the audit findings. Previously, HUD had released only an executive summary of the forensic audit, which examined OHA's finances and governance from 2001 through 2012.

Ashford was executive director of the housing authority from 2003 to 2006. The HUD audit report did not criticize him directly.

The report contains findings critical of other OHA employees and board members.

Its biggest finding, as explained earlier in the executive summary, is that OHA improperly used Section 8 housing and other funds to prop up the housing authority's nonprofit development arm, Housing in Omaha Inc.

That occurred after Ashford's tenure as the agency's executive director.

HUD has ordered the housing authority to repay \$1.1 million in

See Audit: Page 2

Audit: CEO says housing authority has since taken corrective steps

misdirected funds to the federal government. The agency is negotiating with the government on the terms of that repayment, said Clifford Scott, OHA's chief executive officer.

The auditors also criticized the practice of putting elected officials on the OHA board. It recommended that the City of Omaha and the housing authority end that practice.

Currently, no elected official is on the OHA board.

The auditors concluded that local elected official Fred Conley had a conflict of interest with a local businessman while serving on the OHA board.

Conley has said that he had no such conflict of interest. The World-Herald reported in June that HUD was seeking to prohibit Conley from any involvement in federal contracts.

Conley, who currently serves on the boards of Metropolitan Community College and the Papio-Missouri River Natural Resources District, is contesting the action.

HUD held a hearing on the matter in June. A decision has not been announced and is not expected until at least mid-August.

The report, in an addendum, credited Ashford with successfully completing the requirements of a court-ordered housing discrimination lawsuit settlement that had resulted from OHA's demolition of public housing in the 1990s.

The report said that the later misallocation of funds, after Ashford's tenure, was related to the lawsuit. OHA had used Housing in Omaha Inc. to buy and build enough housing to settle the lawsuit, and those

properties later were losing money.

Ashford said Monday that it was paramount to resolve the lawsuit.

"We had to get 284 (housing) units in three years," Ashford said.

He said that HUD officials in Nebraska were familiar with the Housing in Omaha developments and that HUD and private investors projected that the developments would not lose money.

The audit report criticized the hiring of former Omaha City Councilman Frank Brown to head Housing in Omaha.

That occurred while Ashford was OHA's executive director. Ashford said that Housing in Omaha's board hired Brown because it needed someone to manage its properties and that Nebraska HUD officials

approved the hiring.

But the audit report said that employing Brown was unnecessary and that doing so contributed to the deficits that led to the misallocation of funds.

The report said that Brown, who had served on the OHA board, and fellow board member William A. Begley "created a culture of fear and intimidation that unduly influenced management decisions."

Begley said Monday that that is untrue. Brown could not be reached for comment Monday.

The audit report also said that Begley pushed for contracts of fire protection equipment to two vendors, and "made sure these two vendors had the highest priority when it came to payments."

The report recommended that Begley's actions "be re-

ferred to an appropriate agency for further investigation.”

Begley said Monday that he did push for those contracts, but there was nothing wrong with doing so. He said he had no financial interest in the companies and received no benefit from the contracts.

“That’s an area of expertise that I understood quite well, and I knew those two companies were capable of doing the job we hired them to do,” Begley said.

He said he forwarded calls from the companies concerning payments to OHA officials in the same way he handled all such requests.

The report also said that Conley and Omaha City Councilman Ben Gray, while they were on the OHA board, had “unduly influenced management decisions, i.e. reversing a staff termination through extraordinary change in personnel policy.”

The report also said that Gray and Conley had exerted political influence on the board.

Gray said the termination was unjust, and that he and Conley along with the OHA board reversed it. He said he didn’t exert political influence.

The report’s criticism of Gray and Conley resulted from their pressuring then-U.S. Sen. Ben Nelson, D-Neb., to request the audit after HUD refused to do one, Gray said.

“In my judgment, the national HUD engaged in a witch hunt where they were interested just with myself and Fred Conley rather than addressing commingling checkbooks and other issues that had almost led to the federal government taking over the housing authority.”

The housing authority is now on good footing with HUD, said Scott, the chief executive officer. The OHA has taken all the corrective actions spelled out in a recovery plan with HUD, although it has not yet paid back the \$1.1 million, he said.

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Japp, lawyer told to pay in spat with NRD board

Second-term member
is accused of interfering
with plans for new dam

By CODY WINCHESTER
WORLD-HERALD STAFF WRITER

A judge has sanctioned a local elected official and his attorney in a dispute related to a new Omaha dam site.

In a July 15 order, Douglas County District Court Judge Timothy Burns awarded some costs and attorney's fees to the Papio-Missouri River Natural Resources District in its continuing lawsuit against Scott Japp, one of the NRD's 11 board members.

Japp said Wednesday that he hadn't seen the order and deferred comment to his attorney, K.C. Engdahl.

"The court's order is an unfortunate cost incurred in the course of defending an unwarranted complaint," Engdahl said in an email. "The matter is not concluded."

David Newman of Husch Blackwell, the NRD's lawyer, called Burns' order "welcome relief for the district."

The dispute began in 2013, when board members accused Japp of interfering with plans for Dam Site 15A, a new dam on West Papillion Creek at 168th and Fort Streets.

Japp, a second-term board member who represents Washington County and parts of Burt, Thurston and Dakota Counties, opposes the project. In

See Sanction: Page 2

Sanction: NRD board awarded some costs and attorney's fees

May 2013, he was on the losing end of an 8-3 vote to approve a \$43 million bond issue to finance the project.

Six months later, as the NRD negotiated property buyouts with landowners, at least one of them got a letter from Japp. It said that he represented a company, Canudigit LLC, that wanted to quarry topsoil on the property. It included a proposed lease agreement for the mineral rights.

Other board members cried foul, saying the deal would encumber the properties with costly mineral leases and might represent a conflict of interest for Japp.

Japp said the NRD was lowballing the landowners on the value of the dirt. He said he's not involved with the company and doesn't know anything about its ownership — that he was merely passing along a business opportunity.

In February 2014, the district filed suit, asking the court to enjoin Japp from further "interference" in the matter. Two days later, Engdahl filed corporate organizational paperwork with the state for Canudigit.

The NRD subpoenaed the company's records. Engdahl, the company's registered agent, resisted in a series of motions.

More than once, Burns ordered Japp and Engdahl to

comply with the subpoena, at one point calling Engdahl's arguments for quashing the subpoena "untenable and dilatory." The NRD lawyer asked for sanctions.

Engdahl said in an April deposition that the sole member of Canudigit was an Ames farmer who died in February. In June, the corporation was dissolved for nonpayment of taxes. To date, the only document produced has been Canudigit's one-page certificate of organization, according to Burns' order.

The NRD has begun construction on the dam site, so it's unclear where the lawsuit goes from here.

Meanwhile, Japp and Engdahl are fighting a related complaint before the Nebraska Accountability and Disclosure Commission. Before filing suit in Douglas County, the NRD board voted to have then-Chairman Fred Conley file an ethics complaint against Japp with the commission.

The commission opened an inquiry, but Japp and Engdahl refused to answer subpoenas from state lawyers. The commission took the two men to court to compel their cooperation.

Last fall, a Lancaster County judge ordered Japp and Engdahl to comply. Their appeal is pending.

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Subject: OWH Editorial - NRD Flood Control Project

Lakes boost local areas (OWH Editorial)

Posted: Saturday, August 1, 2015 1:15 am

Northeast Nebraskans are getting first tastes of a new flood-prevention lake and its recreation-related benefits.

The 226-acre Kramper Lake and 520-acre Danish Alps State Recreation Area opened July 8 to visitors near Hubbard, Nebraska.

Many of the 234 residents of Hubbard told The World-Herald they welcome the \$18.7 million flood-fighting project and lake. Local boosters see visions of fishing, boating, camping and hiking, plus the money that often accompanies visitors.

Their optimism makes sense.

All across the Midlands, residents and businesses benefit from hundreds of flood-control projects that also provide recreational spaces. Recreation is a welcome side benefit of flood-prevention projects by Nebraska's 23 local Natural Resources Districts or NRDs. Neither the state nor the Nebraska Association of Resources Districts track recreation spending at or around NRD lakes.

But the local economic impact is substantial, Papio-Missouri River Natural Resources District General Manager John Winkler says.

Flood control alone returns three to four dollars for each public dollar invested, Winkler says. Such projects also can add value to land, with property development often taking place near the lakes.

Then there's recreation. Lake Wanahoo, a 662-acre lake just north of Wahoo, has counted more than 125,000 annual visits since its 2012 opening. So far this year, the lake has hosted more than 13,000 campers, said John Miyoshi, general manager of the Lower Platte North NRD.

It offers RV camping, tent camping, piers for fishing and trails. There are plans for playground equipment on both sides of the lake.

Lake projects are sometimes controversial at the start, particularly when landowners don't want to sell and NRDs must use eminent domain.

Dean Edson, who heads the state association of NRDs, says the NRDs exercise eminent domain in very few cases. He estimates 1 percent. And government entities should proceed prudently and responsibly when questions of property rights arise.

But once in place, these lakes grow into community staples. Think Elkhorn Crossing, Summit Lake, Walnut Creek and Standing Bear Lake.

Hubbard-area landowners sold willingly, as The World-Herald's David Hendee reported. Many are excitedly anticipating the economic benefits.

If history is a guide, Hubbard will feel a boost, thanks to the lake's proximity to South Sioux City. Marguerite Cain told Hendee the new lake and park would be "awesome" for Hubbard.

She's right. Low-lying land will stay dry. And the new, man-made lake will draw visitors. "We've been getting in worms, rubber worms, hooks and string," she said from the town's lone store. "Anything that goes with fishing."

In some states, flood-prevention bodies of water are fenced off from the public and accomplish only one task, flood prevention. In Nebraska, many of those newly formed bodies of water, with state and local taxpayer help, do more.

"We build these lakes for flood control, but we shouldn't be ashamed of the development that happens around them," said Winkler, of the Omaha-area NRD.

It all comes back to the vision behind Nebraska's unique system of independent, local NRDs. Their leaders see the bigger picture.

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Nebraska's NRDs -- Protecting Lives, Protecting Property and Protecting the Future!

World-Herald editorial: Report gives Offutt good grade

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Cities and towns sometimes make the mistake of allowing land near military bases to develop without consideration of a base's needs.

Omaha, Bellevue, Papillion and Council Bluffs officials have shown that they know better, as have those in Douglas, Sarpy and Pottawattamie Counties. Offutt Air Force Base contributes \$1.3 billion to the region's economy, employs more than 10,000 people and supports thousands more.

So it was good to see the metro area — and Bellevue, in particular — get high marks for cooperation in a report the Pentagon uses to help evaluate Offutt and its future. The seven-month, Defense Department-funded joint land use study credits several layers of local and state government for protecting land around Offutt.

Strong relationships are key amid resurgent talk of Defense Department budget cuts and the ever-present possibility of base closures.

The report identified 21 “minor” areas where some work is required, things like installing new safety barriers along Fort Crook Road. One of the biggest issues identified is fixing the levees that protect Offutt land from Missouri River flooding. Some work is underway, but the levee system needs an estimated \$25 million in upgrades to remain federally certified to resist flooding.

In this environment, bases without the necessary cooperation, even for a time, can see their operations and chances for growth threatened.

Naval Air Station Oceana near Virginia Beach, Virginia, is one example. New housing built too close to the station led to neighbor complaints. Navy fears about encroachment nearly moved the station to Florida. Salvaging it required costly local land use changes, acquisition of property, noise mitigation, even special street lights.

That's a mess Offutt's backers want to avoid, and have. While no military base's future is guaranteed — and Offutt's main runway needs repaved — the base is in better shape than many others. Work continues on a new, \$1.2 billion headquarters for U.S. Strategic Command. The base also hosts the 55th Wing and Air Force Weather Agency.

Offutt's needs are valued by every level of state and local government, from the governor's office to the local natural resources district.

Military bases perform vital national security missions. They also boost the economies of their home communities, driving new spending by military members, contractors and businesses.

But they need room to breathe. And the freedom to operate without meddling and second-guessing from their neighbors who benefit.

In the Omaha area, they get that space. Because of that, the military can do its important work, now and well into the future.

World-Herald editorial: Water rules may be legally wobbly

The regulations designate which bodies of water fall under the jurisdiction of the federal Clean Water Act.

, AUGUST 10, 2015 1:15 AM

Lawsuits have begun to pile up against the “Waters of the U.S.” rules that federal regulators are set to begin enforcing before the month is out.

The regulations, set to take effect Aug. 28, designate which bodies of water fall under the jurisdiction of the federal Clean Water Act.

The agricultural sector in particular has rightly voiced concern because farm activities such as dredging, putting in drainage ditches or installing small dams or terracing could require costly federal permitting for the first time.

It turns out that the new rules may well be legally vulnerable — something that the U.S. Army Corps of Engineers said directly in a set of memos released by a U.S. House committee.

“The draft final rule regarding the definition of WOTUS (Waters of the U.S.) contains serious flaws,” Maj. Gen. John W. Peabody, the Corps’ deputy commanding general for civil and emergency operations, wrote in April.

“If the rule is promulgated as final without correcting those flaws,” Peabody continued, “it will be legally vulnerable, difficult to defend in court, difficult for the Corps to explain or justify, and challenging for the Corps to implement.”

The Corps’ memos may well provide significant legal ammunition to the various groups that have filed lawsuits to block the new rules.

Thirteen states, including Nebraska, have filed a federal lawsuit against the new regulations. A separate suit was filed by business groups, including the U.S. Chamber of Commerce and the National Federation of Independent Business.

Meanwhile, a set of environmental groups has filed a lawsuit of its own against the regulations. The groups argue — in contrast to the government- and business-affiliated lawsuits — that the EPA’s revamped rules wrongly reduce the scope of federal regulatory authority.

A common point made in the lawsuits and in the Corps’ memos is that the EPA should have carried out an intensive, large-scale environmental impact study before finalizing these rules.

Such a study, which can take months or even years, is required under the National Environmental Policy Act. That law, passed in 1970, is a direct mandate for the Army Corps of Engineers.

Instead, the EPA carried out a smaller-scale “assessment.” As one news account described it, “with political leaders racing to get the final rule out the door before presidential politics ramped up this summer, only an environmental assessment was completed.”

Among other points made in the Corps’ memos:

- » The EPA’s new rule that regulatory reach doesn’t extend beyond 4,000 feet from an interstate waterway “is not based on any principle of science, hydrology or law, and thus is legally vulnerable.”

- » The EPA’s “assertion of jurisdiction over every stream bed has the effect of asserting CWA [Clean Water Act] jurisdiction over many thousands of miles of dry washes and arroyos in the desert Southwest, even though those ephemeral dry washes, arroyos, etc. carry water infrequently and sometimes in small quantities if those features meet the definition of a tributary.”

The “waters of the U.S.” issue has sparked furious debate for months. Now the courts will decide.

If the Corps of Engineers’ analysis is correct, the rules, much like water in one of those Southwest arroyos, may not be here for long.

Flood control dams did their job; four lakes set record storing May storm

[Nancy Hicks](#) | [Lincoln Journal Star](#)



Flooding

GWYNETH ROBERTS/Journal Star file photo

Salt Creek rose rapidly on May 7, nearing track level on two train trestles south of Haymarket Park. The river crested at 28.8 feet during this spring's flooding.



Salt Creek rose rapidly on May 7, nearing track level on two train trestles south of Haymarket Park. The river crested at 28.8 feet during this spring's flooding.

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Photos: Floodwaters swamp Lincoln, surrounding areas

NRD budget includes \$1.5 million for spring flood repairs



The Lower Platte South Natural Resources District has proposed a budget for fiscal year 2016 that includes about \$1.5 million to repair damage... [Read more](#)

Dams have helped, but DeWitt residents always watching the water



DeWITT -- Jim Daniels, 69, remembers the flood that devastated his town three decades ago on June 11. [Read more](#)

Wilderness Park designed as relief valve for Salt Creek



Roger Yant lives close to Wilderness Park and is used to Salt Creek overflowing its banks and flooding the park and nearby areas. [Read more](#)

Normally tranquil Salt Creek key part of flood-control plan



In May, Salt Creek swelled into a dangerous, muddy river as it pulsed around the heart of the city, dramatically rising and falling with every storm. [Read more](#)

On June 5, 1914, the 4 inches of rain that fell in and around Lincoln made O Street look like Venice and forced hundreds of people from their homes.

In 1950 and again in 1951, Salt Creek and its tributaries flooded some 600 homes and 80 businesses in Lincoln.

Damage from the 1950 flood totaled \$2 million -- in 1950 dollars. And Antelope Creek ran four blocks wide in June 1951.

This spring, a surging Salt Creek lapped at the bottom of the tracks on the railroad bridge near Haymarket Park, prompting dozens of people in the North and South Bottoms to leave their homes overnight as a precautionary move.

This time, O Street was not covered in 3 feet of water and most work went on uninterrupted, but flood records were set.

On May 7, four of the 10 lakes built to help control flooding in the Salt Creek Watershed reached their all-time highest elevation after 7 to 10 inches of rain fell across the region.

* Holmes Lake rose 7 feet in one day, reaching a record 1250.2 feet of elevation on May 7.

* Yankee Hill Lake, the flood-control lake just outside the city limits at Southwest 40th and Yankee Hill Road, rose 8.5 feet in one day to an all-time peak of 1253.7 feet of elevation.

* At Bluestem Lake near Martell, the one-day rise measured 10 feet. It's record mark was 1316.7 feet of elevation.

* The largest daily increase was recorded at Olive Creek Lake near Kramer. A 13.2-foot rise put its May 7 mark at 1345.6 feet of elevation.

Two other dams in southern Lancaster County -- Stagecoach and Wagon Train lakes -- reached their second- and third-highest elevation levels on record.

Inside the city limits, water rose to within a foot of topping the Salt Creek levees built to withstand a 70- to 100-year flood event.

Paul Zillig, assistant general manager of the Lower Platte South Natural Resources District, documented statistics from the May flooding at a conference of the Nebraska Floodplain and Storm Water Managers Association last month.

The federal Corps of Engineers, which built the 10 flood-control dams and the Salt Creek levee system, calculated in 2013 that the dams had prevented more than \$77.6 million in damage since they were built in the 1960s. The Salt Creek levees alone had prevented another \$77.8 million in damage, Zillig said.

And that was before the May storm.

The Lincoln Airport officially measured 7 inches of rain over two days, and as you headed south there were unofficial reports of upwards of 10 inches.

"My assumption is that the damage prevented in May is going to be pretty high," Zillig said.

It is estimated that the dams held back 7 billion gallons of water, or 22,500 acre feet of water, in the Salt Creek Watershed alone, he said. That's about the same amount of water as Branched Oak, the biggest of the 10 watershed lakes, holds during normal periods.

That's a lot of water that didn't get to Lincoln, he said.

All of the flood-control dams benefit the downstream area by reducing the peak flows, Zillig said.

Holmes Lake benefits primarily Lincoln along Antelope Creek and also along Salt Creek downstream of the Devaney Center, Zillig said.

The other nine Corps dams benefit areas downstream, as well as thousands of acres of ag land, county and state roads and bridges, and rural communities like Hickman, Sprague, Roca and Raymond.

The Salt Creek levees protect areas of Lincoln adjacent to the stream from about First and Calvert streets to 40th and Superior.

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