Agenda Item: 7.A.-7.B.

Memo to the Programs, Projects and Operations Subcommittee

Subject: Amendments to District Policies

Date: December 10, 2012

From: Marlin Petermann

A staff review of the Directors Policy Manual demonstrated the need for a thorough update of District Policies as outlined in the manual. Most of the amendments recommended below are merely housekeeping items, such as adding and updating programs and projects to reflect previous action by the Board of Directors. Included however are a few changes to District Programs and some recommended changes to Management delegated authorities the staff believes are warranted to better serve the public and improve the efficiency of District operations.

Amendments are being proposed in seven of the twenty-two sets of policies in the manual. Policy 1.5 (Policy Manual-Amendment) specifies that a vote on amending the first sixteen sets of policies (Policies 1.1 through 16.9) must be postponed until the next regularly scheduled Board meeting. The remaining six sets of policies (Policies 17.0 through 22.3) may be amended at any time. Therefore, the following brief outline of the proposed policy changes are segmented into those two groupings. A redlined version of the specific proposed amendments to the Policies is attached.

Policies 1.1 through 16.9:

Policies 1.1-1.5 – Policy Manual. This is simply an update to the policy manual index pages (policy 1.0) and to policy 1.5.B. to reflect that there is a policy 16.9.

Policies 15.0-15.9 – Purchasing. There are five significant changes recommended in these purchasing policies:

A) Management's authority to contract for construction or professional services and to purchase personal property would increase from $20,000 to $50,000.
B) Management's authority to repair and maintain equipment and property would increase from $7,500 to $10,000.
C) Management would be authorized to effectuate change orders for professional services up to 10% of the contracted amount. This authority currently exists for construction contracts.
D) Minimum contract amount where Performance Bonds would be required would increase from $20,000 to $50,000.
E) Competitive bidding limit requirements would increase from –
Current: Exempt–below $2000; Informal–$2000 to $20000; Formal–above $20000
Proposed: Exempt –below $5000; Informal–$5000 to $50000; Formal–above $50000

Policies 16.0-16.9 – Property. There are a couple of significant changes recommended here:

A) Management's authority to surplus District property increases from $1,000 to $5,000.
B) Management's authority to repair and maintain District buildings would increase from $7,500 to $10,000.
C) District vehicle replacement schedule changed to reflect Board discussions.

Policies 17.0 through 22.4:

Policies 17.0-17.43 –District Programs. There are four programs where changes are proposed.

A) 17.3 – Conservation Assistance Program. Grassed waterway provisions changed to match current needs.
B) 17.9 – Equipment Rental and Sales Program. Tree planting service rates changed from $.30 to $.75 per tree and $50 to $100 minimum charge to reflect current costs.
C) 17.12 – Lands for Conservation Program. Maximum contract area reduced from 80 to 40 acres and payment increased from $50 to $100 per acre to encourage more summer conservation work.
D) 17.43 – Rural Acreage Wildlife Habitat Improvement Program. This program was previously offered by the District prior to joining with NGPC in the Nebr. Wild Habitat Program and is of great interest to many acreage landowners in the District.

Policies 18.0-18.40 – District Projects. The changes here are merely housekeeping updates and additions to the list of District Projects that reflect previous Board action.

Policies 22.0-22.4 – Miscellaneous. The addition of policy 22.4 was merely the moving of a policy previously adopted by the Board from a misplaced location in the manual.

The above recommended changes in Policies 15.0-15.9 – Purchasing and Policies 16.0-16.9 – Property that increase the level of Management's authority to contract for services and the repair of District equipment and property are believed to be important in improving the efficiency of District operations. The current limits were adopted over 25 years ago in 1986. Costs and revenue streams have increased significantly since that time. The Consumer Price Index has increased 2.2 times over that period (1986 CPI – 109.60; 2012 CPI – 229.53). The District's tax base has increased 4.2 times over that same period (FY 1986 Valuation – $12,498,646,660; FY 2012 Valuation – $52,598,591,483). An increase in Management's limited authority from $20,000 to $50,000 (2.5 times) appears warranted to better serve the public.

- **Management recommends that the Subcommittee recommend to the Board that the proposed amendments to District Policies 17.0-17.43, 18.0-18.40 and 22.0-22.4 be and are hereby approved.**

- **Management recommends that the Subcommittee recommend to the Board that the proposed amendments to District Policies 1.0-1.5, 15.0-15.9 and 16.0-16.9 be tabled for consideration at the next regular meeting of the Board.**

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT
DIRECTORS POLICY MANUAL

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Appendices

Updated: ~~April 22, 2010~~ December 13, 2012

1.1 Policy Manual - Definitions. As used in these policies, the following definitions shall apply:

"Administrative Coordinator"	Staff member designated by the General Manager
"Assistant General Manager"	Staff member designated by the General Manager
"Assistant Treasurer"	Member of the Board designated by the Treasurer
"Authorized Program"	A program authorized by these policies
"Authorized Projects"	A project authorized by these policies
"Board"	Board of Directors of the District
"Chairperson"	Chairperson of the Board
"Commission"	Nebraska Natural Resources Commission
"Director"	Member of the Board
"District"	Papio-Missouri River Natural Resources District
"District Accountant"	Staff member designated by the General Manager
"General Manager"	General Manager of the District
"Legal Counsel"	Attorney retained by the Board
"Management"	General Manager and delegated staff
"Officers"	Officers of the Board
"Secretary"	Secretary of the Board
"Staff"	District employees
"These Policies"	The policies set out herein
"Treasurer"	Treasurer of the Board
"Vice-Chairperson"	Vice-Chairperson of the Board

[December 5, 1986; June 8, 2006]

1.2 Policy Manual - Authority. The general authority for these policies is Section 2-3228(6), R.R.S., 1943.

[December 5, 1986]

1.3 Policy Manual - Effect of Policies. Except as otherwise provided by law, or otherwise authorized, provided or necessarily implied by a subsequent resolution of the Board, these policies, including the appendices to these policies, shall govern the activities and administration of the District, superseding all prior resolutions of the Board in conflict herewith.

[December 5, 1986; May 12, 2005]

1.4 Policy Manual - Construction of Policies. In case of ambiguity in these policies which, in the opinion of the General Manager, must be resolved prior to the next regularly scheduled meeting of the Board, the Chairperson is empowered to exercise his or her sole discretion to construe and resolve such ambiguity by the issuance of an order to the General Manager in writing, upon which writing Management may rely; provided that, a copy of each such order shall be mailed to the Directors at the time of its issuance and the subject of the ambiguity placed upon the agenda for the next regular meeting of the Board.

[December 5, 1986]

1.5 Policy Manual - Amendment. The Policies may be amended, or repealed, or new policies may be adopted by majority resolution of the Board. Any such proposed resolution may be moved and debated, and amendments germane thereto may be offered and adopted, at any regular meeting of the Board; provided that,

A. except in the case of corrections of ambiguities in these policies, the full test of any proposed resolution amending or repealing a policy or adopting a new policy shall be submitted in writing to the Board with the meeting notice.

B. in the case of Policies 1.1 through 16.~~8~~9 the vote on the question of the final adoption of such resolution shall be postponed until the next regular meeting of the Board, at which time further amendment of such resolution shall not be in order

C. if public notice or a public hearing are required by law prior to the adoption or revision of a policy (such as in the case of erosion and sediment control rules and regulations) the vote on the question of the final adoption or revision of such policy shall not be in order until such requirements have been satisfied; and,

D. Legal Counsel shall prepare working drafts of policy manual changes and additions, and further other services, requested by any Director with notice to the Chairperson, and shall mail copies of resulting work product to the Chairperson and to the General Manager for their information.

[December 5, 1986; July 9, 1987; December 14, 1989, December 13, 2012]

15.0 Purchasing - Real Property. For authorized programs and projects:

A. Offers to purchase title to real property within the District may be issued by the General Manager, title to real property may be purchased or accepted, and instruments relating thereto (containing such covenants and conditions as Legal Counsel approves as to form) may be executed by the General Manager

1. with prior approval of the transaction by the Board; or,

2. if the Board has previously determined the necessity for the acquisition and the consideration offered or to be paid by the District does not exceed the appraised fair market value reflected in the written report of a real estate appraiser retained by the District.

B. Leasehold interests in real property, in favor of the District, may be purchased or accepted, and instruments relating thereto (containing such covenants and conditions as Legal Counsel approves as to form) may be executed by the General Manager, with the prior approval of the transaction by the Board.

C. Leases of District real property to others may be granted, and instruments relating thereto (containing such covenants and condition as Legal Counsel approved as to form) may be executed by the General Manager, with the prior approval of the transaction by the Board.

D. Real property easements, permits and licenses for nominal consideration in favor of the District may be acquired, and instruments relating thereto (containing such covenants and conditions as Legal Counsel approves as to form) may be executed by the General Manager, without prior approval of the transaction by the Board.

E. Offers to purchase easements, permits and licenses over real property within the District for more than nominal consideration may be issued by the General Manager, real property easements, permits and licenses for more than nominal consideration in favor of the District may be acquired, and instruments relating thereto (containing such covenants and conditions as Legal Counsel approves as to form) may be executed by the General Manager

1. with prior approval of the transaction by the Board; or,

2. if the Board has previously determined the necessity for the acquisition and the consideration offered or to be paid by the District for the acquisition does not exceed the appraised damages reflected in the written report of a real estate appraiser retained by the District.

[December 5, 1986; June 13, 1991; November 9, 1993; September 14, 1995]

15.1 Purchasing - Construction Services. The General Manager is authorized to contract for construction services and to rent equipment for authorized programs and projects. Any such contract shall not require Board approval when the contract price does not exceed $~~20~~540,000. Construction services shall mean construction, operation, maintenance, and repair of improvements to real estate and fixtures. Contracts shall not be phased or split to avoid the limitation. The

General Manager is authorized to effect change orders accumulating not more than a total of 10% of the contract amount. Contracts under this policy shall be subject to the provisions of Policy 15.6, 15.7 and 15.8.

[December 5, 1986; June 13, 1991; April 15, 1993; December 10, 1998 December 13. 2012]

15.2 Purchasing - Professional Services.

A. Statement of purpose. It is the purpose of this policy to provide a uniform procedure for advertising for and selecting firms for the award of contracts for professional services.

B. Definitions. As used throughout this policy, unless the context otherwise requires, the following terms shall have the following meanings:

1. Firm: Any person, partnership, association or corporation engaged in, and legally authorized to practice in the state, a professional service.

2. Professional services: Any one or more of the following services: architecture, engineering, land surveying, landscape architecture or land appraisal.

3. Auditing Services: Auditing Services are excluded from the requirements of Policy 15.2.B.2. and shall be obtained in accordance with Policy 15.6 Purchases by Formal Competitive Bidding." The District shall obtain bids for auditing services at a minimum of every five years.

C. Selection Committee. The Ad Hoc Selection Committee responsible for selecting and negotiating with firms for these professional services shall consist of three Directors appointed by the Chairperson and one non-voting staff member appointed by the General Manager, or, as determined by the Chairperson, five Directors appointed by the Chairperson and two non-voting staff members appointed by the General Manager.

D. Request for Services. Projects that have been determined by the General Manager as requiring professional services shall be advertised at least once in the daily newspaper having the greatest circulation in the District. Written requests for professional services (requests for proposals) may be sent by Management to known qualified firms. Such requests for professional services shall indicate that those firms wishing to participate shall contact the District for a copy of the general scope of the professional services. All firms requesting a copy of the general scope of the professional services shall be given a uniform date by which to reply, and the name of the District staff member to contact for replies to any questions.

E. List of Firms. A list of all firms interested in providing professional services shall be developed and maintained by Management. Statements of qualifications and past performance data will be required to be filed by interested firms. Such statements should include the following:

1. Firm name, address, telephone number;

2. Years established and former names;

3. Type of services particularly qualified to perform;

4. Names of principals and states in which they are registered;

5. Names of key personnel to be utilized, experience of each and length of service with the firm;

6. Maximum number of the staff at any one time;

7. Outside consultants and associates that might be employed;

8. List of similar completed projects for which the firm was the principal professional;

9. Similar current projects of the firm and estimated construction costs of each; and,

10. History of professional negligence claims made against the firm during the past five years.

F. Reply by interested firms. After the firm has obtained a copy of the general scope of the professional services, then firm shall reply in writing to the General Manager to the following items:

1. Express if they are interested in the project;

2. Relate any changes in the firm's qualifications and past performance date from those previously submitted;

3. Express willingness and capability to meet time requirements;

4. Other additional material as may be outlined in the scope of the project, or as may be beneficial to the selection committee; and,

5. Provide a proposed plan of approach to the project.

G. Method of selection. The method of selection of a firm for professional services shall be in accordance with the following estimated fees, as established by the General Manager:

1. When the fee does not exceed ~~twenty-fifty-~~forty thousand dollars ($~~20~~~~50~~40,000.00), the General Manager shall select the firm directly, giving consideration which shall include, but not be limited to, the following:

   a) Firms which have sufficient professional manpower to meet project schedules;

   b) Firms with a sound performance record for meeting time and budget requirements;

   c) Firms which possess project experience and management ability;

   d) Recent, current and projected work load with the District; and,

e) Any other specialized qualification which the firms might possess to benefit the project.

2. When the fee exceeds ~~twenty~~ ~~fifty~~ forty thousand dollars ($~~20~~~~50~~40,000.00), the Ad Hoc selection committee shall, where possible, select the three (3), or more at its discretion, best qualified firms in accordance with the considerations set out in subsection (a), above, and from the reply to the items set out in subparagraph F. The selection committee shall rank the firms first, second, third, etc. Where possible, the three (3) or more at its discretion, best qualified firms shall be given a time and place for a personal interview by the selection committee. After review of submittal materials and the personal interview, the selection committee shall rank the firms first, second, third, etc.

H. Fee negotiations.

The firm ranked as first shall be notified to appear and negotiate with Management on the fee, detailed scope and schedule for the professional services requested. If Management and the firm selected as first cannot come to an agreement regarding the fee, the negotiations with that firm shall be terminated and the firm ranked second shall be contacted. If the factors which caused them to be ranked as such have not changed, negotiations shall be initiated with them. The procedure shall be repeated until an agreement is reached if it can be reached.

Where agreement is reached, the contract in final written form shall be submitted to the Ad Hoc selection committee for approval and be awarded and executed, if approved, in accord with all applicable provisions of these policies and applicable provisions of State Statutes.

The General Manager is authorized to effect contract scope and work changes accumulating not more than a total of 10% of the contract amount, with a not-to-exceed amount of $40,000.

I. Board authority not limited. Nothing in this policy shall be construed to abrogate, limit or amend the authority of the Board in the award or approval of contracts.

[December 5, 1986; June 13, 1991; January 9, 1992; January 12, 2006; December 13, 2012]

15.3 Purchasing - Personal Property. The General Manager is authorized to contract for the purchase of personal property for authorized programs and projects without Board approval whenever the contract price does not exceed $~~20~~~~50~~40,000. Contracts shall not be phased or split to avoid the limitation. Each contract or order, whether written or oral, for the purchase of personal property shall be entered into in the name of the District and shall expressly or impliedly provide that good title to such property shall be conveyed to the District free from any security interest or other lien or encumbrance. Contracts under this policy shall be subject to the provisions of Policy 15.6 and 15.7. Contracts under this policy shall not be subject to the provisions of Policy 15.8 unless otherwise required by the Board.

[December 5, 1985; June 13, 1991; December 9, 1993; December 10, 1998; December 13, 2012]

15.4 Purchasing - Emergency Purchasing Authority. In the event of flood or other natural disaster, or the immediate threat thereof, and after consultation with all available Directors and the concurrence of six (6) Directors and receipt of written authorization from the Chairperson, or the Vice-Chairperson in the Chairperson's absence from the District, regarding the natural of the emergency that exists, the infeasibility of a Board meeting, and the planned action. Management shall take the action authorized in such written authorization (Emergency Declaration, Form 15.4., Manual of Standard Forms (Appendix E)).

A. Such authorization may include the authority to take one or more of the following actions on behalf of the District:

1. Purchase of otherwise acquire easements or other interests in real estate;
2. Purchase, retain, or otherwise acquire the services of contractors or other persons using the informal bidding procedure in Policy 15.6.B.;
3. Purchase, lease, or otherwise acquire equipment, materials, supplies, or other personal property using the informal bidding procedure in Policy 15.6.B.;
4. Expend funds of the District, by District draft, by and with the concurrence of the Treasurer, when immediate payment if required as a pre-condition to the acquisition of necessary interests in real estate or the acquisition of necessary services or personal property; and,
5. Execute such contracts, purchase orders, leases, easements, assurances, or other covenants or documents in writing which may be required as a pre-condition to the acquisition of necessary interests in real estate or the acquisition of necessary personal services or personal property.

B. An attempt shall be made to contact each Director at the telephone number prescribed for the purpose of calling Special Board meetings as outlined in these policies. At the next regular meeting of the Board following such emergency, the General Manager shall present the written authorization and a written report of the actions taken pursuant to this resolution and recommendations as to any further action necessary to be taken by the Board with respect to such emergency.

[December 5, 1986; June 13, 1991]

15.5 Purchasing - Repair Services. Management is authorized to contract for maintenance and repair services consisting of the provision of parts and labor maintain and repair District office equipment, construction and maintenance equipment, vehicles and other District personal property without Board approval if the estimated cost of any instance of maintenance or repair, including parts and labor, does not exceed $~~7,510~~15.000. If the estimated cost of an instance of maintenance or repair exceeds $~~7,510~~15.000, Management shall obtain approval from the Chairperson of the Programs, Projects and Operations Subcommittee, or Vice-Chairperson of the Subcommittee in the absence of the Chairperson. Contracts shall not be phased or split to avoid the limitation. Contracts under this policy shall be subject to the provisions of Policy 15.6, 15.7 and 15.8.

[December 5, 1986; June 13, 1991; December 10, 1998, December 13, 2012]

15.6 Purchasing - Competitive Bidding. The competitive bidding requirements hereinafter set forth shall not apply to the purchase of utilities, insurance policies, intangible personal property, such as bonds, bills, notes and certificates of deposit, and unique or non-competitive items, such as library books, publications and used personal property.

A. Purchases Exempt from Competitive Bidding. Whenever the consideration or price for the purchase of any service or any item of personal property, or whenever the aggregate consideration or price for the purchase in one transaction of two or more similar or identical services or items of personal property, shall be $5~~2~~,000 or less, such service(s) or item(s) of personal property may be purchased from any supplier of such service(s) or item(s) without calling for competitive bids.

B. Purchasing by Informal Competitive Bidding. Whenever the consideration or price for the purchase of any service or any item of personal property, or whenever the aggregate consideration for the purchase in one transaction of two or more similar or identical services or items of personal property, shall be estimated by Management to exceed the sum of $~~2~~5,000 and be less than $~~20~~50,000, Management shall cause the following information to be communicated to at least three known suppliers of such service or item, or in the case of two or more similar or identical services or items of personal property to be purchased in one transaction, to at least three known suppliers of all of such services or items, to-wit: (a) the specifications for such service(s) or item(s), and (b) an Invitation for Informal Competitive Bids (Form 15.6.B., Manual of Standard Forms, (Appendix E)) thereon, including a notification of the final time for the reception of bids. Management shall award such contract to the supplier determined by Management to be the lowest responsible bidder whose informal written bid shall be timely received. Management shall report such contract to the Board at the next regularly scheduled meeting, unless contracting for such specific item or service was previously authorized by the Board. A written memorandum of such communications and copies of the informal bids thus received shall be made and maintained in the files of the District and available for inspection by any interested person during all normal business hours; provided, however, in the event the lowest and best informal bid thus received exceeds the sum of $~~20~~50,000, Management shall submit to the Board for its consideration and action the informal bids received by the District. ~~A written memorandum of such communications and copies of the informal bids thus received shall be made and maintained in the files of the District and available for inspection by any interested person during all normal business hours.~~

C. Purchases by Formal Competitive Bidding.

1. Whenever the consideration or price for purchase of any service or item of personal property, or the aggregate consideration or price for the purchase in one transaction or of two or more similar or identical services or items, shall be estimated by Management to be the sum of $~~20~~50,000 or more, Management shall prepare or cause to be prepared detailed written specifications for such service(s) or item(s), and an invitation for bids thereon, and shall transmit a copy of the invitation for bids by mail to each known supplier of such service or item, or in the case of two or more services or items to be purchased in one transaction, to each known supplier of all of such services or items, or, as determined by the General Manager, the General Manager shall cause the invitation for formal

sealed competitive bids to be published once each week for two consecutive weeks in a publication having general circulation within the District, the last publication of which shall be at least one week, and not more than three weeks, prior to the final time for reception of bids.

2. All formal sealed competitive bids received by the General Manager shall be publicly opened and read by the General Manager, or a designated representative, at the time specified in the invitation for bids. The bid opening must occur at least one week, and not more than two weeks, prior to the next duly convened meeting of the appropriate Subcommittee of the Board.

3. Contracts for the purchase of services or items of personal property in the amount of $~~20~~50,000 or more shall be awarded to the lowest responsible bidders by resolution of the Board, which reserves the right to accept or reject any and all bids in whole or part. Contracts shall not be phased or split to avoid the limitation.

4. Invitations for formal sealed competitive bids shall be drawn in accordance with Form 15.6.C., Invitation for Formal Competitive Bids, in the District's Manual of Standard Forms (Appendix E).

D. Unforeseen Requirements. In the event Management determines that there exists a need for personal property for an unforeseen need, repair, parts or materials for District projects which these regulations would normally require to be let for formal sealed competitive bids, he may use the informal bidding procedure described in Policy 15.6.B. to purchase such item or items.

[December 5, 1986; June 13, 1991; December 9, 1993; December 10, 1998, December 13, 2012]

15.7 Purchasing - Bid Bonds. Whenever the consideration or price for the purchase of any service or any item of personal property, or the aggregate consideration for the purchase in one transaction of two or more similar or identical services or items of personal property, shall be estimated by Management to exceed the sum of $50,000, or whenever, prior to the issuance of the invitation for bids, Management shall determine it to be in the best interests of the District, each bidder, shall be required to submit to the District a corporate surety bid bond, with a t least one corporate surety authorized to be business in the State of Nebraska (or a certified check payable solely to the District as bid security) in the amount of 5% of such bidder's bid, conditioned upon execution of such contract in accordance with such bidder's bid, any such corporate surety bond to be in such form as approved by Legal Counsel.

[June 13, 1991; December 10, 1998]

15.8 Purchasing - Performance Bonds. Whenever the consideration or price for the purchase of any service, or the aggregate consideration for the purchase in one transaction of two or more similar or identical services shall be estimated by Management to exceed the sum of $~~20~~50,000, or whenever, prior to the issuance of the invitation for bids, Management shall determine it to be in the best interests of the District, the successful bidder to whom or to which the contract for such purchase is awarded shall be required to submit bonds, with at least one corporate surety authorized to do business in the State of Nebraska, having a penalty amount equal to the amount of such contract and conditioned upon faithful performance of such contract and upon payment of labor and materials furnished in connection therewith, such bond(s) to be in such form as approved by Legal Counsel.

[June 13, 1991; December 13, 2012]

15.9 Purchasing – Cost-shared Projects. Paragraphs 15.0 through 15.8 of these policies shall not apply to projects constructed by other governmental agencies, developers or other cooperators in accordance with cost-sharing agreements with the District that are specifically authorized by the Board. Paragraph 15.2 of these policies shall not apply to projects engineered by other governmental agencies, developers or other cooperators in accordance with cost-sharing agreements with the District that are specifically authorized by the Board.

[May 12, 2005]

16.0 District Property - Construction and Maintenance Equipment Rental. Management is authorized to lease District construction and maintenance equipment to governmental entities and owners of land contiguous to District projects on a cost-reimbursable basis, where such work would be of short duration and will not materially interfere with the progress of District-sponsored projects. The rental rate to be charged is 77% of the monthly Blue Book Rental Rate for Construction Equipment, published by the Equipment Guide-Book Company, plus operator labor. District equipment will not be leased to others without operator. Operator charges will be at the regular rate of pay for the staff member operating the equipment, plus employee benefits payable by the District. There will be no charge for mobilization. Management is authorized to establish equipment rental rates for equipment if rates for such equipment are not found in the Blue Book. This policy shall not apply to unusual work such as snow removal. Management is authorized to lease equipment, with operator, to governmental entities for snow removal work at negotiated rates.

[December 5, 1986; December 12, 2002]

16.1 District Property - Insurance. [Reserved]

16.2 District Property - Surplus Property. Management is authorized to declare any item of district personal property, with an estimated fair market value of $5~~1~~,000 or less, as surplus to the needs of the District, and is authorized to sell such item for the highest price obtainable after receiving oral bids from at least two persons known or believed to be potential purchasers of such items, or after publishing a newspaper advertisement for the sale of such item. Contracts for sales of such surplus property shall not be phased or split to avoid the limitation.

[February 5, 1987; December 13, 2012]

16.3 District Property - Repair and Maintenance. Management is authorized to contract for services to maintain and repair District headquarters, office and maintenance buildings without Board approval if the estimated cost of any instance of maintenance or repair, does not exceed $~~7.5~~15.000. If the estimated cost of any instance of maintenance or repair exceeds $~~7.5~~15.000, Management shall obtain approval from the Chairperson of the Programs, Projects and Operations Subcommittee, or Vice-Chairperson of the Subcommittee in the absence of the Chairperson. Contracts shall not be phased or split to avoid the limitation. Contracts under this policy shall be subject to the provisions of Policy 15.6, 15.7 and 15.8).

[December 5, 1986; June 13, 1991; December 12, 2002; December 13, 2012]

16.4 District Property - Nebraska Clean Air Act Designations. The use of tobacco products is prohibited in all District buildings, vehicles and motorized equipment with cabs. Additionally, the use of tobacco products is prohibited within a reasonable distance outside the entrances to and air intakes and operable windows of District buildings, and at such other locations as provided by laws or government regulations. Public notices of this policy shall be posted.

[December 10, 1987; May 9, 1991; March 10, 2009]

16.5 District Property - Use of Natural Resources Center Meeting Rooms. In scheduling the use of Natural Resources Center (NRC) meeting rooms, programs sponsored by the Papio-Missouri River NRD will receive first consideration. If not reserved for NRD purposes, the meeting rooms are available to governmental agencies, civic groups, schools, businesses, individuals, etc. The fact that a group is permitted to meet in the NRC meeting rooms does not in any way constitute an endorsement of the group's policies or beliefs. Upon adequate notice, and for adequate reasons, the Papio-Missouri River NRD reserves the right to revoke the permission to use meeting rooms.

A. REGULATIONS:

1. A user's fee is required for use of any of the NRC meeting rooms. This user's fee is waived for other governmental agencies and non-profit groups.

PROFIT ORGANIZATION MEETING ROOM FEE SCHEDULE	
Number of Attendees	**Room Charge**
25	**$ 75.00**
26-50	**$ 100.00**
51-75	**$ 125.00**
76-100	**$ 150.00**
*** Non-profit senior citizen group(s) requesting room set up would follow the fee schedule for Profit Organizations.**	

Fee schedule is proportionate with the wear and tear on building.

2. Application form and user's fee, if applicable, must be provided the District before the function will be scheduled.

3. Responsibility for damage to rooms or their contents rests with the user.

4. Neither the Papio-Missouri River NRD nor its employees will assume responsibility for any property of the user.

5. Normal building hours available for public group use are:

1998 NRC MEETING ROOM SCHEDULE		
DAY OF WEEK	**DAY TIME PROGRAM**	**EVENING PROGRAM**
Monday	**8:30 a.m. - 4:30 p.m.**	**6:30 p.m. - 9:00 p.m.**
Tuesday* **	**8:30 a.m. - 4:30 p.m.**	**6:30 p.m. - 9:00 p.m.**
Wednesday	**8:30 a.m. - 4:30 p.m.**	**6:30 p.m. - 9:00 p.m.**
Thursday * **	**8:30 a.m. - 4:00 p.m.**	**6:30 p.m. - 9:00 p.m.**
Friday	**8:30 a.m. - 4:00 p.m.**	**Closed ***
Saturday **	**12:00 noon -.4:00 p.m.**	**Closed ***
Sunday **	**12:00 noon - 4:00 p.m.**	**Closed ***

* Times for "special use permits" may be varied only with approval of Park Superintendent. All stated times include set up time.

** Weekend hours are only available April – October unless approved by Park Superintendent.

*** Second Tuesday and Thursday of each month reserved for P-MRNRD use only.

6. At the end of the meeting, the NRC clean up check list will be used to ensure all personal property is removed and the meeting room and/or NRD equipment is left neat and clean for succeeding users.

7. Room setup will be the responsibility of each user except as outlined in paragraph 1. Tables, chairs, television, video recorder, overhead projectors, 35mm projectors, easels, coffee pots, and ice chests will be provided pending prior notification. Decorations are not to be attached to any furnishings or walls by tape, glue or tacks. Displays and other District material may not be moved unless prior approval is granted.

8. Alcoholic beverages are PROHIBITED.

9. Catered meals are permitted. No food or beverages may be prepared within the NRC except coffee. Coffee, condiments, cups or napkins will NOT be supplied by the NRD. Serving trays, coffee pots, and other items stored in the Board Room Cabinets are property of the NRD and are NOT for public use.

10. Trash containers must be emptied at the end of the program and garbage placed in the dumpster on the west side of the building.

11. Kitchen facilities are not available.

12. Vending machines are not available for public use.

13. Weddings or wedding receptions are NOT permitted at the NRC.

14. Meeting rooms and park facilities are not available to anyone for commercial use who sells trades, or vends goods, products, or commodities.

15. Organized Runs/Walks are welcomed and can be arranged through the Park Superintendent.

[December 10, 1987; June 11, 1992; December 8, 1994; December 10, 1998; April 11, 2002]

16.6 District Property - Sales and Grants of District Real Property. All sales and conveyances of District real property shall require prior approval by the Board; provided, however, easements and permits involving District real property which will not result in permanent surface improvements on such property and which the General Manager determines will not substantially affect its fair market value or affect its usability by the District, and containing such covenants and conditions as the General Manager determines reasonable and Legal Counsel approves as to form, may be granted by the General Manager without approval of the transaction by the Board, the grants of permits to be made for nominal consideration and the grants of easements to be made to other governmental subdivisions or agencies for nominal consideration and to non-governmental entities for a $200 fee, and provided further, that the General Manager may, without consideration, execute releases of District easements which he determines have no further District purpose and are not marketable.

[September 14, 1995; September 12, 2002]

16.7 District Property – Donation Recognition:

It is the policy of the NRD to provide opportunities on certain projects for financial donations (non-public funds) to be recognized by the "naming" of an identifiable component in honor of the donor. Eligible projects will be those with full public access and public use, and as designated by the Board of Directors.

The NRD shall identify and describe the separable components of the project which would be appropriate for donor recognition. The NRD shall develop and estimate full implementation cost for each separable component.

Donors may select and fund separable components on a first-come basis. The Board of Directors shall, singly, or jointly if it is a project with other co-sponsors, consider each donation and the proposed "name." Recognition shall continue permanently or for the life of the component, and shall survive an assignment of the project to a successor public agency. The District and the donor shall enter into a written agreement on the terms of the donation. To the extent practicable, such agreement shall be binding on both parties.

Eligible donors shall include individuals, corporations, organizations and not-for-profit organizations, irrespective of their site of business or residence. Recognition may be for any persons, living or deceased, organizations, corporations, and the like. The Board of Directors must approved of the recognition "name."

[July 13, 2000]

16.8 District Property – Vehicle Replacement Schedule: It is the policy of the NRD to maintain all District-owned vehicles to keep them in the best condition possible. The District will use the following as a guideline for the replacement of District-owned vehicles:

- Gas Vehicles - ~~5~~7 years or ~~100,~~150,000 miles
- Diesel Vehicles - ~~7~~8 years or ~~150,~~200,000 miles

This is a guideline only. Recommendation for replacement of vehicles based on maintenance history and/or vehicle condition is at the discretion of the General Manager.

[August 14, 2003; December 13, 2012]

16.9 District Property – Geocaching Regulations on All Properties Open for Public Use and Operated by P-MRNRD:

I. **TERMS DEFINED:**

a) *GEOCACHING* means an adventure game for users of GPS devices whereby individuals and organizations set up geocaches and share the locations of these geocaches on the internet. Other users of GPS devices then use such location coordinates to find the geocaches. Once found, a geocache may provide the finder with a variety of rewards. The finder often is asked leave something for the geocache.

b) *GPS DEVICE* means an electronic device that can determine an approximate location on the planet using the federal satellite Global Positioning System.

II. **GEOCACHE PERMITS:**

a) Placement of a geocache on District property must be preceded by the securing of a Special Use Permit. District property allowing the permitted placement of geocaches includes: Park and Recreation Areas, Management Areas, Conservation Corridors and Wildlife Management Areas. Permits may be obtained by contacting the District's office at (402) 444-6222, on-line at www.papionrd.org or in person at 8901 S. 154th Street, Omaha, Nebraska 68138.

b) The applicant for a permit must provide a valid address, telephone number, e-mail address, vehicle license number, driver's license number, and the web site address(es) on which the geocache location will be posted.

c) The location of the geocache must be pre-approved by the General Manager or Park Superintendent, whose main concerns will be public safety and the prevention of undesirable impacts to natural and cultural resources. The General Manager or Park Superintendent will advise of any off-limits areas, other permitted geocaches and possible prescribed burn areas for the calendar year.

d) Once a geocache is placed, the applicant must return to the District office to record the exact geocache location, including GPS coordinates, which then will be endorsed on the permit.

e) All permits will be in effect for a calendar year. A new permit will need to be applied for and authorized each calendar year. If during the effective period of a permit, a permit

holder wants to change the location of a geocache, a new permit must be issued and the effective permit cancelled.

f) Upon the expiration of a permit, the permit holder is responsible for removing the geocache and for deleting the geocache location from all web sites and any other information sources. If the permit holder fails to remove the geocache, it will be removed by District staff and held for ten (10) days after which staff will dispose of the geocache and its contents. Confiscation and disposal by staff will be recorded and filed.

III. GEOCACHE CONTAINERS AND CONTENTS:

a) Geocache containers must be approved by the District.

b) Geocache containers must be non-breakable, waterproof and have some form of latch or other closing mechanism to prohibit content exposure to wildlife.

c) Geocache containers must be marked "Geocache Container" on the outside of the container.

d) Geocache may not contain inappropriate or dangerous items, such as food, medications, personal/hygiene products, pornography, or weapons of any type. Log books are encouraged in lieu of exchange items.

e) All geocaches are subject to random inspection by District staff, which may immediately remove any item held in a geocache deemed unacceptable.

f) Non-permitted geocaches will be removed by District staff and held for 30 days. An attempt will be made to locate the geocache owner. If the geocache is not claimed in 30 days, staff will dispose of the geocache container and contents.

IV. GEOCACHE LOCATIONS:

a) The location of a geocache must be pre-approved by the General Manager, or Park Superintendent.

b) Physical geocaches are prohibited inside, or attached to, any District facility or structure.

c) Geocaches may not be placed in locations that may lead to the creation of spur trails.

d) Geocaches may not be placed in dangerous, inappropriate, or protected areas and habitats, on cliffs, underground or underwater.

e) No digging is permitted. Geocaches cannot be buried, nor may soil, vegetation or stones be disturbed to place a geocache.

f) It's up to the geocache owner to periodically inspect the cache and the area to ensure that its impact on the area is minimal, if not nonexistent.

V. COMPLIANCE

a) The use of metal detectors in geocache searches is expressly prohibited.

b) If geocaching activities as a whole are found to have negative impact on park resources, or if safety becomes an issue in geocache searches, the General Manager, or Park Superintendent may ban geocaching from certain areas of District property.

c) Failure to comply with District guidelines will result in the revocation of effective geocaching permits. Continued failure to comply with these guidelines will prevent the issuance of any further geocaching permits to the non-compliant group or individual.

d) All individuals participating in geocaching must park in designated parking lots. No off road parking is allowed.

[May 12, 2005]

17.0 URBAN CONSERVATION ASSISTANCE PROGRAM

The Urban Conservation Assistance Program is an authorized program of the District to provide technical and financial assistance to units of government (sponsors) and citizen groups to help prevent or control erosion, flooding, and related resource concerns in urbanized areas.

Criteria For Assistance

1. Potential projects need to be on lands under control of the Sponsor through deed, lease, or easement.
2. Acceptable Practices:
   a. permanent grade stabilization structures
   b. channel stabilization measures
   c. stormwater management facilities
   d. diversions and terraces
   e. permanent seeding, sodding, and mulching of critical areas
3. An enclosed storm sewer is not and eligible practice or project.

District Responsibilities

1. Administer the Urban Conservation Assistance Program.
2. Reimburse Sponsors 60% of the actual costs of the project, including engineering, up to a maximum District outlay of $30,000 per project.
3. All projects shall be approved by Management.
4. Provide technical assistance on all projects.

Sponsor Responsibilities

1. Complete District's UCAP Special Project Request, Form 17.0.B, Manual of Standard Forms (Appendix E)
2. Execute and fulfill the District's Special Project Operation and Maintenance Agreement, Form 17.0.C, Manual of Standard Forms (Appendix E)
3. Provide all necessary land rights.
4. Provide the local matching funds.
5. Contract for the construction of the approved project. Sponsor's personnel and equipment costs are not eligible for reimbursement.
6. Complete the project within one year of approval, unless prior written approval is obtained from the District.

(February 5, 1987; February 9, 1989; April 9, 2009)

17.1 District Programs - Urban Conservation Program. The Urban Conservation Program is an authorized program of the District. The Urban Conservation Program is a technical assistance program of the District to address natural resources concerns in urban and urbanizing areas. It includes commenting on development proposals through the District's membership on the City of Omaha Development Review Committee and similar planning committees of counties and other communities in the District. It also provides technical assistance to individual landowners to help solve flooding or erosion problems. The District also reviews and comments on plans for drainage improvements, bank stabilization and temporary sediment and erosion control in urban areas. Management administers this program.

[February 5, 1987]

17.2 District Programs - Wild Nebraska Habitat Program. The Wild Nebraska Program is an authorized program of the District. When approved on July 1, 2001, the District entered into the Wild Nebraska Habitat Program Interlocal Agreement with the Nebraska Game and Parks Commission (NG&PC). The District administers this program locally to provide cost-sharing funds to landowners for wildlife habitat improvement activities. Cost-sharing funds are provided by the Game and Parks Commission and the District. Contracts are approved and administered by Management. (Nebraska Application, Form 17.2., Manual of Standard Forms (Appendix E). Addendum 1, Interlocal Cooperation Agreement outlining Eligible Habitat Improvement activities and Cost Share Rates is included in Appendix Q.

[Wildlife Habitat Improvement Program - February 5, 1987; April 7, 1988; February 9, 1989; May 11, 1989; changes to Wild Nebraska Habitat Program – June 14, 2001]

17.3 District Programs - Conservation Assistance Program. The Conservation Assistance Program (CAP) provides cost-sharing funds to encourage the application of soil and water conservation practices. The goal of CAP is to reduce erosion, siltation and the pollution of our lakes and streams. Technical assistance for design, layout and inspection of CAP practices is provided by the U.S.D.A. Natural Resources Conservation Service (NRCS). The District has adopted the NRCS Technical Guide as the District's Guide.

A. APPLICATION PROCEDURES AND POLICIES:

1. Applicants are required to apply for cost-sharing assistance at the local NRCS office as a prerequisite to District funding.

2. The order of priority for funding assistance is:

   No. 1: EQIP (Environmental Quality Inventive Program)
   No. 2: Nebraska Soil and Water Conservation Fund
   No. 3: Conservation Assistance Program

3. The Conservation Assistance Program adopts a cost-share rate of 75 percent of the average unit cost established for EQIP. Changes become effective at the same time as the EQIP rate changes become effective.

   a. Special projects will be cost-shared at a rate of 85 percent.

4. The District's cost-sharing assistance limit is $20,000 per landowner per fiscal year. Applications exceeding $20,000 will be reviewed on an "as received" basis.

5. Long Term Agreements (LTAs) may have separate policies than those established for regular CAP applicants.

   a. Length of project may be 2 or more years up to a maximum of 5 years.
   b. Cost-share rate used will be those in effect at the time the Agreement is approved.

B. ELIGIBLE PRACTICES: All eligible conservation practices must have enduring conservation benefits or pollution control benefits. They must be widely applicable to the District. These are:

1. Terraces

2. Grassed waterways

   a. Grassed waterways must meet one of the following criteria:~~serve as outlets for terraces in order to be eligible for cost-sharing funds~~

      (1) Serve as outlets for terraces in order to be eligible for cost-sharing funds

      (2) A minimum of 75% of the applicant's land draining into the proposed waterway must have adequate land treatment

3. Underground outlets for terraces

4. Grade stabilization structures

   a. Grade stabilization structures must meet the following criteria to be eligible for cost-sharing:

      (l) A minimum of 75% of the applicant's land draining into the proposed structure must have adequate land treatment

      (2) The structure must provide grade stabilization

      (3) A grade stabilization structure is the only viable alternative to solve the erosion problem

5. Diversions

6. Water and sediment control basins

7. Livestock waste control facilities

   a. Cost-sharing for livestock waste control facilities is limited to earthwork and appurtenant structures only and is available only to livestock production facilities existing on or before January 1, 1979

   b. As a prerequisite to cost-sharing, the State of Nebraska Department of Environmental Quality must require that livestock waste control is needed.

8. Tree Planting

   a. Cost-sharing is available for planting trees and shrubs for farmstead or acreage windbreaks, field windbreaks, wildlife habitat or other beneficial uses. Practices excluded from this program include orchard trees, Christmas trees, plantings for ornamental purposes or nursery stock for resale.

   b. Plantings must be protected from destructive fire or grazing

c. The planting must be kept free from excessive weed growth during the planting year and weed control shall be continued in succeeding years until the trees are well established.

d. The cost-share rate for establishment per 100 trees includes cost sharing for site preparation, seedlings, planting and weed control the year of planting.

e. The practice shall be maintained for a minimum of 20 years following the year of planting.

f. Specifications - Species selection and site preparation will be in accordance with NRCS field technical guides.

g. Planting design will be developed by the NRCS, Papio-Missouri River NRD, the Nebraska Game and Parks Commission or the UNL Forestry Department.

h. The cost-sharing rate will be the same as that of the EQIP average unit cost in each county. Where no cost-share rate is established, 75% of the county average cost shall be used.

C. APPROVAL:

1. Applications (Conservation Assistance Application, Form 17.3.A., Manual of Standard Forms (Appendix E)) are approved by Management for construction based on the following criteria, in the order they appear:

   a. Date the applicant agrees to complete construction
   b. Date of application
   c. Average tons of soil saved per acre

2. Applications will not be approved if construction of eligible practices has begun before approval.

3. The date of completion shall be no later than one year following the date of application.

4. If construction is not started by the projected completion date, the application is automatically canceled.

D. SPECIAL PROJECTS

1. Special Projects (Targeting) policies may be different from those established for CAP.

   a. Funds budgeted for the Papio Creek Watersheds Special Fund that are unallocated after the first six months of the Fiscal Year shall be added to the CAP fund.

   b. Silver Creek Watershed

      (l) Separate policies set out in the District's Silver Creek Watershed workplan (Appendix F).

   c. Hanson Lake No. 3

      (1) Separate policies set out in the District's Hanson Lake 3 Special Water Quality Work Plan (Appendix D).

d. Wehrspann Lake Watershed

(1) Special practices approved for the watershed to reduce erosion and improve water quality in Wehrspann Lake:

(a) Eligible practices:

- Conversion of regular terraces to tile outlet terraces
- Waterways on fields not terraced but farmed on the contour and with no till
- Rock crib grade control structures
- Filter Strips
  - Payment rate $100 per acre with a double payment in the first year
  - Contract term 10 years

(b) Cost share rate is 85%.

(c) Program will run concurrently with the Wehrspann Lake Water Quality Incentive Project (WQIP).

e. Pigeon/Jones Creek

(1) Separate policies set out in the District's Pigeon/Jones Creek Watershed Plan (Appendix G)

E. CONSERVATION DEMONSTRATION PROJECTS: Projects to demonstrate the use of soil and water practices to the public so as to stimulate their implementation.

1. Policies may be different from those established for CAP

2. Eligible Practices

a. Structural

(1) Terrace systems
(2) Erosion control dams
(3) Sediment basins
(4) Other

b. Cultural

(1) Reduced tillage systems
(2) Contour strip cropping
(3) Crop rotations
(4) Permanent vegetation (including trees)
(5) Wildlife Habitat
(6) Other

3. Criteria for Selection of Demonstration Projects

a. HELs in critical need of land treatment (high erosion rates)
b. Located in Special Watershed Project area and/or located where land treatment will benefit public lands
c. Highly visible and accessible location
d. Located in a geographical area where land treatment is lacking
e. Land is HEL, but farm plan calls for no structural conservation measures
f. Land controlled by cooperative, capable owner and/or manager
g. One or more projects in each county

4. Funding

a. Maximum of $25,000 per project

F. EMERGENCY REPAIR PROGRAM FOR CONSERVATION PRACTICES: To provide cost-sharing assistance to landowners to repair conservation practices.

1. Eligibility requirements

a. Must be in area designated by FSA as eligible for Emergency Conservation Program (ECP) funds
b. Terraces damaged due to contractor error, owner or operator neglect will not be eligible
(1) NRCS will certify to this effect in Statement of Need
c. Completed practices will be certified by the SCS as meeting specifications
d. Approved practices must be completed by June 1, 1991

2. Cost Share Rate

a. The non-EQIP portions of the cost, not to exceed 80% of the total cost.

[February 5, 1987; February 9, 1989; August 9, 1990; February 14, 1991; December 8, 1994; April 6, 1995; June 12, 1997; September 14, 2000; December 13, 2012]

17.4 District Programs - Nebraska Soil and Water Conservation Program. The Nebraska Soil and Water Conservation Program (NSWCP) is an authorized program of the District. The Nebraska Soil and Water Conservation Program was established for the purpose of financially assisting landowners in Nebraska with the costs of installing soil and water conservation measures. The objectives of the program are to properly conserve and utilize the water and related land resources of the state, to encourage groundwater recharge to protect the state's dwindling groundwater supply and to reduce soil erosion and sediment damages. Funds are apportioned by the Nebraska Natural Resources Commission to Natural Resources Districts which in turn administers the program on a District-wide level.

A. APPLICATION PROCEDURES AND POLICIES: Applicants are required to apply for cost-sharing assistance at the local Farm Service Agency (FSA) office as a prerequisite to NSWCP funding. The order of priority for funding assistance is:

No. 1: FSA, EQIP, Agricultural Conservation Program
No. 2: Nebraska Soil and Water Conservation Fund
No. 3: District Conservation Assistance Program

The NSWCP adopts a cost-share rate of 75% of the average unit cost established for the FSA EQIP, or 75% of the actual cost of construction, whichever is less. The cost-share assistance limit is $20,000 per landowner. Applications exceeding $20,000 will be reviewed on an "as received" basis.

B. ELIGIBLE PRACTICES: The Commission approves a list of eligible conservation practices. Each District may select any or all of these practices as eligible for its program. Eligible practices in District:

1. NC-1 Constructing terrace systems

2. NC-2 Constructing terrace underground outlets
3. NC-4 Constructing grade stabilization structures

    a. Grade Stabilization structures must satisfy the following criteria to be eligible for cost-sharing

        (1) A minimum of 75% of the applicant's land draining into the proposed structure must have adequate land treatment

        (2) The structure must provide grade stabilization

        (3) A grade stabilization structure is the only viable alternative to solve the erosion problem

4. NC-6 Constructing diversions

5. NC-7 Constructing grassed waterways
    a. Grassed waterways must serve as outlets for terraces in order to be eligible for cost-sharing funds

6. NC-8 Constructing water-and-sediment-control basins

7. NC-10 Pasture planting or range seeding

C. APPROVAL:

1. Applications (NSWCP Application, Form 17.4.A., Manual of Standard Forms (Appendix E)) are approved by Management for construction based on the following criteria, in the order they appear:

    a. Date the applicant agrees to complete construction

    b. Date of application

    c. Average tons of soil saved per acre

2. Applications will not be approved if construction of eligible practices has begun before approval.

3. The date of completion shall be not later than one year following the date of application.

4. If construction is not started by the projected completion date, the application is automatically canceled.

D. ADMINISTRATION:

1. Policies, Procedures, Rules for NSWCP set out in Commission's Program handbook

[February 5, 1987; February 9, 1989; August 9. 1990]

17.5 District Programs - Information and Education Program. The Information and Education Program is an authorized program of the District. The District conducts a number of support activities as part of its Information and Education Program. This is done to provide the public with accurate information on projects and programs previously outlined and to develop an awareness and concern for natural resource conservation and management. Major support activities include:

A. Program Brochures: Informative brochures on conservation education, Back to the River Project, Conservation Cost Sharing Programs, Chalco Hills, Flood Prevention and Flood Plain Management, Papio Trails, , and and Recreation Area have been published and will be updated and distributed as necessary.

B. Newsletters:

1. Publication of the SPECTRUM newsletter continues to be one of the District's main lines of communication. Over 8,000 copies are distributed through mailings.

2. The District also publishes the Conservnews as needed in cooperation with the NRCS for all landowners in the District. Approximately 7,000 households receive the newsletter which highlights programs available for farmers.
3.
4. Cultivation Newsletter is published and sent to teachers within the District in the Fall. This newsletter highlights the Education programs of the District.

C. Education Programs:

The District is currently working with teachers, school administrators, environmental education specialists, and community leaders on outdoor education curricula; (including but not limited to in school programming, outdoor learning areas, and field trips). Development of these educational programs has greatly enhanced the NRD's ability to reach people with the conservation message. Approximately 50,000 people participate in one of numerous NRD-sponsored education activities annually.

The District is involved with several education programs and Community Events, including Water Works for fifth grade students in Douglas and Sarpy Counties, Conservation Field Days at Summit Lake, Aquafest for students in Dakota and Thurston Counties, and the Nebraska Envirothon, an environmental competition for high school students. Community Events include Earth Day Omaha, and the World O! Water Festival. The District runs summer day camps for youth ages four to fourteen.

The Metro Omaha Resources for Exploring Nature (M.O.R.E Nature) was founded by the District and the District uses this outreach program to educate families in the Omaha metro area on the importance of outdoor recreation.

D. Teacher Scholarships: $200.00 scholarships are awarded annually to area teachers who wish to continue their education in conservation related subjects.

E. Speakers Bureau: In response to requests from teachers and various civic groups, presentations are made concerning natural resource management. Twenty-five to thirty presentations are made annually.

F. News Releases: Information is provided to the public, through the local media, by the District's media relations program and Public Service Announcements. During the past year, articles appeared in the Omaha World-Herald and in local weekly papers. Also, contacts to radio and television stations resulted in coverage through those media.

G. Internet Web Site: The District launched its Internet Web Site (www.papionrd.org) in 1998. The site is designed to give visitors an overview of the NRD and an opportunity to electronically contact the NRD with questions and comments.

H. Outdoor Classroom Grants: $1000.00 grants are awarded annually to District schools to develop, implement, and improve outdoor learning environments.

[February 5, 1987; March 3, 1988; December 8, 1994; December 10, 1998; May 13, 2010]

17.6 District Programs - Flood Plain Management Program. The Flood Plain Management Program is an authorized program of the District. Technical assistance is given to all communities, counties and individuals in the District. The Staff makes recommendations regarding development and improvements in flood plain areas. These recommendations are based on Federal flood insurance maps, state regulations and/or currently accepted flood plain management standards which cohere to wise uses of flood plain areas. Staff also deals with the general public on a day-to-day basis to determine the flood plain status of the individual's land or soon-to-be-acquired land. Management administers this program.

[February 7, 1987]

17.7 District Programs - Right-of-Way and Public Use Area Seeding Program. The Right-of-Way and Public Use Area Seeding Program is an authorized program of the District. The District has a program to establish vegetation on sites disturbed by construction or maintenance activities. This program is available to all entities of government in the District, but is not to be used for seeding requirements normally included in a general construction contract.

1. The District will provide a grass drill at no charge to entities of government to use to re-seed areas eligible for the program.

[February 5, 1987; February 9, 1989]

17.8 District Programs - Road Structure Program. The Road Structure Program is an authorized program of the District.

A. GOAL: To encourage and assist counties to incorporate conservation features in, or adjacent to, county roadways that will reduce soil erosion and sedimentation, flooding and related resource problems.

B. OBJECTIVES: To provide technical and financial assistance on eligible road structure projects located at stream crossings, or projects that would benefit county roadways or bridges, that are constructed by the county.

C. CRITERIA FOR ELIGIBLE PROJECTS: To be an eligible project, at least five feet of grade must be removed from the channel and plans/specifications for the project must be reviewed and accepted by the District prior to construction.

D. LEVEL OF FINANCIAL ASSISTANCE:

1. District cost-sharing assistance, for county projects that address the goals and objectives of this program, shall amount to 75% of the project's total construction costs, not to exceed $150,000 per project. Cost-sharing assistance shall not include those costs incurred by the county for:

    a. Guardrails or barriers

    b. Roadway surfacing (gravel, asphalt, etc.)

    c. Traffic signs and signals

    d. Relocation of utilities

    e. Purchase of land rights

    f. Engineering, inspection and administrative costs

    g. Work performed by county personnel and equipment

2. Technical assistance may be provided by the Natural Resources Conservation Service (NRCS).

E. REQUIREMENTS TO BE FULFILLED BY THE COUNTY:

1. Inventory road structure needs and make application to the District for cost-sharing assistance.

2. Provide right-of-way (i.e., acquire all necessary land rights).

3. Provide local matching funds.

4. Contract for construction of the approved practices.

5. Provide design and inspection. Follow NRCS design criteria.

6. Project geotechnical (subsoil) information for design.

7. Execute and fulfill P-MRNRD Operation and Maintenance Agreement.

8. Obtain necessary state permits for water storage, if applicable.

9. Begin construction within one (1) year and complete construction within two (2) years of the date of District Board approval of the application.

F. REQUEST REIMBURSEMENT: Upon completion of the construction of the project, reimbursement may be requested by the county by providing evidence of the final contract cost or final pay estimate (less those items ineligible for cost-sharing as outlined in para. D.1.).

[February 5, 1987; May 11, 1989; November 14, 2002]

17.9 District Programs - Equipment Rental and Sales Program. The Equipment Rental and Sales Program is an authorized program of the District. The District maintains a rental program of specialized equipment and sells related supplies.

A. Grass Drills:

1. Designed to plant bulky, native grass seed and other types of grasses and legumes.

   a. Rented to cooperators for a variety of uses

      (1) Establishing wildlife habitat
      (2) Converting cropland to permanent vegetation
      (3) Seeding vegetation on land as part of a conservation cost-sharing practice, e.g., terrace back slopes, waterways, CRP

   b. Used by the P-MRNRD

      (1) Establishing cover on District maintained project

         (a) Levee systems
         (b) Grade stabilization structures

   d. Other Uses

      (1) Available for use by government agencies in District's Right-of-Way and Public Use Area Seeding Program

2. Rental Rates – Rental rates and delivery charges are available at each District Field Office.

3. Special Conditions -- Renters are responsible for damages to drills caused by misuse or negligence

B. Tree Planters:

1. Available as a complete planting service. District provides labor, planting machinery and weed control spray

2. Planting Service Rates

a. $.~~30~~.75 per tree planted
b. $~~50.00~~ 100.00minimum charge

C. Unmanned Tree Planters: Rental Rate -- $25.00 per day

D. Sales Program:

1. Available through District Field Offices

a. Sales Items -- Survey Flags

2. Price -- District cost plus 10%.

[February 5, 1987~~]~~;December 13, 2012]

17.10 District Programs - Streambank Erosion Technical Assistance Program. The Streambank Erosion Technical Assistance Program is an authorized program of the District. This is a technical assistance program to help landowners address streambank erosion problems. It includes helping individuals prepare a design and complete a U.S. Army Corps of Engineers 404 permit application. Management administers this program.

[February 5, 1987]

17.11 District Programs - Emergency Dike Protection, Fortification, Repair Assistance Program. The Emergency Dike Protection, Fortification, Repair Assistance Program is an authorized program of the District to Provide technical and financial assistance on eligible projects where a flood control dike or levee is, at the discretion of Management, in imminent danger of failure.

A. Criteria for Assistance:

1. Eligible Persons and Projects

a. Public or private landowners who have exhausted or have insufficient funds or other resources available to provide adequate relief from the applicable hazards. Other governmental resources (e.g., Natural Resources Conservation Service, Corps of Engineers) shall be investigated and shown

to be unavailable or not expedient enough to prevent a dike failure before the NRD will consider providing financial assistance.

b. More than one landowner must be affected by the potential dike failure. In addition, at least one public facility, such as a road, must be potentially affected by a possible dike failure.

c. The dike or levee must, in the opinion of Management, be in danger of failure during the next major flood event.

d. The dike or levee must be along the Platte, Elkhorn or Missouri Rivers.

2. Eligible Measures

a. Measures to stabilize the riverside toe of the dike against riverbank erosion, such as installing jetties or bank protection.

b. Measures to repair or stabilize dike erosion and/or slough areas, such as installing fill material, rip-rap, filter cloth, sandbags or the like.

c. A measure must reduce threats to life or property which could result from a flood.

d. All measures must be technically sound, and be limited to what existed before the watershed was impaired.

e. Elevating the profile of a dike or rebuilding a dike (after failure) are not eligible measures under this program.

f. Measures to be used must be the most cost efficient ones which will provide immediate, adequate and safe relief from the hazard causing the emergency.

B. Cost-Sharing:

1. NRD will provide 60% of actual contracted construction costs to a maximum of $10,000 per project. Cooperator's "in-house" expenses are not eligible. Cooperators are responsible for obtaining any needed land rights and they are not a cost-share item.

2. Cost-share funds will be committed according to the date of application. However, if two or more applications are being considered at one time, preference shall be given to those projects that may directly affect NRD facilities.

3. Cost-share funds will not be released until the project is complete according to plans and certified as such by NRD staff.

4. Management will have the authority to approve applications for cost-sharing up to the allowable limits.

5. The Cooperator will be liable for any additional cost above the dollar amount approved by Management.

6. Work must be complete within six months after the NRD approval date. Extensions may be granted if just reason can be demonstrated.

C. Limitations:

1. NRD reserves the right to approve or reject plans.

2. Cooperator must hold and save the Papio-Missouri River NRD free from damages or claims due to the construction, operation and maintenance of the project, except where such damages are due to the fault or negligence of the Papio-Missouri River NRD.

3. NRD reserves the right to terminate the cost-share agreement I whole or part if the NRD determines that the Cooperator failed to comply with the program guidelines.

4. Cooperator must give the NRD the right to enter, at reasonable times and in a reasonable manner, upon lands which it owns or controls, for access to the project for the purpose of inspection.

5. Project facilities (cost-share work) must be maintained for a period of 10 years after they are completed. If it is not properly maintained, according to the NRD, the cost-share funds must be returned to the NRD and the Cooperator will not be eligible for future cost-sharing.

6. The Cooperator must sign an operation and maintenance agreement, which incorporates these guidelines prior to the initiation of construction.

7. Reasonable changes can be made in the field, however, Management approval is necessary if the approved project cost-share provided by the District is to be increased. In no event will the maximum funding limitation of $10,000 per project be exceeded.

8. All applicable permits (e.g., Corps of Engineers Section 404) must be acquired by the operator prior to starting repairs.

D. Requesting Reimbursement: Upon completion of construction, it will be necessary for the Cooperator to request reimbursement from the District. This can be done by providing the following:

1. A letter from the Cooperator that the work was completed according to the approved plan.

2. A breakdown of the work items, unit costs, total project costs and the reimbursement being requested.

3. Copies of all billings from all contractors or suppliers for all work items.

[February 5, 1987]

17.12 District Programs - Lands for Conservation Program. The Lands for Conservation Program is an authorized program of the District. It is a program used to encourage the construction of terrace systems during the summer. (Lands for Conservation Program, Form 17.12.A., Manual of Standard Forms (Appendix E))

A. GENERAL PROVISIONS:

1. The program will be on a contractual basis between the landowner or his authorized representative and the Papio-Missouri River NRD for up to one year while conservation practices are being installed.

2. Natural Resources Conservation Service (NRCS) personnel will design the terrace system. These practices must protect the entire field on which they are established, however, the area under contract will be the smallest practical area on which to construct the practices, as agreed with the cooperator.

3. Terrace systems may be cost-shared through a Federal cost-share program, State of Nebraska NSWCP program, or the CAP program, or jointly cost-shared among these programs.

4. Construction must be done between June 1st and September 15.

5. The field enrolled in the program must be planted to a protective cover prior to, or after, construction. This may be a crop for harvest, or simply a cover crop to prevent erosion but may not be a row crop.

6. Lands under this program must be lands that are normally farmed. Hay or pasture land is eligible if that land has been included in a regular crop rotation program.

7. Land enrolled in any United States Department of Agriculture's "Reduced Acreage" program is not eligible for the program.

8. Maximum contract area for any operating unit will be ~~80~~40 acres. Payment is $~~50~~100.00 per acre. If ownership of the land changes during the contract period, the contract becomes void unless it is agreed by both the District and the new owner to continue the contract.

9. The landowner will contract for the construction of terraces, waterways, tile outlets or any other necessary construction.

10. Terrace systems must be maintained for 10 years.

11. The Papio-Missouri River NRD may designate areas of preference, where a high priority exists to target these funds.

[February 5, 1987; February 9, 1989; August 9, 1990; December 13, 1990; December 13, 2012]

17.13 District Programs - P.L. 46 Assistance Program. The Public Law 46 Assistance Program is an authorized program of the District. Through a memorandum of understanding, the District provides staff to the USDA Natural Resources Conservation Service (NRCS) offices to assist them with their activities and to help administer related District programs.

[February 5, 1987; February 9, 1989]

17.14 District Programs - Not in use at this time.

17.15 District Programs - Erosion and Sediment Control Act Program. The Erosion and Sediment Control Act Program is an authorized program of the District governed by the District's Sediment and Erosion Control Rules and Regulations (Appendix I).

[June 4, 1987]

17.16 District Programs - Urban Stormwater Management Program. The Urban Stormwater Management Program is an authorized program of the District. To promote the health, safety and well-being of the public, it is the present and long range intent of the District to:

A. Serve as a regional coordination and management agency for major urban drainage and flood control systems which are those systems that involve open channels where the drainage area is more than approximately 200 acres. Coordination of actions affecting these systems is necessary to achieve the best possible results in the District.

B. Develop Urban Drainage Master Plans which define policies and outline plans for the development, financing, implementation and continued maintenance of urban drainage and flood control systems in each basin. This will be done with the assistance of and in consultation with other local governmental agencies. The master plan will be presented for adoption to each local governmental agency identified as responsible for implementing all or portions of the plan.

In accordance with this policy, Stormwater Management Policies (hereinafter referred to as the "Policies") were developed through a community-based process known as Watershed By Design involving the development community, Papillion Creek Watershed Partnership members, public agencies, non-profit organizations, other stakeholder groups and the general public. The Policies developed through the WBD process consist of six (6) Policy Groups, headed as follows:

#1 Stormwater Management Financing
#2 Peak Flow Reduction
#3 Pollution Control

#4 Landscape Preservation, Restoration, and Conservation
#5 Erosion and Sediment Control and Other BMPs
#6 Floodplain Management

These Policies are attached hereto as Appendix "S" and incorporated herein by reference, and provide guidance for a comprehensive approach to stormwater quality and quantity, subject to the following:

- As outlined in Policy Groups 1 and 2, the District intends to implement construction of Regional Detention and Water Quality Basins proposed in the conceptual Watershed Drainage Plan, as deemed necessary by the District and subject to available funding as determined by the District.
- The District will recommend to local zoning jurisdictions that all new development or significant redevelopment be required to consider Low Impact/Conservation Development strategies or best management practices.
- The District will recommend to local zoning jurisdictions that all new development or significant redevelopment be required to each install local detention and water quality basins to maintain stormwater peak discharges to that which existed under base land use conditions. It is also recommended that non-residential new development or significant redevelopment be required to construct, operate and maintain such facilities on private lands at no cost to the public.

C. Expect and continue to reply on other local governmental subdivisions (cities, counties and SID's) to continue to develop, finance, implement, operate and maintain urban drainage and flood control systems that involve enclosed conduits (storm sewers), road crossing and other similar appurtenant systems.

D. Assume responsibility for major urban drainage and flood control systems in the District in accordance with the Urban Drainage Master Plan. For areas where no Urban Drainage Master Plan is currently available, the District will consider the planning, development, improvement, financing, implementation and continued maintenance of existing and proposed improvements to major urban drainage and flood control systems on an individual basis.

E. Expect, concurrent with or prior to assumption of responsibility for an urban drainage and flood control system, that the local subdivision with regulatory responsibility and authority enact for existing and proposed urban development Sediment and Erosion Control ordinances and Stormwater Management ordinances that provide for District review and concurrence of basin development proposals to ensure that they comply with Urban Drainage Master Plans if the District is expected to assume responsibility for any portion of the development plan.

F. Financing of the additional duties and responsibilities envisioned by this policy statement could be through:

1. District general tax levy revenue
2. Stormwater utility fees, and,
3. Federal, state and local funds that may be available to assist the District

[February 5 1985; October 12, 2006]

17.17 URBAN DRAINAGEWAY PROGRAM

The Urban Drainageway Program is an authorized program of the District to provide technical and financial assistance to municipalities to control erosion and/or flooding along major urban drainageways.

A. Criteria for Assistance

(1) An eligible project involves improvements made on any major drainageway (open channel) in a developed, urban area where erosion or flooding threatens public or private property.
(2) Each project must be sponsored by a municipality or other unit of government (including S&IDs) with authority and capability to carry out the project.
(3) An enclosed storm sewer is not an eligible project.
(4) Eligible projects shall receive no more than $1.5 million in District funds.
(5) Approved projects may be implemented over a period of consecutive years.
(6) All measures must be technically feasible and environmentally acceptable.

B. Project Eligibility

Matching funds will be distributed according to the three Levels of Design, which consist of the following:

- Level 1 (Restoration) – Restoration of a continuous reach or reaches of the channel through enhancing meanders and stabilizing the bed (possibly elevating incised channels with grade control structures to reconnect to the historical floodplain) and banks, using predominantly bioengineering techniques with some structural techniques if necessary.

- Level 2 (Rehabilitation) – Rehabilitation of a continuous reach or reaches of the channel bed (possibly including grade control structures) and banks along the existing channel alignment, using a combination of bioengineering and structural techniques.

- Level 3 (Stabilization) – Stabilization of a limited, critical area of the channel banks and/or bed that does not have a significant impact on the entire reach with grade control structures along existing channel alignment using bioengineering and/or structural techniques.

Levels of Design

	Level 1 *Restoration*	Level 2 *Rehabilitation*	Level 3 *Stabilization*
Reach Length	Continuous or having a significant impact on the reach	Continuous or having a significant impact on the reach	Repairs in a critical area that does not have a significant impact on the reach
Stream Channel Modification	In a predominately unconfined or historical stream channel	Confined in modified channel pattern	Can be in an unconfined or historical stream or modified/confined channel
Stream Improvement Techniques	Majority are bioengineering techniques, habitat enhancement, flow redirection, and (if possible) flow retention	Bioengineering and/or structural techniques, habitat enhancement, flow redirection, and (if possible) flow retention	Bioengineering and/or structural techniques
Hydraulic Impact	Will restore hydraulic connection to floodplain	May restore hydraulic connection to floodplain	Will not affect hydraulic connection to floodplain

- Note: Both Level 1 and Level 2 will accelerate natural stream stabilization processes

C. District Responsibilities

(1) All projects will require approval by the Board of Directors
(2) Administer the Urban Drainageway Program.
(3) Review and prioritize all applications.
(4) Provide funding for a portion of the local eligible project costs (i.e. excluding state and federal funds) as follows:
(a) Provide 75% cost share on all Level 1 projects
(b) Provide 60% cost share on all Level 2 projects
(c) Provide 40% cost share on all Level 3 projects
(5) Eligible project costs shall include all costs associated with design, construction, and construction observation. The following shall also apply:
(a) Sponsor's "in-house" design and construction inspection costs are eligible for cost-sharing provided that the work is performed or supervised by a licensed professional engineer.
(b) Construction must be performed by a qualified contractor. Reimbursement for use of Sponsor's equipment is not an eligible cost.
(c) Preliminary study costs (if necessary) are eligible for cost-sharing only if the project is constructed.
(6) The District may require construction of component parts in consecutive years.
(7) The District reserves the right to approve or reject plans, specifications, and/or implementation schedules.

(8) The District shall budget funds for the component parts of all approved projects. Previously approved projects have priority for funding.

C. Sponsor Responsibilities

(1) The sponsor shall submit an application on forms provided by the District (Urban Drainageway Program Application, Form 17.17, Manual of Standard Forms, Appendix E).

(2) The sponsor shall submit preliminary plans with the application. The following items should be included:
   (a) total estimated cost
   (b) implementation schedule, including estimated costs for component parts.
   (c) environmental acceptability statement.
   (d) preliminary survey and design information.
   (e) location maps.

(3) The sponsor shall obtain all land rights for the project at no cost to the District.

(4) The sponsor shall provide all future operation and maintenance on the project at no cost to the District.

(5) The sponsor must comply with all local, state, and federal laws.

(6) The sponsor must obtain all local, state, and federal permits necessary for the project.

(7) The sponsor shall administer all contracts for design, construction and construction inspection.

(8) The sponsor shall hold and save the District free from damages or claims due to the design, construction, or operation and maintenance of the project.

(9) The sponsor shall execute an agreement with the District which will outline these guidelines.

(10) The sponsor shall apply for EPA 319 and Nebraska Environmental Trust funding in order to be eligible for Level 1 or Level 2 project cost share from the District.

D. Requesting Reimbursement

(1) Upon completion of construction of each component, reimbursement may be requested by the sponsor by providing the following:
   (a) Certificate of Completion, signed by a licensed, professional engineer.
   (b) Copies of final pay estimates which shows total units, unit costs, and total component costs.

(2) Progress payments on individual components will not be allowed.

(September 10, 1987; January 13, 2011)

17.18 District Programs - Emergency Floodwarning Program.

The Emergency Floodwarning Program is an authorized program of the District. The District operates and maintains an Alert Floodwarning System that has been installed in the Papio basin. This system consists of 17 combination rain and stream gauges and 5 rain gauges. Information collected by this system is transmitted to the National Weather Service office in

Valley where it is stored on a computer and used by the National Weather Service. Through an interlocal agreement, the District maintains this system with the City of Omaha, Douglas County, Washington County and Sarpy County. All parties help to share the cost of this maintenance. The National Weather Service, through this same agreement, has agreed to monitor the system and provide watches and warnings as well as forecasts based on the information provided by this system. The information stored on the computer is available to the Douglas County, Sarpy County, the City of Omaha, the Corps of Engineers and the District through the internet and phone modems.

The Staff communicates with Emergency Management agencies, law enforcement agencies, and the National Weather Service to help them provide the general public with advance warning prior to floods. First priority is given to District project areas. Field information on the status of flooding along project areas is provided to these agencies by the Staff. The agencies are expected to provide the Staff with information concerning upstream conditions and forecasted flood levels in project areas.

[February 5, 1987; December 8, 1994; December 10, 1998]

17.19 District Programs - Stream Staff Gauge Program. The Stream Staff Gauge Program is an authorized program of the District. Stream staff gauges have been placed by the District at various locations along the Platte and Elkhorn Rivers, and along the Papio, Springfield and Bell Creeks, to aid in determining stream flows and flood stages. The District maintains these gauges. During high water events, staff, spotters for the National Weather Service and others make visual observations of these gauges to document stream stages and assist in flood forecasting. Management will continue to maintain this system.

[February 5, 1987]

17.20 District Programs - Rain Gauge Program. The Rain Gauge Program is an authorized program of the District. The District maintains a rain gauge network by supplying individual cooperators with rain gauges and data books to develop long-term rainfall data and assist in flash flood warning. During period of intense rainfall, the National Weather Service and the news media can contact cooperators and receive rainfall information. This network also allows the District to evaluate emergency operations needs while providing hydrologic data for future use. The system will continue to be maintained by Management.

[February 5, 1987]

17.21 District Programs - Groundwater Management Program. The Groundwater Management Program is an authorized program of the District. The program consists of a static water level monitoring program and implementation of the District's Groundwater Management Plan.

A. Static water levels have been recorded by Staff in both the Spring and Fall of each year at a number of irrigation well sites in the District since groundwater monitoring began in 1978.

Data is provided to the United State Geological Survey. The system will continue to be upgraded by Management.

B. The District's Groundwater Management Plan outlines objectives towards meeting a groundwater reservoir life goal. The District's goal is to maintain water in the groundwater reservoir in sufficient quantity and quality for all beneficial uses for the period of infinity. As more data becomes available, a revision to this goal may be made by the Board. The following groundwater management objectives are intended to achieve the reservoir life goal:

1. Expand the District's Groundwater Level Monitoring Program to provide District-wide coverage.

2. Establish a District-wide groundwater quality monitoring program through cooperative efforts between the District, Nebraska Department of Environmental Control, Nebraska Department of Health and the Douglas County Health Department.

3. Cooperate with the Nebraska Department of Environmental Control Act.

4. Encourage, through information and education activities, conservation of water quality and quantity.

5. Establish management or control areas in the District to address specific problems of groundwater quantity or quality, should the data collected indicate that the reservoir life goal cannot be met.

6. Continue to evaluate requests (petitions) from rural landowners for a more adequate and dependable water supply.

7. Cooperate with other NRDs in the management of contiguous portions of the groundwater reservoir.

8. Commission a study of bedrock aquifers in the District.

[February 5, 1987]

17.22 District Programs - Chemigation Certification Program. The Chemigation Certification Program is an authorized program of the District. Except for public hearings provided by Sec. 46-1126, R.R.S., which hearings shall be governed by Policy 20.0 A., and except for the adoption of further rules and regulations, Management is authorized and directed to conduct inspections, prescribe forms, approve or deny applications, issue and revoke permits (Chemigation Certification Permit, Form 17.22, Manual of Standard Forms (Appendix E)), supervise cleanup and recovery plans, and carry out all other responsibilities and authorities imposed upon or granted to the District by the Nebraska Chemigation Act (Sections 46-1101 et seq., R.R.S.) or by the hereby adopted rules and regulations of the Department of Environmental Control; provided, however, the consent of the Board shall be required prior to the institution by the District of a civil action under Section 46-1138(2) R.R.S. A separate

general fund account shall be used to designate fee revenue paid to the District, and Management shall keep and maintain detailed records of the cost to the District of administrating the Act. The policy provided by this paragraph is intended to be a District rule or regulation authorized by Sec. 46-1135 R.R.S., and shall become effective upon its approval by the Director of Environmental Control.

[February 5, 1987; July 13, 1989]

17.23 District Programs - Special Protection Area Program. [Reserved]

17.24 District Programs - [Reserved]

17.25 District Programs - Project Operation and Maintenance Assistance Program. The Project Operation and Maintenance Assistance Program is an authorized program of the District. The District will consider assuming the operation and maintenance for existing flood control levee projects, previously maintained by others, on a case-by-case basis. The District may decide to (1) accept the entire responsibility for future operation and maintenance, (2) provide some degree of assistance on O&M activities, or (3) not provide assistance.

A. Requirements: The following criteria must be met in order for the project to be considered:

1. All rights-of-way for the project area must be available for the District's use. It must be free from encumbrances and be provided at no cost to the District.

2. The levee project must currently be operated and maintained by another governmental entity (e.g., city, county, SID, drainage district). An exception to this may be if adjacent privately-owned levees join the publicly-operated levee, thus forming an integral link in the flood control system. In this case, the public body must acquire the necessary land rights and make them available to the District.

3. An interlocal agreement must be executed which outlines specific conditions of the responsibilities being assumed and/or assistance being provided.

B. General Guidelines:

1. Greater consideration for assuming the entire operation and maintenance responsibility will be given to those levee projects possessing the following qualities: protect human life, protect transportation corridors, railroads, highways.

2. In the event that total assumption of the operation and maintenance responsibilities is not agreeable, the District will consider providing technical assistance at no cost and specialized levee maintenance equipment at cost to the owner agency. Technical assistance may be in the form of inspections, design of major repairs or consultation. The furnishing of specialized maintenance could include arm mowing, backhoe and dozer work, brush control, etc. Assistance on the repair of a structural failure may also be available. General levee maintenance such as normal

mowing, debris removal, roadway surfacing, etc., would still be done by the owner agency. Conditions under this type of arrangement would include, but not necessarily be limited to, the following.

a. Construction, operation and maintenance on District projects would take priority over any request for specialized levee maintenance. In other words, assistance will be provided on an "as available" basis.

b. The owner agency would have to "hold and save" the District harmless from any and all liabilities.

c. The District would only provide manpower and equipment (including fuel, oil, repairs, etc.). Any necessary materials must be provided.

d. he owner agency must exhaust all other options for assistance (e.g., state and federal), prior to requesting District assistance.

e. An annual inspection by the District should be conducted and recommendations made to the owner agency for needed maintenance and the correction of structural deficiencies.

C. Current Projects: Operation and maintenance assistance is provided on the following projects to the level indicated, free of charge:

1. Village of Waterloo ring levee

a. Staff technical assistance - inspections, surveying, design, etc.

b. District specialized construction and maintenance equipment, with operator - arm mower, dozer for tree and brush removal, and backhoe for drainage work, etc.

[February 5, 1987]

17.26 District Programs - [Reserved]

17.27 District Programs - Recreation Area Development Program. The Recreation Area Development Program is an authorized program of the District to provide financial assistance to units of government (cities, towns, villages, counties or other municipalities) to establish, develop and improve public recreation areas.

A. Criteria for Assistance:

1. Each project must be sponsored by a city, town, village, county or other municipality with the statutory authority and capability to develop and manage public recreation areas.

2. The recreation area, or park, must be part of a comprehensive plan for the municipality.

3. To be eligible, a project must be associated with, or exhibit, some form of natural resources conservation.

4. Eligible project features:

    a. development of a recreation area plan,
    b. land acquisition (eligible only if recreation area is developed at the same time)
    c. grading, seeding and landscaping
    d. buildings and facilities
        (1) picnic shelters
        (2) restroom

5. Projects must conform with all local, state and federal laws.

B. District Responsibilities:

1. Administer the Recreation Area Development Program.

2. Management shall review, prioritize and approve applications for assistance when the cost share amount is $20,000 or less. The approval of the Board is required on projects where the cost share is between $20,001 and $50,000, or, when the amount requested in applications exceeds the amount budgeted for this program.

3. Reimburse sponsors 50% of the local costs (i.e., excluding federal and state funds) of the project, not to exceed $50,000 in District funds, as determined in B.2. above, for each public recreation area.

C. Sponsor Responsibilities:

1. The Sponsor shall submit an application on forms supplied by the District.

2. The Sponsor shall submit preliminary plans with the application. The following items should be included:
    a. option purchase agreement
    b. recreation area development plan (prepared by a consultant)
    c. estimated total cost
    d. implementation schedule
    e. location map
    f. appropriate section of the comprehensive plan.

3. The Sponsor shall obtain all necessary local, state and federal permits

4. The Sponsor shall manage the recreation area and provide all future operation and maintenance of the area at no cost to the District.

5. The Sponsor shall agree to manage the area as a public recreation area for a minimum of 50 years.

6. The Sponsor shall administer all contracts for design, construction and construction inspection of the project.

7. The Sponsor shall control all erosion on the site during construction and until permanent vegetation is firmly established.

8. The Sponsor shall hold and save the District free from damages or claims due the construction, or operation and maintenance of the recreation area.

9. The Sponsor shall execute an agreement with the District which outlines these guidelines.

10. The Sponsor is encouraged to utilize recycled or recyclable products whenever practical or feasible.

D. Requesting Reimbursement:

1. Upon completion of the project, the Sponsor may request reimbursement from the District by providing the following:
    a. certificate of completion
    b. copies of final pay estimates, invoices or deed(s).

[May 10, 1989; November 12, 1991; October 8, 1992]

17.28 District Programs - Streambed Stabilization Program. The Streambed Stabilization program is an authorized program of the District.

A. **GOAL:** To encourage and assist governmental agencies (sponsors) to incorporate conservation features in stream channels for the purpose of reducing soil erosion, sedimentation and related resource problems.

B. **OBJECTIVES:** To provide technical and financial assistance on eligible grade stabilization projects.

C. **CRITERIA FOR ELIGIBLE PROJECTS:** To be an eligible project, at least five feet of grade must be removed from the channel for the explicit purpose of protecting public-owned facilities. Plans and specifications for the project must be reviewed and accepted by the District prior to construction.

D. **LEVEL OF FINANCIAL ASSISTANCE:**

1. District cost-sharing assistance, for county projects and that address the goals and objectives of this program, shall amount to 60% of the project's total construction costs, not to exceed $75,000 per project. Cost-sharing assistance shall not include those costs incurred by the sponsor for:

a. Relocation of utilities

b. Purchase of land rights

c. Engineering, inspection, and administrative costs

2. Technical assistance may be provided by the Natural Resources Conservation Service (NRSC).

E. **REQUIREMENTS TO BE FULFILLED BY THE SPONSOR**

1. Make application to the District for cost-sharing assistance, Form 17.28.A., Manual of Standard Forms (Appendix E).

2. Provide right-of-way (i.e. acquire all necessary land rights).

3. Provide local matching funds.

4. Construction of the approved practices.

5. Provide design and inspection.

6. Provide geo-technical (subsoil) information for design (if necessary).

7. Execute and fulfill P-MRNRD Operation and Maintenance Agreement

8. Form 17.28.B.., Manual of Standard Forms (Appendix E).

9. Obtain necessary state and federal permitting requirements, if applicable.

10. Complete construction within one (1) year of the date of District approval of the applications.

F. **REQUESTING REIMBURSEMENT:** Upon completion of the construction of the project, reimbursement may be requested by the sponsor by providing evidence of the final contract cost or final pay estimate (less those items ineligible for cost-sharing as outlined in paragraph D.1.).

[September 10, 1998]

17.29 District Programs - Pheasants Forever/P-MRNRD Cooperative Wildlife Habitat Program. The Pheasants Forever/P-MRNRD Cooperative Wildlife Habitat Program is an authorized program of the District. The District and the East Central Nebraska Chapter of Pheasants Forever provide funds to landowners to establish habitat beneficial to wildlife, especially the ring neck pheasant. Contracts are approved and administered by Management (Wildlife Habitat Improvement Program Application Form 17.2, Manual of Standard Forms (Appendix E)).

A. WILDLIFE FOOD PLOTS

The purpose of this practice is to provide food and cover to pheasants and other wildlife during the fall, winter and early spring. This practice will also provide additional diversity and edge to the habitat:

Contract Term:	1 year
Payment Rate:	$40/Acre
Minimum Size:	1 Acre
Maximum Size:	3 Acres

Planting Requirements: Seed bearing varieties of grain sorghum or corn, or a combination may be planted. Plots are to be prepared, planted, fertilized and cultivated in a workmanlike manner, at the proper time and under proper conditions that would normally insure seed production.

The plot must be located within one half mile of suitable existing wildlife habitat.

B. SWEET CLOVER PLANTING WITH OATS OR WHEAT

Under this rotational encouragement practice, sweet clover is seeded on cropland as a companion crop with oats or wheat. Following harvest of the oats, or wheat, the clover must remain undisturbed through the second February of the contract period. The contract period begins on April 1. A cooperator may participate with additional acreage each year as fits his crop rotation patterns, thus providing nesting and year around cover on different portions of the farm while simultaneously serving to add nitrogen and improve soil properties. After completion of the contract terms, any plowing or disking should be done either prior to April 15th or after July 15th, to avoid destruction of active nests.

Contract Term:	2 years (24 months beginning April 1)
Payment Rate:	$40/Acre per year with no payment made until the end of the two year contract period.
Minimum Size:	1 Acre per cooperator
Maximum Size:	5 Acres per cooperator
Seeding Rate:	10 lbs of sweet clover per acre

[March 8, 1990]

17.30 District Programs - Floodway Purchase Program. The floodway purchase program is an authorized program of the District to promote the health, safety and well-being of the public and reduce flood damages through the purchase of floodway lands and improvements.

A. Purpose:

1. To reduce future flood insurance and disaster assistance costs by removing repetitively and/or substantially damaged structures from flood risk areas.

2. To provide an opportunity for owners of repetitively and/or substantially damaged structures to have those structures permanently removed from flood risk areas, and to reduce risk to life from flooding.

3. To complement Federal, state and local efforts to restore floodplain values, protect the environment and provide recreational and open space uses.

B. Objective: To provide a voluntary program whereby property in the floodway would be purchased, and whereby buildings in the floodway would be razed or relocated outside of the floodway, on a willing seller/willing buyer basis, without exercise of eminent domain.

C. Criteria for Eligibility:

1. The property/building(s) must be located within the District and within the floodway as identified on published FEMA Flood Insurance Maps. Portions of a parcel of property may be purchased.

2. The fair market value of the property and improvements will be based upon an appraisal prepared by a certified licensed appraiser retained and paid by the District. In the case where a portion of a parcel is purchased, severance damages will not be considered or paid.

3. The acquisition will be fee title, deeded to the District.

4. This program will not be carried out within the corporate limits of cities or villages, except as provided in Paragraph F. herein.

D. Priorities of Acquisition:

1. Priorities for acquisitions are as follows:

   a. Residences and associated buildings

   b. Commercial buildings

   c. Farmsteads

   d. Industrial buildings

2. Priority will be given to those properties and buildings that have experienced recurring flooding problems and/or have been substantially damaged.

3. Properties and buildings located on the riverside of a publicly owned and operated levee system will receive high priority.

4. Emphasis will be placed on acquiring these properties under foreclosure.

E. Funding Assistance:

1. Management will apply for Federal, state and local funds that are available to assist in the implementation of this program. This assistance may be available through:

    a. Federal Emergency Management Agency (FEMA)

    b. Department of Housing and Urban Development

    c. USDA Natural Resources Conservation Service - P. L. 83-566

    d. Others

2. Relocation assistance to families or businesses will not be provided by the District unless required by law.

F. City, County or Village Sponsored Floodway Purchase Projects

1. The District will cost share with Cities, Counties or Villages who wish to sponsor a Floodway Purchase Project, under the following conditions:

    a. The sponsor shall execute an agreement with the District which generally meets the guidelines of this Program and the following:

        1. The acquisition(s) will be fee title, deeded to the sponsor.
        2. The sponsor shall administer all contracts for design, construction, and construction inspection.
        3. The sponsor shall apply for Federal, State, and other funding assistance.
        4. The District will cost share half the local cost of the project, including all professional services, except legal fees.

    b. The sponsor shall provide for all future operation and maintenance on the project at no cost to the District.
    c. The sponsor shall hold and save the District free from damages or claims due to the construction, operation, and maintenance of the project.

G. Disposition of the Property/Buildings:

1. Building(s) will either be demolished or sold as surplus property, depending upon the condition of the buildings and the marketability of the structure(s).

2. The land will be graded, smoothed and covered with a soil suitable for vegetative growth.

3. A revegetation plan (grasses, trees and shrubs) will be prepared and implemented.

H. Authorities:

1. The Board of Directors will decide all acquisitions, which shall be subject to the availability of funds.
2. Management will plan and implement grading and revegetation plans.

3. Policies of the District regarding purchasing (Policy 15) and property (Policy 16) shall apply.

[December 12, 1991; May 10, 2001]

17.31 District Programs - Ice Jam Removal. The Ice Jam Removal Program is an authorized program of the District.

A. If the General Manager, or in his or her absence the Assistance General Manager, as the principal executive officer of the District, in the exercise of his or her discretion, and after a personal inspection of the affected area,

   1. Determines that flood waters impounded by an ice jam in the Platte or Elkhorn Rivers within the District pose an imminent threat of widespread or severe flood damage, injury or loss of life or property in an area intended to be protected by a District flood control project, unless such ice jam is promptly removed and the impounded waters released; and,

   2. Executes a written proclamation containing the aforesaid determination and his or her determination that such ice jam and resulting impoundment of flood waters constitute a local disaster emergency within the contemplation of Section 81-829.50(1), R.R.S., 1943, and, in accordance with Section 81-829.50(1), R.R.S., 1943, immediately mails a copy of such proclamation to the State Civil Defense Agency and the county clerk of each county within which such ice jam is occurring,

   then, the General Manager is authorized to carry out District duties and responsibilities under applicable agreements creating local or interjurisdictional civil defense agencies and organizations; and, if the General Manager, on the basis of his or her inspection and after consultations with the District's engineers, determines that the use of explosives is the only feasible method to obtain the timely removal of such ice jam and release of impounded flood waters, then the General Manager, on behalf of the District, may employ any persons, firms or corporations who or which he or she determines are qualified, upon such terms and conditions as he or she determines reasonable, to remove such ice jam and release such impounded flood waters, using explosives; provided, however, in accordance with Section 81-829.50, R.R.S., 1943, no such declarations or employments shall be continued, extended, or renewed for a period in excess of seven days, after the date of the original declarations, without the consent of the Board, expressed by resolution.

B. With the written consent of the Chairperson, or of two other members of the Executive Subcommittee, the General Manager's authority to contract for ice jam removal services pursuant to this policy shall be exempt from the competitive bidding and purchasing requirements and restrictions contained in District policies.

C. Pursuant to Section 81-829.46, R.R.S., 1992, the General Manager is hereby designated as the District's liaison officer to facilitate the cooperation and protection of the District in the work of disaster prevention, preparedness, response and recovery.

[March 10, 1994]

17.32 District Programs - Well Abandonment Program. The Well Abandonment Program is an authorized program of the District. Its purpose is to provide incentives to landowners to properly plug and cap water wells no longer in use. These "abandoned wells" can provide a direct pipeline to groundwater for chemicals, fertilizer, livestock waste and other pollutants which could contaminate public or private wells. They are also a safety hazard to humans, pets or livestock that may full into them. (Well Abandonment Program Application, Form 17.32, Manual of Standard Forms (Appendix E)).

A. General Program Provisions:

1. Well must be abandoned by a licensed water well contractor or pump installer.

2. Well must be abandoned in accordance with Nebraska Department of Health regulations.

3. The P-MRNRD will provide cost-sharing at the rate of 60% of the total cost of the abandonment with a maximum cost-share of $500 for domestic wells, $700 for hand-dug wells, and $1,000 for irrigation wells.

4. Eligible costs include the sealing of the well, pulling pumps or pipe and filling cisterns, but do not include moving windmill towers, cement slabs or other obstructions.

5. The Natural Resources District may inspect site before, during or after the completion of the well plugging.

6. Well must be abandoned within 6 months of the approval of application.

7. Notice of abandonment must be provided to the Department of Natural Resources.

8. The individual who performs the abandonment must sign a notarized affidavit that the procedure followed program guidelines.

[August 12, 1993; October 13, 1994; August 8, 1996]

17.33 District Programs - Solid Waste/Recycling. The Solid Waste/ Recycling Program is an authorized program of the District. Through this program, the District will encourage sound solid waste management programs and innovative recycling efforts within the District by participating on Advisory Committees, providing funding for studies or investigations and providing incentive grants.

[December 8, 1994]

17.34 District Programs - Flood Control Improvement Corridor Program. The Flood Control Improvement Corridor Program is an authorized program of the District. The program

will be administered according to State law. The following tasks must be completed to implement the program:

A. Adopt a flood improvement corridor map which shows the corridors proximity to a specified creek.

B. Publish a notice of adoption of a corridor map 10 days prior to a public hearing with a diagram showing the general location and width of each proposed corridor.

C. Send a notice by certified mail to all property owners affected by corridors 15 days prior to a public hearing.

D. Hold a public hearing on the proposed flood control improvement corridors.

E. File a copy of each adopted corridor map along with Board resolution adopting said map and containing the legal description of all parcels of land traversed with appropriate county or city building permits official. Also, record map and resolution with the register of deeds of each county traversed by such corridors.

F. Negotiate to purchase corridor land with any landowner affected by the corridors, after a request is made for a building permit.

G. The following areas have been designated as Flood Control Improvement Corridors:

- Big Papillion Creek from Blondo Street to Fort Street
- West Branch of Papillion Creek from 96th Street to West Center Road
- South Branch of Papillion Creek from mouth to Highway 50

[December 8, 1994]

17.35 District Programs - Wetlands Mitigation Banking. The Wetlands Mitigation Banking Program is an authorized program of the District. The Wetlands Mitigation Banking Program is designed to utilize the benefits provided by District projects that create wetlands. Wetlands created by District projects will act as credits in a bank to be used to compensate (mitigate) for wetlands that are adversely impacted or destroyed. These credits can then be sold to other agencies, sold to private individuals or used by the District. This program will be administered by Management according to a Mitigation Bank Review Team (MBRT) approved Banking Prospectus, General Banking Instrument and individually approved Site Banking Instruments.

A. Criteria for Assistance

1. Impacted or destroyed wetlands must be located within District boundaries.

2. All impacts must be authorized by obtaining a permit under Section 404 of the Clean Water Act.

B. District Responsibilities

1. Establish and/or maintain aquatic habitat through restoration, creation, enhancement, and/or preservation at wetland mitigation bank sites owned or managed by the District and approved by the MBRT.

2. Maintain each wetland mitigation bank site in accordance with established maintenance criteria until requirements for closure of the site are met or it is determined that long-term maintenance is unnecessary.

3. Perform all necessary monitoring and prepare an annual report in order to demonstrate compliance with success criteria established in the Banking Instrument.

4. Maintain an accounting procedure that documents the activity of all mitigation bank accounts.

5. Obtain all appropriate environmental documentation, permits, or other authorizations needed to establish and maintain the bank.

6. Establish a total price for each wetland mitigation bank site equal to one hundred and fifty percent (150%) of the estimated cost required to acquire, develop, maintain, and monitor each wetland site.

C. Applicant Responsibilities

1. Submit an application on a form provided by the District, and,

   a. Submit a 404 permit application which includes an initial identification and/or delineation of the wetlands proposed to be impacted or destroyed.
   b. Deposit funds in an escrow account in the amount and as specified by the District to pay for the credits applied for. These funds will be reimbursed to the applicant with interest earned if the application is denied for any reason.

2. Receive approval from the U.S. Army Corps of Engineers for the use of wetland mitigation bank credits prior to obtaining a Section 404 permit.

3. Provide District a copy of an approved 404 permit.

[May 9, 1996, February 13, 2003]

17.36 District Programs - Lower Platte River Corridor Alliance. The Lower Platte River Corridor Alliance is an authorized program of the District. The purpose of the Alliance, consisting of the three NRDs bordering the river from Columbus to the mouth and numerous State Agencies, is to foster and facilitate the planning, zoning and project implementation necessary to restore and preserve the natural resources in the Lower Platte River. The program shall be administered in accordance with interlocal agreements between members of the Alliance and other written agreements of the District.

[December 10, 1998]

17.37 Small Flood Control Structure Program. The Small Flood Control Structure Program is an authorized program of the District to provide technical and financial assistance to landowners in the installation of small flood control structures within the Papillion Creek Watershed.

A. Criteria for Assistance:

1. The watershed for each structure shall be at least 500 acres.

2. All projects shall be designed as high hazard flood control structures to contain the 100-year flood below the emergency spillway.

3. Projects under this program shall have a total project cost of less than $500,000, such costs to include but are not limited to preliminary design, geotechnical investigations, final design and construction engineering, soils and materials testing and project construction.

4. At least 75% of the applicant's property in the watershed shall have adequate land treatment. Adequate land treatment shall be defined as having 5 tons per acre per year or less soil loss as determined by the Revised Universal Soil Loss Equation (RUSLE).

5. For structure sites involving more than one landowner, a joint application shall be submitted.

6. Projects must be in conformance with all local, state and federal laws.

B. District Responsibilities:

1. Administer the Small Flood Control Structure Program.

2. Management shall review and prioritize all applications annually.

3. The District shall contract with a consulting engineering firm for final design, geotechnical investigations and construction engineering services for the project.

4. The District shall select a contractor and administer a contract for the construction of the project.

5. The District shall fund 75% of the total project costs.

6. Upon completion of the construction, the District will operate and maintain the structure.

C. Applicant Responsibilities:

1. Submit an applications on a form provided by the District, and,

a. Submit a preliminary engineering design and report prepared by a qualified, licensed professional engineer; a USGS quadrangle map "level of design;" a field survey of the structure centerline; preliminary flood routings and earthwork computations; and, a preliminary cost estimate.

b. Submit an adequate land treatment determination for the applicant's property.

2. The applicant(s) shall donate any needed land rights (easements) for the project. The easement shall include the right of ingress and egress to survey, design, construct, operate and maintain the structure, the right to permanently and/or temporarily store flood waters behind the structure and the right to limit other uses.

3. The applicant(s) shall donate an easement over their adjoining property within the watershed guaranteeing the adequate land treatment will be maintained in perpetuity.

4. The applicant(s) shall fund 25% of the total project costs, such funding to be placed in escrow prior to project construction.

5. The applicant(s) shall establish and maintain permanent vegetative cover on a 100 foot strip of land adjacent tot he permanent pool of the structure.

6. The total project cost may exceed $500,000 if the applicant(s) pays for all costs exceeding that limit. The applicant(s) shall also agree to fund those project features that are beyond minimum standards for flood control structure design (e.g., a roadway on top of a dam).

7. The applicant(s) shall execute an agreement with the District incorporating these guidelines.

[February 10, 2000]

17.38 District Programs – Conservation Easement Program:

The Conservation Easement Program is an authorized program of the District to acquire easements on private lands to preserve and protect natural areas in the District.

A. Criteria for Eligibility

1. The parcel of land must contain one or more of the following natural areas or features.

   a. wetlands,
   b. native or reestablished prairies,
   c. floodplain or upland woodlands,
   d. riparian corridors,
   e. wildlife habitat,
   f. other natural areas

2. In urban areas, the minimum size of the parcel shall be 1 acre.

3. In rural areas, the minimum size of the parcel shall be 5 acres.

B. Program Features

1. Management shall administer the Conservation Easement Program.

2. The District shall follow the provisions of the Conservation and Preservation Easement Act (§ 76-2,111 – 76-2,118), which requires approval of the easement by the local planning and zoning board.

3. The District shall obtain title information including any existing encumbrances, liens, or easements.

4. The District shall survey the area and prepare a legal description of the parcel.

5. If the easement is to be purchased, the District shall contract with an appraiser to determine the value of the easement.

6. The District shall prepare all documents related to the acquisition of the easement.

7. Actual terms of the easement shall be negotiated on a case-by-case basis. However, all easements shall be permanent and assignable.

8. The District shall cause the easement to be recorded with the Register of Deeds in the county in which the easement area is located.

9. The District shall annually inspect the easement area to ensure the terms of the easement are being followed.

10. The owner shall be responsible for all property taxes and special assessments.

11. The owner shall be responsible for all routine maintenance of the property.

[June 14, 2001]

17.39 District Program – Flood Mitigation Planning and Mapping Assistance Program. The Flood Mitigation Planning and Mapping Assistance Program is an authorized program of the District to provide technical and financial assistance to governmental entities located within the District to help identify flood prone areas and plan projects to reduce flood risk and damage.

A) Criteria for Assistance:

1) Assistance in flood mitigation planning and mapping requires sponsorship by a city, town, village, county, municipality or other unit of local government with the authority and capability to carry out the Flood Mitigation Plan and/or adopt any new or revised National Flood Insurance Program (NFIP) Flood Hazard Studies and Maps.

2) The Sponsor must participate in the NFIP and be in "good-standing" status.

3) All Flood mitigation planning and floodplain mapping must conform with all federal, state and local laws, standards or guidelines.

B) Eligible Activities:

1) Preparation of a Flood Mitigation Plan.

2) Preparation of or revisions to NFIP Flood Hazard Studies and Maps.

C) Funding Assistance:

1) The Sponsor or the District must apply for and receive federal or state cost share to assist in the implementation of this program. This assistance may be available through, but is not limited to:

a) Flood Mitigation Assistance.

b) FEMA Cooperating Technical Partners Program (CTP) or other Flood Map Modernization Assistance.

2) The District will reimburse 50% of the local (non-federal or non-state) cost up to a maximum of $50,000 in District funds for each such eligible activity.

D) District Responsibilities:

1) Administer the Flood Mitigation Planning and Mapping Assistance Program.

2) Management shall review, prioritize and approve applications for assistance when the cost share amount is $20,000 or less for each such eligible activity. The approval of the Board is required where the cost share is between $21,000 and $50,000 for each such eligible activity, or, when the amount requested in applications exceeds the amount budgeted for this program.

3) The NRD reserves the right to review and approve or reject plans, reports, maps, specifications, and or implementation schedules.

4) The District will retain the services of contractors necessary for developing flood hazard mapping under the CTP program.

E) Sponsor Responsibilities:

1) The sponsor shall submit an application for each such eligible activity on forms provided by the NRD along with a cover letter describing the need for a Flood Mitigation Plan and/or flood plain mapping.

2) The sponsor shall execute an agreement with the NRD which outlines proposed activities for each application.

3) The sponsor shall retain the services of contractors necessary for eligible activities, other than those supported by the CTP program.

4) The sponsor must agree to implement the Flood Mitigation Plan and adopt any new or revised NFIP Flood Hazard Studies and Maps that result from activities funded with NRD assistance.

[June 2003]

17.40 TRAILS ASSISTANCE PROGRAM: The Trails Assistance Program is an authorized program of the District to provide financial assistance to units of government (cities, counties, villages, or other municipalities) to build recreational trails that have also been approved for federal transportation enhancement funding.

A. Criteria for Assistance

1. Each project must be sponsored by a city, village, county, or other municipality, with the statutory authority and capability to develop and manage public recreation trails.

2. The trail must be part of a comprehensive trails plan for the municipality.

3. Eligible project features:

   a. trail construction
   b. grading, seeding, and landscaping.
   c. signage

4. Projects must conform with all local, state, and federal laws.

B. District Responsibilities

1. Administer the Trails Assistance Program.

2. Management shall review and prioritize applications for assistance. The approval of the Board is required on projects

3. Reimburse Sponsors 50% of the local costs (I.e., excluding state and federal funds) of the project.

C. Sponsor Responsibilities

1. The Sponsor shall submit an application on forms supplied by the District.

2. The Sponsor shall submit the following items with the application:

   a. copy of the transportation enhancement application
   b. estimated total cost
   c. implementation schedule
   d. location map

3. The Sponsor shall obtain all necessary local, state, and federal permits.

4. The Sponsor shall manage the trail and provide all future operation and maintenance of the area at no cost to the District.

5. The Sponsor shall agree to operate, maintain, and repair the trail for minimum of 50 years.

6. The Sponsor shall administer all contracts for design, construction, and construction observation for the project.

7. The Sponsor shall control all erosion on the site during construction and until permanent vegetation is firmly established.

8. The Sponsor shall hold and save the District free from damages and claims due to the construction, or operation and maintenance of the recreation area.

9. The Sponsor shall execute an agreement with the District which outlines these guidelines.

10. The Sponsor is encouraged to utilize recycled or recyclable products whenever practical or feasible.

C. Requesting Reimbursement

1. Upon completion of the project, the Sponsor may request reimbursement from the District by providing the following:

   a. certificate of completion
   b. copies of final pay estimates, invoices, or deeds.

[April 14, 2005]

17.41 - Stormwater Best Management Practice Program. The Stormwater Best Management Practice (BMP) Program is an authorized program of the District to provide technical and financial assistance to local subdivisions of government who install innovative best management practices to control stormwater runoff and improve water quality.

A. Criteria for Assistance

(1) Eligible projects will be constructed on publicly owned property involving the use of innovative best management practices to reduce stormwater runoff and/or improve water quality.

(2) Each project must be sponsored by a local unit of government (including S&IDs) with authority and capability to carry out and maintain the project.

(3) Eligible measures include:

(a) water quality measures (including but not limited to rain gardens, green roofs, bioswales, infiltration trenches);

(b) storm water management measures (including but not limited to rain barrels, bioretention, pervious pavement); and,

(c) new and innovative erosion and sediment control measures

(4) The following are not considered eligible projects:

(a) piped, underground detention systems; and,

(b) standard silt fence, construction entrances, sediment basin riser pipes and other routine construction site erosion and sediment control measures

(5) Approved projects may be implemented over a period of consecutive years.

(6) All measures must be technically feasible and environmentally acceptable.

B. District Responsibilities

(1) Administer the Stormwater BMP Program.

(2) Review and prioritize all applications.

(3) Provide 50% cost-sharing on all eligible costs of the project up to $10,000 per project. Eligible costs shall include all costs associated with construction and construction observation. The following shall also apply:

(a) Sponsor's "in-house" design costs are not eligible for cost-sharing.

(b) Construction must be performed by a qualified contractor. Reimbursement for use of Sponsor's labor and equipment are not eligible costs.

(4) The District may require construction of component parts in consecutive years.

(5) The District must approve plans, specifications, and/or implementation schedules.

(6) The District shall budget funds for the component parts of all approved projects. Previously approved projects have priority for funding.

C. Sponsor Responsibilities

(1) The sponsor shall submit an application on forms provided by the District (Stormwater Best Management Practice Program Application, Form 17.41, Manual of Standard Forms, Appendix E).

(2) The sponsor shall submit preliminary plans with the application. The following items should be included:

(a) total estimated cost;

(b) implementation schedule, including estimated costs for component parts;

(c) preliminary design including expected stormwater runoff and water quality benefits; and,

(d) location maps.

(3) The sponsor shall obtain all land rights for the project at no cost to the District.

(4) The sponsor shall provide all future operation and maintenance on the project at no cost to the District.

(5) The sponsor must comply with all local, state, and federal laws.

(6) The sponsor must obtain all local, state, and federal permits necessary for the project.

(7) The sponsor shall administer all contracts for design, construction and construction inspection.

(8) The sponsor shall hold and save the District free from damages and claims due to the design, construction, operation and maintenance of the project.

(9) The sponsor shall execute an agreement with the District which will outline these guidelines.

D. Requesting Reimbursement

(1) Upon completion of construction of each component, reimbursement may be requested by the sponsor by providing the following:
   (a) Certificate of Completion, signed by a licensed, professional engineer.
   (b) Copies of final pay estimates which shows total units, unit costs, and total component costs.

(2) Progress payments on individual components will not be allowed.

[June 12, 2008]

17.42 LAKE DREDGING PROGRAM

The Lake Dredging Program is an authorized program of the District to provide technical and financial assistance to units of government (sponsors) to dredge retained sediments in permanent water quality basins and lakes within the sponsor's boundaries and extraterritorial jurisdiction.

Criteria for Eligible Projects:

1. The Sponsor must be a unit of government (city, county, sanitary & improvement district).
2. Only public access lakes and permanent water quality basins are eligible for assistance.
3. Dredging shall be limited to the capacity of the conservation pool of the water quality basin or lake.
4. An individual lake or basin shall be eligible for assistance if the following specific criteria are met:
   a. The water body has not been dredged in the immediately preceding ten (10) years.
   b. Verification that 75% of the original capacity has been lost to sedimentation.
   c. Verification of impaired water quality that will be improved by dredging project, including calculation of benefits.
5. The Sponsor must have a watershed management plan to control erosion and reduce sedimentation from the drainage area.

District Responsibilities:

1. Provide 50% of the local costs (after applying any state or federal cost share assistance) of the project up to a maximum NRD cost share of $100,000 per project. Eligible costs include:
   a. Actual dredging costs
   b. Professional engineering services for design, calculation of dredging amount and water quality benefits.

Ineligible costs include:

a. Costs associated with land rights acquisition.
b. Costs associated with the acquisition of necessary permits for the project.
c. Costs associated with relocation of utilities.

d. Sponsor's "in-house" labor and equipment costs.

2. All projects will require the approval of the Board of Directors.
3. Review and approve all dredging plans prior to Sponsors' bidding of the project.

Sponsor Responsibilities:

1. Complete District's LDP Application Form, Form 17.42A, Manual of Standard Forms (Appendix E). The following items should accompany the application:
   a. Copy of the original construction plans for the lake or water quality basin. If original plans are not available, an engineering study will be necessary to calculate the original capacity.
   b. Location map of the project.
   c. Location map of the proposed disposal site(s) and site restoration plan.
   d. Detailed project cost estimate.
2. Execute and fulfill an agreement outlining these guidelines (Form 17.42B. Manual of Standard Forms, Appendix E)
3. Provide all matching funds.
4. Provide all permits required for the project at no cost to the District.
5. Provide all necessary land rights at no cost to the District.
6. Contract for the dredging of the lake or water quality basin of the approved project.
7. Complete dredging operation within one year of approval.

[May 14, 2009]

17.43 District Programs – Rural Acreage Wildlife Habitat Improvement Program. The Rural Acreage Wildlife Habitat Program is an authorized program of the District. The District administers this program locally to provide cost-sharing funds to rural acreage landowners who establish or improve wildlife habitat. Cost-sharing funds are provided by the District.Contracts are approved and administrated by Management. (Wildlife Habitat Application, Form 17.42, Manual of Standard Forms (Appendix E))

A. GENERAL REQUIREMENTS:

(1) Habitat Plan Developed

(a) Inlcudes details such as location of tract, seeing plan, and other requirements

(2) Use and Management of Contracted Land

(a) No having or grazing

(b) No vehicles allowed

(c) Noxious weeds must be controlled

(3) Rounding Acreage Figures

(a) Total acreage is rounded to nearest whole acre

(4) Maximum Acreage Per Cooperator or Farm

(a) The maximum acreage is 20 acres.

(5) Maximum annual payment per cooperator

(a) The maximum annual payment per cooperator, not including habitat materials or site preparation payments, is $1,000 per year.

(6) Habitat Improvement Materials

(a) Must meet the technical standards of the District

(b) Cost of planting materials is reimbursed to the cooperator.

(7) Forteiture of Payment for Non-Compliance with Provisions

(a) Failure to comply may require the cooperator to forfeit one or more payments.

(8) Change of Ownership or Farm Plan

(a) Releases the cooperator from contract obligations

(9) Lands That Do Not Qualify for Contracts

(a) Those within corporate limits of municipalities

(b) Those on public lands

(10) Termination of Contract

(a) may be terminated by the District

(11) Effective Date of Contracts

(a) April 1 or November 1 of the first contract year

B. COST SHARE PROVISIONS:

Contract Term: 5 or 10 years

Payment Rate: $50/acre annually (paid 100% by District)

Minimum Size: 2 acres per cooperator

Maximum Size: 20 acres per cooperator

Planting Requirements: Combination of native grass/legumes and tree/shrub plantings as, specified on site development and approved by NRD representative.

Habitat Material Cost-sharing Rates:

100% of actual costs (paid entirely by District) not to exceed:

$100/100 for tree/shrub planting

$150/acre for warm season grass/legume mix establishment

[December 13, 2012]

18.0 District Projects - Papio Creek Watershed P.L. 566 Project. The Papio Creek Watershed P.L. 566 Project is an authorized project of the District and shall be carried out and maintained in accordance with the watershed work plan and other written agreements with the USDA Natural Resources Conservation Service (NRSC). The work plan, prepared and administered by the NRCS, calls for 52 grade stabilization and sediment control structures to be built. To enable the District to carry out its obligations as local sponsor, Management is authorized to:

A. Acquire land rights, easements and right-of-way

1. For structure sites that are still feasible to construct.

2. Acquisition of real property is not limited to acquisitions for nominal consideration and will be decided on a case by case basis.

B. Provide for relocations.

C. Operate and maintain completed structures in accordance with the project agreements.

[February 5, 1987]

18.1 District Projects - Turtle Creek Watershed P.L. 566 Project. The Turtle Creek Watershed P.L. 566 Project is an authorized project of the District and shall be carried out and maintained in accordance with project agreements and written agreements with the USDA Natural Resources Conservation Service (NRCS). The District operates and maintains the two grade stabilization structures built under this completed project.

[February 5, 1987]

18.2 District Projects – Rescinded

~~**18.2 District Projects - Southern Sarpy Watershed P.L. 566 Project**. The Southern Sarpy Watershed P.L. 566 Project is an authorized project of the District. An application for an accelerated land treatment watershed project is awaiting planning priority by the USDA Natural Resources Conservation Service.~~

~~[February 5, 1987]~~

18.3 District Projects – Rescinded

~~**18.3 District Projects - New York Creek Watershed P.L. 566 Project**. The New York Creek Watershed P.L. 566 Project is an authorized project of the District. An application for an accelerated land treatment watershed project is awaiting planning priority by the USDA Natural Resources Conservation Service.~~

~~[February 5, 1987]~~

18.4 District Projects - Buffalo Creek Watershed Project. The Buffalo Creek Watershed project is an authorized project of the District and shall be carried out and maintained in accordance with Resources Development Fund contracts with the Commission, project agreements with the USDA Natural Resources Conservation Service, Sarpy County and the State of Nebraska and other written agreements of the District.

The District operates and maintains seven of the ten grade stabilization structures built under this completed project. Sarpy County maintains two road structures and the State of Nebraska maintains the other.

[February 5, 1987; May 9, 1991]

18.5 District Projects - Papio Creek and Tributaries Project. The Papio Creek and Tributaries Project is an authorized project (50 year Big Papio Channel from "L" Street to West Center Road) of the District. The project shall be operated and maintained in accordance with the Corps of Engineers Operation and Maintenance Manual for the project, Management's Levee System Operation and Maintenance Guidelines, Management's Emergency Operations Procedure Manual, written agreements with the Nebraska Natural Resources Commission and the City of Omaha and other written agreements.

It is the policy of the District to recommend to the City of Omaha, and other political subdivisions, that prior to issuance of a development or building permit adjacent to any creek or drainageway, that an erosion and sloughing setback for certain structures be required. Such setback shall be a minimum distance to allow a 3:1 slope plus 20 feet (horizontal) between the edge of the water in the stream during normal flow conditions and the closest point on the structure at grade.

It is the policy of the District to seek ways to fund and construct the remaining original 21 Corps of Engineers Flood Control Reservoirs that are feasible, more than likely through public/private partnerships.

[February 5, 1987; February 9, 1989; May 9, 1991; December 10, 1998; November 14, 2002]

18.6 District Projects - Chalco Hills Recreation Area. Chalco Hills Recreation Area at Wehrspann Lake (Site 20 of the Corps of Engineers Papillion Creek and Tributaries Lakes Projects) is an authorized project of the District. The project will be carried out, operated and maintained in accordance with the contract for Recreation and Fish and Wildlife Development, for Lease for Public Park and Recreation Purposes, the Revised Recreation Master Plan, the Annual Plan for Operating and Maintenance and other written agreements with the U.S. Army Corps of Engineers, as well as the Rules and Regulations for the site adopted by the District (Appendix K).

[February 5, 1987; February 4, 1988]

18.7 District Projects - Papio Channel Maintenance Project. The Papio Channel Maintenance Project is an authorized project of the District and shall be carried out, operated and maintained according to the following:

A. The work plan for construction shall be reviewed annually by the Board.

B. Acquisition of land rights, easements and rights-of-way shall be limited to that provided for in paragraph 15.0.D. of these Policies, except as provided for in 18.7.F.

C. Operate the project in accordance with Management's Emergency Operations Procedure Manual and Management's Levee System Operation and Maintenance Guidelines.

D. The District encourages the donation (nominal consideration) of land rights, easements and right-of-way along the Papillion, Little Papillion, Big Papillion, West Branch Papillion and South Branch Papillion Creeks, downstream of existing Corps of Engineers reservoirs, to the District to construct, operate, maintain, repair and replace flood control improvements and public recreation trails.

E. Project agreements with the City of Papillion and the City of Omaha and other written agreements of the District.

F. Corps of Engineers Operations and Maintenance Manual for the Big Papio Channel Project.

[February 5, 1987; May 9, 1991; December 10, 1998; November 14, 2002]

18.8 District Projects - R-613 Levee Project. The R-613 Levee Project is an authorized project of the District and shall be operated and maintained in accordance with the Corps of Engineers Operations and Maintenance Manual for the project, Management's Levee System Operation and Maintenance Guidelines, Management's Emergency Operations Procedure Manual, and written agreements.

[February 5, 1987]

18.9 District Projects - R-616 Levee Project. The R-616 Levee Project is an authorized project of the District and shall be operated and maintained in accordance with the Corps of Engineers Operations and Maintenance Manual for the project, Management's Levee System Operation and Maintenance Guidelines, Management's Emergency Operations Procedure Manual, agreement with the USA and Bellevue on Bellevue/Offutt Drain, and written agreements.

[February 5, 1987]

18.10 District Projects - Union Dike Project. The Union Dike Project is an authorized project of the District and shall be operated and maintained in accordance with the Union Dike Drainage District Agreement with the District, Operation and Maintenance plan, Management Levee System Operation and Maintenance Guidelines, Management's Emergency Operations Procedure Manual and other written agreements. Major improvements to the levee were constructed in 1990 with benefited landowners funding 90% of the cost and the District the remaining 10%.

[February 5, 1987; November 14, 2002]

18.11 District Projects - Platte River Landing Recreation Area. A project to provide Platte River recreation access at a location adjacent to the Highway 64 bridge is an authorized general benefit project of the District. The project will be carried out, operated and maintained by the District in accordance with agreements with Sanitary and Improvement District #196, Douglas County, Nebraska, and other written agreements, as well as Rules and Regulations adopted for the site by the District (Appendix K).

[January 7, 1988; May 9, 1991]

18.12 District Projects - No-Name Dike Project. No-Name Dike (a 2-mile reach of the Platte River levee from the Union Pacific Railroad to County Road 33) is an authorized general benefit project of the District. The project shall be carried out and maintained in accordance with the Operations and Maintenance Plan, Management's Levee System Operation and Maintenance Guidelines, Management's Emergency Operations Procedure Manual and other written agreements.

[January 7, 1988; May 9, 1991]

18.13 District Projects - Missouri River Corridor Project. The Missouri River Corridor Project is an authorized project of the District to:

1. renovate the decreasingly viable oxbow lakes and wetlands along the Missouri River for fish and wildlife habitat from South Sioux City, approximate River Mile 732, to the confluence of the Platte River, approximate River Mile 595;

2. identify and establish cultural and historical interpretation centers along the route - i.e., Lewis and Clark, Audubon, Native Americans, etc.; and

3. provide, where appropriate, river and lake access and development for recreation. Detailed designs, land rights and funding for specific sites may necessitate a cooperative effort with the District and the Corps of Engineers, Nebraska Game & Parks and other Federal, State, local and/or private entities.

Twelve sites have been prioritized for implementation by the District and shall be carried out and maintained in accordance with the District's work plan and written agreements with the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service and other written agreements of the District.

"Back to the River" is an initiative on the Missouri River that will examine the potential for recreation, fish and wildlife habitat development or restoration and economic development on the Nebraska side of the river from northeast Washington County to the Platte River in Sarpy County. The project is a cooperative venture between the Corps of Engineers, the City of Omaha, the Game and Parks Commission, the Natural Resources Commission and the District. In FY 94 the Corps conducted a feasibility study for this initiative. The District will continue to coordinate local efforts to fund and implement this federal effort.

[February 9, 1989; May 9, 1991; December 8, 1994]

18.14 District Projects - Tekamah/Mud Creek Watershed P.L. 566 Project. The Tekamah/Mud Creek Watershed P.L. 566 Project is an authorized project of the District and shall be carried out and maintained in accordance with the watershed work plan and other written agreements with the USDA Natural Resources Conservation Service (NRCS). The District operates and maintains the 15 grade stabilization and sediment control structures and five flood water retarding structures. The operation and maintenance of the recreation facilities at structure 5-A (Summit Lake) is the responsibility of the Nebraska Game and Parks Commission as specified in a contract with that agency.

[February 9, 1989; December 10, 1998]

18.15 District Projects – Rescinded

~~**18.15 District Projects - Pigeon/Omaha Creek P.L. 566 Watershed Project**. The Pigeon/Omaha Creek P.L. 566 Watershed Project is an authorized project of the District. An application for this 167,000 acre land treatment watershed protection project was submitted to the Nebraska Natural Resources Commission and is on a "preferred for planning" status. The watershed project is located in Thurston and Dakota Counties and is jointly sponsored by the District and the Omaha and Winnebago Tribes.~~

~~[February 9, 1989]~~

18.16 District Projects – Rescinded

~~**18.16 District Projects - Elm/Lonetree Creek P.L. 566 Watershed Project**. The Elm/Lonetree Creek Watershed Project is an authorized project of the District. An application for this 21,700 acre land treatment watershed protection project was submitted to the Nebraska Natural Resources Commission on December 11, 1986. The watershed is located in northeast Burt County and includes the Village of Decatur. It is currently being evaluated and prioritized by the USDA Natural Resources Conservation Service (NRCS). Proposed action desired includes grade stabilization structures, land treatment and critical area plantings. Additionally, the District and Burt County jointly constructed five rock weir grade stabilization structures in the main Elm Creek channel in the 1990's to resolve streambank erosion problems. These structures are operated and maintained by Burt County.~~

~~[February 9, 1989; November 14, 2002]~~

18.17 District Projects - Elkhorn Crossing Recreation Area. Elkhorn Crossing Recreation Area is an authorized general benefit project of the District. The project will be carried out, operated and maintained in accordance with the contract with the Nebraska Natural Resources Commission and other written agreements. The Rules and Regulations for the Elkhorn Crossing Recreation Area are attached hereto as Appendix K.

[April 13, 1989]

18.18 District Projects - Papio Trails System. The Papio Trails System is an authorized project of the District and shall be carried out and maintained in accordance with the Papio Trails work plan and other written agreements of the District. The work plan calls for approximately 80 miles of concrete recreational trails (40 miles by the District and 40 miles by other governmental entities) to be built over a ten year period. The work plan for construction will be reviewed annually by the Board. The Rules and Regulations for the Papio Trails System are attached hereto as Appendix L.

[May 9, 1991]

18.19 District Projects - Walnut Creek Lake and Recreation Area. Walnut Creek Lake and Recreation Area is an authorized project of the District and shall be carried out and maintained in accordance with the Project Master Plan prepared by the District, Resource Development Fund contracts with the Nebraska Department of Natural Resources, an interlocal agreement for comprehensive flood control with the City of Papillion and other written agreements of the District~~,~~. ~~as well as the Rules and Regulations for the site adopted by the District (Appendix K).~~The City of Papillion operates and maintains the lake and recreation area.

The District will operate and maintain the flood control dam in accordance with the Papio Dam Site 21/Walnut Creek Lake Operations and Maintenance Manual and Management's Emergency Operations Procedure Maual and other written agreements of the District.

[May 9, 1991; December 10, 1998; September 7, 2005]

18.20 District Projects - Heron Haven Wetland. The Heron Haven Wetland is an authorized project of the District. In 1992, the District entered into a cooperative agreement with the Omaha Chapter of the National Audubon Society to purchase and develop the Heron Haven Wetland located near 117th and West Maple Road. The District will own the land and the Audubon Society will develop, operate and maintain the site.

[December 8, 1994]

18.21 District Projects - Rumsey Station Wetland. The Rumsey Station Wetland is an authorized project of the District. In the process of acquiring right-of-way for the West Branch Papio Project, a wetland site was identified. The Board authorized purchase of the site, located between 54th and 66th Streets on the south side of the creek near Rumsey Road in FY 1994. The former West Branch channel will be preserved as a wetland for wildlife habitat, developed for public access to the site (passive recreation) and utilized for environmental education opportunities. In 2002, the wetlands were expanded as the District's first Wetland Mitigation Bank site.

A concept plan for the entire site was completed in 1994. In 1995, additional lands were purchased utilizing Nebraska Environmental Trust funds. An agreement has been reached (July, 2000) with a private partner, the Nebraska Wildlife Rehab, Inc., who will help develop, operate and maintain the site, to include construction of a veterinary hospital/clinic as a native wildlife rehabilitation center and a state of the art environmental education facility.

[December 8, 1994; November 14, 2002]

18.22 District Projects -- Papio Dam Site 6/Newport Landing Project. The Papio Dam Site 6/Newport Landing project is an authorized project of the District and shall be carried out and operated and maintained in accordance with written agreements with Horgan Development Company and the associated Sanitary and Improvement District (SID) #425, Douglas County, NE, and other written agreements of the District. This is a private/public project intended to provide flood control and recreation for the public and housing around a semi-private lake for the private sector.

The District will operate and maintain the completed flood control dam, Big Papillion Creek Channel Improvements, and the wetland/recreation area (Prairie View Recreation Area) in accordance with the Dam Site 6/Newport Landing Operations and Maintenance Manual, Management's Levee System Operation and Maintenance Guidelines and Management's Emergency Operations Procedure Manual and other written agreements of the District.

[December 10, 1998; November 14, 2002]

18.23 District Projects - Silver Creek Watershed Project. The Silver Creek Watershed Project is an authorized project of the District and shall be carried out and maintained in accordance with the Silver Creek Watershed, Special Erosion and Sediment Control Project, Burt County, Nebraska work plan. The work plan calls for the construction of approximately 30 stabilization dams over a ten year period. The work plan for construction will be reviewed by the Board annually. Land rights must be donated and construction and maintenance is provided by the District in accordance with Management's Grade Stabilization Structure (dams) operation and Maintenance Procedures and Management's Emergency Operations Procedure Manual.

[December 10, 1998]

18.24 District Projects – Little Papio Channel Project. The Little Papio Channel Project is an authorized project of the District and shall be operated and maintained in accordance with an agreement with Douglas County, the Corps of Engineers Operations and Maintenance Manual for the project, Management's Levee system Operation and Maintenance Guidelines, management's Emergency Operations Procedures Manual and other written agreements of the District.

[April 11, 1996]

18.25 District Projects – Western Sarpy/Clear Creek Levee Project. The Western Sarpy/ Clear Creek Levee Project is an authorized project of the District and shall be operated and maintained in accordance with the Merger Agreement with the Western Sarpy County Dike and Drainage District (Appendix P), Management's Levee System Operation and Maintenance Guidelines, Management's Emergency Operations Procedure Manual, an Interlocal Agreement with the Lower Platte North NRD and the Lower Platte South NRD and other written agreements of the District.

[March 10, 1994; November 14, 2002]

18.26 District Projects – Prairie View Recreation Area. Prairie View Recreation Area is an authorized general benefit project of the District and shall be carried out and maintained in accordance with the Program Master Plan, prepared by the District, written agreements with Horgan Development Company and the associated Sanitary and Improvement District (SID) #525, Douglas County, Nebraska, and other written agreements of the District, as well as the Rules and Regulations for the site adopted by the District (Appendix K).

[November 14, 2002]

18.27 District Projects – Papio Dam Site 13/Youngman Lake.

The Papio Dam Site 13/Youngman Lake project is an authorized project of the District and shall be carried out and operated and maintained in accordance with written agreement with Dial Realty Corporation, Lyman-Richey Corporation, the City of Omaha and other written agreements of the District. This is a private/public project intended to provide flood control and recreation for the public and housing near a portion of the lake for the private sector. The City of Omaha will operate a large recreation area surrounding and including the lakes.

The District will operate and maintain the completed flood control dam in accordance with the Dam site 13/Youngman Lake Operations and Maintenance Manual and Management's emergency Operations Procedure Manual and other written agreements of the District.

[November 18, 2004]

18.28 District Projects – Shadow Lake/Midland Lake Project.

The Shadow Lake/Midland Lake project is an authorized project of the District and shall be carried out and operated and maintained in accordance with written agreements with the City of Papillion, 370 LLC, SID #267, Sarpy County, NE, Shadow Lake Development, LLC, and SID #264, Sarpy County, NE, with agreements with the USDA-NRCS and other written agreements of the District. This is a private/public project intended to provide flood control, water quality and recreation for the public and housing around public lakes for the private section. The SIDs, and ultimately the City of Papillion, will operate and maintain the lakes and recreation facilities.

The District will operate and maintain the completed flood control dam (Shadow Lake and water quality/grade control basin (Midlands Lake) in accordance with the Shadow Lake/Midland Lake Operations and Maintenance Manuals, USDA/NRCS agreements and Management's Emergency Operations Procedure Manual and other written agreements of the District.

[June 9, 2005]

18.29 District Projects – ~~Dam Site~~ WP-5 Project.

The ~~Dame site~~ WP-5 project is an authorized project of the District and shall be carried out and operated and maintained in accordance with written agreements with the City of Papillion and Sarpy County, NE and other written agreements of the District. This is a public project intended to provide flood control and recreation for the public. The District will operate and maintain the recreation area in accordance with Rules and Regulations for the site adopted by the District (Appendix K), until such time that the City of Papillion assumes that responsibility.

The District will operate and maintain the completed flood control dam and the associated water quality basins in accordance with the ~~Dame Site~~ WP-5 Operations and Maintenance Manual and Management's Emergency Operations Procedure Manual and other written agreement of the District.

[October 10, 2008; March 8,2012]

18.30 District Projects – Pigeon/Jones Site 15/Danish Alps Recreation Area – Kramper Lake.

The Pigeon/Jones Site 15/Danish Alps Recreation Area – Kramper Lake project is an authorized project of the District and shall be carried out and operated and maintained in accordance with written agreements with the Nebraska Natural Resources Commission and Dakota County, NE, and other written agreements of the District. This is a public project intended to provide flood control, sediments control and recreation for the public.

The District will operate and maintain the completed flood control dam and the ~~Pigeon Creek~~ Levee Improvements ~~and~~ in accordance with the Pigeon/Jones Site 15/Danish Alps Recreation Area – Kramper Lake Operations and Maintenance Manual, Management's Levee System Operation and Maintenance Guidelines and Management's Emergency Operations Procedure Manual and other written agreements of the District.

[September 14, 2000]

18.31 District Projects – West Maple Elkhorn River Access ~~Area~~. West Maple Elkhorn River Access ~~Area~~ is an authorized general benefit project of the District that provides public access to the Elkhorn River. The project will be operated and maintained by the ~~Village of Waterloo, NE~~District, in accordance with written agreements with the Village of Waterloo, NE, ~~and other written agreements.~~and the Rules and Regulations for the site adopted by the District (Appendix K).

[May 13, 2004; October 13, 2011]

18.32 District Projects – Elkhorn River Access at Graske Crossing ~~Recreation Area~~. The Elkhorn River Access at Graske Crossing ~~Recreation Area~~project is an authorized general benefit project of the District that provides public access to the Elkhorn River. The project will be ~~carried out,~~ operated and maintained by the District in accordance with the ~~contract with the~~ Rules and Regulations ~~of the Graske Crossing Recreation Area attached hereto as Appendix K.~~for the site adopted by the District (Appendix K).

[August 10, 2006]

18.33 District Projects – Waterford Recreation Area. Waterford Recreation Area is an authorized general benefit project of the District and shall be operated and maintained in accordance to written agreements with the Waterford Homeowners Association, and other written agreements of the District as well as the Rules and Regulations for the site adopted by the District (Appendix K).

[February 11, 2000]

18.34 District Projects – Wehrspann Wetland. Wehrspann Wetland is an authorized project of the District and shall be carried out and maintained in accordance with the Project Agreement with the US Army Corps of Engineers and other written agreements of the District. The project is a water quality basin with a soil cement dam that protects Wehrspann Lake. The District operates and maintains the dam and water quality basin in accordance with the Wehrspann Wetland Operations and Maintenance Manual and Management's Emergency Operations Procedure Maual and other written agreements of the District.

[January 8, 1998]

18.35 District Projects – Zorinsky Basin 3. Zorinsky Basin 3 is an authorized project of the District and shall be carried out and maintained in accordance with an interlocal agreement with the City of Omaha and the Whitehawk SID and other written agreements of the District. The project is a water quality basin that protects Zorinsky Lake. The City of Omaha operates and maintains the water quality basin as part of a city park. The District operates and maintains the dam in accordance with the Zorinsky Basin 3 Operations and Maintenance Manual and Management's Emergency Operations Procedure Maual and other written agreements of the District.

[December 13, 2001]

18.36 District Projects – Zorinsky Basin 1. Zorinsky Basin 1 is an authorized project of the District and shall be carried out and maintained in accordance with an interlocal agreement with the City of Omaha and other written agreements of the District. The project is a water quality basin with a labyrinth weir control structure that protects Zorinsky Lake. The City of Omaha operates and maintains the water quality basin and mitigation area. The District operates and maintains the control structure in accordance with the Zorinsky Basin 1 Operations and Maintenance Manual and Management's Emergency Operations Procedure Maual and other written agreements of the District.

[May 10, 2007; December 7, 2010]

18.37 District Projects – Pigeon/Jones Creek Watershed Project. The Pigeon/Jones Creek Watershed Project is an authorized project of the District and shall be carried out and maintained in accordance with the Pigeon/Jones Creek Watershed, Special Erosion and Sediment Control Project, Dakota County, Nebraska work plan. The work plan calls for the construction of approximately 20 stabilization dams over a ten year period. The work plan for construction will be reviewed by the Board annually. Land rights must be donated and construction and maintenance is provided by the District in accordance with Management's Grade Stabilization Structure (dams) Operation and Maintenance Procedures and Management's Emergency Operations Procedure Manual.

[September 14, 2000]

18.38 District Projects – Papio Dam Site 15A. The Papio Dam Site 15A project is an authorized project of the District and shall be carried out and operated and maintained in accordance with written agreements with the City of Omaha, Douglas County, NE and other written agreements of the District. This is a public project intended to provide flood control and recreation for the public. The City of Omaha will operate and maintain the recreation area. The District will operate and maintain the completed flood control dam and the associated water quality basin in accordance with the Papio Dam Site 15A Operations and Maintenance Manual and Management's Emergency Operations Procedure Manual and other written agreements of the District.

[October 8, 2009; November 8, 2012]

18.39 District Projects – Glacier Creek Project. The Glacier Creek project is an authorized project of the District and shall be carried out and operated and maintained in accordance with written agreements with the Board of Regents of the University of Nebraska and other written agreements of the District. This is a joint project with the University of Nebraska-Omaha and is intended to expand and create an adjunct to the Allwine Prairie Preserve and provide under unified management a continuous prairie-wetland-creek ecosystem complex in support of environmental education, research and native habitat conservation, and to support District wetland and stream channel mitigation bank improvements. The University of Nebraska-Omaha will manage the area. The District will construct, operate and maintain the wetland and stream

channel bank improvements on the site in accordance with the Umbrella Banking Agreement with the US Army Corps of Engineers and other written agreements of the District.

[January 11, 2007]

18.40 District Projects – Whitted Creek Rehabilitation Project. The Whitted Creek Rehabilitation Project is an authorized project of the District. This project to stabilize Whitted Creek and increase riparian habitat demonstrates the use of bio-engineering techniques for the benefit of other local agencies, consulting engineers and the general public. The state of the art natural channel design methods are intended to solve stream degradation through a self-sustaining environmental approach. The project is operated and maintained by the District in accordance with Management's Levee System Operation and Maintenance Guidelines and other written agreements of the District.

[October 9, 2008]

22.0 Miscellaneous - Confidential Information. Confidential written communications by Legal Counsel to the District concerning litigation in progress shall be transmitted to the General Manager, who shall disseminate such communications as the Executive Subcommittee shall direct. Any confidential material posted to the District's website for consideration at a Subcommittee or Board meeting can only be accessed by use a of pass word issued to Board members and designated staff.

Members of the Board, management and employees are expected to:

1. Use confidential information properly.
2. Recognize and avoid conflicts of interest.
3. Protect District property, including information, products, services, and assets.
4. Treat fairly and with respect all employees, the public and others with whom they have dealings.
5. Confidential information obtained in the course of business must not be used for personal gain or revealed to anyone outside of the District without the consent of the General Manager or the Board of Directors unless otherwise permitted by law.

[December 8, 1994; February 14, 2003; September 11, 2008]

22.1 Miscellaneous – Papio-Missouri River NRD "Paperless Project": The Papio-Missouri River NRD "Paperless Project" is an authorized project of the District. The purpose of the "Paperless Project" is to provide the P-MRNRD Board of Directors, staff and general public access to Subcommittee and Board information and to move to a paperless office concept.

To achieve this, each elected P-MRNRD Director will be issued a laptop computer. Laptop will be returned to the District office once the Director has left office. The following is the policy concerning Directors' e-mail addresses/internet/printing needs be adopted:

Directors' e-mail – The present P-MRNRD e-mail system will be retained and each Director will have their e-mail address or phone number listed on the District web page, if they so desire.

Printing – Each Director shall be given a choice of using his or her own printer, or using a printer supplied by the District. If the Director uses his or her own printer the Director can be reimbursed $.05 per copy for any copies made pertaining to District business. This expense will be submitted as part of the Director's monthly expense claim form.

Internet Services – Each Director shall be allowed up to $40.00 per month for reimbursement of the cost of internet service. This expense will be submitted as part of the Director's monthly expense claim form.

Internet Services (Out of Town – Hotel Visits) – While conducting District business while out of town, each Director may be reimbursed the actual cost per day for the internet connections.

All Subcommittee and Board of Director Information will be posted to the Papio-Missouri River NRD website (www.papionrd.ord). The posting schedule is as follows:

Subcommittee Information: Subcommittee Agendas and background information will be posted to the website at least 5 days prior to the Subcommittee meeting date. Agendas and staff recommendation memos will be e-mailed to Directors at least 5 days prior to the Subcommittee meeting date.

Board Meeting Information: Draft Board agenda and other available information will be posted to the website at least 5 days prior to the meeting date. Draft agenda will be e-mailed to Directors at least 5 days prior to the meeting date.

Final agenda, Subcommittee minutes, etc., will be posted to the website by 4:00 p.m. the day prior to the Board meeting. Final agenda will be e-mailed to Directors by 4:00 p.m. the day prior to the meeting date.

[February 14, 2002; March 13, 2003; April 10, 2003; October 9, 2003; September 14, 2006]

22.2 – Miscellaneous - Public Record Availability

1. Any person may examine public records maintained by the District during the District's business hours, make memoranda or abstracts from such records, or make copies of such records, upon written request to the General Manager of the District for an appointment to view such records at its Omaha office.
    a. A request letter and its envelope should be addressed to the District's Omaha office, marked "Records Request," and include the requester's name, mailing address and day time telephone number in the event the District needs to contact the person.
    b. The request should reasonably describe the records being sought and, whenever possible, include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. The District does not conduct research to determine what records to provide.
    c. If the request does not sufficiently describe the records to allow the District to locate them, the District may require additional information to be provided.
    d. A written request for the District to provide copies of records shall be considered an agreement that the person requesting the copies will pay 25 cents per copy made by the District on a standard 8½ x 11 inch sheet of paper. Original records shall not be removed from the District's premises.
    e. The District will not provide copies of materials that are subject to copyright law.

2. Upon receipt of a written request for access to or copies of a public record, the District will provide the requested record(s) for examination, or the copies requested, as soon as practicable but no later than four (4) business days after the written request is received; except that, if the entire request cannot reasonably be fulfilled within four business days due to significant difficulty or extensiveness of the request, the District will notify the requester in writing as to the reasons for the delay, including the earliest practicable date for fulfilling the request, and provide an estimate of the expected cost of any copies and an opportunity for the requester to modify or prioritize the items within the request.

3. Any person requesting photographic or other copies of public records must pay for the cost of reproduction in the amount of 25 cents per copy made on standard 8 ½ x 11 inch paper. Any

person requesting maps, aerial photographs, digital disks or audio copies must pay the cost of reproduction in an amount determined by the District to cover the actual costs of making the records available. Charges for sales tax, and postage if necessary, shall be assessed on all requests.

4. The District may withhold records in accordance with Neb. Rev. Stat. 84-712.05. Any reasonably segregable public portion of such record shall be provided upon request after deletion of the portions which may be withheld.

5. Any person denied a request for public records by the General Manager or his or her designee shall receive a written response in accordance with Neb. Rev. Stat. 84-712.04. Any person denied a request for public records may seek review in accordance with Neb. Rev. Stat 84-712.03.

[April 10, 2008]

22.3—Miscellaneous – District Grant Acknowledgement

Sponsors receiving a District grant or cost share shall be required to publicly acknowledge the District's contribution to the project on a prominently displayed permanent sign, plaque, or other fixture (containing the District's logo), to be maintained by the Sponsor for the life of the project. Such acknowledgement shall also be contained on all temporary construction signs, in all media publicity about the project, and in all operation and maintenance agreements executed for the project. Compliance with all requirements may vary from project to project and can be negotiated with the General Manager on a case-by-case basis.

[May 8, 2008]

22.4 Miscellaneous - Public Agency Coordination Policy. The benefits provided by District projects and programs include but not limited to, trail corridors, parks, recreation, and habitat restoration as well as flood mitigation and water quality improvement. All projects and programs undertaken by the District shall conform to the following Public Agency Coordination Policy:

A. The District will continue to work with communities to manage development to minimize future flood risk.
B. The District shall work with communities to manage the impact of future development on water quality in the District's lakes and streams.
C. The District shall work with the local jurisdiction and surrounding jurisdictions in the planning of new flood control and/or water quality projects.
D. When feasible, the District shall include amenities in flood control projects for public access including, but not limited to, trail corridors, park areas, water-based recreation, and/or wildlife habitat.
E. The District shall continue to maintain and operate the Papillion Creek Watershed Flood Warning System in order to provide data to local entities for decision making purposes and to educate the public regarding flood risk within the watershed.

[August 11, 2011]