

MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager's Report

DATE: November 8, 2013

FROM: John Winkler, General Manager

- A. **INFORMATION/EDUCATION REPORT:** The Information & Education Report detailing their activities for the month of October, 2013 is attached for your review.
- B. **PERSONNEL/MISCELLANEOUS ITEMS:**
 - 1. The District received a letter from Craig Derickson, NRCS State Conservationist, thanking the District for our support during the government shutdown and the impact it had on the District's Field offices and staff. Mr. Derickson's letter is attached for your review.
 - 2. The Nebraska Unicameral Legislature's Schedule of Interim Committee Hearings is attached for your review.
- C. **REPORT ON PURCHASES – CONSTRUCTION SERVICES, PROFESSIONAL SERVICES AND PERSONAL PROPERTY:** Pursuant to Board direction, attached is a report indicating construction services, professional services and personal property purchases from the month of October, 2013. 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 October 14, 2013. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.
- E. **PAPILLION CREEK WATERSHED PARTNERSHIP REPORT:** The PCWP meeting scheduled for the month of October was cancelled. The next Partnership meeting is scheduled to be held on November 21, 2013, at 10:00 a.m. at the NRC.
- F. **NEWS CLIPS:**
 - ✓ September/October 2013 edition of the Land & Water Magazine article, Danish Alps Recreation Area and Kramper Lake
 - ✓ September 27, 2013, Midlands Business Journal article, Green technologies once out of reach within grasp as components of strategy

- ✓ October 15, 2013, Washington Co. Enterprise and Pilot Tribune articles, NRD wants judge to dismiss FC's petition
- ✓ October 17, 2013, Dakota County Star article, Danish Alps Recreation Area
- ✓ October 22, 2013, Douglas Co. Post-Gazette article, NRD General Manager: Local dams offer greater protection than failed Colorado dams
- ✓ October 24, 2013, Dakota County Star article, Letter to the Editor
- ✓ October 28, 2013, Douglas County Republican Website, Do Natural Resources Districts Covet Your Land?
- ✓ October 31, 2013, Kramper Lake Off Limits During Construction
- ✓ November 3, 2013, Omaha World Herald article, Crossing fingers against Platte ice jam
- ✓ November 4, 2013, Washington Co. Enterprise and Pilot Tribune article, FEMA regs frustrating victims of '11 flood
- ✓ November 6, 2013, Omaha World Herald article, 55-acre refuge on Missouri River to shelter wildlife

October, 2013 Information/Education Report

Information

- Continued work on interpretive sign for W. Maple river access.
- Redesigned levee project signs and ordered two for Big Papio levees
- Distributed news release on Omaha Area Dam safety
- Distributed John Winkler Letter to the Editor on NRD rural programs funding
- Continued work on photo archiving
- Updated Facebook page
- Updated Web site
- Continued work on Fall 2013 Spectrum Newsletter
- Began work on updating Paths of Discovery trails brochure
- Gave presentation to Elk Ridge Retirement Center residents

Education:

10/3- Neihardt Elementary, 3rd Grade, Reptile Programs, 75 students
10/5- FF Master Naturalists Event- Groundwater Flow Model- 64 people
10/7- Sump Library- Owls- 25 children
10/8- Catlin Elementary- Owls- 15 students (1st -5th grade)
10/9- East Central Regional Land Judging- Scoring assistance
10/9- Homeschool Group, Owls, 35 students
10/10- Mary Our Queen- Owls- 65 students (4th grade)
10/15- Millard West High- Snakes- 25 students (9th grade)
10/15- Catlin Elementary- Snakes- 15 students (1st -5th grade)
10/16- Sump Library- Owls- 23 children
10/17- Rainbow Factory Preschool- Nature Night- 300 children and parents
10/21- Girl Scouts- Geocaching- 12 girls
10/22- Catlin Elementary- Lizards- 15 students (1st -5th grade)
10/23- St. Matthews- Owls/Pellets- 30 students (7th grade)
10/25- Parkview Heights- Field Trip, Nature Hikes/Owls- 85 children
10/27- Lauritzen Gardens- Reptiles- 500 children and family
10/28- Girl Scouts- Nature Hike- 14 girls
10/29- National Archery in the Schools Training
10/31- St. Pius/St. Leo- Owls/Pellets- 65 students (3rd grade)

Meetings:

All Employees Meeting
Statewide I&E Meeting—conference call
Envirothon Committee Meeting—conference call
Children and Nature Network—Network Weaving—conference call
MORE Nature Meeting

Planning:

Spring Nature Nights
School Break Camps
Spring Field Trips and Programming
Spring Tree Order



Natural Resources Conservation Service
Nebraska State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866
(402) 437-5300

<http://www.ne.nrcs.usda.gov>

October 18, 2013

John Winkler, General Manager
Papio-Missouri River NRD
8901 South 154th Street
Omaha, NE 68137-3621

OCT 22 2013

Dear John and Papio-Missouri River Board of Directors,

I am writing to thank you for your cooperation during the recent government shutdown from October 1, 2013 to October 16, 2013. As you know, the President signed H.R. 2775 just after midnight on October 17th providing a Fiscal Year 2014 Continuing Resolution and funding for the Natural Resources Conservation Service through January 15, 2014.

I know the funding lapse and government shutdown produced difficulties and challenges for your Natural Resources District and your employees, especially the highly valued field office clerks. I regret the many unfortunate impacts from the shutdown, including: closed offices and lack of access to NRCS equipment and producer case file information, delayed producer payments and creating a backlog in customer requests for technical assistance.

I also want to take this opportunity to sincerely thank the Papio-Missouri River NRD for your long standing commitment and your support for NRCS field operations. NRCS field personnel would not be able to accomplish the amount of conservation work they produce if it were not for the valued assistance of the NRD clerks in our offices. The time away from my office during the shutdown provided an opportunity for me to reflect on the many good things we have to be thankful for Nebraska, and I simply want to say "thank you" for your continued support and funding for the NRD clerk position in our offices.

We will be taking a proactive and customer-focused approach to prioritize activities so that we can get back to normal operations as quickly as possible. There is much field work to be done and time is slipping away to get conservation practices surveyed, designed and built. As our primary conservation partner in Nebraska, I will be encouraging the District Conservationist to work closely with you to achieve this goal.

Thank you again for all you do for conservation and the Nation. I look forward to a great year for conservation, made possible through our strong conservation partnership.

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Sincerely,

A handwritten signature in cursive script, appearing to read "Craig Derickson".

CRAIG DERICKSON
State Conservationist

cc:

Neil Jensen, District Conservationist, NRCS, Omaha FO

Doug Wagner, Assistant State Conservationist for Field Operations, NRCS, Lincoln FO

**NEBRASKA UNICAMERAL LEGISLATURE
ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION
WEEKLY SCHEDULE OF INTERIM COMMITTEE HEARINGS
November 8, 2013**

Friday, November 8, 2013

Government, Military, and Veterans Affairs Committee

9:00 a.m. – Room 1507, State Capitol, Lincoln, NE

LR201 (*Crawford*) Interim study to examine policy options available to the State of Nebraska to support military installations, military families, and veterans and their families

LR305 (*Harr*) Interim study to examine the governance and efficiency of the State Board of Education

LR194 (*Avery*) Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee

- Ranked-Choice Voting

Transportation and Telecommunications Committee and Appropriations Committee

1:30 p.m. – Room 1113, State Capitol, Lincoln, NE

Nebraska Department of Roads Needs Assessment Hearing

Open to the public, invited testimony only.

Tuesday, November 12, 2013

Transportation and Telecommunications Committee

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

LR267 (*Smith*) Interim study to review the One-Call Notification System Act

Open to the public, invited testimony only.

Transportation and Telecommunications Committee

1:30 p.m. – Room 1113, State Capitol, Lincoln, NE

LR276 (*Chambers*) Interim study to examine the communications rate structure for persons receiving calls from incarcerated individuals in county and local correctional facilities

Wednesday, November 13, 2013

Appropriations Committee

9:00 a.m. – Room 1524, State Capitol, Lincoln, NE

LR244 (*Mello*) Interim study to examine issues surrounding the Nebraska Public Safety Communication System

LR273 (*Bolz*) - Interim study to identify budgeting strategies to support the array of services needed for Nebraska's aging population in a fiscally responsible manner

Urban Affairs Committee and Education Committee *****Note joint hearing*****

2:30 p.m. – La Vista Public Library, La Vista, NE

LR268 (*Smith*) Interim study to examine issues surrounding new residential and commercial development in our state's urban areas

Thursday, November 14, 2013

Health and Human Services Committee

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

LR312 (*Coash*) Interim study to examine issues relating to the child protective services system within the Dept. of Health and Human Services

LR261 (*Coash*) Interim study to examine barriers to permanent placements for Nebraska children who have been placed out of the home and are wards of the state

Health and Human Services Committee and State-Tribal Relations Committee

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

LR262 (*Coash*) Interim study to examine the high rate of placement of Nebraska's Native American children involved in the foster care system

Friday, November 15, 2013

Legislative Performance Audit Committee

1:30 p.m. - Room 1524, State Capitol, Lincoln, NE

A public briefing by the Legislative Performance Audit Committee regarding the release of the third tax incentive report. A public briefing by the Pew Center on tax incentives will follow.

Open to the public, invited testimony only.

Urban Affairs Committee

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

LR318 (*Mello*) Interim study to examine issues relating to mass transit authorities

Monday, December 2, 2013

Nebraska Retirement Systems Committee

1:30 p.m. - Room 1525, State Capitol, Lincoln, NE

LR198 (*Nebraska Retirement Systems Committee*) Interim study to examine the public employees retirement systems administered by the Public Employees Retirement Board

LR191 (*Krist*) Interim study to examine all state retirement plans administered by the Public Employees Retirement Board

Wednesday, December 4, 2013

Education Committee

1:30 p.m. - Room 1525, State Capitol, Lincoln, NE

LR211 (*Kolowski*) - Interim study to examine and define the need for increased access to, and the costs of, quality expanded learning opportunities for K-12 children, focusing on at-risk children

LR208 (*Kolowski*) - Interim study to examine security in the public schools

Thursday, December 5, 2013

Natural Resources Committee

4:00 p.m. - Niobrara Room, Kearney Public Library, 2020 First Avenue, Kearney, NE

LR214 (*Carlson*) Interim study to examine Nebraska's statutes, rules, and regulations relating to the permitting process for small surface water storage reservoirs

Tuesday, December 10, 2013

Nebraska Retirement Systems Committee

9:00 a.m. - Room 1525, State Capitol, Lincoln, NE

LR344 (*Nebraska Retirement Systems Committee*) Interim study to provide an examination of the availability and adequacy of retirement savings of Nebraska private sector workers

LR213 (*Kolowski*) Interim study to examine the college savings plans administered under the Nebraska educational savings plan trust and ways to increase plan participation

Wednesday, December 11, 2013

Natural Resources Committee

1:00 p.m. - Room 1525, State Capitol, Lincoln, NE

LR205 (*Avery*) Interim study to examine the mission and financing options as authorized by current law of the Game and Parks Commission

Thursday, December 12, 2013

Meeting of the Legislative Council

9:00 a.m. - Dougherty Conference Center, Offutt Air Force Base, NE

Meeting of the Legislative Council

Friday, December 13, 2013

Meeting of the Legislative Council

8:30 a.m. – Dougherty Conference Center, Offutt Air Force Base, NE
Meeting of the Legislative Council

Wednesday, December 18, 2013

Health and Human Services Committee

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

LR241 (Campbell) Interim study to examine the financial impact of, and financing options for, medicaid expansion under the Patient Protection and Affordable Care Act for medical assistance for newly eligible individuals

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***

October, 2013

[illegible]

Updated: October 14, 2013

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)
 - Interlocal Agreement with Papillion & La Vista & SIDs on Fricke Drainage (W)
- **West Branch:** (Cleveland)
 - Land Exchange with Sarpy Co. (96th St.) (P)
- **Western Sarpy Dike:** (Cleveland)
 - Saunders County side ROW agreement and easements (F)
 - NRDs/NE-ARNG Interlocal for Camp Ashland Property (P)
- **Floodway Purchase Program:** (Laster)
 - ★ Agreement with MAPA for King Lake Management (W)
 - ★ Agreement with MAPA for Sarpy Co. Missouri River Buyouts (W)
- **Trail Projects:** (Bowen)
 - ★ Mo Pac (Springfield to Platte River) drainage repair easements (W)
 - ★ West Papio Trail – HGM Contract Review (W)
- **Missouri River Corridor Project:** (Becic)
- **USDA PL 566 Projects, Silver Creek and Pigeon/Jones Watershed:** (Schumacher/Cleveland)

- ✧ Papio W-3 Eminent Domain (Camden) (W)
 - Papio W-3 Access-Quiet Title Action (W)
 - ✧ Exchange Agreement with Wachter for PJ-15 ROW (W)
 - ✧ Deed for 0.46 acre Rohde/Bourland Tract for PJ-15 (N)
- **Papio Watershed Dam Sites:** (Grint/Laster/Bowen)
 - ✧ Interlocal agreement with Douglas County for DS-15A (W)
 - ✧ Zorinsky Basin #1 – Heine/Fitzpatrick property easement agreement and closing (P)
 - ✧ DS-15A purchase agreements, deeds and easements (W)
 - ✧ Warranty Deeds for Eurich Property at WP-5 (N)
- **Papio Creek Watershed Partnership (Stormwater):** (Grint)
- **Missouri River R-613 and R-616 Levees:** (Cleveland/Henkel)
- **Rural Water Projects:** (Nelson)
 - ✧ Fort Calhoun Lawsuits on WCRW (W)
 - ✧ Interlocal Agreement requirements for WCRW Advisory Board (W)
- **Other:**
 - ✧ Elkhorn River/240th Street Project – Addendum to Sarpy County Agreement (W) (Bowen)
 - ✧ UDP – LaVista/NRD Thompson Creek agreement (N) Bowen

Danish Alps Recreation Area and Kramper Lake



Construction is completed on the earthen dam while Kramper Lake continues to fill with spring rains and higher flows through Jones Creek. Top soil is being replaced over the auxiliary spillway prior to grass seeding.

Pigeon/Jones Creek Site 15, which was officially renamed the Danish Alps Recreation Area and Kramper Lake in September 2012, is the center piece of the comprehensive erosion and flood con-

trol plan developed cooperatively between the Papio-Missouri River Natural Resources District (NRD) and the USDA Natural Resources Conservation Service (NRCS) to address soil and water conservation prob-

lems in the 32-square mile Pigeon and Jones Creek watershed located approximately ten miles southwest of South Sioux City, in the rolling uplands of northeastern Nebraska.

The Pigeon/Jones Creek watershed outlets onto the broad Missouri River floodplain near the Village of Hubbard and is routed to the river through the Pigeon Creek Levee System. The majority of the 32-square mile watershed is in crop production and because of land use and steeply sloping terrain, soil erosion, sedimentation and flooding are primary resource concerns. The most serious erosion occurs in upland areas of the watershed where predominant watershed soils have average slopes ranging from 8% to 30%. In addition, many secondary tributaries and drainages experience ephemeral gully formation, gully head-cutting and stream

ed States. Unlike the county-wide soil and water conservation districts found in most states, Nebraska's NRDs are based on river basin boundaries, enabling them to approach natural resources management on a watershed basis. Natural Resources Districts were created to solve flood control, soil erosion, irrigation runoff, and groundwater quantity and quality issues.

The Papio-Missouri River NRD currently serves six counties along the Missouri River in eastern Nebraska – all of Sarpy, Douglas, Washington and Dakota County, plus the eastern sixty percent of Burt and Thurston counties. The Papio-Missouri River NRD is dedicated to the

Partnerships built between NRDs and other resources management agencies – both state and federal – have strengthened the overall conservation effort. Nebraska's Natural Resources Commission, Game and Parks Commission and Departments of Natural Resources and Environmental Quality work closely with natural resources districts. Federal government partners also include the USDA's NRCS and Farm Service Agency (FSA). Others such as the US Army Corps of Engineers, Environmental Protection Agency, U.S. Fish and Wildlife Service and National Park Service also join NRDs to effectively address local needs.

The Site 15 project began shortly after Drainage District No. 5 merged with the Papio-Missouri River NRD in 1999. The goal of this merger was to have the Drainage District flood control levees and channels in compliance with the US Army Corps of Engineers Public Law 84-99 Emergency Repair Program. In order to achieve that goal, erosion and sedimentation problems in the uplands had to be addressed and a comprehensive plan was developed.

The plan, culminating in the Pigeon/Jones Creek Watershed Special Erosion and Sediment Control Project, calls for 19 flood control/grade stabilization structures to control soil erosion on approximately 68% of the total watershed area. Of those sites, six are planned to be road structures which will replace the county's aging bridges. Road structures provide grade control with conservation features in or adjacent to the county roadways as well as creating wide, safe, long lasting low maintenance stream crossings. Other benefits that will be realized with the completion of the planned structures include livestock watering use, recreation, wildlife habitat, and rural fire control. Site 15 is the multi-purpose flood control and recreation site included in the plan.

To date six of the 19 proposed flood control/grade stabilization structures have been built. Included is a flood control structure which is currently providing flood protection to the Village of Hubbard; two grade stabilization structures are under construction presently and several more are in the design stage. Additional dams (not included in the original work plan) are also being planned with landowners and conservation practices are being implemented throughout the watershed project area. Planning is also underway with the Dakota



Fishing pier with handicap accessibility (looking north to the face of the dam – May 6, 2013); water level (pool elevation) will be 1 ½ to 2 foot below the deck of the fishing pier.

down-cutting.

"When the project is completed, Danish Alps Recreation Area and Kramper Lake will be one of the largest and finest recreational sites for fishing, biking, horseback riding, and camping in the tri-state area," said Terry Schumacher, Land and Water Programs Coordinator for the Papio-Missouri River NRD. He likened the project, from start to finish, as running a marathon instead of a sprint. "Projects of this size take a lot of time and cooperation (technically and financially) from partner agencies as well as support from the local residents and landowners," added Schumacher. "They just don't happen overnight. We have also been very fortunate that the local residents and farm producers have supported this project from the beginning."

Nebraska's system of local natural resources management is unique in the Unit-

wise use and preservation of water, soil, woodland, and wildlife throughout the district's six-county area. Resource priorities include reducing flood damages, maintaining water quality/quantity, reducing soil erosion and sedimentation damages, providing outdoor recreation facilities, providing domestic water supply, developing/improving fish and wildlife habitat and forest resources, and participating in solid waste management and pollution control. Four field offices and a headquarters serve the six counties.

Locally elected boards of directors govern each natural resources district with much of the funding for resources management programs and projects coming from property taxes. In most cases, the tax levy is typically 1 to 2 percent of property taxes collected in the county served by the district.

FLOOD CONTROL

County Roads Department for the replacement and improvement of two road structures near Site 15 which were added to the plan recently.

The Danish Alps Recreation Area includes the development of a 595-acre public recreation area that will surround the 226 surface-acre Kramper Lake. The park will incorporate RV and tent camping areas, an equestrian trail, hiking and biking trails and numerous other amenities. The multi-purpose flood control structure which impounds Kramper Lake will also provide retention of storm water runoff and reduce peak flows (up to 30 percent) through the Pigeon Creek drainage system thereby alleviating persistent flooding events on the bottomlands where Pigeon Creek enters the levee.

In addition to the dam construction, a tie-back levee which runs parallel to Highway 35 and offline storage area will also provide temporary storage for a portion of the runoff flows. These conservation measures will increase the efficiency of the levee system allowing complete confinement of flood waters up to and including a 100-year storm event. Prior to the tie-back levee and offline storage area construction, less than a 5-year storm event was fully confined in the Levee System.

Shortly after the Pigeon/Jones Creek Special Watershed Project was approved by the Papio-Missouri River NRD Board of Directors, a group of local citizens formed a watershed advisory council and provided a large amount of input in developing the Community Based Watershed Management Plan (CBWMP) which details a strategy to protect the water quality and functionality of the future Reservoir. Being the first of its kind in Nebraska, the CBWMP was completed prior to the actual construction of the dam and formation of the lake.

This management planning effort was to enhance water quality, with the primary purpose and action being education and recruitment of all watershed users to support the plan resulting in an overall improved natural environment for the lake and recreation area. Implementation of the Community Based Watershed Management Plan (CBWMP) calls for a diverse coalition of public, private, and governmental stakeholders who will be responsible for taking an active part in achieving the combination of comprehensive management options needed to realize the water quality goals set



Russ Hamer, of Nebraska Game and Parks Commission (NGPC), drills oats and rye grass cover crop above the Kramper Lake pool elevation at the Danish Alps Recreation Area. A native grass mix will be sown in the Fall 2013.

forth in the plan.

Some of the Best Management Practices (BMPs) planned and put into place to prevent water quality degradation in the reservoir will include sediment and grade control dams, in-stream grade stabilization and stream restoration, vegetated buffers and grassed waterways, cover crops and crop rotation, improved fertilizer application and nutrient management practices, tree planting, lake shore erosion protection, providing depth diversity for fish habitat, and supporting pack-in, pack-out

and volunteer clean-up programs.

This proactive approach is a positive reflection of the Watershed Advisory County and the Technical Advisory Team; both of which were instrumental in preparing the plan to ensure the highest water quality and standards possible for the lake and watershed. In addition to developing the CBWMP, the members also applied for an Environmental Protection Agency 319-grant which was approved through the EPA. This grant provides supplementary funding to the Nebraska Department



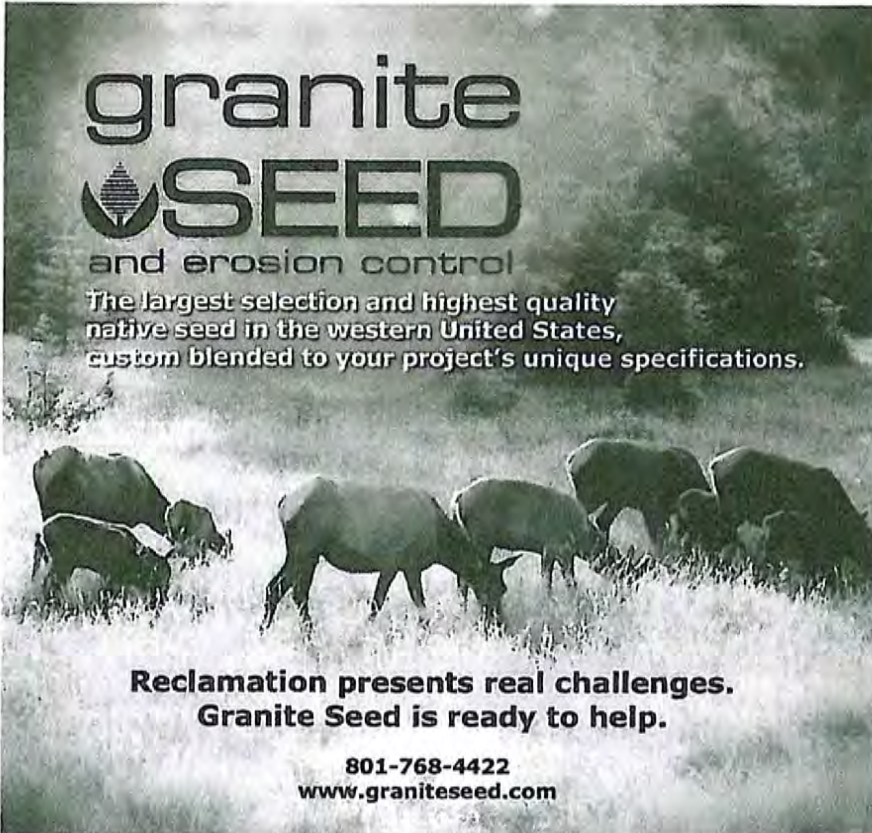
Construction is underway for the stream channel clean out and temporarily diverting Jones Creek while constructing the earthen dam - June 18, 2012.

of Environmental Quality to assist with installation costs of specific water quality conservation measures which will prevent sediment and other pollutants from entering the Reservoir. The 319-grant also allowed for extra funding to hire a 319-Coordinator to work with landowners in the watershed encouraging them to implement practices such as terraces and waterways, contour farming, no-till farming and other measures that would prevent sediment and other pollutants from entering the lake. A 319-Coordinator was hired in September 2010 and continues to work with the area landowners and producers to meet the goals of the CBWMP.

NRCS and NRD staff at the Dakota City field office has been working with landowners for over a decade to encourage land conservation practices in the watershed. "Participation by the landowners and producers in the watershed is voluntary. However, there are advantages to participating such as receiving an accelerated rate of cost-share from the Papio-Missouri River NRD to install conservation practices on their land. The enhanced cost-share has helped in meeting the goals of the watershed plan," said Schumacher. "Landowners have the opportunity to evaluate their particular farm situation and get assistance to install practices that improve water quality by reducing sediment in streams, minimizing surface runoff, and practicing nutrient and pesticide management," Schumacher added.

Construction of the dam, county road realignments and levee improvements are scheduled to be completed by the Fall of 2013. The lake will support numerous species of game fish with an average water depth of 17 feet and nearly 50 foot at the base of the dam. The Nebraska Game and Parks Commission is committed to carrying out a fish stocking plan throughout a two year period which will include walleye, bass, blue gill, catfish, and crappie fingerlings. Construction of the recreation facilities will begin in 2014 with the Park opening anticipated for the Fall of 2015.

Monitoring activities during construction will be through a coordinated effort between the Papio-Missouri River NRD, USDA NRCS, the Nebraska Department of Environmental Quality (NDEQ), and Olsson Associates. Water quality monitoring activities will follow existing protocols established by NDEQ and will be



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Pigeon/Jones Site 15 construction slows during the winter months as Kramper Lake begins to fill. The Village of Hubbard and US Highway 35 is shown in the top portion of the photo.

documented in an annual monitoring plan. Information provided through the monitoring activities will be distributed to the project stakeholders as scheduled. The monitoring results will be used to evaluate project successes and as appropriate, to revise monitoring strategies, implementation strategies and/or project goals and objectives.

Currently the costs involved in the project are nearly \$17 Million which in-


cludes land acquisition, engineering fees, and construction. Project partners and funding sources include the Environmental Protection Agency 319-Funds, Nebraska Resources Development Fund, Nebraska Department of Environmental Quality (NDEQ), Nebraska Game and Parks Commission, Nebraska Environmental Trust, USDA NRCS, Dakota County, and the Papio-Missouri River NRD.

Completion of the project will pro-

tect cropland from soil erosion, reduce sedimentation, protect lowland areas from flooding and provide economic development and recreational opportunities for local residents. Increased and improved wildlife habitat will be realized for the area as well as significant benefits to downstream landowners along the Pigeon Creek Levee System. Visit the Papio-Missouri River Natural Resources District (NRD) on the web at www.papionrd.org to learn about the NRD's urban and rural programs, environmental education, flood control and conservation, recreation and wildlife, water quality projects, and much more. **L&W**

by Kelly Fravel, Programs Assistant, Papio-Missouri River Natural Resources District

For more information contact Terry Schumacher, Land & Water Programs Coordinator, Papio-Missouri River Natural Resources District, 1060 Wilbur Street, Blair, NE 68008, Office: (402) 426-2415, Fax: (402) 426-2699, Cell: (402) 658-1656, Email: Tschumacher@papionrd.org Website: <http://www.papionrd.org/>



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2014 NACD ANNUAL MEETING
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Green technologies once out of reach within grasp as components of strategy

by Michelle Leach

What is at least "Green: Version 2.0" is characterized by interest in the likes of net zero buildings, but experts contend a foray into sustainability need not be costly or complex.

"Make an effort to go paperless when possible and utilize an electronic filing system," said Purchasing Agent Heather Borkowski with Papio-Missouri River NRD. "Update your light bulbs in your office building."

"Small changes each year make a large difference in the long term."

Verdis Group's six-pronged approach to partnering with organizations on sustainability initiatives starts with establishing a baseline and organizational alignment.

"We will not work with the client if they don't have institutional support," said Principal Daniel Lawse. "It's not our job to convince somebody that they need to have it;

they have to want to do it."

From there, a master plan is established, the organization is engaged and the plan implemented.

"Like any good plan, it doesn't just sit on a shelf," he said. "If you don't measure the progress toward your goals, you'll get lost or sidetracked."

Finally, Lawse speaks to "talking it up" on the back end, using marketing channels to communicate one's successes to the public, and to retain employees and attract talent.

When asked about the lowest hanging fruit, Lindsay Neemann, a board member with the Green Omaha Coalition and campus



Borkowski

planning and sustainability specialist with Metropolitan Community College, said costs associated with technology improvements from solar panels to LED light bulbs are decreasing.

"Solar is a much more viable option than it was several years ago, making it cost effective in the Nebraska area," she said. "With current incentives, rising utility rates, and increasing life on equipment, a reasonable payback on solar power provides incentive to move toward this greener alternative."



Lawse

with more manufacturers and producers providing 'green alternatives' to more product lines and using third party labeling systems to identify environmentally friendly products.

"More and more businesses are looking into 'net zero energy' — buildings that actually produce as much energy as they use, as in installing wind, solar, and other sources of renewable energy to allow their building to be 'off-the-grid,' or even feeding electric back into the grid," she added.

Christopher S. Swanson prepares the professional partners that assist business

and homeowners alike in the deployment of strategies to cut energy costs through MCC's Sustainable Energy Technology program and courses that explore the likes of savings payback, building science and retrofit projects.

"Although still in their infancy, we're developing entirely new curriculums around compressed natural gas, healthy homes, and commercial energy management and hope to have those classes available soon," he said.

Its technical education reflects not only new and emerging job prospects, but also what's around the corner in terms of in-demand sustainable practices and solutions.

"The Midwest is a prime region for a 'green' labor market, and some of those jobs already exist (see Iowa's booming wind farms), but there is still a lot more job potential for our area; for example, we receive a lot of sun throughout the year, yet our solar job opportunities are very limited," he said.

Borkowski, who noted the NRD boasts a demonstration rain garden and tire and household hazardous waste recycling, suggests starting with one project and building to that each year.

"Amp up your recycling this year, update the lighting next year, add rain barrels to your area the following year, and eventually build to something larger like a rain garden," she said.

The best bang for your buck? Low-maintenance native trees and bushes like the cottonwood, and dogwood, she said.

Washington County Enterprise/Pilot Tribune web site article (Posted Oct. 15, 2013)

NRD wants judge to dismiss FC's petition

Posted: Tuesday, October 15, 2013 10:38 am

NRD wants judge to dismiss FC's petition

By Teresa Hoffman Washington County Enterprise and Pilot Tribune | 0 comments

The attorney for the Papio-Missouri River Natural Resources District (NRD) remains adamant the City of Fort Calhoun has no legal standing to ask that the financial merger of two rural water districts be stopped.

"They don't have a dog in the fight," Paul Peters, legal counsel for the NRD, told District Judge John Samson during a court hearing Friday in Washington County District Court.

The NRD is asking Samson to dismiss a Petition in Error and a complaint filed by on behalf of the City of Fort Calhoun and Mayor Mitchell Robinson in August.

The Petition in Error seeks an appeal of the NRD's decision to merge Washington County rural water districts 1 and 2 and the complaint asks for an injunction to stop the merger, based on what the city and Robinson allege is a breach of contract.

Peters said in order to have standing in litigation, the city has to have some kind of stake. He said the issue involves the ratepayers, not the city itself.

The city purchases water at a wholesale rate from the NRD. The city runs its own system and bills customers for water use.

Samson gave attorneys Wm. Oliver Jenkins and Benjamin Belmont, who are representing the city and Robinson, until Nov. 8 to respond to the NRD's motions. Belmont said they have not had a chance to review the brief filed by the NRD, as they had just received it prior to the hearing.

In alleging breach of contract, the city and Robinson argue the NRD Board of Directors approved the merger despite the rejection of it by the Fort Calhoun Papio NRD Joint Water Project Board.

They said by failing to adopt the joint board's rejection of the proposal, they breached "the implied covenant of good faith and fair dealing in its contract with Fort Calhoun."

The contract, which according to the complaint was adopted in 1978, outlined terms about Fort Calhoun's assistance in the development and funding of Rural Water District 1, and the promise to sell water to the city at wholesale rate. It also called for the formation of the joint board and granted them certain authority, including initiating proposals for consideration by the NRD relating to District 1.

The legal action hasn't kept the NRD from moving forward with the financial merger, Peters said. After giving final approval to the merger in July, the NRD recently approved the expansion of the boundaries of District 1 to include the former District 2.

A second Petition in Error, alleging a violation of state law and the Nebraska Open Meetings Act in the NRD's action to expand the boundaries, has also been filed on behalf of the city and Robinson. A hearing date has not been set on that petition.



Danish Alps Recreation Area

An informational meeting was held on Wed. Oct. 2 updating the public on the progress of Danish Alps Recreation Area. Discussion on the 595 acre public recreation area around Kramper Lake answered many questions on details of the amenities proposed.

These amenities include RV and tent camping areas, an equestrian trail, hiking and biking trails among other features. The plan is for construction of the recreational portion to begin in the spring 2014.



Photo by Trudy Jepsen

Terry Schumacher, Papio-Missouri River Natural Resource District Land and Water Programs Coordinator at Blair, Paul Woodward of Olsson and Associates, and Lowell Roeber, Papio-Missouri River NRD Watershed Coordinator and Field Representative at Dakota City answered questions during an informational meeting updating the public on the progress of Danish Alps Recreation Area on Wed. Oct. 2.



NRD General Manager: Local dams offer greater protection than failed Colorado dams

Omaha area residents should rest assured that Omaha's flood control reservoirs in the Papillion Creek Watershed offer greater protection than dams that were overtopped or breached by recent torrential rainfall in Colorado, according to Papio-Missouri River NRD General Manager John Winkler.

Information prepared by the NRD states that the failed structures in Colorado were rated as "Low Hazard." A Low Hazard dam is a structure offering protection to the extent that loss of human life is not expected and significant damage to structures and public facilities is not expected to result from failure of the

structure. Most states, including Colorado and Nebraska, differentiate between Low Hazard and High Hazard when designing flood control reservoirs.

"Our flood control reservoirs in Omaha's Papillion Creek Watershed area, such as Wehrspann, Zorinsky, Cunningham, Walnut Creek and others are all designed and constructed using criteria associated with a High Hazard designation," said Winkler. "There has been some local rhetoric about our dams not being safe. The facts are that our structures are designed to the 500-year flood event and projected maximum rainfall event. The High Hazard structures in Colorado,

similar to our local reservoirs, performed well and retained millions of gallons of water."

Winkler said the recent flooding in Colorado points to a critical need for additional flood protection for residents of the metro Omaha community that could be realized through the construction of additional reservoirs. The Papillion Creek Watershed is home to one third of Nebraska's population and encompasses much of Douglas, Sarpy and Washington Counties. It remains one of the most flood-prone areas of Nebraska.

"The sad situation in Colorado is unfortunate evidence of the devastating power of water," said

Winkler. "It is far too easy to become complacent during the dry times and overlook the obvious - that our area's flood readiness will be tested sooner or later."

The Natural Resources District is building one flood control reservoir near 126th and Cornhusker in Sarpy County and another is nearing the construction phase in northwest Omaha near 168th and Fort Streets.

"But much more needs to be done," said Winkler.

The NRD also maintains levees and channel improvements and has an active floodplain management program to keep new construction out of harm's way.

DC Star 10/24/13

Letter to the Editor

All rural residents in the Papio Missouri River NRD can rest assured that their property tax dollars are returned more than five-fold by the NRD through expenditures in the primarily rural areas of the District for programs and projects to

protect our soil, water, wildlife and forestry resources. Occasionally, I hear that the NRD places too much emphasis on projects designed to meet the needs of the more urban

areas of Sarpy and Douglas Counties to the detriment of our rural lands in the District. Nothing could be further from the truth. Here are the facts.

In 1989, the Papio NRD (serving Washington, Douglas and Sarpy Counties) merged with the Middle Missouri Tributaries NRD (serving Dakota and most of Burt and

Thurston Counties). Lacking a sufficient tax base, the citizens of the Middle Missouri NRD requested a merger in order to bolster funding capability to carry out effective conservation programs. This merger has proven to be beneficial and successful.

"Ninety-four percent of property tax revenue generated by the NRD is from Sarpy and Douglas Counties. Expenditures reflect a majority, but not all, of NRD spending within each county area"

Are Washington, Burt, Thurston and Dakota Counties benefiting from being a part of the Papio-Missouri River NRD? We did the math for combined fiscal years 2010, 2011 and 2012. Let's take a look at the funds spent in each county versus the amount received from property taxpayers in those areas (see table below).

The combined counties received nearly 5 times the NRD expenditures vs. property tax revenue.

Ninety-four percent of property tax revenue generated by the NRD is from Sarpy and Douglas Counties. Ex-

pensitures reflect a majority, but not all, of NRD spending within each county area.

The NRD has always considered the conservation of our natural resources to be our prime mission. We are meeting the challenge of addressing resource management issues equally well in both our urban and rural areas. We continue to offer needed cost sharing with landowners for soil and water conservation practices, tree planting, and wildlife habitat. We have constructed new offices in Washington and Dakota Counties where other agricultural, environmental and conservation agencies are co-located to offer convenient access by landowners to our many programs.

The list of our past three-year accomplishments in our more rural counties is very long. We are especially pleased with being able to provide cost sharing to over 630 landowners/producers on a wide variety of soil and water conservation projects. Also during the past three years we have helped 161 landowners abandon danger-

ous water wells and provided cost sharing to 67 landowners who planted thousands of trees.

We have targeted special needs watersheds - offering increased cost sharing in those areas and building highly effective erosion and sediment control structures. One current special effort is taking place in Dakota County's Pigeon/Jones Creek Watershed. Six erosion and sediment control structures have been built thus far and we are well underway with the construction of Kramper Lake and Danish Alps Recreation Area southeast of Hubbard. This structure will provide much-needed flood control, sediment retention, water quality and recreational benefits to the area.

Even though our NRD encompasses the largest urban areas in the State of Nebraska, which contain over 50 percent of the State's population, we simultaneously enhance and protect over one-half million acres devoted to agricultural production. Consequently, the Papio NRD not only protects lives and property from devastating floods but we also protect and enhance our agricultural economy which not only feeds the country, but the world.

-- John Winkler, General Manager, Papio-Missouri River Natural Resources District

	NRD Expenditures in county	NRD Revenue from county property taxes
Washington County	\$5.8 million	\$2.1 million
Burt County	\$2.4 million	\$466,956
Thurston County	\$800,000	\$210,362
Dakota County	\$10.32 million	\$1.15 million
Total 4 counties	\$19.32 million	\$3.93million

Oct. 28, 2013

Douglas County Republican Website <http://dcrponline.com/>

Do Natural Resource Districts Covet Your Land?

Do Natural Resource Districts Covet Your Land?

Since when does government know how to run your business? This is a question I find myself asking in the wake of the state Natural Resource Districts' most recent attempt to stick it to farmers and landowners by proposing a statutory change to a law that has served us well over the last 28 years. While you are obviously familiar by now with some of the more inscrutable actions taken by the Papio-Missouri River NRD's board, the state NRDs appear to be following suit. It's not enough for the Papio-Missouri River NRD to be firmly ensconced in the pockets of developers; apparently, the state NRDs may also want to give developers a piece of the pie by seizing your property through extraordinary measures.

How might NRDs accomplish this task? As onerous governmental requirements continue to expand, the NRDs yearn to reduce funding for required conservation practices. At the September NRD directors' meeting, the NRDs passed a resolution approving the issuance of cease and desist orders on landowners and farmers they believe have ephemeral and gully erosion. If the state's NRDs are granted the ability to issue cease and desist orders, they can feasibly force property owners to take their land out of production. Just as alarming, the NRDs could also build approved conservation structures and bill the landowner for the project's full cost. If the landowner refuses to pay for these structures out of his own pocket, property liens could conceivably be issued – resulting in the government seizure, and subsequent auction, of one's land.

Washington County, the area I have the privilege of representing as an NRD director, leads the state in implementing conservation structures. 40 percent of the entire amount of terrace systems constructed in the State of Nebraska over the past 10 years is in Washington County. Washington County landowners and farmers need to be commended for their prescience with regard to soil and water conservation. In 1938, Washington County became the first county in the state to form a conservation district, while Burt County was the first county to form a drainage district. The culture of conservation and land improvements in my area is passed down from generation to generation. With NRDs only wanting to provide lip service rather than financial assistance for conservation and land improvements, why do we need these governmental organizations? At the very least, the NRDs need to be reformed and priorities reestablished.

This summer, numerous property owners in my area received letters from the NRCS stating that it had found small amounts of ephemeral and gully erosion. As a result, landowners must now implement approved NRCS conservation practices or risk losing their FSA farm payments – even though these same property owners have spent tens of thousands of dollars performing conservation practices, while the Papio-Missouri River NRD has continued to cut funding and refused to provide farmland improvement assistance. Shockingly, the NRCS is following up on “anonymous” complaints.

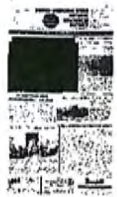
Additionally, it’s stupefying that this state’s NRDs want to change the law to shirk their mandated fiduciary obligation to landowners and farmers. NE Code § 2-4610, for example, specifies that, “If there is not available to any owner or operator at least ninety percent cost-sharing assistance for the installation of permanent soil and water conservation practices which are required in an approved farm unit conservation plan or are required to conform agricultural, horticultural, and silvicultural practices to the applicable soil-loss limit, any such owner or operator shall not be required to install such practices pursuant to the Erosion and Sediment Control Act until such cost-sharing assistance is made available.” The NRDs, if they have their way, would ostensibly introduce an added hardship on property owners by eliminating all cost-sharing assistance as it pertains to permanent soil and water conservation practices.

I strongly support soil and water conservation but, when our state mandates land requirements with respect to ephemeral and gully erosion, it should also do its part by providing funding for such projects – especially in this case where public benefits are myriad. Nevertheless, the fact of the matter is simply that the NRDs do not want to pay for their share of the required water and soil erosion conservation practices presently delineated in both their mission statements and in current state statutes.

I find it somewhat odd that landowners located within a Papio-Missouri River NRD damsite received letters from the NRCS concerning their property. Just what is the endgame here? Is the proposed resolution meant to be a new form of harassing landowners and farmers by which a governmental agency devalues, and ultimately seizes, private land for the purpose of selling it to some of our friendly neighborhood developers at bargain-basement prices? Or, is the proposed resolution more intricately related to the 500,000 acres that the state NRDs want to take out of production in the Platte River Basin starting in 2019? In either case, property owners need to be cognizant of the NRDs’ machinations – their future may depend on it.

Scott Japp

Papio-Missouri River NRD Director #1



Kramper Lake Off Limits During Construction



Area law enforcement officials are asking for patience from those seeking their first visit to Kramper Lake and Danish Alps Recreation Area near Hubbard in Dakota County. "Part of my job duties are to patrol and protect the natural resources in the area before and after the Park opens," said Alex Frohberg, Conservation Officer, for the Nebraska Game and Parks Commission. The Dakota County Sheriff's Department has also agreed to patrol the area.

Kramper Lake and Danish Alps Recreation Area will see considerable construction work prior to its scheduled opening 2015. "For everyone's safety, we have posted no trespassing signs and cannot allow any public access near the Kramper lake construction site or on the surrounding Danish Alps Recreation Area land," said John Winkler, Papio-Missouri River Natural Resources District General Manager.

The NRD is constructing Kramper Lake for flood control and recreation. When completed, the lake will be 228 acres and surrounded by 595 acres of park land. Construction has been completed on the multi-purpose earthen dam and the reservoir (Kramper Lake) is continuing to fill. "This structure will provide critical flood control, sediment retention, water quality and outdoor recreation benefits to residents throughout northeast Nebraska," said Winkler.

The Papio-Missouri River Natural Resources District (NRD) is currently developing a recreation plan for the Danish Alps area. Future recreational opportunities will include "no wake" boating, fishing, hiking and biking trails, ten miles equestrian trails, mountain biking trails, separate RV campgrounds, equestrian campgrounds and tent campgrounds.

Crossing fingers against Platte ice jam WORLD-HERALD BUREAU 11-3-13

WASHINGTON — It's been more than two decades since a mile-long ice jam on the Platte River swamped Interstate 80, flooded U.S. Highway 6 and nearly cut off Lincoln's entire water supply.

In 2000, Congress authorized levee improvements to guard against a repeat of the disaster, but that project still is not complete and the cost has risen to the point where it will remain stalled — barring further action from Capitol Hill.

Meanwhile, local officials just hope they don't see another major ice jam that causes the same problems, said John Winkler, general manager for the Papio-Missouri River Natural Resources District.

"Every winter, we cross our fingers that Lincoln and Omaha don't have disruptions in their water supply," Winkler said. " 'Cross your fingers' is only going to get you so far."

Congress authorized the levee project, known as Western Sarpy-Clear Creek, in 2000 at a projected cost of \$15.6 million. Federal funding for it has never been included in the president's budget, according to the U.S. Army Corps of Engineers, but has been approved by Congress almost every year since 2001. Over time, the total cost, including local funding, has risen to about \$43 million.

A technical formula in place since the mid-1980s referred to as "Section 902" restricts how much costs can rise on such projects. The Nebraska project is bumping right up against that ceiling, which means nothing further can be done.

Although the project is about three-fourths finished, Winkler said a levee system is only as strong as its weakest point, and that means the improvements so far will offer little peace of mind until the entire project is finished.

"There is no protection, or very little protection, until it's complete," he said.

Sen. Deb Fischer, R-Neb., a member of the Senate Environment and Public Works Committee, worked with the top Republican and top Democrat on the panel to address the situation.

The result was a provision in the Senate-approved Water Resources Development Act that would allow projects to be completed even if they exceed their Section 902 limits — if they are more than 70 percent finished and the remaining federal cost is less than \$5 million. That would allow the Western Sarpy-Clear Creek project, as well as other projects meeting those requirements, to move forward.

In a statement, Fischer described the stalled levee improvements as a "critical flood control project" for Nebraska.

"The Western Sarpy-Clear Creek area has a significant, long-term flooding problem and levee improvements are needed to provide flood control to protect the Interstate and Highway 6, the Nebraska Army National Guard buildings and training areas, water wells that supply drinking water to 50 percent of Nebraska's population — including the cities of Lincoln and Omaha — and numerous residential buildings," Fischer said.

One problem, however, is that the House recently passed its own version without matching language.

Fischer hopes the conference committee ironing out differences between the two will use the Senate language. So does Rep. Jeff Fortenberry, R-Neb.

Winkler shares their hope.

"We're a little frustrated with the difference in the two versions, but hopefully they can work it out in conference," Winkler said. "This project has dragged on for over a decade."

He said the 1993 experience shows he isn't just crying wolf about the impact of a flood. The last time around, he said, the City of Lincoln was so low on water that it would have been hard-pressed to put out a major fire.

"This has happened before," he said.

Contact the writer: joe.morton@owh.com, twitter.com/MortonOWH

FEMA regs frustrating victims of '11 flood

See a complete list of deficiencies FEMA sent Washington County.

Posted: Monday, November 4, 2013 3:02 pm | Updated: 3:31 pm, Mon Nov 4, 2013.

FEMA regs frustrating victims of '11 flood By Katie Rohman Washington County Enterprise and Pilot Tribune |
0 comments

The 2011 floods have receded, but their effects remain for some local property owners.

Robert and Dottie French lost their Cottonwood home when the Corps of Engineers released water in five Missouri River dams, flooding areas from North Dakota down to Missouri, including many parts of Washington County.

"All because the Corps of Engineers followed the guidelines," said Dottie, treasurer, Cottonwood Association. "What I don't understand is why the Corps of Engineers wouldn't be held accountable."

Two years later, the blame game continues as homeowners affected by the flood fight government regulations.

Dottie said FEMA "wouldn't aid us in any way." Robert owned the home for 30 years, and the couple began living there fulltime 25 years ago, when they married. The Frenches were given one year to rebuild on their property. They had just \$45,000 in flood insurance, so they had to deplete their savings to build a new home.

"I was going to retire in 2012," said Dottie, 67, who works fulltime at Alegent Creighton Health in Omaha. Robert, 76, is a bus driver for Blair schools.

"To see a bulldozer tear this house down ... it was devastating," Dottie said.

Robert loved to sit in the screened porch of their previous home and watch the river. When the Frenches decided to rebuild on the property, they planned a large, screened-in deck to accommodate family gatherings.

Today, their new home with a white picket fence has that huge deck — and no roof. Due to FEMA regulations, they aren't allowed to screen-in the deck or build anything on the property.

While problems with building restrictions plague some owners, they are also fighting to get dilapidated and unsafe buildings at Cottonwood demolished or cleaned up.

The association sent letters to five property owners. The association has 30 properties; one lot does not have a building. Most owners at Cottonwood have rebuilt or renovated flood-ravaged buildings.

"Belonging to the association, we should all take care of the land," Dottie said. "It's in the bylaws we're supposed to keep our properties up."

"We have an option (in the bylaws) where we can charge \$500, but it doesn't have teeth," she said.

County burdened with 'deficiencies'

Many of the issues local flood victims are experiencing are the result of a backlog of work piled on Washington County.

The Washington County Board of Supervisors received a letter from FEMA in February detailing “substantive program deficiencies” and “possible violations” within the county’s current resolution that are not compliant with the National Flood Insurance Program (NFIP).

If a county does not participate in the NFIP, no residents can secure federally provided flood insurance.

The county was given April and May deadlines to complete several actions, including providing documentation of various floodplain development permits, certifications and plans and develop a detailed training plan.

“Based on the continuous efforts of the county to provide the requested documentation, FEMA has exercised flexibility in a final due date,” said Dean Ownby, chief of the Floodplain Management and Insurance Branch Mitigation Division, FEMA, last week. “The county continues to provide requested information and status updates to our office.

“As of now, the county has not been placed on probation or suspension from the NFIP,” Ownby said.

According to Tanna Wirtz, planning and zoning administrator, Washington County, she has been continuously addressing the FEMA concerns while wearing multiple hats. Wirtz was hired in October 2012 after former administrator Doug Cook was terminated. She also serves as the floodplain and 911 addressing manager and has also been short-staffed recently.

Wirtz’s responsibility is to give FEMA reports on the 141 flood-damaged properties in the county; 78 of those are “substantially damaged” — more than 50 percent. She estimates she is about halfway through the process. The DeSoto Park Estates and Lemley’s areas are complete. Cottonwood is partially finished and Tysen’s Bend has not been started.

Wirtz said if the county did not address the deficiencies, FEMA would restrict and eliminate “a lot of federal funding to the county.”

She is in the process of developing a two-year flood training program for county employees and providing written documents of all properties.

“As long as I am progressively moving forward,” Wirtz said, the county can appease FEMA.

“I generally report weekly to them,” she said. “They’ve been very patient.”

The problem ultimately lies in how the floodplain and floodway areas have been mapped. The county was in the process of remapping before the flood.

“Then the flood came, and in January 2012, that’s when they were remapped,” said Wirtz, who worked for FEMA — including in Joplin, Mo., following its tornado — prior to Washington County.

A floodway is located where the river channel will flow; a floodplain is areas beyond that. If structures are put in the floodway, it restricts water flow.

At the time of the flood, the county identified properties damaged more than 50 percent.

Those in the floodway can only add an RV or carport because they are mobile. Property owners are not allowed to build or add on to structures. Many properties were designated as being in a floodway in January 2012 that were not prior. Many of those property owners obtained building permits after January 2012 and were not allowed to per FEMA guidelines.

Property owners with buildings in floodways and floodplains must have flood insurance.

Wirtz said the county has identified some safety hazards at the flood-damaged properties. With some, the owners have walked away and left the burden on banks and, in Cottonwood's case, its association. Wirtz said she is working with the county attorney to determine how they can address those properties.

Homeowners claim departments pass the buck

One Cottonwood homeowner, Phyllis Ocander, lives next door to two vacant homes that have been deemed unsafe to enter. She reported one weed-ravaged property to the Three Rivers Health Department after she claims she saw rats and raccoons enter the building, which was turned in for bankruptcy after the owners abandoned the property. The other house was vacant prior to the flood and is bank-owned.

"They said it wasn't condemned, but it was," Ocander said.

"I called the health department," she said. "The guy said, 'I don't even want to go in there.'"

Ocander, a Valley native, has been vacationing and, more recently, living fulltime for decades on Flying Cotton Loop, where the most damage occurred. After the flood, she said, FEMA representatives said they couldn't help her because she had Texas license plates. She was a snowbird part of the year in Texas, but lived most of the time at Cottonwood. She only received some rent assistance for the six months she was forced to move out. Her mobile home sustained little damage compared to others; only trees, the deck and some ductwork had to be replaced.

"FEMA has not been nice to us. There's a few they helped," she said.

Ocander said she doesn't know how else to get the neighboring buildings demolished. She's called the health department several times, who forwards the issue to the county planning department. The county attorney's office and sheriff's department have also passed the problem around.

"Our hands are tied. I don't know," she said.

"That's the circle that keeps going around," Dottie French said. "Nobody knows the answer."

French recognizes that although they lost their home, she and her husband are fortunate compared to others affected by the Missouri River's devastation, particularly farmers.

"We're two of the lucky people," French said. "It really did bring us closer together — the trauma of it all."

As for the association's problems with hazardous properties and their issues completing their deck, French vows to maintain the lifestyle at the place she and her husband have called home for so long.

"I'm going to keep fighting," French said, summing up the situation in two words: "Government sucks."



FEMA

February 20, 2013

The Honorable Mary Alice Johnson
Chair, Washington County Board of Supervisors
P.O. Box 466
Blair, NE 68008

Dear Chairperson Johnson:

Thank you for participating in the National Flood Insurance Program and the opportunity for FEMA regional staff to meet with County staff regarding Washington County's floodplain management program and to conduct a Community Assistance Visit (CAV). The meeting occurred on August 10, 2012, with Connie Wisniewski and Todd Tucker of this office in partnership with Bill Jones and John Callen with the Nebraska State Department of Natural Resources, and the following County staff: County Supervisor Kent Clausen; Barb Brazelton, Acting Planning & Zoning Administrator; and Bill Pook, Director Region 5/6 Emergency Management. The purpose of the CAV meeting was to assess the effectiveness of Washington County's floodplain management program in meeting the criteria for continued participation in the National Flood Insurance Program (NFIP) and your floodplain management ordinance/resolution. Additionally, the visit provided opportunity for technical assistance between FEMA, the State of Nebraska Department of Natural Resources, and County staff.

It is evident that the County has utilized its floodplain management program in the past; however, substantive program deficiencies were observed and possible violations identified during the CAV that require correction for continued good standing with the NFIP. A complete response is required to the following items:

1. **Flood Resolution (44 CFR 60.2 (h)).** Review of the County Flood Resolution (Resolution 1987-7 as amended) identified program deficiencies within the County's current resolution that are not compliant with the NFIP floodplain management criteria and require correction. Such deficiencies could result in the community's suspension.

The relevant Code of Federal Regulation (CFR) part/subpart (§) reference is indicated where necessary, for reference in the following list of the Resolution's article and section deficiencies.

Required Action: Amend the Floodplain Ordinance as follows:

- (1) Section 1.23(1), remove reference to the 1980 adoption, or amend and reference the current FEMA Flood Insurance Study (FIS) and date "(January 6, 2012)". per "44 CFR § 60.3 (c)". Include the words "*...and illustrative materials.*"
- (2) Section 2.1, amend and reference the correct FEMA Flood Insurance Rate Map (FIRM) and date, January 6, 2012. per CFR §60.3 (b).
- (3) Section 3.2, include the following statement: "*Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;*" per 44 CFR § 60.3 (a)(4).
- (4) Section 3.3 Minor\Major\Substantial Improvement, requires removal or clarification. The ambiguous language in this section is in conflict with Section 7, and may be construed to allow development activity in violation of the intent and requirements of the NFIP (see 44 CFR §60.3 (b)(5)(i)) and State of Nebraska Administrative Code Title 455, chapter 1, 005.01 and 005.02). If intended to be a higher standard, clarification is required. Clarify or remove this section.
- (5) Section 7.16 conflicts with State of Nebraska Administrative Code Title 455, Chapter 1 005.01 and 005.02, and should be revised accordingly.
- (6) Section 3.4, insert the following: "*3.46 Be accompanied by plans and specifications for proposed construction, . . .*", 44 CFR § 60.3 (a).
- (7) Per 44 CFR § 60.3 (c), replace Section 4.1 with the following: "*Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: A floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the adopted current Flood Insurance Study and accompanying map(s). Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.*"
- (8) Remove Section 5.13(5) as the Floodway has been designated.
- (9) Article 2. Definitions: Insert the following floodplain management definitions verbatim into the definitions section of the ordinance, per CFR § 59.1:

"Base Flood" means the flood having one percent chance of being equaled or exceeded in any given year.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Special Flood Hazard Area" is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

- (10) In accordance with the State of Nebraska Model D Ordinance include the definition of "Flood Fringe" as follows:

"Flood Fringe" is that area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).

In lieu of the required amendments 1-9 above, adoption of the current fully updated State of Nebraska Model D Ordinance would be accepted.

2. **Administrative and Enforcement Processes and Procedures (44 CFR 60.3(d):** Deficiencies in a community's administrative and enforcement process and procedures are those that have resulted or could result in substantive violations that increase potential flood damages in the community. Examples of such substantive violations include: obstructions to floodway or stream channels that increase the base flood elevation (BFE); residential structures that are located with the lowest floor below the BFE; non-residential structures with the lowest floor located below BFE and are not adequately floodproofed; new or substantially improved residential structures within the Floodway (per State requirements), and inadequate documentation regarding the communities determination that a development is reasonably safe from flooding, etc. Additional information related to administration of development within the special flood hazard area is required as follows:

- (1) Record maintenance, diligent development assessment, and permit evaluation are the best methods to ensure and demonstrate continued conformance with the requirements of the NFIP while preserving life and property. Washington County has adopted the State of Nebraska's requirements limiting residential development within the regulatory Floodway (see items 1. (4) and 2.(5) below), which must be addressed as part of the development review process. In addition, a local determination that a structure is substantially damaged would allow access to up to \$30,000 of Increased Cost of Compliance (ICC) Coverage for NFIP insured homes damaged by flooding. ICC funds may be used to demolish, elevate, or relocate flood damaged homes.

County Staff reported that 141 structures were assessed for substantial damage as a result of the 2011 Missouri River flood event, 78 of which were determined to be substantially damaged; however copies the substantial damage reports were not available during the meeting and were to be provided after the CAV meeting.

Required Action: Within 45 days, provide a copy of the complete Substantial Damage determinations for each of the 141 assessments completed (78 of which were determined to be substantially damaged) as a result of the 2011 Missouri River flood.

- (2) During the meeting, there was discussion about the SDE computer program and the reconstruction values used for the initial 2011 damage assessments. The original 2011 SDE assessments applied \$84 per square foot reconstruction value. This value was derived from research conducted at the time in coordination with local, State, and federal partners, including staff from Washington County, and is significantly lower than the national standard. During the August 2012 meeting, Commissioner Clausen indicated that \$54.00 per square foot was a more realistic value for Washington County. Consequently, Region VII staff conducted additional research and determined that a value between \$80.00 and \$90.00 per square foot may be justified based on available information as detailed in an e-mail to Barb Brazelton dated August 13, 2012; however, application of \$54 per square foot value could not be substantiated.

Required Action: Within 45 days, provide written documentation substantiating any adjustments made to the original \$84.00 per square foot reconstruction cost used for the 2011 Substantial Damage determinations.

- (3) All construction activities within the SFHA are required to comply with the county's floodplain ordinance and effective FIRM, including applicable state and federal standards and the issuance of permits.

Required Action: Within 45 days, provide all documentation, including the floodplain development permits, no-rise certifications, building permits, construction plans and specifications, elevation certifications, site plans, SDE determinations, SDE appeals, and justification for approval of the appeal, demolition permits, floodproofing certifications, and/or variances for the following:

- a. The October 22, 2012, Washington County Board of Supervisors Meeting Minutes indicates that CUP 91-10 Desoto Park Estates Mobile Home Park is approved by the County Commissioners. Please note that effective map indicates that the entire DeSoto Park Estates site is in the Regulatory Floodway. Photos of DeSoto Park Estates are attached in the Field Reconnaissance Observations Summary Report, item 19, Slides 42 – 56. Construction or placement of a new structure for human habitation within the Floodway is in violation of the local floodplain ordinance, and Nebraska Administrative Code, Title 455, Chapter 1, 005.01 and 005.02. It appears this development does not meet the floodplain regulations.

In the event that this development can demonstrate that it meets the local and state standards for approval of development in the floodway, the local ordinance and 44 CFR 60.3(d) indicates that development within the Floodway requires no-rise certification, a floodplain development permit, and

application of specific construction standards including a determination by the local floodplain administrator that the structure(s) are reasonably safe from flooding, and verification that the proposed development has received permits from all other applicable entities (i.e. water and septic, ect.). Provide complete documentation demonstrating compliance with all applicable requirements.

- b. A Substantial Damage Report has been provided to Region VII indicating that the residence located at 2386 N. River Land, Lot 13, parcel 890064498 is substantially damaged (100%) (see attached Substantial Damage report). This appears to be the same development indicated in the July 24, 2012 and August 28, 2012, Washington County Board of Supervisors minutes as approved by the Board of Supervisors for development (CUP 93-20 Wooden). According to the effective FIRM (dated January 6, 2012) this residential development is located in the regulatory Floodway. Construction or placement of a new structure for human habitation within the Floodway is in violation of the local floodplain ordinance, and Nebraska Administrative Code, Title 455, Chapter 1, 005.01 and 005.02. It appears this development does not meet the floodplain regulations.

In the event that this development can demonstrate that it meets the local and state standards for approval of development in the floodway, the local ordinance and 44 CFR 60.3(d) indicates that development within the Floodway requires no-rise certification, a floodplain development permit, and application of specific construction standards including a determination by the local floodplain administrator that the structure(s) are reasonably safe from flooding, and has received permits from all other applicable entities (i.e. water and septic, etc.), (See also field reconnaissance item 27. Slides 78 – 83, Field Reconnaissance Observations Summary Report). Provide complete documentation demonstrating compliance with all applicable requirements.

- c. Minutes from the County Board of Supervisors meetings indicate substantial damage appeals/waivers or conditional use permits were approved for the following developments which are in the SFHA and/or Floodway. Provide complete copies of the substantial damage assessments, appeals, and approval justifications (including, but not limited to the original substantial damage determinations, appeal applications, floodplain development permits, elevation certificates, no-rise certificates (where applicable), etc.) for each of the following (note, addresses and reconnaissance item references are provided where known/available):
 - i. Riverland RV Park (May 8, 2012 minutes) (See also field reconnaissance item 4, Slides 2 – 8, Field Reconnaissance Observations Summary Report);
 - 1. Ben Rogge (9800 Marina Lane, Cottonwood Marina)
 - 2. Ben Rogge (9962 Riverwood Lane, Cottonwood Marina)

- ii. John Christensen (2702 CR 34) (May 8, 2012 minutes) (See also field reconnaissance item 23, Slides 63 – 66, Field Reconnaissance Observations Summary Report);
- iii. Roger Smith (Gabriels Cabin – July 10, 2012 minutes);
- iv. Bennet Gerken (May 22, 2012 Minutes);
- v. Allen Henion (May 22, 2012 Minutes);
- vi. Dennie Cihal (May 22, minutes);
- vii. Mary Snider (May 8, 2012 minutes);
- viii. Robert Wilkins & Sons Inc. (August 28, 2012 Minutes);
- ix. Mike Fitzgerald (August 28, 2012 Minutes); and
- x. Riverview Park (Jason Armstrong) (September 25, 2012 Minutes).

It is understood that all of these development sites are in the SFHA and some may be in the regulatory Floodway. In the event that this development can demonstrate that it meets the local and state standards for development in the SFHA and floodway (where applicable), the local ordinance and 44 CFR 60.3(d) states that a floodplain development permit, and application of specific construction standards including a determination by the local floodplain administrator that the structure(s) are reasonably safe from flooding, and has received permits from all other applicable entities. In addition development within the Floodway requires no-rise certification. Provide complete documentation demonstrating compliance with all applicable requirements.

- (4) Minutes from the County Board of Supervisors meetings indicate that various roads, bridges and other public facilities were damaged by the 2011 Missouri River flood event.

Required Action: Provide copies of all floodplain development permits, elevation certificates, and no-rise certifications (where applicable) and approvals from other applicable entities issued to Washington County for repair of damages and maintenance to all roads, bridges and other public improvements within the SFHA and Floodway that occurred between June 2, 2011, and October 24, 2012, including the following:

- a. Repair of damage to CR 312 (between CR 38 and 40).
- b. Box Culvert on County Road 7 (June 12, 2012 minutes).
- c. Culver on County Road 14 (April 24 minutes).
- d. Ft. Calhoun Northwest Bridge Project C89 - 22605, (located in DeSoto area, on Co Rd P26).
- e. Annual road, culvert, and bridge maintenance activities in the SFHA.

- (5) Ordinance implementation and administrative procedures and practices ensure that development within the SFHA is “reasonably safe from flooding”. In accordance with the definition in the local Ordinance and 44 CFR 59.1, ***Start of Construction*** . . . *(I)ncludes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the*

permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building."

Be advised that all construction that occurs within the SHFA after the adoption of the effective map must comply with the current effective map requirements. The County adopted the new effective map on January 6, 2012. According to the Board of Supervisor minutes, several substantial damage appeals and conditional use permits were submitted and/or approved between May 8, 2012, and October 22, 2012, several months after the adoption of the new effective FIRM (see item 2.(1) above). However, during the October 10th meeting, County staff provided a list of permits indicating that 28 building permit applications were submitted to "*Building Permits Filed Prior to 01-06-2012 to Beat the New Map Deadline.*" Note that during the field reconnaissance (August 9-10, 2012, or 276 days after the adoption of the effective FIRM) a few structures may be inhabited or under repair (see field reconnaissance report items 20a, Slides 54-56, and 21, Slides 58 and 59 attached and references in Required Actions 2.(5)a. – e. below). However, new site development and completion of construction was not confirmed for the 28 sites on the "*Building Permits Filed Prior to 01-06-2012 to Beat the New Map Deadline*" list. Therefore, additional information is required, including documentation to substantiate the SDE appeals noted in the County Board of Supervisors meeting minutes listed below (see also items 2.(1) - 2.(3) above).

Required Action: Provide all documentation, including floodplain development permits, no-rise certifications, building permits, construction plans and specifications, elevation certifications, site plans, SDE determinations, SDE appeals, and justification for approval of the appeals, demolition permits, floodproofing certifications, and/or variances regarding the following:

- a. Tysens Bend - (See field reconnaissance item 14, Slides 22 – 32, Field Reconnaissance Observations Summary Report)
 - i. 16486 Tysen's Bend Lane, Lot 1A, Dennis Penry,
 - ii. 16140 Tysen's Bend Lane, Lot 3, Charles Walker
 - iii. 16312 Tysen's Bend Lane, Lot 12B, Ted Jensen,
 - iv. 16380 Tysen's Bend Lane, Lot 18, Melvin Lenhart,
 - v. 16180 Scott Tysen Lane, Lot unknown, Kenneth Hansen,
 - vi. 16334 Tysen's Bend Lane, Lot unknown, Robert Anderson.

- b. Cottonwood – (See field reconnaissance item 4, Slides 2 – 8, Field Reconnaissance Observations Summary Report)
 - i. 9650 Flying Cotton Loop, Lot 9, Myron Ocander,
 - ii. 9928 Flying Cotton Loop, Lot 11, Charles League,
 - iii. 9659 Flying Cotton Loop, Lot 28, Mary Shearer,
 - iv. 9691 Flying Cotton Loop, 2 Lot unknown, owner unknown
 - v. 9800 Marina Lane, TL 42, Ben Rogge,
 - vi. 9981 Marina Lane, Lot 2, Ted's Investments,
 - vii. 9993 Marina Lane, Lot 1, Sharon Young, (FVB 2011-1189)
 - viii. 9962 Riverwood Lane, Lot 1, River Shores, Ben Rogge.
 - c. Riverside Estates (See field reconnaissance item 4, Slides 2 – 8, Field Reconnaissance Observations Summary Report)
 - i. 10022 Riverside Lane, REO properties, remodel/repair
 - d. Lemley's -
 - i. 4858 Leisure Lane, Mike Jaber, remodel / repair (See also field reconnaissance item 19, Slides 38 – 53, Field Reconnaissance Observations Summary Report).
 - e. Rural/un-subdivided -
 - i. 2702 County Road P 34, TL 14, John Christensen, (See field reconnaissance item 23, Slides 61-63, Field Reconnaissance Observations Summary Report).
 - ii. 2705 County Road 34, TL 11, Kent Heaton, Double Wide - (See field reconnaissance item 24, Slide 64, Field Reconnaissance Observations Summary Report).
 - iii. 12044 County Road P6 (See field reconnaissance item 16, Slide 34, Field Reconnaissance Observations Summary Report).
 - iv. 12046 County Road P6 (See field reconnaissance item 17, Slide 35, Field Reconnaissance Observations Summary Report).
 - v. 5176 CO 47 (See also field reconnaissance item 18, Slide 36, Field Reconnaissance Observations Summary Report).
 - vi. 3622 CR 34 (See also field reconnaissance item 22, Slides 69 and 70, Field Reconnaissance Observations Summary Report).
 - vii. 3031 and 3033 Horseshoe Lake Lane (See field reconnaissance item 26, Slides 71 and 72, Field Reconnaissance Observations Summary Report).
 - viii. 3030 Horseshoe Lake Lane, Bob Diefenbaugh, Residential Remodel and addition.
 - ix. 3033 Horseshoe Lake Lane, Bob Diefenbaugh, Residential Repair
 - x. Co. Rd 34 & 49, J. Michael Firzgerald, Accessory Bldg.
- (6) During the CAV meeting, County Supervisor Kent Clausen indicated that staff was unfamiliar with the implementation requirements for managing development within the SFHA. When staff have insufficient knowledge, skills, or abilities to implement and manage the floodplain regulations, many resources exist that can assist in

advising, training or maintaining conformance with Program requirements. These include, but are not limited to: the local regional planning commission, State DNR Staff, FEMA Region VII Staff, and private consultants. Furthermore, multiple training opportunities exist within the State FEMA Region, online, and at the Emergency Management Institute (EMI) to develop the requisite knowledge and ability utilizing existing County staff.

Failure to manage and enforce the floodplain regulations is counter to the intent and purpose of the NFIP and principles of sound floodplain management, and may have significant adverse consequences for lenders and citizens within the County. Lack of familiarity with the requirements of the local floodplain development ordinance, NFIP, and floodplain management is no excuse for acquiescence, approval, or permitting of non-compliant development. Correction of all deficiencies is required for continued good standing with the NFIP (see Item 4). In addition, proper application of the Floodplain Ordinance and use of the official Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) are critical to proper management of development within the SFHA. The State DNR indicated that they would provide technical assistance to County staff in understanding and using the FIS and FIRM.

Required Action: In coordination with the State of Nebraska DNR, develop and provide for review and approval a detailed training plan for implementation and continued advancement in Floodplain Management programs, practices and requirements for existing and new staff (i.e. Board of Supervisors, Planning Board, Planning Director, Building Official, Code Enforcement, legal counsel, etc.) to ensure the knowledge, skill and ability to manage, implement and enforce the adopted Floodplain Management regulations exist within Washington County. On a quarterly basis, provide copies of all certificates of completion and credentialing related to training in floodplain management to FEMA Region VII and DNR staff for the next two years.

3. **Field Reconnaissance:** Representatives from the State DNR (John Callen) and FEMA Region VII (Todd Tucker and Connie Wisniewski) conducted joint Field reconnaissance on August 9, 2012. In addition, field reconnaissance also occurred with Region 5/6 Office of Emergency Management (Bill Pook) and FEMA Region VII (Todd Tucker) on August 10, 2012. The observations identified development activities that appear to be in violation of the local floodplain ordinance, state requirements, and 44 CFR 60.3. As a result, corrective action is required to remain compliant with the local ordinance, State requirements, and the NFIP (44 CFR 60.3). Verification includes providing documentation illustrating that the lowest floor is above the base flood elevation, no-rise certification for development (including earthwork) within the floodway, precluding human occupancy within the floodway (per State and local standards), floodproofed utilities, elevation certificates, documentation that foundations anchored to resist flotation, collapse, and lateral movement, floodproofed non-residential structures including adequate openings or structurally engineered to resist hydrologic/hydrostatic pressure per NFIP criteria, complete elevation and floodproofing certificates, RV's placed in accordance with applicable requirements, etc. A summary

and photos of the observations from the field reconnaissance are attached and on file with Region VII.

- (1) **Required Actions:** The majority of the field observations are addressed in Items 1 and 2 above. To minimize duplication, further action regarding the field observations will be reserved pending clarification of the items noted above.
- (2) **Suggested Actions:** As a result of the Flood Insurance Reform Act of 2012, it is suggested that the County work towards joining the NFIP's Community Rating System (CRS).

The Biggert-Waters Flood Insurance Reform Act includes the dissolution of subsidized insurance rates for many flood insurance policy holders over the next five years. Communities in good standing and meeting certain programmatic criteria are eligible for participation in the CRS which would result in premium reductions of up to 45% for policy holders within communities that participate in the CRS program. As the required corrective actions identified in this letter are addressed, consider joining the CRS program. There are many benefits of joining CRS, including reduced flood insurance rates, improved flood protection, enhanced public safety, informed citizens, better organized programs, technical assistance, etc.

The following is a summary table of the **Required Actions** as noted above with suggested due dates (either 45 or 90 days from issuance of this letter, as dated below), or alternatively submit a Corrective Action Plan addressing each of the items noted above within 45 days of this letter for review and approval by FEMA Region VII staff. If additional time is required to complete the Required Actions, contact Shandi Teltschik with FEMA Region VII.

Required Actions Summary Table		
Item	Description	Due Date
1.	Amend and provide a copy the revised Floodplain Management Ordinance.	May 20, 2013
2.(1)	Provide copies of the complete Substantial Damage determinations for the 141 assessments and 78 structures determined to be substantially damaged as a result of the 2011 flood event.	April 22, 2013
2.(2)	Provide written documentation substantiating any adjustments made to the \$84.00 per square foot reconstruction cost in the original Substantial Damage determinations.	April 22, 2013
2.(3)a.	Provide all documentation, including floodplain development permits, no-rise certifications, building permits, construction plans and specifications, elevation certifications, site plans, SDE determinations, SDE appeals, justification for approval of	April 22, 2013

	the appeals, demolition permits, floodproofing certifications, and/or variances (CUP 91-10 Desoto Park Estates Mobile Home Park).	
2.(3)b.	Provide written documentation, including the floodplain development permits, no-rise certifications, building permits, construction plans and specifications, elevation certifications, site plans, SDE determinations, SDE appeals, justification for approval of the appeals, demolition permits, floodproofing certifications, and/or variances (2386 N. River Land, Lot 13, parcel 890064498 / CUP-93-20 Wooden).	April 22, 2013
2.(3)c.	Provide written documentation, including the floodplain development permits, no-rise certifications, building permits, construction plans and specifications, elevation certifications, site plans, SDE determinations, SDE appeals, justification for approval of the appeals, demolition permits, floodproofing certifications, and/or variances (substantial damage appeals/waivers or conditional use permits identified in the County Board of Supervisors Minutes).	May 20, 2013
2.(4)	Provide copies of all floodplain development permits, elevation certificates, and no-rise certification, and approvals from other applicable entities issued to Washington County for repair of damages and maintenance to all roads, bridges and other public improvements within the special flood hazard area and floodway that occurred between June 2, 2011 and October 24, 2012.	May 20, 2013
2.(5)	Provide written documentation, including the floodplain development permits, no-rise certifications, building permits, construction plans and specifications, elevation certifications, site plans, SDE determinations, SDE appeals, justification for approval of the appeals, demolition permits, floodproofing certifications, and/or variances related to the <i>Building Permits Filed Prior to 01-06-2012 to Beat the New Map Deadline</i> list.	May 20, 2013
2.(6)	Develop and provide a detailed training plan.	May 20, 2013
3.(1)	Corrective actions identified during field recognizance are reserved at this time.	Reserved

On July 6, 2012, President Obama signed the Biggert-Waters Flood Insurance Reform Act of 2012, which provides long-term changes to the NFIP. Under the new law, flood insurance rates are likely to increase overall to reflect the true flood risk of homes located in the SFHA and many

insurance discounts will be eliminated. For example, rates for certain secondary homes in high-risk areas will increase 25 percent per year starting in 2013. Policy rates for all properties could increase based on one or all of the following circumstances:

- Change of ownership
- Lapse in coverage
- Change in risk
- Substantial damage or improvement to a building

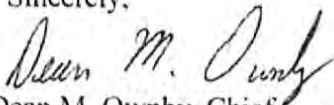
Some changes will depend on external factors such as when flood risk maps are revised, buildings are damaged or improved, or when flood claims are filed.

Please consider that through the NFIP, the citizens of participating communities have access to various benefits such as Flood Insurance, while communities have access to disaster relief funds that wouldn't otherwise be available. A community's participation and good standing in the NFIP, is based on proper floodplain management and program administration. Ramifications for non-compliant communities include probation, increased cost of flood insurance, and ultimately suspension from the NFIP, which results in loss of eligibility for federally backed flood insurance and federally backed funding for various mortgage and disaster relief funds. Alternatively, proper implementation of floodplain management practices protects property and lives while reducing exposure and community disruption that results from flooding. In addition, implementation of various higher standards may reduce flood insurance premiums by as much as 45% for the property owners within the community through voluntary participation in the Community Rating Program (CRS). For more information about the CRS please contact Connie Wisniewski with the FEMA Region VII office, at (816) 283-7013.

Please submit the required information to Shandi Teltschik with the FEMA Region VII office within the dates specified in the Required Actions Summary Table to maintain a good standing with the NFIP. If you need assistance to accomplish these activities during this time frame, please contact Shandi Teltschik at (816) 808-5281, or Todd Tucker at (816) 283-7528.

Thank you again for your participation in the NFIP and your commitment to reducing the risk of flooding for your community and constituents.

Sincerely,



Dean M. Ownby, Chief
Floodplain Management and Insurance Branch
Mitigation Division

cc: Tanna Wirtz, Washington County Planning Administrator
Barb Brazelton, Acting Planning & Zoning Administrator
Shurie Graeve, Washington County Attorney
Bill Pook, Region 5/6 Emergency Management
Bill Jones, State NFIP Coordinator, Nebraska Department of Natural Resources

John Callen, Nebraska Department of Natural Resources
Shandi Teltschik, Natural Hazards Program Specialist, FEMA Region VII
Todd Tucker, Natural Hazards Program Specialist, FEMA Region VII
Connie Wisniewski, Senior Natural Hazards Program Specialist, FEMA Region VII

Enclosures:

1. Nebraska Model D Floodplain Management Ordinance.
2. Nebraska Administrative Code Title 455, Chapter 1, June 27, 2008.
3. Washington County's summary record of "*Building Permits Filed Prior to 01-06-2012 to Beat the New Map Deadline*"
4. Reconstruction value-mail to Barb Brazelton dated August 13, 2011.
5. Field Reconnaissance Observations Summary Report
6. Substantial Damage Report for 2386 North River Lane, Washington County NE.
7. Title 44 CFR 60.3

OWIT 11-6-13

55-acre refuge on Missouri River to shelter wildlife

The Army Corps of Engineers will carve out a backwater along the Missouri River in northeast Nebraska to provide habitat for an endangered fish and other wildlife.

The \$3.56 million project will create 55 acres of shallow water habitat for the endangered pallid sturgeon and other native fish and wildlife.

Glovers Point Bend, as it is known, is in Thurston County on land belonging to the Winnebago Tribe.

The project is being undertaken to compensate for habitat that was lost when the Missouri was straightened and stabilized to make it easier for barge traffic and other uses.

Newt Marine Service of Dubuque, Iowa, will do the bulk of the work in 2014.

The corps is required to create habitat as part of an agreement with the U.S. Fish and Wildlife Service.

— Nancy Gaarder