

- ✓ May 17, 2016, Washington Co. Enterprise web article, Pool of questions fills up in Lakeland water debate
- ✓ May 19, 2016, Omaha World Herald article, Hansen: The bizarre case of the 85-year-old doctor who tangled with feds over planting asparagus
- ✓ May 22, 2016, Omaha World Herald editorial: Nebraska water practices that help preserve Ogallala Aquifer offer important lessons
- ✓ May 25, 2016, Omaha World Herald article, Increased releases from Kingsley Dam at Lake McConaughy will push North Platte River to moderate flood levels
- ✓ May 27, 2016, Omaha World Herald article, Update: A chance of rain returns to the Omaha area this afternoon
- ✓ May 27, 2016, Washington Co. Enterprise article, County axes ties with rural water system
- ✓ June 1, 2016, Omaha World Herald article, Money spent on lobbying Nebraska Legislature hit record \$15.6 million in 2015

- ✓ June 6, 2016, Omaha World Herald article, Rains, snowmelt could push Lake McConaughy to capacity in 7 days
- ✓ June 7, 2016, Omaha World Herald editorial: Court sensible in water ruling
- ✓ June 9, 2016, Omaha World Herald article, Tree-killing emerald ash borer found in Omaha; 'what's to come is not pleasant'
- ✓ June 9, 2016, Omaha World Herald article, Elkhorn River access sites to reopen

## May 2016 Information/Education Report

### Information

- Promoted online premier of *A River at Risk* Lower Platte River documentary and arranged for DVD copies and distribution
- Continued preparation of I&E Budget recommendations
- Distributed News Releases
- Continued work on Web Site redesign
- Updated web site pages
- Responded to requests for information received thru web site
- Began preparing for 2016 aerial photography
- Began work on Summer 2016 *Spectrum* Newsletter
- Planned and attended Media Day at Dam Site 15A
- Assisted in preparation of NARD Hall of Fame Nomination

### Education

#### May Programming Schedule:

5/2- Omaha Library Program - Flowers- 48 children and parents  
5/3- Water Works- General Assistance  
5/4- Water Works- Aquatic Animals- 1000 students and teachers (5<sup>th</sup> grade)  
5/5- Sandoz Elementary-Gardening Programs-100 students  
5/9- Morton Elementary Nature Club- Planting/Animals- 20 students  
5/10- Walnut Creek Elementary- Adaptations- 2 programs- 31 students (pre-K)  
5/11- Mary Our Queen- Insects- 2 programs- 43 students (3<sup>rd</sup> grade)  
5/11- La Vista Middle School- Trees/insects- 13 students  
5/12- Critiqued projects at Millard South's Science Symposium  
5/12- Oakdale Elementary- Sauropseds- 80 students (1<sup>st</sup> grade)  
5/13- Elkhorn Middle School- Geocaching- 17 students  
5/18- Millard West- Adaptations- 4 programs- 93 students  
5/19- Westgate Elementary- Insects- 4 programs- 115 students (k-3<sup>rd</sup> grade)  
5/23- Westside Middle School- Birds/Mammals- 2 programs- 42 students  
5/27- Mead Library- Animals- 20 people

#### Planning:

Updates/Monitoring of Papio-Missouri River NRD Facebook/Twitter/Google+/Instagram Sites and Web Pages  
General NRD Animal Care  
Water Works-Teacher Correspondence/Registration  
2016 Camp Registration  
Outdoor Classroom Grants & Mini Classroom Grants  
Assist with Press Releases  
Continued working with WBS and USFWS on Barn Owl Permit/Transfer  
Job Descriptions for two internships

#### Meetings/Trainings:

Defensive Driving Course  
Assisted with Dam Site 15A Media Day  
Budget Staff Meeting  
Interviews for Education Internship



**Thank You!**

**Thank you for your involvement in the  
2016 AquaFest program. The students and teachers  
from seventeen schools really enjoyed  
the fun-filled educational morning!**

**Thank You!**

*Nebraska Extension-Cedar County*

*Jacquelyn Stiffen*



OMAHA  
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Perry and Elisa Wiseman  
9627 Walnut Street  
Omaha, NE 68124  
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MARTIN CLEVELAND  
8901 S. 154<sup>th</sup> STREET  
FAPCO-MISSOURI RIVER NRD  
OMAHA, NE 68138-3621



DEAR MARTIN -

THANK YOU FOR THE TIME  
AND EFFORT YOU PUT IN TO  
TAKE CARE OF OUR FENCE REPAIR!  
IT LOOKS GREAT AND I DONT  
NEED TO WORRY ABOUT THE DOGS  
SKY DIVING OFF THE WALL!  
THANKS AGAIN. ENSI BLAZEK

# **Report on Purchases** **Construction Services, Professional Services, Personal Property**

**May, 2016**

<b>Date</b>	<b>Project Name</b>	<b>Item / Task</b>	<b>Company</b>	<b>Cost</b>
5/1-31/2016	Project Maintenance	Rip Rap	Martin Marietta	\$14,871.53
5/6/2016	Little Papio Channel Project	Drainage structure at 150+20R repair	Eriksen Construction	\$15,900
5/10/2016	R-613 Levee	Station 287+00R replacement slide gate parts	Bert Gurney & Associates	\$7,900
5/25/2016	P/J #15 Water Quality Basin	Shoreline Stabilization Professional Services	Olsson Associates	\$15,400
5/31/2016	Western Sarpy/Clear Creek	Reseed wet meadow near Fairview Road	Prairie Plains Resource Inst.	\$14,000

Updated: May 16, 2016

## **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)
  - ★ Design Plastics Easement document for culvert repair (N)
- **Big Papio:** (Cleveland)
  - ★ ROW Agreement w/Builders Supply on Ralston Creek Project (69<sup>th</sup> & U St.) (B)
- **West Branch:** (Cleveland)
  - ★ Land Exchange with Sarpy Co. (96<sup>th</sup> St.) (P)
- **Western Sarpy Dike:** (Cleveland/Petermann)
  - NRDs/NE-ARNG Interlocal for Camp Ashland Property (F)
  - ★ Sarpy County Cost Share Agreement Amendment (N)
- **Floodway Purchase Program:** (Laster/Grint)
  - Arlington Purchase Agreements, Deeds, etc. (F)
- **Trail Projects:** (Williams)
- **Missouri River Corridor Project:** (Becic)
- **USDA PL 566 Projects, Silver Creek and Pigeon/Jones Watershed:** (Schumacher/Cleveland)

- ★ Papio W-3 Eminent Domain (Camden) (W)
- ★ Ne NPPD Easement at Kramper Lake/Danish Alps SRA (N)
  - Tek/Mud PL 566 Site 41A access (F)
  - Papio PL 566 Site W-2 Issues (W)
- **Papio Watershed Dam Sites:** (Grint/Laster/Williams)
  - ★ ROW Acquisition Documents for WP6 & WP7 – Thrasher Sed. Basins (B)
  - ★ Transfer Deed to City of Omaha for Zorinsky Basin 1 (P)
  - ★ Transfer Deed to City of Papillion change elevation of Top of Dam for Prairie Queen (P)
  - ★ City of Omaha Interlocal Agreement for ZB-2 (W)
  - ★ Papio DS15A Sale of Surplus Property/bid documents (B)
- **Papio Creek Watershed Partnership (Stormwater):** (Grint)
- **Missouri River R-613 and R-616 Levees:** (Cleveland/Woodward)
  - Offutt AFB O&M Agreement (P)
- **Rural Water Projects:** (Nelson)
  - ★ WCRW – Lakeland Estates Water Main Extension Developer Agreement and Easements (W)
- **Other:**
  - Southern Sarpy watershed Partnership Interlocal Agreement (F) (Laster)
  - Erosion and Sediment Control Program Rules & Regulations Update (F) (Schumacher, Williams)



# **PAPILLION CREEK WATERSHED PARTNERSHIP**

## **MEETING MINUTES**



### **Partnership Meeting May 26, 2016 – 10:00 AM – Board Room Natural Resource Center, 8901 S 154<sup>th</sup> Street, Omaha, NE**

#### Attendants:

See attached sign-in sheet.

#### Purpose

A meeting of the Partnership was held on the above date in order to discuss topics stated in the attached agenda. The meeting began at approximately 10:07 am.

#### 1. Introductions

- An agenda, sign-up sheet, and handouts were distributed.

#### 2. MS4 Permit Update

- Lori Laster stated that the City of Omaha and NRD met with NDEQ staff to discuss the new draft permit. The draft permit for the Phase II communities proposed to put all Nebraska small communities on the same permit. However, the PCWP Phase II communities have established programs in place whereas the other small communities throughout the state are in the process of developing programs. NDEQ indicated they would keep the PCWP communities on their own permit and it would be based on Omaha's Phase I permit.
- Omaha and the NRD both submitted comments on the draft permit to NDEQ. NDEQ will be considering those comments and will issue a new draft permit soon.
- Jim Kee stated that Omaha will begin drafting a new Stormwater Management Plan based on the new permit requirements and will forward that to the communities when completed.

#### 3. Watershed Management Fees

- At the April Partnership meeting, Jeff Kooistra from Gretna expressed concerns about an institutional partial exemption of watershed fees in Omaha's ordinance. Other communities have not adopted the same ordinance.
- Lori Laster presented the draft ordinance sent to all communities in 2009 that showed the partial exemption that may be used by schools and churches to reduce the area used to calculate the watershed fees.
- It is unclear how Omaha calculates the area for schools and churches. The NRD will meet with the City of Omaha and report back at the June meeting.



#### 4. Vote – CBI Systems MS4 Web Annual Maintenance Fee

- The Partnership utilizes CBI MS4Web Software for tracking required permit activities under the MS4 permit issued by NDEQ. The annual maintenance and hosting fee for this software is \$15,279.
- When the software was originally purchased by the Partnership it was agreed that the annual fee would be voted on each year to allow the Partners to assess the software's usefulness.
- The communities discussed the use of the software. Jim Kee stated that the data stored in the software could easily be transferred to a database and used in other programs. John Kottmann stated that he simply uses it for a repository for data but does not use other features. No other communities are utilizing the software at this time.
- Jim Kee made the motion to discontinue use of the software and not renew the maintenance agreement. John Kottmann seconded the motion. All communities in attendance concurred (see attached vote sheet).

#### 5. Papio Watershed Hydrology Update

- Lori Laster stated that draft flood maps produced by FEMA have shown large increases in floodplain areas. In 2013, NOAA updated the precipitation depths for the Midwest which showed an increase in total rainfall. However, they also updated the storm distribution models which show that while total rainfall increased, intensity of storms decreased. This leads to smaller peak flows, which can show a decreased floodplain area. Considering this data and the fact that four flood control structures have been construction or will be constructed in the near future, it may be of benefit to all communities to update the hydrology used for FEMA mapping.
- FYRA Engineering has experience working with the new data and have submitted a proposal to update the hydrology. Their cost to complete the update is \$197,000.
- The hydraulic models will also need to be updated at an estimated cost of \$300,000.
- Currently, the Partnership Fund has a projected balance of \$359,000. The NRD is requesting that \$150,000 of the Partnership Fund be used to fund the update to the hydrologic and hydraulic models in the Papio Watershed.
- NOTICE OF VOTE – At the June 23, 2016 Partnership meeting, the Partnership members will vote to contribute \$150,000 towards updating the Papio Watershed Hydrology and Hydraulics studies.

#### 6. Next Meeting Date

- The next meeting will be held June 23, 2016 at 10am at the NRC building.

#### 7. Adjourn

- The meeting adjourned at approximately 11:36 am. An agenda and the handouts passed out at the meeting are available upon request.

Please contact Lori Laster at 444-6222 regarding any questions or comments concerning these meeting minutes.

**PAPILLION CREEK  
WATERSHED PARTNERSHIP**



**SIGN-IN SHEET**

**Partnership Meeting  
May 26, 2016 – 10:00 AM– Board Room  
Natural Resources Center, 8901 S 154<sup>th</sup> Street, Omaha, NE  
(Please Print)**

	NAME & EMPLOYER	MAILING ADDRESS STREET - CITY/ZIP	TELEPHONE & EMAIL ADDRESS
X	Lori Laster P-MRNRD	8901 S. 154 <sup>th</sup> Street Omaha, NE 68138	(402) 444-6222 llaster@papiopartnership.org
	Amanda Grint P-MRNRD	8901 S. 154 <sup>th</sup> Street Omaha, NE 68138	(402) 444-6222 agrint@papiopartnership.org
X	Marlin Petermann P-MRNRD	8901 S. 154 <sup>th</sup> Street Omaha, NE 68138	(402) 444-6222 mpetermann@papiopartnership.org
	Nina Cudahy Omaha Public Works	5600 S. 10 <sup>th</sup> St. Omaha, NE 68107	(402) 444-3915 ncudahy@ci.omaha.ne.us
	Selma Kessler Omaha Public Works	5600 S. 10 <sup>th</sup> St. Omaha, NE 68107	(402) 444-3915 skessler@ci.omaha.ne.us
✓	Jim Kee Omaha Public Works	5600 S. 10 <sup>th</sup> St. Omaha, NE 68107	(402) 444-3915 jkee@ci.omaha.ne.us
X	Bruce Fountain Sarpy County	1210 Golden Gate Dr. Papillion, NE	(402) 593-1555 bfountain@sarpy.com
X	Donna Lynam Sarpy County	1210 Golden Gate Dr. Papillion, NE	(402) 593-1555 dlynam@sarpy.com
X	Scott Kardell Boys Town	355 McBreen Circle Boys Town, NE 68010	(402) 498-1135 scott.kardell@boystown.org
	Mark Stursma City of Papillion	122 E. Third St. Papillion, NE 68046	(402) 597-2060 mstursma@papillion.org
	Jeff Thompson City of Papillion	122 E. Third St. Papillion, NE 68046	(402) 898-9092 jefft@papillion.org
X	John Kottmann City of La Vista	8116 Park View Blvd. La Vista, NE 68128	(402) 331-4343 jkottmann@cityoflavista.org
	Chris Solberg City of La Vista	8116 Park View Blvd. La Vista, NE 68128	(402) 331-4343 csolberg@cityoflavista.org
	Joe Soucie City of La Vista	8116 Park View Blvd. La Vista, NE 68128	(402) 331-4343 jsoucie@cityoflavista.org
	Dan Freshman City of Ralston	8220 Serum Ave. Ralston, NE 68127	(402) 331-4118 dfreshman@cityofralston.com
X	Jerry Chancellor City of Ralston	8220 Serum Ave. Ralston, NE 68127	(402) 331-4118 jchancellor@cityofralston.com
X	Chris Shewchuk City of Bellevue	1510 501 Wall Street Bellevue, NE 68005	(402) 293-3000 3032 chris.shewchuk@bellevue.net
	Tammi Palm City of Bellevue		

**PARTNERS**

**Bellevue Boys Town Gretna La Vista Omaha Papillion Ralston Sarpy County Papio-Missouri River NRD**

**PAPILLION CREEK  
WATERSHED PARTNERSHIP**



**SIGN-IN SHEET**

**Partnership Meeting  
May 26, 2016 – 10:00 AM– Board Room  
Natural Resources Center, 8901 S 154<sup>th</sup> Street, Omaha, NE  
(Please Print)**

	Jeff Roberts City of Bellevue		
	Kris Faris City of Gretna	204 N. McKenna Gretna, NE 68028	kris@cityofgretna.com
DB	Dan Gittinger City of Gretna	204 N. McKenna Gretna, NE 68028	daniel@cityofgretna.com
	Steve Perry City of Gretna		
AS	Andy Szatko City of Omaha		andy.szatko@cityofomaha.org
	Lynn Dittmer MAPA	2222 Cuming St. Omaha, NE 68102	ldittmer@mapacog.org
MK	Matt Knight City of Bellevue	510 Wall Street Bellevue, NE 68005	Matt.knight@bellevue.net
	PAT Downe SAARP	SAARP 19100 54th Papillion, NE 68046	pdowne@saarpinc.com
	Jeff Kordina City of Gretna		Jeff@cityofgretna.com
	Jesse Poore FHLL	310 S 9th Lincoln, NE 68508	jesse.poore@fheng.com

**PARTNERS**

**Bellevue Boys Town Gretna La Vista Omaha Papillion Ralston Sarpy County Papio-Missouri River NRD**

**PAPILLION CREEK  
WATERSHED PARTNERSHIP**



**Record of Vote  
May 26, 2016**

**Vote to Pay CBI Systems MS4Web Software Annual Maintenance Fee**

**Motion by Jim Kee, seconded by John Kottmann to discontinue use of CBI Systems MS4Web software and not renew the annual maintenance agreement.**

<b>Community</b>	<b>Voting Representative</b>	<b>Vote</b>
<b>Bellevue</b>	<b>Chris Shewchuk</b>	<b>YES</b>
<b>Boys Town</b>	<b>Scott Kardell</b>	<b>YES</b>
<b>Gretna</b>	<b>Jeff Kooistra</b>	<b>YES</b>
<b>La Vista</b>	<b>John Kottmann</b>	<b>YES</b>
<b>Omaha</b>	<b>Jim Kee</b>	<b>YES</b>
<b>Papillion</b>		
<b>Ralston</b>	<b>Jerry Chancellor</b>	<b>YES</b>
<b>Sarpy County</b>	<b>Bruce Fountain</b>	<b>YES</b>
<b>P-MRNRD</b>	<b>Marlin Petermann</b>	<b>YES</b>



## Pool of questions fills up in Lakeland water debate Jessica Gibbs

*Editor's note: This is the second article in a series about a proposed project to connect the Lakeland Estates Water Company with the Washington County Rural Water System.*

*The first article in the series needs further clarification. Lakeland Estates Water Company and Lakeland Estates are two separate entities. By attributing certain information to "Lakeland," or shorthanded "Lakeland Estates," the first article failed to specify that it was referencing the water company and the entirety of its service area, and not the Lakeland Estates Homeowners Association. The Enterprise apologizes for any confusion caused by the previous article.*

The Papio-Missouri River Natural Resources District (PMRNRD) recently proposed a project to connect a water system owned by the Lakeland Estates Water Company (LEWC) with the Washington County Rural Water System.

The LEWC operates a system of four wells that provides water to a number of subdivision communities in the Lakeland area. They are Lakeland Estates, Crest Ridge, Quail Ridge, Heidi Hollow, Country Land, Eagle View and Valley View Estates.

Water quality issues and system reliability concerns caused some residents to question if their water should come from a new source.

Zach Nelson, project manager with PMRNRD, says he's fielded a number of calls from LEWC customers in his time with the district.

"Unfortunately, we're not a regulatory body," he said.

The LEWC is privately owned and not under the PMRNRD's management.

However, at a conference last fall, Nelson says, he coincidentally connected with the owner of the LEWC, Ron Henn. They got into general discussions about the two water systems and have been looking into connection options over the past few months.

The PMRNRD now believes they've got a solution to the LEWC's problems. Nelson and PMRNRD assistant general manager Marlin Petermann presented their proposal at the Washington County Board of Supervisors meeting on April 26.

They hope to hook the LEWC up to the WCRWS by constructing a new main between the systems. The LEWC would become a wholesale customer of the WCRWS, purchasing 100 percent of its water from the system.

Several LEWC customers attended the April 26 meeting to voice their support for the project, but the proposal left board members with a slew of questions.

Chairman Carl Lorenzen is particularly concerned with two things. First, he questions why the PMRNRD wants to consider hooking the LEWC up to the WCRWS as a single connection. Second, he's not sure if this should be considered an extension of the rural water system, or an expansion.

Those issues make a big difference.

When the rural water system was built in the early 2000s, both the county and the City of Blair helped pay for its construction. Blair's contribution was \$698,500, and the county paid \$210,400.

The agreement between the district, the city and the county determined that the PMRNRD would pay \$1,155 to Blair and \$345 to Washington County for each new hookup added to the system overtime.

There are 525 hookups throughout the LEWC's service area.

If adding the LEWC to the WCRWS is considered a single connection, the district would pay the county \$345 and the City of Blair \$1,155.

If each hookup within the LEWC's service area is considered an individual hookup, the district would pay the county \$345 and the city \$1,155 for each one.

Take \$345, multiply it by 525, and you get a much larger number — roughly \$181,000. The City of Blair would receive \$606,400.

Ironically enough, that's almost exactly equal to what the district still owes the county and the city for their original contributions to the WCRWS.

Considering the project as multiple hookups could deplete the WCRWS' indebtedness, but the PMRNRD says that's simply not economically feasible.

According to Nelson, the district pays for additional connections with fees they charge the new customers. So, the LEWC will truly be fronting the cost for the new connection. They simply can't afford to consider this project as 525 hookups, he said.

As for the issue with calling this an extension verse an expansion, Lorenzen says, that's a legal matter. The original agreement between the district, the city and the county also set up boundaries for the WCRWS. The LEWC service area is outside those boundaries.

"NRD is arguing that they can go anywhere they want to with their water system," Lorenzen said.

Petermann told the board on April 26 that the district's legal council believes the original boundaries are nullified by now, and district's boundaries are actually wherever they are servicing water.

Lorenzen says the county wants that checked out before making a decision.

The Blair City Council has voiced their support for the project, and its classification as one hookup. The council unanimously approved the project proposal at its last meeting.

The board isn't opposed to getting LEWC customers good water, Lorenzen said. Still, they're approaching this project with caution.

"We want to make sure that all this is done properly," he said.

He expects that by the board's May 24 meeting, they'll know what to do.

"We're prepared to move forward with probably a decision," he said.



# Hansen: The bizarre case of the 85-year-old doctor who tangled with feds over planting asparagus/

By Matthew Hansen / Omaha World-Herald columnist/May 19, 2016



A warning sign posted in the ditch area where Dr. Robert Stratbucker planted asparagus in 2009 and again in 2014. Similar warning signs are posted roughly every 100 yards in the ditch.

In the beginning, before the warnings, the tickets, the surveillance cameras, the arrest and the federal trial — before he fought the law and lost — Ol' Doc Stratbucker just wanted to grow vegetables.

He wanted to grow one vegetable, specifically, a spring veggie that he thinks is often raised badly in Nebraska. Doc Stratbucker had some ideas about how to raise it better, using roots from Wisconsin and the right amount of nitrogen and drip irrigation. And he wanted to do it on particular plot of ground, a thin piece of land that runs along a dead-end minimum maintenance road a couple miles outside Fort Calhoun.

"Everything about that ground made it particularly advantageous to grow asparagus," Stratbucker says. "And that's what I wanted to do."

Everything made it advantageous, except one thing: This piece of land is owned by the federal government, the courts say.

It's part of the Boyer Chute National Wildlife Refuge, thousands of acres set aside to protect fish, wildlife and habitat along the Missouri River. And Ol' Doc Stratbucker nearly went to the slammer for messing with it.

Federal wildlife officers say they first caught Stratbucker tilling ground and planting asparagus inside the refuge seven years ago.

They asked him to stop. He kept growing asparagus. They wrote him a ticket. He kept growing asparagus.

They say they warned him again and again, threatened him with arrest, all but begged him to quit. Ol' Doc Stratbucker kept growing asparagus.

He kept growing it, right where they told him he couldn't. He kept growing it until he wound up in front of a federal judge, facing up to six months in prison.

"There's not a whole lot of things that make sense in this case, to be honest with you," Officer Rod Hansen says. "This, right here, is probably one of the most bizarre things I have ever been involved in."

The federal wildlife officer is frustrated. I'm guessing he's not the first person to butt heads with 85-year-old Robert Allen Stratbucker.

Stratbucker is many things. He's a practicing physician who still works part-time at an Omaha plasma clinic. He's an engineer who helped develop a safer Taser, an inventor who designed several medical devices and an entrepreneur who started a medical tech company. He's a retired officer in the U.S. Air Force Reserves and a retired University of Nebraska Medical Center faculty member.

He's smart. He's brilliant. He's also as cantankerous as they come.

"If he thinks he's right and you are wrong, he will fight until the end," says Ralph Peppard, an Omaha lawyer and Stratbucker's friend for 20 years.



Oh, and Ol' Doc Stratbucker is one other thing, something that matters a lot in this case of U.S.A. vs. Stratbucker. He's part of a family that has owned and run Stratbucker's Farms and Markets for more than a century. When I met him, he had a strong grip, dirt under his fingernails, the leather-worn hands of someone who has spent countless hours hoeing, shoveling, planting.

Robert Allen Stratbucker is many things. But in his heart, he's a farmer.

"I was growing something," he says. "I was doing the right thing."

In 2009, he was growing asparagus on a tiny sliver of a friend's land right across the minimum maintenance road from the Boyer Chute refuge. He decided he wanted to grow more. He figured that he could use the ditch, or what passed for a ditch, on the east side of the road. After all, he planned to grow asparagus that he would give away. And nobody else was using it, right?

He actually asked permission to do this, a request denied by Boyer Chute officials and federal wildlife officers, Officer Hansen says. And then, after they said no, he tilled a 20-foot-wide section of ground for a half a mile and planted roughly an acre's worth of asparagus anyway.

So they wrote him a citation. Stratbucker pleaded guilty. The judge agreed to waive the fine so long as Stratbucker bought native flower and grass seed and planted it where he had tilled up the ground. Stratbucker did as ordered.

Everything seemed fine.

And then, in 2014, Stratbucker tilled up the exact same sliver of ground and planted another asparagus crop. That's right: The elderly doctor/farmer decided to go full-on asparagus bandit.

He says he did it because he was angered by what he sees as the government's failure to clean up the refuge after the Missouri River floods. He says he did this because he was again going to give the asparagus away to the residents of Washington County.

In his mind, he wasn't a lawbreaker. He was Robin Hood, Prince of Asparagus.

"The whole area was a swamp," he says. "Terrible weeds. I thought, 'If they aren't going to do something about this, I will.'"

When Boyer Chute officials and federal wildlife officers saw that the area was tilled again, they needed only one guess as to whodunit.

But to be sure, they put surveillance cameras in the area. That's right: The government surveilled a then-83-year-old man as he tended to an illegal roadside asparagus crop.

In the government's mind, this was justified because Stratbucker was becoming a huge pain in the ... root. Stratbucker was doing damage to the refuge whether he realized it or not, Hansen says. Plus, come on now: Nobody, no matter their good intentions, gets to grow things on ground they don't own. That's why there are big blue-and-white signs that say "Government property" and "No trespassing" — signs that threaten fines and prison time — planted in the ground roughly every 100 yards in the ditch area that Stratbucker claimed for his asparagus.

Federal wildlife officers say that this time, Stratbucker didn't agree to various requests to abandon his illicit asparagus operation. He actually tilled the ground again in 2015, they say, even though the case was at that point a criminal one.

"We don't like to make a habit of dragging elderly people to court," Hansen says. "But we kind of didn't have any other cards to play."

And so this vegetable fight ended up where it was always destined to end: The federal courthouse at 18th and Dodge.

The prosecution called witnesses who showed that the government owned the property up to the middle of the minimum maintenance road.

Stratbucker, acting as his own defense attorney — of course he acted as his own defense attorney — called witnesses who questioned the government's ownership of that ditch. If they don't actually own it, the theory went, then they can't punish Ol' Doc Stratbucker for farming it.

At the trial's conclusion, U.S. Magistrate Judge Thomas Thalken found Stratbucker guilty and sentenced him to a six-month prison sentence and a \$5,000 fine. He then immediately suspended that prison sentence and fine and placed Stratbucker on three years' probation.

His message to the asparagus farmer: If I see you back in this courtroom again for planting asparagus in the refuge, you're going to prison.

Which tees up a fascinating and terrifying question: Can Ol' Doc Stratbucker really stop himself from thumbing his nose at the law and growing asparagus on a little ditch area at the edge of Boyer Chute?

I posed that question to everyone I interviewed this week.

Said Ron Hansen, federal wildlife officer: "That's not my decision. I certainly hope so, but I'm not in control of that."

Said Ralph Peppard, Stratbucker's longtime friend, who thinks Stratbucker was both morally and legally right when he planted his asparagus: "I'm always concerned that (an 85-year-old) could become irrational and do things that wouldn't otherwise be done. But do I believe he will not plant asparagus on that side of the road? Yes. Yes I do."

And finally I put the question to Ol' Doc Stratbucker himself. Can you stop? Will you?

He sat silently for 15 seconds, then 30, as his mouth curved into the most impish of grins.

"Nah," he said finally. "I would be a fool to do it again."

But Ol' Doc Stratbucker was still grinning, and it's that grin that makes me nervous.

# World-Herald editorial: Nebraska water practices that help preserve Ogallala Aquifer offer important lessons



## Preserving the aquifer

This illustration released by Michigan State University in East Lansing, Mich., shows the Ogallala Aquifer, one of the world's largest underground water systems. It covers parts of South Dakota, Wyoming, Colorado, Nebraska, Kansas, New Mexico, Oklahoma and Texas and has about as much water as lakes Erie and Huron combined. Even, so, it has been shrinking, and a \$1.2 million, four-year study by Michigan State University seeks to create a sustainable system that ensures the future of the High Plains' agricultural output.

POSTED: SUNDAY, MAY 22, 2016 1:10 AM | UPDATED: 11:22 AM, SUN MAY 22, 2016.

The Ogallala Aquifer stretches over a vast area, from South Dakota to Texas and New Mexico. The 2.92 billion acre-feet of water in this remarkable underground sea are enough to cover the U.S. to a depth of more than 15 inches.

But not all parts of the aquifer are healthy. Some states face serious water stress, and in parts of Kansas, Texas and New Mexico, the underground water supply has dried up altogether.

is attempting to help by providing \$10 million over four years for a multistate research project. Scientists from the University of Nebraska and other universities and agencies will pull together basinwide data on water use, as well as environmental and climatic conditions.

The aim is to develop sound water management practices that promote the aquifer's long-term viability and can be applied throughout the basin.

Nebraska has important lessons to share on this topic.

Nebraska's system of natural resources districts promotes responsible water usage, and the "integrated water management" approach used here focuses on the important connections linking groundwater and surface water.

Other Plains states regularly express interest in understanding Nebraska's water policies, says Dean Edson, executive director of the Nebraska Association of Resources Districts.

They routinely say “they wish they would have put similar local NRD management in decades ago so they would not have such a severe problem. They are taking the initiative now to do some management, but they are way behind.”

Lyndon Vogt, general manager for the Central Platte NRD, points to two worthy examples of integrated water management in Nebraska:

» In the Niobrara River basin, the Nebraska Public Power District, irrigators and the recreation industry successfully negotiated a resolution to a complicated water-rights dispute.

» The Central Platte NRD has agreements with four irrigation canal companies in Dawson County by which surface water canals are jointly managed and excess flows totaling 20,000 acre-feet have been returned to the Platte River.

Vogt said he was pleased that the USDA study will note the importance of protecting local economies. And the major role that the University of Nebraska’s water studies and environmental scientists will play shows how NU is becoming a national leader on such issues, he said.

Michael Linder, who headed Nebraska’s Department of Environmental Quality from 1999 to 2013, notes that “Nebraska is in such a good position to roll something like this out because of the NU Water Center and vibrant Extension Service, not to mention the NRD structure.”

The USDA study has the potential to yield lessons for agriculture not only in our part of the country but nationwide, Linder says.

It’s encouraging to see how technological developments continue to open up positive opportunities for more efficient water use, Linder said, and it’s important to pay attention not only to water availability issues but also to water quality challenges, as shown by Iowa’s current controversy over nitrate runoff and urban water supplies.

Vogt made a similar point: “We may not have much of a groundwater decline issue in Nebraska, but that doesn’t mean we shouldn’t continue to be vigilant and take advantage of any opportunities to protect our resources and put them to more beneficial use.”

When it comes to safeguarding the Ogallala Aquifer, Nebraska has done well.

Through this study, Nebraskans can offer key lessons to others about wise stewardship of our water resources.

# Increased releases from Kingsley Dam at Lake McConaughy will push North Platte River to moderate flood levels

POSTED: WEDNESDAY, MAY 25, 2016 1:00 AM/By David Hendee /Omaha World-Herald

Increased releases from Kingsley Dam at Lake McConaughy will push the North Platte River at North Platte, Nebraska, to moderate flood levels by Thursday.

Upriver, the Scottsbluff-based North Platte Natural Resources District is diverting 985 cfs daily of excess river flows into irrigation canals because of high water in the North Platte River. The diversions provide immediate relief to the flooding river and and recharge the aquifer, said John Berge, general manager of the district. The NRD has agreements with nine irrigation districts and canal companies and expects to sign several more.

Moderate flood levels will cause flooding of low-lying and agricultural land along the north bank of the North Platte River from U.S. Highway 83 to about four miles west of Highway 83 south of North River Road, according to the National Weather Service. Water is expected to encroach into some residences and property along and south of North River Road and into low-lying areas of Cody Park.

Outflows from Lake McConaughy have increased this week based on higher projections of inflows from upstream reservoirs in Wyoming. With the Wyoming reservoirs nearing full, inflows into Lake McConaughy are expected to peak around 9,000 cubic feet per second in the next several days and are expected to remain well above normal throughout the summer, according to the Central Nebraska Public Power and Irrigation District.

Outflows from McConaughy will be increased today. As a result, expected flows in the North Platte River at North Platte will be about 3,700 cfs by Friday. During the 2011 flood, flows in the river at North Platte were more than 5,000 cfs.

Lake McConaughy's elevation has risen with the increasing inflows to 93 percent capacity. Releases continue to be less than inflows as Central tries to operate the reservoir in a manner that reduces peak flows downstream as much as possible. Central staff predicts Lake McConaughy will be at full capacity by mid-June.

Elsewhere on the North Platte, about half the campsites at Bridgeport State Recreation Area in the Panhandle are closed because of flooding within the Nebraska Game and Parks Commission site.

Park Superintendent Gary Shoemaker said many of the campsites and roads in the northwest corner of the park near Bridgeport are underwater because of the rising North Platte River. Sites on the east side remain open. For updates, call the Wildcat Hills State Recreation Area at 308-436-3777.

## Update: A chance of rain returns to the Omaha area this afternoon



POSTED: FRIDAY, MAY 27, 2016

**Update: A chance of rain returns to the Omaha area this afternoon** By Nancy Gaarder and Andrew J. Nelson / World-Herald staff writers The Omaha World-Herald

A chance of rain returns to the Omaha area this afternoon, but the chances of severe weather aren't high, the National Weather Service said this morning.

Many streams in southeast Nebraska and southwest Iowa are running high, and some flooding is expected today and tonight. The flooding will be mainly along the Missouri River from around Brownville to Rulo, Nebraska, and along the Nishnabotna River near Hamburg, Iowa, the weather service said. Flooding is expected to continue into Monday for the Missouri River around and downstream from Brownsville, forecasters said.

Omaha's Eppley Airfield recorded .41 of an inch of rain for the 24-hour period from midnight Wednesday to midnight Thursday.

A few storms may develop this afternoon and evening, forecasters said, with the main issues expected to be hail and gusty winds.

Some storms will linger into Saturday morning in the Omaha area and taper off by afternoon, said Becky Kern, a weather service meteorologist in Valley. Sunday looks to be dry until the evening, Kern said.

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Powerful storms swept through the Midlands again Thursday evening, dropping flooding rains and hail along their path and spawning several tornado warnings but apparently no touchdowns as of late evening in Nebraska or Iowa.

Low-lying areas across southeast Nebraska and southwest Iowa flooded.

In Iowa, Percival residents saw their streets fill with water and flooding encroach on homes.

Lincoln, which was hammered by slow-moving storms earlier this month, saw a storm front similarly stall overhead Thursday. This time, the result was mainly the flooding of low-lying areas rather than destructive hail. So much rain fell in Lincoln that the water pressure in sewers shoved manhole covers off streets and at least one drainage opening looked like a geyser, according to reports to dispatchers.

Water pooled in low-lying areas, forcing a number of streets to close.

The storms dropped hail sporadically from south-central Nebraska along a line into southwest Iowa.

The Omaha Public Power District reported that about 1,900 customers were without power at 6:15 p.m. Most outages were in Douglas and Washington Counties of Nebraska. By 8 p.m., the number without power was fewer than 300 and continued to drop, OPPD said.

Lightning sparked a fire at a home in Bennington.

Brent Jones, chief of the Bennington Volunteer Fire Department, said the bolt ruptured a gas line in the home and ignited a small fire in a ceiling shortly before 4 p.m. Firefighters put it out within 20 minutes, and damage was limited to the interior of one room in the basement, he said.

In far-southwest Iowa, Fremont County Sheriff Kevin Aistrope said several roads closed on the county's west side.

"There is a ton of water down there," he said. "I mean, there is water everywhere."

Charlie Bohlen, owner of Bohlen's Farm Service in Percival, said most of the rain fell between 4 and 7 p.m. Motorists were exiting nearby Interstate 29 to park under his station's canopy.

"They just couldn't see to drive," he said. "A couple of them got gas but most of them wanted to get off the Interstate and out of the weather."

At his home north of town, Bohlen measured more than 4 inches of rain. Although roadways were mostly passable there, farm fields were flooding, ditches were nearly full and water was standing in his yard.

"It'd be a good place to raise ducks," he said. "We're going to have fish in the yard before long."

Worse hail and wind damage occurred in Kansas, where the atmosphere was more unstable, meteorologists said. A handful of tornadoes had been reported by 8 p.m. Thursday in Texas, Kansas and Missouri.

*World-Herald staff photographer Chris Machian contributed to this report.*

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# County axes ties with rural water system

- Jessica Gibbs
- May 27, 2016

The Washington County Board of Supervisors is washing its hands of the county's rural water system.

At Tuesday's board meeting, supervisors unanimously voted to request that the county be removed from an interlocal agreement with the City of Blair and the Papio-Missouri River Natural Resources District (PMRNRD). Supervisor Mary Alice Johnson, District 3-Blair, was absent for the vote.

The interlocal agreement was established in the early 2000s with the installment of the second of two service areas in the Washington County Rural Water System (WCRWS). The PMRNRD has since merged area No. 1 and No. 2 into one system.

The county contributed \$210,412 to establish area No. 2, and the city contributed \$698,486.

Following Tuesday's vote, the board is also requesting that the PMRNRD pay a lump sum of \$182,467 to the county. That's the amount still owed by the District for the county's original contribution to the WCRWS. It was slotted to be paid back over decades of time.

"It's in the NRD's hands right now," Chairman Carl Lorenzen, District 4-Blair, said.

The board's decision on Tuesday is the outcome of heated debate over a proposed project to hook Lakeland Estates Water Company (LEWC) up to the WCRWS. Many customers of the LEWC have complained about poor water quality and an unreliable water system.

## **PMRNRD weighing its options**

John Winkler, general manager of the PMRNRD, said the board's decision puts everyone in a difficult position.

He doesn't believe the request for a lump sum payment of \$182,467 is feasible.

"The agreement is that they receive that back as hookups occur," he said.

With the WCRWS averaging seven new hookups a year, the District anticipated to pay that back slowly.

"There isn't just a ton of money laying around to just pay those things," Winkler said.

As for connecting the LEWC to the WCRWS, Winkler said, that project may die with the county board's decision.

Lorenzen said that with the board's action, it's now up to the LEWC, the City of Blair and the PMRNRD to decide how to proceed in connecting the LEWC with the WCRWS, and the county has no plan to facilitate the project.

The PMRNRD wouldn't need board approval to go through with the project. They've only sought the board's concurrence with the proposal, and the Blair City Council voted in favor of considering the LEWC project as a single connection.

However, the board's request for the \$182,467 tacks on that much to the WCRWS' expenses. The system can't afford that and helping fund a new connection with the LEWC, Winkler said.

"All of a sudden it becomes uneconomical," Winkler said. "That's going to be a tough pill for those families and those individuals to swallow."



## **Money spent on lobbying Nebraska Legislature hit record \$15.6 million in 2015**

By Joe Duggan / Omaha World-Herald – June 1, 2016

LINCOLN — Another year in the Nebraska Legislature, another record amount spent on lobbying.

Special-interest groups spent \$15.6 million in 2015, easily surpassing the record of \$14 million set the previous year, according to an analysis by government watchdog group Common Cause Nebraska.

The 545 principals that hired lobbyists represented an increase of 39 over 2014. The number of paid lobbyists grew by 35 to 351.

The upward trends helped account for an 11 percent increase in spending intended to convince the 49 state senators to pass, or block, legislation, said Jack Gould, issues chairman for Common Cause Nebraska.

“The principals have a firm belief this works,” Gould said Tuesday. “They get what they want or they wouldn’t be doing it.”

Gould couldn’t tie the increase to specific bills or issues before the Legislature during the 90-day session in 2015. Among the most contested votes that year were the death penalty repeal, Medicaid expansion, an increase in the gas tax and authorizing drivers licenses for immigrants brought to the country illegally as children.

But the year continued the long-term trend of more spending on what happens in the legislative chamber. In 2000, the amount spent on lobbying totaled \$3 million.

“There are just more special-interest groups hiring lobbyists. The issues are more complicated, and life is more complicated,” said William Mueller, whose lobbying firm Mueller Robak pulled in \$1.4 million in 2015, making it the top-earning firm for the year.

Radcliffe and Associates was second with \$1.2 million, and O’Hara Lindsay and Associates was third with \$980,000. Another four firms brought in between \$573,000 and \$643,000 for the year.

The largest spender in 2015 was the Nebraska Bankers Association, which paid out \$205,000 for lobbying. It was followed by the League of Nebraska Municipalities (\$194,000); the Association of Nebraska Ethanol Producers (\$188,000); the University of Nebraska (\$166,000); and the Nebraska Chamber of Commerce and Industry (\$162,000).

Over the past five years, the Altria Group, the parent company of tobacco giant Philip Morris, has spent \$1.1 million on lobbying in Nebraska. Others in the top five are the Ethanol Producers (\$1 million); the League of Municipalities (\$983,000); TransCanada Corp. (\$925,000); and the Bankers Association (\$740,000).

The report also showed the Omaha Public Schools led all school districts in annual lobbying expenditures with \$67,000. OPS was followed by Millard (\$62,000); Bellevue (\$58,000); Lincoln (\$40,000) and Papillion (\$30,000). Public school districts that hire lobbyists have spent a total of \$2.2 million over the past five years.

“It’s a concern because you’re paying taxes so they can hire professional lobbyists to go down and get more tax money,” Gould said.

Gould used the annual report to call for more detailed disclosures of how lobbyists spend money. State senators must report only gifts valued at \$100 or more. Lobbyists are restricted to gifts of \$50 per month per senator, but that figure does not include meals and beverages.

Food and drinks are reported under the heading of entertainment, and lobbyists spent \$371,000 on the category in 2015.

The only gifts that Gould was able to track are football tickets that the University of Nebraska-Lincoln offers to state senators. Eleven senators accepted the tickets, valued at \$798 per pair, in 2015. Another six senators purchased the tickets using campaign donations.

Gould also argued that state senators should be paid more than their \$12,000 annual salaries.

“It’s ironic that ‘we the people’ provide so little for our lawmakers while special interests are willing to spend so much,” he said in his report.

Mueller, the lobbyist, does not oppose more disclosure rules, but he said if people think lobbyists are paying cash to senators, they’re wrong. The most common gifts are golf green fees and flowers for weddings or funerals, he added.

“Every client I have is a matter of public record, and what they pay me is a matter of public record,” Mueller said. “And I think that’s good public policy.”

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# Rains, snowmelt could push Lake McConaughy to capacity in 7 days

MONDAY, JUNE 6, 2016 4:00 PM | UPDATED: 8:52 PM, MON JUN 6, 2016

By David Hendee / World-Herald staff writer The Omaha World-Herald

Wyoming water continues to pour out of the Rocky Mountains into Lake McConaughy, pushing the western Nebraska reservoir toward capacity.

The lake's overseer, Central Nebraska Public Power and Irrigation District, will continue to use the remaining space in the lake to reduce peak flows from Kingsley into the North Platte River. Sixty miles downstream, some low-lying areas have flooded at the city of North Platte.

Inflow to Lake McConaughy was 7,200 cubic feet per second Monday. Outflow was about 5,200 cfs.

The reservoir's level was 1.4 feet below normal maximum. At that rate, the reservoir would reach capacity in about seven days, Cory Steinke, a Central engineer, told the district's board Monday in Holdrege.

A year ago, the lake was much lower (87.2 percent capacity) and inflows were smaller (about 5,600 cfs).

The river flow at North Platte was nearly 3,200 cfs Monday, compared with just 412 a year ago.

Steinke said McConaughy, Nebraska's largest lake and a popular recreation site near Ogallala, is catching the higher flows, shaving the peak off of releases that otherwise would be going down the river.

Federal officials managing Glendo Reservoir in Wyoming are beginning to store additional water there to reduce downstream effects along the North Platte River in Nebraska. Farther upriver, Pathfinder Reservoir is sending excess water over the dam's spillway.

Snowmelt above the Pathfinder and Seminoe Reservoirs is accelerating, and plenty of water is yet to come downstream, Steinke said. Flows below Kingsley Dam appear to have peaked, unless there is a rapid change in the rate of that upstream snowmelt, he said.

Late spring rains and snowfalls, combined with cool temperatures in the mountains, have made it a challenging year to manage runoff, he said.

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# World-Herald editorial: Court sensible in water ruling

THE ASSOCIATED PRESS **U.S. Supreme Court** POSTED: TUESDAY, JUNE 7, 2016 1:10 AM

Regulation is necessary to safeguard public well-being. At the same time, the U.S. Constitution rightly places limits on government powers.

The tricky part is determining how far government authority legitimately extends before it tramples people's rights.

Resolving that matter is the job of the U.S. Supreme Court. Last week the court issued a unanimous decision identifying sensible limits on when federal authority can block property development.

Property owners can go to court right away, the justices said in their 8-0 opinion, to challenge the U.S. Army Corps of Engineers' claim of jurisdiction over property under the Clean Water Act.

The case involved land in Minnesota where a business sought to harvest peat moss for landscaping. The Corps declared its right to regulate the project, saying the peat bog was connected to the Red River 120 miles away via culverts, streams and another river.

Until this new decision, the Corps insisted that private parties had no right to file suit until the Corps completed its process.

In the Minnesota case, that meant the business faced only negative choices: Abandon all use of the land at considerable loss; pursue the lengthy federal permit process (with an average of 788 days and \$271,000 in costs, according to the Supreme Court ruling); or use the land without federal approval, resulting in fines of up to \$37,500 a day and possible criminal prosecution.

In the new ruling, the Supreme Court said the Constitution provides property owners an additional option: Take the matter directly to court.

This wasn't a radically new approach by the court. The decision built on the same reasoning in another unanimous Supreme Court ruling, from 2012, involving federal regulation.

The court's approach in the Minnesota case was generally what several groups had advocated in a joint legal brief, including the National Cattlemen's Beef Association, American Farm Bureau Federation, Associated Contractors of America and the Manufacturers' Center for Legal Action.

Still before the courts is the larger, separate, related case involving the feds' regulatory scope under the "waters of the United States" rules. The key question is whether the rules would expand the EPA's regulatory authority beyond that granted by the Clean Water Act and Supreme Court rulings.

Two federal courts — a U.S. district judge in North Dakota and a three-judge panel of the U.S. Court of Appeals in Cincinnati — have put the rules on hold. Two judges on the appeals court panel wrote that it is "far from clear" that the rules comply with guidelines set out in a 2006 Supreme Court ruling.

The unanimous ruling issued last week bites off only a small piece of the overall issue, but the Supreme Court deserves credit for providing needed direction. It's a sensible decision.

# Tree-killing emerald ash borer found in Omaha; 'what's to come is not pleasant'

POSTED: THURSDAY, JUNE 9, 2016 12:00 AM By Nancy Gaarder /Omaha World-Herald staff writer

The emerald ash borer, believed to be the most destructive insect to afflict trees in North America, has been found for the first time in Nebraska.

The Nebraska Department of Agriculture confirmed Wednesday that the invasive beetle is in Pulaski Park in South Omaha.

The infestation is probably in its early stages, because foresters and arborists have been searching for signs of the beetle for several years and haven't found any, said Graham Herbst, the eastern Nebraska community forester for the Nebraska Forest Service.

How established the beetle is matters, because that will determine how quickly the infestation marches through metro Omaha.

The beetle can kill all untreated ash trees, young or old, healthy or weak — which would be devastating, because ash are among the region's most plentiful, sturdy native trees.

"We have suspected for a while that it's in the area," Herbst said. "It's one of those things: We really wanted to find it and really didn't want to find it at the same time. What's to come is not pleasant."

Foresters estimate that about 14 percent of trees in Omaha are ash. In some neighborhoods, such as Regency in west-central Omaha, they are the dominant shade tree.

"Throughout Regency, you have a canopy of ash trees," said Gene Pace, vice president of the Regency Homes Association. "In the summer you drive through there, and it's all shaded by ash trees."

He has been watching the ash borer spread across the country toward Omaha and his neighborhood. He has researched plans to treat his own three ash trees and hopes that the neighborhood will invest to treat the trees in common spaces.

Nebraska, which has an estimated 44 million ash trees, is the 27th state to confirm the presence of the emerald ash borer, the State Department of Agriculture said.

Eventually, the infestation here is expected to cost state and local governments, homeowners and businesses nearly \$1 billion to cut down and replace ash trees. Add in the expense of treating trees, and the pest will cost even more.

Communities around Omaha are weighing their options. In some, like Papillion, ash trees make up 25 percent of the canopy. Council Bluffs already has begun treating many of the ash trees that it

wants to preserve and has removed the most sickly ash trees on public property, Parks Director Larry Foster said.

The Nebraska Department of Agriculture issued a quarantine for all of Douglas, Sarpy, Cass, Washington and Dodge Counties. The quarantine prohibits ash tree nursery stock from leaving the area, and it covers green ash lumber and any parts of ash trees, living or dead. It also prohibits moving any firewood, wood chips or mulch, of any hardwood species, out of the area.

In the 14 years since the first North American discovery of the borer, in Michigan and Ontario, the beetles have killed hundreds of millions of trees, mostly in the eastern United States. The rapid advance of the insect across the country is blamed on the transport of infected firewood and nursery stock.

If there's any good news for those in Omaha, it's that the ash borer has been the subject of furious research. Homeowners today have better treatment choices than they did in the first wave.

Treatment options involve injections, drenches and sprays, said Mark Harrell, forest health program leader for the Nebraska Forest Service. Treatment is best done in mid-May to early June, he said, which means the window is nearly closed for this year.

But it's not necessarily a death sentence for a tree not treated this year, Harrell and Herbst said.

The emerald ash borer is limited in how far it can fly, so the beetles in Pulaski Park aren't expected to cause widespread harm immediately. At best, the beetles there will be able to fly only a few miles. Most will stay in the vicinity of the park at 40th Avenue and H Street.

"It probably hasn't spread very much because there's so much material for it to feed on right where it is," Herbst said.

On the other hand, foresters don't know whether Pulaski is at the heart of the infestation or on the edge. So it's not possible yet to define the boundaries of the beetles' reach.

Though no other findings have been confirmed, the beetle could be in other areas of metro Omaha or elsewhere in Nebraska.

Herbst said local and state foresters teamed up last year to search logical areas of metro Omaha — and found none. Logical areas are along interstates and highly-trafficked tourist sites such as the Henry Doorly Zoo, he said, areas that receive lots of travelers and recreation vehicles hauling firewood.

In Omaha, evidence of the beetle was found, ironically, during a press conference to announce the city's plans to battle the insect:

On Friday, a city Parks Department crew cut down a diseased-looking ash tree in Pulaski Park to provide the public with an example of the type of trees that it will remove under its beefed-up response plan.

A worker peeled back the bark of the tree, standard procedure when cutting down an ash, Parks Director Brook Bench said. When the wood was laid bare, arborists on hand realized that the moment of reckoning had arrived, said Herbst, who was there.

“There were some expletives and some gasps,” he said.

The tree’s trunk bore the tell-tale squiggles of the larvae of an emerald ash borer.

Confirmation of the emerald ash borer continues a string of disappointing news for Nebraska’s trees.

Pine wilt already has wiped out most of Nebraska’s Scotch pines. The Missouri River flood of 2011 killed many of the trees in the river valley along the state’s eastern border. And drought has thinned the already thin canopy in the heart of the state.

If Nebraska is to continue to have a vibrant stock of trees, it will need to undertake an effort equal to the threats the trees are facing, said Eric Berg, community forestry and sustainable landscape program leader for the Nebraska Forest Service.

This includes planting a greater diversity of trees than has typically been the case, he said.

Complicating the matter is climate change, he said. Nebraska’s climate is shifting rapidly, and it’s not clear what type of tree will survive and thrive.

The average temperature is rising, the growing season is lengthening, and Nebraska is expected to become more vulnerable to extreme drought and extreme precipitation, research has shown. Although the increasing warmth would seem to make the state more hospitable to southern trees, that’s not a given, Berg said, because Nebraska remains prone to deep freezes in winter that would kill them off. Further muddying the issue is the widening variety of pests and disease moving into the area with climate change.

So while Nebraska is experimenting by planting trees from the Southern Plains, it’s also looking at those that thrive in northern states — and from other areas of the globe, particularly China, that have a similar climate, Berg said.

“We don’t have a good solid answer for that, so the answer is going to be, let’s plant a lot of different types of trees,” he said.

*World-Herald staff writer Christopher Burbach contributed to this report, which includes material from the World-Herald News Service.*

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# Elkhorn River access sites to reopen



News Alerts

POSTED: THURSDAY, JUNE 9, 2016 12:00 AM | *UPDATED: 12:24 AM, THU JUN 9, 2016.*

**Elkhorn River access sites to reopen** By Jay Withrow / World-Herald staff writer The Omaha World-Herald

All Papio-Missouri River Natural Resources District access sites to the Elkhorn River were to reopen Thursday.

The sites have been closed for weeks because of high water on the Elkhorn River that was causing hazardous boating conditions.

River levels have dropped and boat ramps have been cleaned of river silt and debris, John Winkler, Papio-Missouri River NRD general manager, said in an email.

The reopened Elkhorn River access sites are Elkhorn Crossing near 252nd Street and Bennington Road, Graske Crossing off West Dodge Road and the West Maple Road site.

The Papio-Missouri River NRD's Platte River Landing access site off Nebraska Highway 64 near Valley has been open.