

# MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager's Report

DATE: January 11, 2012

FROM: John Winkler, General Manager

A. **INFORMATION/EDUCATION REPORT:** The I&E Report detailing Information and Education activities for the month of December 2011, is attached for your review.

B. **PERSONNEL/MISCELLANEOUS ITEMS:**

1. The District received a thank you from Nebraska Strong: Flood Recovery Project commenting on the hard work and support given by Marlin Petermann and Lori Laster for the floodway buyout program, and their professional interaction with flood victims during this stressful time.

2. The General Manager was given an email from District staff in regards to his personal achievements from utilizing the District's Wellness Program. The email is attached.

3. Update on Floodway Buyout Program.

4. Update on Army Corps of Engineers and NRD plans for the Missouri River (Japp).

<https://www.facebook.com/OmahaUSACE>

<http://www.nwd-mr.usace.army.mil/rcc/reports/pdfs/finalAOP2011-2012.pdf>

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 December, 2011. 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, Paul Peters, as of December 14, 2011. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.

E. **NEBRASKA UNICAMERAL LEGISLATURE – FIRST SESSION HEARING SCHEDULE:** The Interim Hearing Schedules of the Nebraska Unicameral are attached.

1. LB 732 (Mello) CITY TRAILS: is a bill to provide procedures for the use of eminent domain by cities and villages for trails by providing a super-majority affirmative vote (67%) for a city or village to authorize the use of eminent domain to establish a recreational trail. The bill also outlines several procedures for cities and villages to follow for establishing a trail, including but not limited to alternate route options, landowner notification, public notices and public hearings.

2. LB 931 – Change provisions relating to flood protection and water quality enhancement bonds. Current law allows a county board to pass a resolution opposing construction of a reservoir, water quality basin projects or projects greater than 20 acres within its exclusive zoning jurisdiction. The bill eliminates the term "exclusive". The term exclusive was placed in the original language to prevent one zoning authority from having veto power over another zoning authority. An example would be Douglas County voting against a structure that was supported by the City of Omaha. (Karpisek).

F. **NEWS CLIPS:**

- ✓ December 6, 2011, Lincoln Journal Star article, More trouble with Lincoln-Omaha trail
- ✓ December 13, 2011, Omaha World Herald article, Corps short of levee repair funds
- ✓ December 13, 2011, Lincoln Journal Star editorial, Close the Lincoln-Omaha trail gap
- ✓ December 21, 2011, Omaha World Herald article, Panel: Corps did all it could in face of flooding
- ✓ December 29, 2011, Omaha World Herald article, Money to repair levees will flow
- ✓ January 3, 2012, Omaha World Herald article, Bluffs buyouts draw Bellevue ire

## December, 2011 Information/Education Report

### Information

- Assisted with Heron Haven Groundbreaking
- Began work on Triumph of Agriculture expo
- Updated Facebook page
- Continued planning for 2102 media campaigns
- Updated web site
- Published 4<sup>th</sup> quarter Spectrum Newsletter
- Continued work on archiving of old photography
- Began work on 2012 Omaha Boat Sports and Travel Expo
- Completed work on 2012 Calendars

### Education

- Presentations
  - **12/1**- Creighton- Pre-Service Teacher Workshop- 9 students/1 professor
  - **12/5**- Blumfield Elementary Nature Club- Pollution- 13 students (2<sup>nd</sup> and 3<sup>rd</sup> Grade)/2 teachers
  - **12/6**- St Pius/St Leo 3<sup>rd</sup> Grades (4 classes) Owls/Owl Pellets-100 students/4 teachers
  - **12/6**-Tiger Explorers Nature Club, Sandoz Elementary-Snow-41 students/2 teachers
  - **12/6**- Creighton- Pre-Service Teacher Workshop- 9 students/1 professor
  - **12/8**-Cub Explorers Nature Club, Sandoz Elementary-Snow-37 students/2 teachers
  - **12/6**- College of Saint Mary's- Pre-Service Teacher Workshop- 24 students/1 professor
  - **12/8**- College of Saint Mary's- Pre-Service Teacher Workshop- 24 students/1 professor
  - **12/20**- Morton Elementary Nature Club- Recycling- roughly 20 students (3<sup>rd</sup> Grade)/2 teachers
- Met with Live Well Omaha Kids to work on QR codes/signage for Chalco Hills Recreation Area
- Continued update of Nebraska LEP database
- Continued correspondence on updates to Federal and State Owl permits
- LEP State Coordinators Conference Call
- Edited new NRD Education brochure, printing 5,000
- Met with PLT/WET Coordinator regarding LEP coordination
- Met with LPS Education Specialist regarding LEP workshops
- Continued upkeep of owl enclosures, and care of owls
- Started revisions of e-Cultivation teacher newsletter

Mauden & Siri -

On Behalf of Mauden Strong:

Flood Recovery Project, we would like to thank you for all of your hard work developing a very clear plan for residents of flood-affected areas. We were surprised and saddened by the vote of the Bellevue City Council, as we know the plan you developed was a good option for many residents. It is not always easy to deal with the emotional reactions of flood survivors, but you both did great work handling the situation professionally and with solid, straight-forward information. Again, thank you and your team for all of

your hard work through this process. Best wishes for a safe and happy holiday season.

S

incere thanks  
for all you've done.



Bev Siri  
Emily Adams

12-12-2011

## Guthridge, Heather

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**From:** Krueger, David  
**Sent:** Friday, December 23, 2011 2:29 PM  
**To:** Guthridge, Heather  
**Subject:** RE: Blaze Your Own Trail!

Just a side note I use the Wellness Program opportunity every chance I get and its assistance covers almost half my costs for the Lakeside Wellness Center membership fees. As a direct result of my daily workouts It was discovered I suffered from an A-fib problem which has since been corrected. I might also add that I have dropped from 283 pounds to 250 and have made progress in maintaining control of Type 2 Diabetes, I am thankful to the NRD for their program and urge anyone that can use this to take advantage of it.

Dave Krueger

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**From:** Guthridge, Heather  
**Sent:** Friday, December 23, 2011 10:05 AM  
**To:** Everyone @ NRD  
**Subject:** Blaze Your Own Trail!

With the January right around the corner many of us are looking to our New Year's Resolutions. I'm sure we all have a wide variety of resolutions – financial, family, organization. While I should probably be looking to better organize my free time so I have more of it, my resolutions always seem to focus around wellness. What's the next big challenge I can put my body to? Recently I came across an article from WELCOA about Jack LaLanne and all of his amazing accomplishments throughout his life. I wanted to share this story with you as it really motivated me when setting my wellness goals. If he can tow 70 boats a half a mile WITH his hands AND feet tied at 70 years old, what can I do?

If he can do that, why don't we put ourselves to a short challenge in the New Year called Fitness Friday! Every Friday in January and February we'll have something to do with fitness over the lunch hour (11:30-12:30) in the Board Room. These could be a wide variety of events and will change every week! One week could be getting active with the Wii and another could be a wellness talk or lunchtime walk. The only thing you will need for the challenge is yourself and a sack lunch. ☺ The benefits from getting active at lunch are endless, but we'll add in one more: if you attend 75% (at least 6) of the Fitness Fridays you'll be entered to win a prize! Don't miss the first one – January 6<sup>th</sup>!

One last thing. I'd love to get your input on what you'd like to see with our wellness program in 2012. What are YOUR wellness goals and how can we help?

I hope you all have a Happy Holidays!  
Heather



Updated: December 12, 2011

## **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 = PFP's Portion Completed

- **Little Papio:** (Cleveland)
  
- **Big Papio:** (Cleveland)
  - ☼ Gabion Repair Project Easements (W)
  
- **West Branch:** (Cleveland)
  - Land Exchange with Sarpy Co. (96<sup>th</sup> St.) (W)
  
- **Western Sarpy Dike:** (Cleveland)
  - Saunders County side ROW agreement and easements (F)
  - ☼ NRDs/NE-ARNG Interlocal for Camp Ashland Property (W)
  
- **Floodway Purchase Program:** (Laster)
  - ☼ Purchase agreements and closing documents for King Lake – Osborne Property (W)
  - Omaha Interlocal for Missouri River Buyouts (N)
  
- **Trail Projects:** (Bowen)
  
- **Missouri River Corridor Project:** (Becic)
  - Interlocal Agreement w/Omaha on Omaha Levee and Floodwall (P)
  
- **USDA PL 566 Projects, Silver Creek and Pigeon/Jones Watershed:** (Schumacher/Cleveland)
  - ☼ Pigeon/Jones Site 15 Purchase Agreements and closing documents (W)
  - Papio W-3 Eminent Domain (Camden) (F)
  - ☼ Papio W-3 Access-Quiet Title Action (W)

- **Papio Watershed Dam Sites:** (Grint/Laster/Petermann)
  - Interlocal agreement with Douglas County for DS 15A (W)
  - Interlocal agreement with City of Omaha for DS 15A (F)
  - ★ Zorinsky Basin #1 – purchase agreements, deeds and easements (W)
  - ★ WP-5 Interlocal Agreement with Papillion and Sarpy County (W)
  
- **Papio Creek Watershed Partnership (Stormwater):** (Grint)
  
- **Rural Water Projects:** (Sklenar)
  
- **Other:**
  - Prepare Interlocal Agreement w/UNO on Heritage Tract for Glacier Creek (Grint) (F)
  - ★ Revised Waterloo Levee Interlocal for Elkhorn River Stabilization (Grint) (W)
  - ★ Elkhorn River/240<sup>th</sup> Street Project easement documents (Bowen) (W)



**NEBRASKA UNICAMERAL LEGISLATURE**  
**ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION**  
**WEEKLY SCHEDULE OF INTERIM COMMITTEE HEARINGS**  
*December 2, 2011*

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**Note:** This will be the last hearing schedule for this interim (unless there are any new interim hearings scheduled before the end of December).

**Monday, December 5, 2011**

**Children's Behavioral Health Oversight Committee**

**1:30 p.m. - Room 1510, State Capitol, Lincoln, NE**

Hearing of the LB 603 (Children's Behavioral Health Oversight) Committee on Medicaid changes affecting children referred for treatment at institutions for mental disease/residential treatment facilities, and related changes to rules and regulations (Title 471, Chapter 32).

**Health and Human Services Committee**

**10:00 a.m. - Room 1510, State Capitol, Lincoln, NE**

**LR197 (Nordquist)** Interim study to examine issues relating to the implementation of an all-payer claims database in Nebraska

**Judiciary Committee**

**9:00 a.m. - Room 1113, State Capitol, Lincoln, NE**

**LR288 (Ashford)** Interim study to examine issues relating to standing for foster parents in removal proceedings

**10:00 a.m. - Room 1113, State Capitol, Lincoln, NE**

Studying policies and procedures associated with immigrants who come in contact with law enforcement at Federal, state, and local levels.

**2:00 p.m. - Room 1113, State Capitol, Lincoln, NE**

**LR243 (McGill)** Interim study to examine the extent of human trafficking in Nebraska in connection with labor and sex trafficking

If auxiliary aids or reasonable accommodations are needed for attendance at a hearing, please call the office of the Clerk of the Legislature at (402) 471-2271, or for persons with hearing and/or speech impairments, please call the Nebraska Relay System at (800) 833-7352 TTY or (800) 833-0920 Voice (24 hours notice is requested). Advance notice of ten business days is needed when requesting an interpreter.

*The Interim Hearing Schedule is also available via the Internet at [www.nebraskalegislature.gov](http://www.nebraskalegislature.gov)*

# More trouble with Lincoln-Omaha trail

By ALGIS J. LAUKAITIS / Lincoln Journal StarJournalStar.

12-6-2011



Buy this photo

The Lincoln-based Natural Resources District has hit another roadblock in its attempt to extend the MoPac East Trail beyond the unincorporated village of Wabash to the Lied Platte River Bridge near South Bend. (LJS file)

Bicyclists and walkers may want to add this to their Christmas list: a solution to extending the MoPac East Trail to South Bend and a bridge across the Platte River.

The Lower Platte South Natural Resources District and Cass County have been evaluating potential trail corridors since they agreed to work together in February 2010.

Before then, Cass County officials opposed the NRD's plans to extend the MoPac East trail, based mostly on strong opposition from rural landowners.

The Lincoln-based NRD wants to extend the MoPac East Trail beyond the unincorporated village of Wabash to the Lied Platte River Bridge near South Bend.

The trail now begins just south of 84th and O streets, and runs for 25 miles through Eagle and Elmwood. Trail groups view the MoPac East Trail as a key piece to a 50-plus mile trail connecting Lincoln and Omaha.

The NRD and Cass County chose about a 10-mile trail extension corridor that would start in Elmwood and continue north on Nebraska 1 to Murdock. The trail would follow 310th Street to Nebraska 66 and into South Bend, where it would connect with the bridge.

Because the trail would run along state highways, the NRD and the county asked the Nebraska Department of Roads for permission to use highway right of way.

After meeting with NRD and county officials in April, the Roads Department said no, citing a recreational trail policy adopted in May 2010.

The NRD and the county asked the Roads Department to reconsider, and last week they received a letter reiterating the department's position.

Randy Peters, deputy director of engineering, said the department's policy is driven by safety and liability concerns.

In this case, Peters explained, it is unclear who would be liable if a tree limb fell on the trail or a bicyclist hit a pothole and got hurt.

If the trail were in a city, then the municipality would be liable; however, state laws are unclear about liability on trails outside of municipalities, Peters said.

Even though the NRD and the county could assume responsibility, the Roads Department also could be held liable because the trail would be on state-owned right of way, he said.

Peters said the policy allows him to make exceptions such as allowing a parallel trail to share a highway bridge because it would be too costly to build a separate span.

He noted that there isn't that much right of way along Nebraska 1 to accommodate a trail and still allow for drainage ditches and a safety barrier to protect trail users against out-of-control vehicles.

"If there was additional right of way, we would be willing neighbors," Peters said. "We would work with them at the margins."

Peters said there are places along the right of way of both highways where the department could shave off about 10 feet to be used to develop the trail extension.

Peters said the new policy, which was adopted in May, was not in response to the NRD and county's plans for the trail extension. However, he said that project and others in the works were part of the "catalyst" for the change.

NRD General Manager Glenn Johnson said its engineering analysis shows there would be room to put a trail within the highway right of way and still protect the safety of road users and trail users.

"We felt they could co-exist," Johnson said.

Johnson said he will meet with Cass County officials and talk about what to do next. He agreed that the Road Department's latest decision is a setback for the project.

"We thought it was a very viable alternative route," Johnson said. "If that is not going to be a possibility, we will continue to look at other options."

**On the other side of the Platte River, the Papio-Missouri River Natural Resources District in Omaha is almost finished with its portion of the long-distance trail.**

**NRD planner Gerry Bowen said the district plans to solicit bids next spring for a five-mile trail segment along Nebraska 31 that would lead to the Platte River bridge. There also is a short segment near the Chalco Hills Recreation Area that hasn't been completed for budgetary reasons.**

**Bowen said there are areas where the trail would be in the Nebraska 31 right of way. He said the district had to acquire land in other places to complete the route.**

**Bowen said they didn't encounter any issues with the Department of Roads because the district had begun work on the project and obtained the necessary permits before the agency adopted the new policy.**

*Reach Algis J. Laukaitis at 402-473-7243 or [alaukaitis@journalstar.com](mailto:alaukaitis@journalstar.com).*

Published Tuesday December 13, 2011

# Corps short of levee repair funds

The Associated Press

ADVERTISEMENT

OVERLAND PARK, Kan. — The U.S. Army Corps of Engineers announced Monday that it has money available so far to fix only 11 of 68 Missouri River levees and is draining extra water from upstream reservoirs to nurse the flood-battered system through 2012.

The damaged levees are in Iowa, Kansas, Missouri and Nebraska, officials announced during a meeting of the Missouri River Flood Task Force in suburban Kansas City. About half are federal levees and the other half are part of a program in which the corps helps pay for flood repairs if the levees pass routine inspections.

"The reality is that not all damages can be repaired this year because of funding and time limitations," said Brig. Gen. John R. McMahon, commander of the corps' northwestern division office.

The \$68 million available is sufficient to help pay for only the 11 most crucial projects. The goal is to fix those levees at least enough to protect against a 25-year flood, although many provided 100-year flood protection previously, said John Leighow, chief of the readiness and contingency operations division in the northwestern division of the corps.

It would cost \$253 million to make all the Missouri River basin repairs. That money is part of the more than \$2 billion the corps estimates it needs to repair the damage to the nation's levees, dams and riverbanks caused by this year's excessive flooding. A supplemental appropriations bill is stalled in Congress, and the corps has been focusing its limited money on fixing levees that protect communities and facilities such as water-treatment plants.

For now, the corps has been shuffling money around in its existing budget to pay for the levee fixes, Leighow said.

"We are trying to be in the best possible position come March 1," he said.

One step the corps has taken is to wait an extra week to drop to lower winter-release levels on the Missouri River, allowing it to empty extra water from the six upstream reservoirs. The corps has been stepping down the releases slowly and plans to hit the target level Wednesday.

"We don't anticipate that we will have a repeat of this year next year," said Jody Farhat, chief of the corps' Missouri River Basin Water Management Office. "But the system is vulnerable and that is why we are releasing this additional water. The levees aren't repaired, so having some additional storage ... may allow us more flexibility to operate next summer."

Water levels must be dropped in winter to avoid flood-causing ice jams, but this year's mild fall weather allowed the corps to delay the reductions. Besides the helpful fall weather, Farhat also found hope in the relatively light snowpack.

"It's still very, very early," she said. "There is some snow out there, but it isn't as heavy as going into last winter or the winter before it."

## **Journal Star**

### **Editorial, 12/13: Close the Lincoln-Omaha trail gap**

Posted: Monday, December 12, 2011 11:59 pm |

Nebraskans who want to complete the bike trail between Lincoln and Omaha need to pick themselves up, dust themselves off, buckle on their helmets and restart the effort once again.

The effort to finish the final 10 miles of the trail between Wabash and the Lied Platte River Bridge near South Bend has turned out to be a marathon instead of a sprint.

But the prospect of a 50-mile bike trail between the state's capital and its biggest city, with a scenic crossing over the Platte River, is too appealing to give up.

The latest setback was delivered recently when the state Department of Roads denied a request from the Lower Platte South Natural Resources District to use highway right-of-way to extend the MoPac Trail, which begins near 84th and O streets and runs east on abandoned railroad right-of-way through Eagle and Elmwood.

The proposed trail corridor extension would have stretched north from Elmwood along Nebraska 1 to Murdock, followed 310th Street to Nebraska 66, and continued into South Bend.

NRD officials plan to look again at all conceivable options for completing the trail.

One of the best options might be for the Legislature to provide some guidance to the Roads Department to revise the misguided policy it adopted in May 2010.

The department turned down the request on the grounds that the trail would create safety and liability concerns.

That's nonsensical.

Bicyclists already ride on the shoulders of state highways and roads across Nebraska.

That has to be a greater safety and liability risk than that posed by a separate bike trail that would be located alongside state highways to close the 10-mile gap on the bike trail between Lincoln and Omaha.

The trail between Omaha and the Lied Platte River Bridge is almost completed. The Papio-Missouri River Natural Resources District plans to ask for bids next spring for constructing a five-mile segment along Nebraska 31. Completion of that segment would leave only a small gap near the Chalco Hills Recreation Area unfinished on the Omaha side of the Platte River.

It's already been almost a decade since the Lied bridge was dedicated. Designed specifically for use by bicyclists and pedestrians, the bridge will be a wonderful centerpiece for the trail when it finally is completed.

It's taken longer than many people hoped for that vision to become a reality, but when the goal is finally accomplished, it will be worth the struggle.

## Panel: Corps did all it could in face of flooding

By David Hendee

WORLD-HERALD STAFF WRITER

### The panel

- \* Bill Lawrence, hydrologist in charge, National Weather Service's Arkansas-Red Basin River Forecast Center, Tulsa, Okla.
- \* Darwin Ockerman, hydrologist, Office of Surface Water, U.S. Geological Survey, Reston, Va.
- \* Cara McCarthy, senior forecast hydrologist, National Water and Climate Center, Natural Resources Conservation Service, Portland, Ore.
- \* Neil Grigg, professor, Department of Civil Engineering, Colorado State University, Fort Collins, Colo.

The corps selected the four based on their expertise in hydrology and water management, familiarity with the Missouri River system and reputation for integrity, said Witt Anderson, programs director of the corps' Northwestern Division.

The group convened in October. It was instructed to review and assess a number of questions including whether water management decisions made during the flood of 2011 were appropriate and consistent with the Missouri River Master Manual, the water control plan that guides the operation of the river.

The team was to study:

- \* If the corps could have prevented or reduced the impact of flooding by taking other management actions leading up to the flood.
- \* If long-term regulation forecasts properly accounted for the runoff into the system of upstream dams.
- \* If climate change played a role in this year's record runoff.
- \* The role flood plain development played in the operation of the reservoir system proper to and during this year's flood.

The Army Corps of Engineers needs a 21st-century field guide as good as its officers and engineers to deal with the climatic extremes that produced this year's unprecedented Missouri River flooding, according to an independent panel of experts.

While praising corps personnel for doing all they could to avert the worst of this summer's flooding, the review panel described the Master Manual — the corps' river management bible — as a less-than-perfect guide.

The 99-page report agrees with corps officers and civilian engineers who said from the start of flooding in late May that runoff totals unmatched in recorded history were too much for federal dams to handle.

In the end, there was little more the corps could do, said Dr. Neil Grigg, a Colorado State University civil engineer who led the technical review of how the corps managed the river this year.

“We found no acts of negligence or problems of that nature that created or exacerbated the flooding,” Grigg said.

In a teleconference, the panelists, while acknowledging some room for improvement, said corps personnel did an outstanding job managing the flood.

“We felt the corps did an extraordinary job under a lot of duress and stress,” Grigg said.

Flood victim Scott Ward of Dakota Dunes, S.D., remains skeptical.

“It's total bunk,” he said. “It's hard to imagine that you could have the scale of flooding we had and the corps gave us one week's warning. They knew what was coming for four months and did nothing to avert it.”

Record runoff from rainstorms and melting snow overwhelmed the corps' ability to prevent flooding. Cities and rural areas from Montana to Missouri experienced unprecedented flooding as the corps passed water out of its large Missouri River dams.

A summer of high water burst through levees and encroached on towns, destroying farmsteads, businesses, dwellings and highways. The damage is expected to tally in the billions. The corps estimates its bill to repair levees alone at \$588 million.

In hindsight, the panel agreed with the corps that having more room for flood storage behind the agency's big dams and releasing water sooner could have reduced the effects of the flood — but they would have needed more flexibility from the Master Manual to do so effectively.

“It’s important to understand that there’s a tricky balance in trying to find the optimum way to operate the system,” Grigg said.

The panel noted that the corps had nearly all its normal flood storage available on March 1 and released additional water in March and April in response to increasing runoff forecasts.

“But they could not have foreseen the need to evacuate storage faster to accommodate the heavy rain that occurred during May,” the report says.

The findings mirrored those of an October in-depth report by The World-Herald on how little room the corps had this year to manage the river differently.

Among the panel’s recommendations for the future:

>> Adjusting flood probabilities to reflect recent decades of varying climatic extremes.

>> Changing storage allocations to reflect the unprecedented runoff into the reservoir system, something the corps is studying.

>> Improved communication with the National Weather Service and other water science, resource and emergency management agencies.

>> Studies to enhance information and runoff forecasting from Plains snowpack.

>> Modernization of real-time information systems on tributary reservoirs and inflows, linked to an interactive graphic forecasting system.

Amen, said flood victims.

“The parameters have changed, so obviously they’re going to have to leave more room in the pond to have some flood control,” said Lynn Binder, a Table Rock, Neb., farmer whose farmland in Nebraska, Iowa and Missouri was flooded. Ward, whose Dakota Dunes house was saved by an emergency levee built across his yard, said the corps is capable of managing the river.

“If they do it right, it can be done right,” he said. “We could have avoided the flood damage we saw in 2011.”

Grigg, the Colorado State professor, said dams and levees can only do so much. People who live and work in the flood plain also need to accept responsibility for being in harm’s way, he said.

“We were a little bit surprised as we talked with residents that they were not more aware of the risk they were taking by being in the flood plain,” Grigg said.

“They tended to think they were going to be totally protected by those dams. ... A lot of education needs to be done.”

Other report highlights:

>> No forecasting agency accurately predicted the volume of extreme runoff that came.

>> The corps did not operate the river for Mississippi River flooding, endangered species in the Missouri or other environmental purposes in a way that influenced flooding.

The panel also said it believes that recognition of climate cycles might enable the corps to sustain management of the river’s eight congressionally mandated purposes while still focusing on flood control and wet weather.

For example, 2011 was the fourth consecutive year of above-average runoff after seven years of drought. Had the corps adjusted its river management after a second year of above-normal runoff, additional storage may have lessened, but not necessarily prevented, this year’s flooding, the panel said.

“The corps needs to be given flexibility to manage the changing, wetter conditions but also needs to be removed from reproach, if ... the following year turns out dry,” the panel said.

Brig. Gen. John R. McMahon, the corps’ Northwestern Division commander, said officials will review the report to determine what elements of the panel’s recommendations can be incorporated into the agency’s plan for operating the river in 2012.

“Some of the recommendations may take time to implement,” he said.

McMahon said the corps continues to pay attention to winter snowpack depths and is busy repairing levees along the river.



The report is the first outside review of how the corps managed the river this year. It is the result of more than two months of analysis, interviews and research by four authorities in hydrology and water management.

"This is a very important ... first step for the corps to be held accountable to the people of the Missouri River basin who we serve," McMahon said.

Published Thursday December 29, 2011

# Money to repair levees will flow

By Nancy Gaarder  
WORLD-HERALD STAFF WRITER

The money is coming.

Months of fretting over lack of federal funds to repair flood-damaged Missouri River levees is giving way to a flush of guarded optimism, now that Congress and the president have authorized \$1.7 billion in disaster aid to the Army Corps of Engineers.

The money will be used across the country, but a significant portion is aimed at the ravaged Missouri River basin. The amount destined for the basin should be known within the next few weeks. Already, \$50 million is on its way.

"It's wonderful news, is what it is," said Cathy Crain, mayor of Hamburg, Iowa.

The town of 1,200 averted disaster this summer thanks to a hastily reinforced backup barrier that protected it from massive breaks in the main levee. Other communities, including Percival and Bartlett in Iowa and Big Lake and Corning in Missouri were not as lucky.

The hundreds of homes and tens of thousands of acres flooded this summer have remained at heightened risk to flooding next spring because the corps lacked the money it needed to mount a plan for complete repairs.

"It's wonderful for anybody who has any commerce along Interstate 29, anybody who has any industry along I-29, or any farming," Crain said. "We could have a chance of keeping the Missouri River in its banks, and that's what we need to keep commerce moving on Interstate 29."

Signed into law Friday as House Resolution 3672, the bill already is making a difference.

Corps of Engineers Brig. Gen. John R. McMahon announced this week that the corps would be able to fully repair most Missouri River levees in the federal levee program. McMahon is commander of the corps' Northwestern Division, which oversees the Missouri River watershed.

Until this week, the corps had been saying money was so tight it would only be able to repair damaged levees to a 25-year frequency of flooding and only those levees that were high priorities.

Now, most levees in the federal program will be restored to their original height, meant to guard against a 1-in-100-year flood, a flood with a 1 percent likelihood each year. How quickly that work can be done isn't yet known.

Without the additional money, the best Hamburg and Percival residents could have hoped for was protection against floods with a 25 percent, or 1 in 4, chance of occurring in any given year.

With this money, the levee will be built about 3 feet higher and significantly wider, making it more robust. Taller levees also have wider bases which makes them more massive and therefore better able to withstand a river's rise. No levee, however, guarantees 100 percent protection against flooding, officials stress. They simply reduce risk.

Glen Stenzel, a veteran of levee protection along the Missouri River, said this is the best news the region has received since flooding began last spring.

"It's tremendously important," he said. "It gives people more security."

The biggest problem now, he said, is time. Stenzel is doubtful all three breaks in the Percival-Hamburg levee can be repaired by the start of spring, but the good news is that lack of money won't delay the work.

Problems with right-of-way are slowing work on the southernmost of three holes in the levee, according to Stenzel and the corps.

With this funding, though, the corps expects to have the Percival-Hamburg levee back to its original height by March 1, said Kim Thomas, chief of emergency management for the corps. The only hitch could be the right-of-way issue, she said.

The bill signed Friday by President Barack Obama targets \$802 million for levee repairs in the Mississippi River and tributaries, \$388 million for flood control and coastal emergencies and \$534 million for operations and maintenance activities. Included within those categories are levees along the Missouri River and the six upstream dams, said corps spokeswoman Clare Perry.

Although damage estimates along the Missouri River are a moving target, Perry said the latest analysis indicates federally approved levees and the six mainsteam dams sustained at least \$531 million in damage. Of that, \$331 million occurred along levees, and the six dams endured about \$200 million, she said. Around the dams, most of the damage has to do with erosion.

Prior to this week's announcement, the corps had scrounged up about \$120 million from different parts of its budget to launch repairs.

McMahon said this news should not lull people into a false sense of security. Communities and individuals should remain prepared for the possibility of flooding next year.

"Though we can't complete all the necessary repairs before the next runoff season, we will work as hard as we can to ensure those projects with the highest life and safety priorities are ready and in place," he said.

From there, he said, the remainder will be completed as soon as possible.

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# Bluffs buyouts draw Bellevue ire

By John Ferak  
WORLD-HERALD STAFF WRITER

Dennis Kibat was among the third generation of his family to live along the Missouri River in an area known informally as Kibatsville.

But that changed during last summer's historic flooding. His secluded riverfront cabin on the Iowa side of the river was under 6 feet of water for months. He has since relocated from Emil Lane to another part of Council Bluffs.

"It's totally gone. You can't rebuild," Kibat, 63, said of his home. "It's kind of like a dead horse."

Because of the City of Council Bluffs' participation in a federal grant program, he has options.

Kibat is one of about 10 property owners who plan to sell their ruined properties, based on their previous assessed valuations, as part of a federal buyout program intended to help local governments remove houses located in harm's way.

"If the city's numbers are good, I might as well sell it," Kibat said. "I can't use it."

That federal program is not an option for Nebraska residents living south of Bellevue in Iske Park and Elbow Bend.

**In November, the Bellevue City Council voted 4-2 to scuttle plans to participate in the same buyout plan that the Council Bluffs City Council approved.**

**The Papio-Missouri River Natural Resources District and the Sarpy County Board each had agreed to provide \$250,000, contingent on Bellevue's \$250,000 contribution to the Federal Emergency Management Agency buyout.**

"It's as if the City of Bellevue has abandoned us," said Elbow Bend resident Mike Klemmensen. "The city was so short-sighted in their decision. They want us off the river, but they don't want to pay money out."

Bellevue cited numerous reasons for rejecting participation in the \$3 million plan to buy out the 40 properties at Iske Park and Elbow Bend.

The riverfront land sits south of Bellevue outside the city limits, so residents don't pay city taxes. Also, the properties were targeted for the same federal buyout program after flooding in 1993, but owners at the time chose not to sell.

"At this point the city has not discussed reversing its earlier decision to participate in the buyout program," Bellevue City Administrator Dan Berlowitz said Friday.

By contrast, the flooded properties in Council Bluffs are within the city limits and did not incur extensive flood damage in 1993, Bluffs city officials say. The properties also had not been previously targeted in a buyout.

"People on the river obviously went through a pretty significant ordeal," said Don Gross, Council Bluffs community development director. "I think it's in our best interests and their best interests that we acquire these properties."

Council Bluffs should learn by spring if its \$3.3 million grant application is approved by FEMA. The city would spend about \$500,000, the state of Iowa would fund \$330,000 and the federal government would pay the remaining \$2.5 million.

The city also has submitted a separate grant request to FEMA for funding assistance to demolish substantially damaged single-family dwellings in the city, regardless of whether they are part of the voluntary buyout.

Council Bluffs wants to remove about 50 damaged structures, mostly concentrated on the southern edge of the city. About 25 are on parcels the city hopes to buy. That area near Progressive Park incurred the city's worst flood damage. Several homes on Emil Lane and Gifford Road have dirt covering much of their siding. Modular homes collapsed after their foundations gave way. Windows are shattered. Large trees collapsed.

"It's a shame," said Steve Carmichael, Council Bluffs' chief building inspector. "Every part of these homes is waterlogged, and the water soaked and destroyed."

Carmichael said he's pleased the city already has commitments to sell from more than half of the property owners whose dwellings had serious damage.

He wants to have all the heavily damaged dwellings removed by the end of the year.

A few residents who own a cluster of damaged properties on Emil Lane have refused to sell and at least one couple is challenging the city's plans to condemn their home.

Carmichael said that if a property has substantial damage and the owner refuses the buyout, the city still would demolish the structure. However, the owner would retain the vacant property, he said.

All landowners with substantially damaged structures will be prohibited from rebuilding, because the area is now considered a floodway.

On the Nebraska side of the river, Klemmensen said he's angry that Bellevue has not been more compassionate toward the residents' plight.

Bellevue became involved in the buyout issue only because its zoning jurisdiction now stretches into the area after it purchased farmland south of Offutt Air Force Base to build the World Baseball Village softball complex.

That leaves city inspectors responsible for determining whether the homes can be occupied.

Klemmensen and other property owners with substantial damage recently received letters from Bellevue advising they had 30 days to appeal the city's initial damage assessment.

Bellevue determined that only nine of the 27 homes in Iske Park can be repaired. All 13 houses or cabins at Elbow Bend are beyond repair, according to Bellevue's assessment.

Klemmensen said he did not live in Elbow Bend in 1993, when the first buyout offer was made. "My only option is to fight them. The issue doesn't go away," he said.

Dave Sorich said FEMA insurance adjusters determined his family cabin at Elbow Bend had only minor damage, even though Bellevue classified it as a total loss.

"There was no structural damage . it was just doors and windows," said Sorich, who said he plans to appeal the city's damage estimate.

Bellevue's chief building inspector, Mike Christensen, said the city will wait until spring to decide whether to proceed with condemning damaged properties, if owners don't voluntarily remove them.

"At some point in time, the city will order it condemned or torn down," Christensen said.

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