

# MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager's Report

DATE: November 5, 2010

FROM: John Winkler, General Manager

A. **INFORMATION/EDUCATION REPORT:** A copy of the I&E Report detailing Information and Education activities for the month of October, 2010, is attached for your review.

B. **MISCELLANEOUS/PERSONNEL ITEMS:**

1. Attached is a letter from Karen Anderson, Rivers, Trails and Conservation Assistance, National Park Service, thanking the District for holding the first portion of the Adaptive Paddling Workshop at the Natural Resources Center. She also thanked staff members **Gerry Bowen, Mike Bickley and Tom Pleiss** for supplying answers about a variety of issues including maintenance of boat launch sites.
2. Attached is a letter from Laura Shiffermiller, Director of Development for the Fontenelle Nature Association, thanking the District for cost sharing \$50,000 for the purchase of 9.5 acres of land adjacent to the FNA's property. The parcel will be used to install a water quality basin to help solve erosion and sedimentation problems. This expenditure was approved at the May 13, 2010 Board meeting.
3. Attached is a letter from Cindy Smiley, Executive Director of Keep Omaha Beautiful, Inc., thanking the District for donating \$1,000 for the Keep Omaha Beautiful Trail Cleanup Program. She notes, "To date 97 miles of trail have been cleaned by 466 volunteers collecting 235 bags of litter."
4. **Loss Control Consultation Visit** - On Thursday, October 28<sup>th</sup>, a Workers Comp Site Inspection was conducted at the Natural Resources Center and the O&M Headquarters. A copy of the confirmation letter from the loss control survey completed by Dan Carlson, on behalf of Chartis/Global Loss Prevention, is attached. There were no formal recommendations submitted as a result of the survey. Congratulations to all District employees for their efforts to make the District a safe place to work. This type of work has a direct impact on not only our employees but the citizens we serve as well.

C. **REPORT ON PURCHASES – CONSTRUCTION SERVICES, PROFESSIONAL SERVICES, PERSONAL PROPERTY:** Pursuant to Board direction, attached is a report indicating construction services, professional services and personal property purchases for the month of October, 2010. Please review this report and contact me if you have any questions.

- D. **CURRENT AND ON-GOING PROJECTS – P-MRNRD LEGAL COUNSEL:** Attached is a copy of the current and on-going projects for District Legal Counsel, Paul Peters, as of October 18, 2010. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.
- E. **PAPILLION CREEK WATERSHED PARTNERSHIP REPORT:** There was no Papillion Creek Watershed Partnership meeting in October. The next Partnership meeting will be held on November 18, 2010, at 10:00 a.m. at the NRC.
- F. **UPDATE ON TRAILS PROJECTS:** Attached for your review are letters from Daniel Dolezal, Ehrhart Griffin & Associates regarding the status of the following District projects:
1. West Douglas County Trail
  2. Platte River Trail
- G. **NEWS CLIPS:**
- ✓ October 18, 2010, Omaha World Herald – More public access for Snake River?
  - ✓ October 15, 2010, Omaha World Herald, Midlands Voices: Collaboration key to Republican River Fight, written by Jasper Fanning, GM of the Upper Republican NRD and Dan Smith, GM of Middle Republican NRD
  - ✓ October 20, 2010, Omaha World Herald article – Fish get in the swim. New residents of Carter Lake
  - ✓ October 20, 2010, Omaha World Herald Editorial – Vision for Papio NRD. Re-Elect Conley, Fowler
  - ✓ October 22, 2010, Omaha World Herald Editorial – Furthermore – Regarding Missouri River Hiking/Biking Trail in Douglas County
  - ✓ October 27, 2010, Omaha World herald article – Nichols in 2<sup>nd</sup> bid for Conley's NRD seat

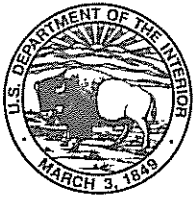
## October, 2010 Information/Education Report

### Information

- Continued work on remake of "Challenge" brochure
- Began work on 4<sup>th</sup> Quarter Spectrum Newsletter
- Attended National Public Relations Conference in Washington DC
- Updated Facebook page
- Prepared for and attended groundbreaking for new Blair office
- Ordered vehicle stickers
- Checked web page for needed updates
- Prepared for Triumph of Ag booth
- Investigated possibility of new promotional piece for 2011

### Education

- MORE Nature meeting facilitation
- School programs:
  - Nature Hike/Owl Program for all Neligh 3<sup>rd</sup> graders (100 students)
  - Home School Nature Hike (20 students)
  - Millard South GPS program (12 students)
  - Papio-LaVista South High School GPS program ( 17 students)
  - GPS Program for Lewis & Clark Middle School (19 students)
  - Millard South Macro Invertebrate Program (12 students)
  - Mission Middle School Macro Invertebrate Program (5 students)
  - Elkhorn Middle School Hike and Macro Invertebrate Program (6 students)
  - Druid Hill Enviroscope programs for all 3<sup>rd</sup> graders (45 students)
  - Morton Nature Club GPS Program (32 students)
  - Bellevue West GPS Programming—2 days (85 students)
  - Sandoz Elementary Nature Club Bug Program (50 students)
  - Millard South GPS program (45 students)
  - Lewis & Clark/Logan-Fontenelle Middle Macro Invertebrate Program (11 students)
- Worked with Family Spectrum Magazine, Omaha Family Magazine, and Omaha World Herald on advertising NRD programming and Parent/Child Workshops
- Continued working with National PF on Pheasant Fest Children's Area
- KMTV "Morning Blend" t.v. program October 7
- Continued planning Fall NRD programming
- Continued working with Junior League on Go! Play Adventure 3
- Envirothon Training for Metro Regional Teams
- Millard Central Middle School Outdoor Classroom Meeting
- Designed and installed signage for NRD Education Owls
- Produced signage for NRD Rain Garden—working with contractor on sign base
- Continued working with NRD, and Arbor Day Foundation on 2011 tree order/package
- Met with UNO/Brian Henkle on water monitoring project
- Began planning for NRD education e-newsletter



# United States Department of the Interior

## National Park Service

Midwest Region  
601 Riverfront Drive  
Omaha, Nebraska 68102-4226



L3425(MWR-P/RTCA)

Mr. John Winkler  
General Manager, Papio Missouri Natural Resources District  
8901 South 154<sup>th</sup> Street  
Omaha, NE 68138

Oct 19 2010

Dear Mr. Winkler:

Earlier this week, the Nebraska Trails Council sponsored a workshop on Adaptive Paddling. The first half of the workshop was held at the headquarters of the Papio Missouri NRD. I want to thank you for allowing the meeting to be held there.

I also want to express my gratitude for the attendance of three NRD employees, Gerry Bowen, Mike Bickley and Tom Pleiss. Their presence was invaluable. They were able to supply answers about a variety of issues including maintenance of boat launch sites for which the NRD maintains responsibility.

In addition, Mr. Pleiss served as a guide to the Elkhorn Crossing and the Platte River Landing. Without his assistance, the workshop would not have been the success that it was. Please convey my thanks to these three gentlemen.

Sincerely,

Karen Anderson  
Rivers, Trails and Conservation Assistance  
National Park Service



# Fontenelle

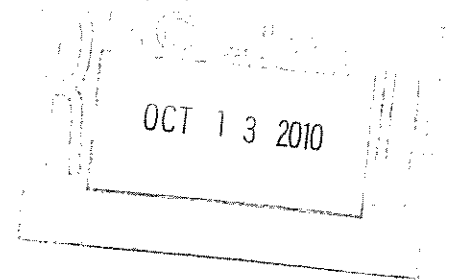
*Nature Association*

**Fontenelle Forest Nature Center**  
1111 North Bellevue Blvd., Bellevue, NE 68005-4000  
(402) 731-3140 fax (402) 731-2403

**Neale Woods Nature Center**  
14323 Edith Marie Ave., Omaha, NE 68112  
(402) 453-5615 fax (402) 453-0724

Monday, October 11, 2010

Mr. John Winkler  
Papio-Missouri River Natural Resources District  
8901 North 154 Street  
Omaha, NE 68138



Dear Mr. Winkler,

Nature and human history have been inextricably interwoven for thousands of years within the lands of Fontenelle Nature Association. We are sustaining this tradition. Our mission is to enhance human stewardship of the natural world in order to help people develop the appreciation, the knowledge, the values and the skills necessary to inspire ecologically sound decisions in their lives.

We know that Fontenelle Forest and Neale Woods are gifts of nature entrusted to us. Our task is to share them with you today and to pass them on to those who will walk these paths after we are gone.

On behalf of all of us who share this vision, I extend our appreciation to you for this gift. Your support makes our work possible and our mission achievable.

With gratitude,

Laura L. Shiffermiller  
Director of Development

*Thank you so much for your support of this important project - it is much appreciated!*

**Fontenelle**  
*Nature Association*

Donation Date  
8/30/2010

We acknowledge receipt of this donation

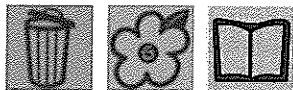
Amount: \$50,000  
Project: Land Acquisition of  
Fontenelle Hills Golf Course:  
Erosion Abatement & Restoration Project

*Under IRS guidelines, the estimated value of benefits you have received, if any, in consideration for your gift is not substantial and will not affect the deductibility of your gift as a charitable contribution.*

Papio-Missouri River Natural Resources District  
8901 North 154 Street  
Omaha, NE 68138

*The mission of the Fontenelle Nature Association is to enhance human stewardship of the natural world by providing the citizens of the greater Omaha area with + quality environmental and natural science education; + ecologically sound management of the Association's natural resources; + preservation and interpretation of the Association's historic and cultural resources; and + increased opportunities for personal reflection and enjoyment of the outdoors*





## KEEP OMAHA BEAUTIFUL inc

Omaha/Douglas Civic Center  
1819 Farnam St., Suite 306  
Omaha, NE 68183  
Phone: 402-444-7774  
Fax: 402-444-7351  
[www.keepomahabeautiful.org](http://www.keepomahabeautiful.org)

**Executive Director**  
Cindy Smilley

### Officers

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Pam Avery

**Vice Chairman**  
Nick Steinbach

**Treasurer**  
Marty Grate

**Secretary**  
Larry Gomez

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Ken Hansen  
Lee Janecek  
Paul Jeffrey  
Shawntell Kroese  
Mike Loeffler  
Dan Lombardo  
Angela Maurstad  
Marc Nichols  
Stacia Palser  
Lennis Pederson  
Rob Randels  
Carrie Spencer  
Thomas Stalnaker  
Jim Stewart  
Angela Ullman  
Richard Warren

**Emeritas Board Member**  
David Stern

October 19<sup>th</sup>, 2010

John Winkler  
General Manager  
Papio Missouri Natural Resources District  
8901 South 154<sup>th</sup> Street  
Omaha, NE 68138-3621

Dear John:

What a wonderful way to begin our day!!

Thank you sincerely for your \$1,000.00 donation to Keep Omaha Beautiful, Inc. for our trail cleanup program.

To date 97 miles of trail have been cleaned by 466 volunteers collecting 235 bags of litter.

Keep Omaha Beautiful, Inc. is Omaha's oldest environmental organization affiliated with Keep America Beautiful. Working with thousands of volunteers we make a difference in our community.

We appreciate your kindness and thank you so much.

Sincerely,

Cindy Smilley  
Executive Director  
Keep Omaha Beautiful, Inc.

OCT 21 2010



An independent non-profit organization  
We need your support for our success

Global Loss Prevention  
Specialty Workers' Compensation Division

300 South Riverside Plaza, Ste. 2100  
Chicago, IL 60606

[www.chartisinsurance.com](http://www.chartisinsurance.com)  
312-930-5479 Telephone  
312-930-5607 Facsimile  
[jonathan.keener@chartisinsurance.com](mailto:jonathan.keener@chartisinsurance.com)



October 29, 2010

Ms. Pat Teer, [pteer@papionrd.org](mailto:pteer@papionrd.org)  
Administrative Coordinator  
Papio-Missouri River Natural Resources District  
8901 S. 154<sup>th</sup> Street  
Omaha, NE 68138

**RE: LOSS CONTROL CONSULTATION VISIT**  
**8901 S. 154<sup>th</sup> Street, Omaha, NE**  
**October 28, 2010**  
**Policy Number: 005319545**

Dear Ms. Teer,

**EXECUTIVE SUMMARY:**

This letter is confirmation of my loss control visit in regard to your workers' compensation insurance coverage being provided by Chartis. In addition to you, I met with Jean Tait, Safety Coordinator. The purpose of my visit, conducted on behalf of Global Loss Prevention (GLP), was to discuss operations, evaluate your loss prevention policies and procedures, survey your facility, and complete a loss history review.

**LOSS SUMMARY & REVIEW:**

In 2008 there was one recordable injury with no lost time. An employee was using a chain saw and sustained a small cut on his upper thigh. The worker stated that he was not wearing the required "chaps" because he was too large to fit into them. A pair of chaps that will fit the employee was purchased and he was provided with remedial chain saw safety training.

In 2009 there was one recordable injury with no lost time. An employee chipped a tooth when a vehicle he was operating tipped over.

In 2010 year-to-date a heavy equipment operator lost his footing and fell, resulting in a soft tissue injury. He was put on restricted/light duty. During the modified duty time period, the same employee was reaching for some paper towels on a shelf and sustained a strain injury to his knee.

**ASSESSMENT & EVALUATION:**

You indicated that you are researching and developing a written policy for the use of cell phone/electronic devices while operating vehicles and equipment. Accidents and injuries resulting from distracted driving (cell phone use) are on the increase nationally, and I encourage you to implement this policy to reduce that exposure.

Chartis is the marketing name for the worldwide property-casualty and general insurance operations of Chartis Inc. For additional information, please visit our website at <http://www.chartisinsurance.com>. All products are written by insurance company subsidiaries or affiliates of Chartis Inc. Coverage may not be available in all jurisdictions and is subject to actual policy language. Non-insurance products and services may be provided by independent third parties. Certain coverage may be provided by a surplus lines insurer. Surplus lines insurers do not generally participate in state guaranty funds and insureds are therefore not protected by such funds.  
Form Revision 006 - January 2010

The new drug and alcohol policy requiring pre-hire, post accident, reasonable suspicion and random testing is becoming an industry standard and will directly address the exposure of employees being under the influence of drugs and alcohol while on the job.

There is a slight muscle strain injury exposure do to limited manual lifting requirements of the job. The 40-50-lb. weight limit for manual lifting material and the availability of the lifting/moving equipment will limit that exposure. I encourage you to continue to research and develop a pre-shift stretching program to further reduce back strains and soft tissue injuries.

It appears that identified hazardous exposures that put employees at risk, such as tree trimming and changing lights in the parking lot, are contracted out to trained and equipped contractors that conduct such work from elevated platforms. There is a slight risk from twisted ankles and knees while mounting and dismounting equipment.

All trenches up to 5 foot in depth are sloped, which exceeds OSHA standards, to protect employees from cave-ins. Trenches deeper than 5 feet are contracted out to excavation companies.

The Safety Program has identified exposures of personal injury while performing work activity and provided proper PPE to reduce/eliminate those risks. Accidents are investigated where root causes are identified and corrective action is taken. There is an active Safety Committee that meets on a regular basis. In these meetings, accidents and injury trends are reviewed and new policies and work procedures are implemented to reduce the frequency and severity of accidents.

#### **RECOMMENDATIONS:**

No formal recommendations are being submitted as a result of this survey.

#### **CLOSING CONFERENCE/FUTURE SERVICE:**

It appears that your organization has identified exposures to hazardous working conditions and addressed those by implementing policies and safe work practices and procedures. Your safety program will be enhanced by a stretching program and a cell phone usage policy.

*To supplement your safety program, we strongly encourage you to register for our GLP RiskTool system at [www.chartisinsurance.com/swc](http://www.chartisinsurance.com/swc) (this is our Specialty Workers' Compensation [SWC] Partners in Productivity website). When accessing the website, have your policy close by so the following information can be entered:*

- ☐ Policy Number
- ☐ Agent or Broker Number
- ☐ Issuing Company
- ☐ Your email address to create a password

Once you have registered at the SWC website, you can sign on at the RiskTool System site using the same information. This valuable service is only available to current policyholders and

The information, suggestions and recommendations contained herein are for general informational purposes only. This information has been compiled from sources believed to be reliable. No warranty, guarantee, or representation, either expressed or implied, is made as to the correctness or sufficiency of any representation contained herein. Reliance upon, or compliance with, any of the information, suggestions or recommendations contained herein in no way guarantees the fulfillment of your obligations under your insurance policy or as may otherwise be required by any laws, rules or regulations. This information should not be construed as business, risk management, or legal advice or legal opinion.



Page 3

October 29, 2010

Ms. Pat Teer

Papio-Missouri River Natural Resources District

contains continually updated information on safety, loss prevention, and regulatory compliance issues. If you need help in registering, please call GLP Customer Support at 214-758-1781.

Sincerely,

Dan Carlson

Safety Consultant

Zeigle Consulting Associates, Inc. on behalf of Global Loss Prevention

cc: PMC Insurance Agency, 50 Cabot Street, Needham, MA, .2492-0002

cc: Ellen Mazzarone, Global Loss Prevention, [Ellen.mazzarone@chartisinsurance.com](mailto:Ellen.mazzarone@chartisinsurance.com)

The information, suggestions and recommendations contained herein are for general informational purposes only. This information has been compiled from sources believed to be reliable. No warranty, guarantee, or representation, either expressed or implied, is made as to the correctness or sufficiency of any representation contained herein. Reliance upon, or compliance with, any of the information, suggestions or recommendations contained herein in no way guarantees the fulfillment of your obligations under your insurance policy or as may otherwise be required by any laws, rules or regulations. This information should not be construed as business, risk management, or legal advice or legal opinion.



Updated: October 18, 2010

## **Current and On-Going Projects P-MRNRD Legal Counsel**

### **★ = Top Priority**

F = Future Work – No Assignment

N = New Assignment

O = Others Handling

W = Work in Progress

P = PFP's Portion Completed

- **Little Papio:** (Cleveland)
- **Big Papio:** (Cleveland)
- **West Branch:** (Cleveland)
  - Land Exchange with Sarpy Co. (96<sup>th</sup> St.) (W)
- **Western Sarpy Dike:** (Cleveland)
  - ★ Levee Segment 3 Right of Way Certifications and temp easements (Tewes, Sarpy County and Winterquarters) for Corps (W)
  - Saunders County side ROW agreement and easements (F)
- **Floodway Purchase Program:** (Laster)
  - Prepare Purchase agreements and closing documents for King Lake properties (W)
  - ★ Thompson Creek Interlocal Agreement w/LaVista (W)
- **Trail Projects:** (Bowen)
- **Missouri River Corridor Project:** (Becic)
  - ★ Agreement for Omaha to maintain Missouri River Trail at N.P. Dodge North (F)
- **USDA PL 566 Projects, Silver Creek and Pigeon/Jones Watershed:** (Puls/Cleveland)
  - Pigeon/Jones Site 15 Purchase Agreements (F)
  - Papio W-3 Eminent Domain (Camden) (P)
  - ★ Silver Creek Site #11 Easements (W)

- **Papio Watershed Dam Sites:** (Grint/Petermann)
  - Interlocal agreement with City of Omaha for DS 15 A (F)
  - Interlocal agreement with w/City of Omaha for ZB#1 (F)
- **Papio Creek Watershed Partnership (Stormwater):** (Grint)
- **Rural Water Projects:** (Sklenar)
- **Elkhorn River Public Access Sites:** (Sklenar)
- **Other:**
  - ✦ Radio system service agreement (Cleveland) (W)
  - ✦ Review Glacier Creek professional services contract (Grint) (W)
  - ✦ Review Rumsey West professional services contract (Grint) (W)
  - Heron Haven Section 206 ROW easements and purchase agreements (Becic) (F)
  - ✦ Cinnamon Acres Easement (Bowen) (W)
  - ✦ Review Missouri River Levee Certification Phase II contract amendments w/Tetra Tech (Henkel) (W)

November 5, 2010



Mr. John Winkler, General Manager  
PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT  
8901 South 154<sup>th</sup> Street  
Omaha, Nebraska 68138-3621

RE: West Douglas County Trail  
EGA Project No. 041422

Dear Mr. Winkler:

Please share the following update on the above referenced project with the Board members at the November 9<sup>th</sup> meeting. I am also planning to attend to answer any questions if necessary.

To begin, as you are fully aware, the Federal Highway Administration (FHWA) has placed the Nebraska Department of Roads (NDOR) into what is referred to as an oversight category due to some substandard practices and procedures on past highway projects that received federal funding. This oversight process generally involves FHWA scrutiny on every facet of federally funded projects and has led to new procedures and policies at almost every level. The policies and procedures are continually evolving, and FHWA policy is that every project must meet current standards and procedures, meaning that often times the design team will redo certain aspects of a project just to conform to updated procedures. In addition to the oversight, FHWA has also determined that every federally aided project **MUST** be bid through the Nebraska Department of Roads (local bidding is no longer allowed), and the design engineering team cannot perform any construction services on a project that they designed. In both instances, FHWA has determined that there are conflicts of interest between the local Project administrator (LPA), design engineer and the contracting community.

Unfortunately for the PMRNRD, this oversight has led to FHWA protracted delays and increased soft costs to the projects. Time delays were encountered when the oversight first began and as FHWA was determining policy direction. It is my understanding that there were no trail projects approved for bidding for a 3 year period that ended earlier this year. I know for a fact that project review of this trail project was delayed during that time. The increased design costs can be attributed to the demand for far greater detail on the design documents and specifications in order to meet FHWA standards. For instance, in another trail design, we had prepared a full sheet of Drainage Pipe and Structure Tables that gave all data required for the contractor to construct the project, an acceptable practice for bid documents. Under the oversight, we had to create plan and profiles of every drainage pipe, resulting in the preparation of 15 additional sheets to the set of plans. Another example is that, within our specifications, sections had to be rewritten to avoid specific product callouts, such as a Steadfast pedestrian bridge or fence couplings.

Another significant issue that has arisen is the implications of the National Environmental Protection Act (NEPA) upon our design team. The execution of the NEPA process was not included within our original scope and was performed by the NDOR. The NEPA process has

undergone numerous changes, each time requiring repeated submittals from various agencies (Fish and Wildlife, Nebraska Game and Parks, US Department of Agriculture, etc). To date, we have expended \$ 10,775.00 securing the various agency approvals based on our submittals, but new FHWA/NDOR policy will not allow us to submit the NEPA paperwork because we are not NDOR certified. We will turn over all work to date to Gerry for the certified NEPA consultant, but we consider that there will be approvals we have already obtained that have expired or are no longer valid in FHWA's eyes.

Our original design contract for this project was executed on July 18, 2006. That contract was intended to:

- Utilize a study performed by RDG Planning and Design,
- prepare construction documents for a trail from 216<sup>th</sup> Street in Elkhorn to Ginger Cove,
- Develop an implementation master plan for the remaining phases.

Early planning was performed, a conceptual design, based on the aforementioned study, was laid out and a meeting was held with Tim Weander, NDOR District 2 head. The design had been laid out along the West Maple Street corridor and entered the YMCA property via Meigs Street overpass. In the meeting, Tim stated that the NDOR would not allow a pedestrian trail within State right-of-way in any circumstance due in part to FHWA policy. Armed with that knowledge, we researched other alternatives, and settled on an alignment that began at the Waterloo soccer fields, crossed the Elkhorn River in the site of the now demolished Maple Street bridge, utilized the existing Waterloo City Trail, and then proceeded along the Maple Street county roadway between Waterloo and Valley, entering Valley near the 3M Plant and terminating in the Valley City Park. That segment was designed and ROW determinations were created for land evaluation purposes.

During this design stage, we met with the YMCA received their enthusiastic support. They have been very cooperative and have remained a valuable team partner in the process.

About this time, the City of Waterloo ran into a levee accreditation problem with FEMA, so the bridge over the Elkhorn River was tabled until that issue was resolved. Meanwhile, the team met with the City of Omaha regarding an Elkhorn/Waterloo trail route. While several options were discussed, the City made it clear that this connection was a very low priority in their eyes and would not receive much support at this time.

The team also master planned a trail to the Platte River that utilized property in and around Ginger Cove and Ginger Woods. We met with representatives from that group and received opposition to the trail in general and the alternatives that we had proposed.

Earlier this year, once this project regained some momentum after the long NDOR imposed hiatus, a meeting was held between shareholders and the decision was made to table the Waterloo to Valley trail connection at the present time and concentrate on the YMCA to Valley City Park segment as the first construction project. That segment presents less public opposition, far fewer environmental concerns and seemingly serves the greater need of connecting the YMCA to the City and getting kids off the roadways in that area.

At this point, we are at about the 35% completion stage for the YMCA to Valley segment of the trail, and about the 80% completion stage for the Waterloo to Valley stage. At this point, we are ready to submit for a 35% review by the NDOR, but will need the initial NEPA steps completed to attach to the submittal. As I explained earlier, the NEPA writer must be hired by the Board independently of my contract.

After a submittal is made and comments are received, I would estimate our design time at approximately 12 weeks to complete, outside of NDOR reviews and the NEPA certification process, for the YMCA to Valley segment.

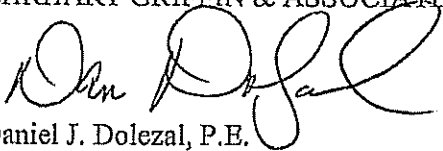
The Waterloo to Valley trail is nearly complete, save for the adjustments for the new phasing, and the right-of-way evaluation was being reviewed by NDOR prior to the oversight. It is our understanding that the evaluations are no longer valid and must be updated for NDOR review. We also are under the impression that this segment faces some public opposition from landowners that wasn't present in earliest days of the project. To date, we have not done any more work to discover what that opposition is, pending a release to move forward with any more effort.

Next month, it is my intention to bring before the Board a clarification of our design services contract and request a contract adjustment that addresses the fact that we are no longer able to perform construction management services for this project.

Our design team shares in the frustration and strain of the issues that are beyond the limits of this project and want to assure the Board that we are eager and ready to move forward in our contract. The PMRNRD has been one of our most valued clients over the history of our organization, and we have great pride in the quality and execution of our past contracts with the Board. We always welcome your input and look forward to working together in the future!

Sincerely,

EHRHART GRIFFIN & ASSOCIATES

A handwritten signature in black ink, appearing to read 'Dan Dolezal', written over the printed name.

Daniel J. Dolezal, P.E.

November 5, 2010



Mr. John Winkler, General Manager  
PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT  
8901 South 154<sup>th</sup> Street  
Omaha, Nebraska 68138-3621

RE: Platte River Trail  
EGA Project No. 031340

Dear Mr. Winkler:

Please share the following update and contract modification request on the above referenced project with the Board members at the November 9<sup>th</sup> meeting. I am also planning to attend to answer any questions if necessary.

To begin, as you are fully aware, the Federal Highway Administration (FHWA) has placed the Nebraska Department of Roads (NDOR) into what is referred to as an oversight category due to some substandard practices and procedures on past highway projects that received federal funding. This oversight process generally involves FHWA scrutiny on every facet of federally funded projects and has led to new procedures and policies at almost every level. The policies and procedures are continually evolving, and FHWA policy is that every project must meet current standards and procedures, meaning that often times the design team will redo certain aspects of a project just to conform to updated procedures. In addition to the oversight, FHWA has also determined that every federally aided project **MUST** be bid through the Nebraska Department of Roads (local bidding is no longer allowed), and the design engineering team cannot perform any construction services on a project that they designed. In both instances, FHWA has determined that there are conflicts of interest between the local project administrator (LPA), design engineer and the contracting community.

Unfortunately for the P-MRNRD, this oversight has led to FHWA protracted delays and increased soft costs to the projects. Time delays were encountered when the oversight first began and as FHWA was determining policy direction. It is my understanding that there were no trail projects reviewed or approved for bidding for a 3-year period that ended earlier this year, including this project.

Another significant issue that has arisen is the implications of the National Environmental Protection Act (NEPA) upon our design team. This involvement and meaning to the P-MRNRD is detailing more fully later in the body of this letter.

Currently, we are finishing the remainder of the review comments we received from the NDOR review team and are planning to resubmit the revised documents on November 19<sup>th</sup>. At that point, the NDOR will review the new submittal and either approve it or return with additional comments. ROW acquisition is complete and has been approved by NDPR previously, but Gerry Bowen has received word that the ROW will undergo a new review process. The NEPA



has been approved and accepted by FHWA. Depending on the remaining review, I feel that we are very close to letting the project out for bid.

In view of the previously listed history of the FHWA oversight and NEPA process, we are respectfully requesting that the Board consider the following items and associated additional fees as an extension to our design contract:

- *Right of way assessment documents - \$3,800.00*

The right of way acquisition process is very involved and the procedural requirements are very specific. To describe the process briefly:

1. After the project is designed, the design team prepares ROW acquisition documents which are used to develop land acquisition assessments.
2. The assessment is reviewed by the NDOR and, if all is in order, approved and returned to the ROW acquisition agent so that they may begin acquisition negotiations.
3. Negotiations are completed; legal documents of title transfer are prepared.
4. ROW acquisition documents are presented to NDOR for certification and approval.

Due to intense negotiations with the residents and their discord with past NDOR highway widening, acquisition became slightly different from the original assessment. Later, when NDOR/FHWA reviewed and compared the evaluations to the acquisitions, we were required to go back to the assessment documents and modify them so that they read identically to the ultimate acquisition documents. This cost reflects only the effort required to change the assessment documents.

- *FHWA Oversight - \$34,700.00*

Due to the aforementioned FHWA oversight, in particular the mandate that no projects can be locally let, a significant amount of extraordinary detailing must be performed to get the plans and specifications to meet the new bidding requirements. A sampling of some of the examples of this detailing are:

1. The project contains over 50-field entrance (drives used only by farm equipment into cropland). Instead of a single standard detail with a note to adjust to field conditions, every driveway must now be detailed individually.
2. The project contains a shallow ditch on the uphill side of the trail. Typically, contours and cross sections will identify elevations of the swale. The NDOR requires a separate profile of every swale.

3. In the past, we have successfully used pipe and drainage structure tables to illustrate pertinent construction information (an acceptable engineering practice). The NDOR requires separate plan and profiles for every pipe run.
4. The plans and specifications cannot call out less than FOUR products that are approved by NDOR when specifying a specific product (i.e. pedestrian bridge, safety railings, fences, etc.)

By local "let" standards, the set of plans that was submitted was bid ready under normal circumstances. The amount shown represents our effort to date to address the review comments that were received in July, 2010.

- *NEPA process - \$34,500.00*

The National Environmental Protection Act (NEPA) is required for any project receiving any federal funding. This process was outside of our scope of services and in the past was performed by the NDOR. The FHWA oversight has shifted this responsibility to the design team. The NEPA consultant that will write the NEPA must be certified by the NDOR. (In an interesting twist, we wrote the original NEPA for this project and had submitted it before the certification was mandatory. EGA was not selected as a certified NEPA author during last year's NEPA certification selection on June 1st, but yet the NEPA for this project was approved at the end of June.) The oversight program has created procedures for the procurement of each of the various agency approvals required for the NEPA document. All of these procedures have undergone at least one revision, and in the eyes of the FHWA, the approval is not acceptable unless obtained through current procedures. Approvals over or near 3-years old are also considered too old for acceptance and must be re-obtained. For this project, we procured the following approvals:

1. Permit to Occupy State ROW
2. State Historical Society (3 times)
3. Nebraska Games and Parks
4. US Fish and Wildlife (3 times)
5. Biological Evaluation (this form supplanted items 3 and 4 after they were obtained)
6. Nebraska DEQ – determination of illegal landfill
7. Farmland impact per Farmland Protection Policy Act
8. Floodplain permit
9. LWC fund determination
10. Wellhead Protection
11. Corp of Engineers – Jurisdictional determination (2 year duration before determination was made)
12. Wetland determination (3 times)
13. Threatened and Endangered species

The fee listed above represents the time spent in calls, letters submittals, reviews and comments needed to obtain the approvals, write the NEPA and obtain its final approval.

- *Project completion -\$22,000.00*

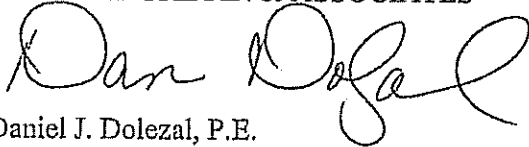
Quite honestly, we are unsure of what to expect next. Our next submittal will be made on or before November 19<sup>th</sup>, 2010, and we are confident that we have either addressed the NDOR comments with plan/specification revisions or reasonable explanations of why our design detail is what it is. The fee listed will finish our revision effort and provide a contingency that is hoped to cover any future requirements/comments/submittals that may arise.

The total requested additional sum is \$95,000.00.

Thank you for your consideration in this matter. Our design team shares in the frustration and strain of the issues that are beyond the limits of this project and want to assure the Board that we are eager and ready to move forward in our contract. The P-MRNRD has been one of our most valued clients over the history of our organization, and we have great pride in the quality and execution of our past contracts with the Board. We always welcome your input and look forward to working together in the future!

Sincerely,

EHRHART GRIFFIN & ASSOCIATES

A handwritten signature in cursive script, appearing to read "Dan Dolezal". The signature is written in dark ink and is positioned above the printed name.

Daniel J. Dolezal, P.E.

## More public access for Snake River?

By David Hendee

Omaha World Herald

10/18/10

Stretches of the Snake River and its iconic waterfall in a pine-cloaked canyon downstream from Merritt Reservoir in north-central Nebraska would open to limited public fishing and viewing under a plan by the Nebraska Game and Parks Commission.

The deal is far from hooked, much less landed.

But owners of the 3,100-acre Snake River ranch have offered to sell the property, and complicated negotiations involving Game and Parks, the Snake Falls Sportsmen's Club and the Conservation Fund are under way. The property is valued at about \$9 million.

The deal hinges in part on a Game and Parks request for a \$2.417 million Nebraska Environmental Trust Fund grant to buy part of the ranch. The falls and about five miles of the river are on ranch property southwest of Valentine in Cherry County.

The ranch's canyons and grasslands support a variety of wildlife, including wild turkey, deer, ducks, grouse, wintering bald eagles and rattlesnakes.

The ranch is near several outdoor attractions: the national scenic river stretch of the Niobrara, one of the nation's best paddling streams, begins about 22 miles northeast; Merritt Reservoir, created on the Snake River in the 1960s to irrigate cropland, is a 3,000-acre lake with sand beaches and a prized walleye fishery about three miles south of the falls; the new Prairie Club golf courses are seven miles north; and the Samuel R. McKelvie National Forest borders on the west.

Trout fishing in the ranch's run of the river below Merritt Dam is legendary. Rainbow trout weighing more than 13 pounds are not uncommon.

"The quality of the fish there is unrivaled anywhere in Nebraska or surrounding states," said Don Gabelhouse, the Game and Parks fisheries chief in Lincoln. That includes Colorado and Wyoming, where trout are the state fish.

More

"In terms of size of fish, I would put the Snake River up against any stream in those states. You just can't go anywhere else and have as good a chance of catching 30-inch trout," Gabelhouse said.

Bruce Bell of Lincoln, a member of the Snake Falls Sportsmen's Club, agrees. He has caught several Master Angler-class brown and rainbow trout in the river.

"It's a magical, magical place," he said. "It's one of a kind."

There is no rush, however, for anglers, bird-watchers and picnickers to pack their bags for a new Sand Hills destination.

A decision by the Nebraska Environmental Trust on 2011 grant applications won't be announced until February. The Game and Parks request is one of more than 240 totaling nearly \$54.2 million. The trust — funded through Nebraska Lottery proceeds since 1992 — has distributed about \$14 million to \$15 million annually in recent years.

Game and Parks officials said Nebraska's belt-tightening budgetary outlook should not be a deal breaker for the agency because the majority of the commission's share of the purchase cost would come from the trust and federal grants.

Nebraska's fish and wildlife programs are largely funded by fishing and hunting permits and a federal excise tax paid by anglers and hunters on things such as gear, guns, ammunition and motor boat fuel.

The Conservation Fund is handling negotiations. The national organization helps government agencies, land trusts, nonprofit organizations and others acquire and protect recreation, wildlife and historic landscapes.

"The outcome is still uncertain," said Clint Miller, a Conservation Fund field representative.

Said Kirk Nelson, the commission's Lincoln-based western region parks manager: "It's an incredible asset and would be wonderful to have ... but negotiations are very complicated. Any one of so many components could go wrong."

The Game and Parks acquisition plan is a partnership with the private Snake Falls Sportsmen's Club, which leases fishing rights to the entire ranch. Seventeen heirs of Les and Betty Kime own the ranch. Miller said the family members have initiated sale talks.

Game and Parks would acquire about 1,300 acres, an area that includes nearly three miles of the Snake River and the 54-foot-wide Snake River Falls.

The club would acquire an adjacent 1,800 acres below the falls and continue private access to its run of the river.

Gabelhouse said the Game and Parks acquisition would establish permanent but limited public access to the falls and the river.

Some canyons are 300 feet deep and could be used as a site to introduce Rocky Mountain bighorn sheep, Gabelhouse said. The state currently has four bighorn herds in the Nebraska Panhandle.

Anglers would be required to release fish of a certain size to maintain the fishery, which sustains itself by natural reproduction. There has been no stocking in the river for decades.

Gabelhouse said nutrients in the water released from the reservoir are a primary reason for the health and size of the trout.

"It's a classic tailwater fishery," Gabelhouse said.

Since 1985, 40 percent of all Master Angler brown trout caught in Nebraska were caught in the Snake on the ranch. Ten percent of Nebraska's Master Angler rainbow trout came from the river.

Bell has fished the river nearly 40 years, since the time anglers paid the Kimes a few dollars daily to fish. The family closed public access about 20 years ago except to a select group — about 100 members of the Snake Falls Sportsmen's Club, plus their guests.

"Set your waders in the water and close your eyes," Bell said, "and when you open them, you'd think you were in Montana or Colorado."

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W-H 10.15.10

# Midlands Voices: Collaboration key to Republican River fight

By Jasper Fanning, Ph.D., and Dan Smith

*Fanning is manager of the Upper Republican Natural Resources District. Smith is manager of the Middle Republican Natural Resources District.*

As Nebraska began to emerge from a severe drought a few years ago that threatened livelihoods across a wide swath of the state, and Kansas began to levy charges that the state hadn't been holding up its end of the Republican River Compact, a strange thing happened.

Farmers who had struggled to stay afloat expected guidance from the director of the Nebraska Department of Natural Resources but, instead, found finger-pointing. That was followed by suggestions of untenable water management mandates that people quickly realized were really not solutions at all.

Instead, the suggestions seemed to have an ideological bent against groundwater irrigation — which makes up the bulk of the state's roughly \$4 billion-a-year irrigation economy — without any benefit toward Nebraska's goals of compact compliance.

Further, the director's suggestions failed to recognize that groundwater irrigation is many more times efficient than surface-water irrigation. Groundwater irrigation is managed under a cooperative system that a top environmental attorney recently said is one of the most effective and responsible in the country.

Unfortunately, farmers, water experts and politicians became frustrated with the water chief at the time, Ann Bleed. After about a year on the job, she resigned.

On the More Commentary page of the Sept. 19 World-Herald, Ms. Bleed took aim at the system she helped develop but did not execute effectively. As she has criticized recent solutions crafted cooperatively by natural resources districts in the middle and upper portions of the basin, and the Department of Natural Resources she used to head, she has taken another strange tack.

After not using a collaborative approach to solve problems when she was at the helm, Ms. Bleed is now accusing NRDs and the state of not using a collaborative approach. That is surprising, but also disappointing.

Both the Upper and Middle Republican NRDs, cooperating with new leadership at the state, have held more than 100 meetings since Ms. Bleed's departure to craft water-management tools to help keep Nebraska in compliance with the Republican River Compact. The creative mix of management tools was not created in a vacuum but with input from all interested stakeholders, making it one of the most comprehensive and challenging endeavors in the regulatory history of the basin.

The core challenge confronted and addressed by the districts' boards and managers and the state: Balancing the desire for regulatory fairness throughout the hydrologically diverse districts with the need for effective management actions that can quickly satisfy compact allocations.

Last week, court-appointed arbitrator Martha Pagel, who is overseeing part of the river compact dispute between Kansas and Nebraska, said in a ruling that Nebraska is “now on track for future compliance.”

The revisions in plans recently approved by the two NRDs and the state include a “backstop” option of shutting down rapid-response groundwater acres and surface-water acres — but include steps meant to prevent either from occurring. Ms. Bleed herself recently acknowledged that there are “good hydrological reasons” for those actions focused on water use close to the river, both for groundwater and surface-water users.

The local NRDs also are collaboratively working on other augmentation plans with the state, local water users and water experts to develop programs to avoid water-short years, sustain the water resources and protect the local economy. Sustainable solutions and funding are available and will soon be ready to use. Thus, the sustainability and collaboration that Ms. Bleed seeks is happening.

So if Ms. Bleed supports key pieces of the new plans and her primary opposition to them is not scientifically based, what is it based upon? She says farmers have no guarantee they will be compensated if they must stop irrigating. But the Integrated Management Plan (IMP) Ms. Bleed cited is not the document to promise a fixed payment for compensation. Rather, that amount is determined in negotiations with users after the intent is outlined in the IMP. When she was at the helm, she assisted in the development of the IMP process that outlines such.

It’s vital to note that the NRDs did not develop the new plans for compact compliance on their own. The state Department of Natural Resources houses engineers and hydrologists who have studied how the state can stay in compliance with the Republican River Compact. And the cooperative water management system Ms. Bleed helped develop and that is praised by outside experts requires that the department help craft and then approve new plans.

The state has signed off on plans adopted by both the Upper and Middle Republican NRDs. The plans closely mirror those suggested by the Department of Natural Resources, after extensive hydrological modeling.

The IMPs were not a choice of sacrificing some water users. Kansas is targeting the same water users, plus a whole lot more. These plans minimize to the greatest extent possible the number of irrigators who could be shut down from year to year and provide the only available measures to keep that from ever happening.

Now that plans to ensure continued compliance with the compact are in place, a new group of stakeholders throughout the Republican River basin is working to define sustainability of water resources in the region.

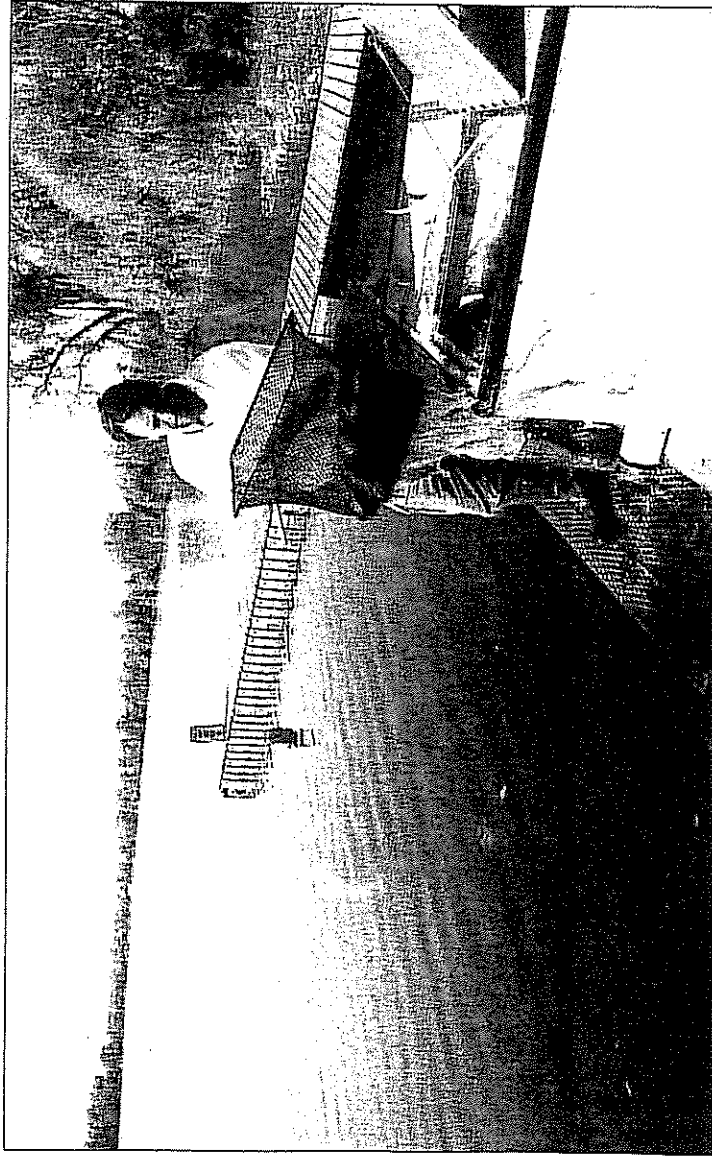
The task force was created through legislation shepherded by Sen. Tom Carlson of Holdrege, and both the Upper and Middle Republican NRDs support this laudable effort. Ms. Bleed is correct when she says that success will require task force members and their constituents to collaborate to address all stakeholders’ interests.

At the end of her recent essay, Ms. Bleed stated that “collaboration provides the best chance for a favorable long-term outcome for the people in the Republican River Basin.”

Fortunately, that is exactly what has finally occurred in recent months.



## New residents of Carter Lake



Chris Larson of the Iowa Department of Natural Resources puts fingerling largemouth bass, also at top, into Carter Lake on Tuesday.

# Fish get in the swim

By Andrew J. Nelson  
WORLD-HERALD STAFF WRITER

Fish are swimming again in Carter Lake after Iowa and Nebraska officials restocked the lake following a fish kill.

Iowa state workers on Tuesday dumped 150,000 1- to 2-inch bluegill and 1,500 4- to 5-inch largemouth bass from a boat ramp in Levi-Carter Park.

Also Tuesday, the Nebraska Game and Parks Commission put 21,000

largemouth bass into the lake, which is near Eppley Airfield.

In the past week, Game and Parks workers put in 2,200 channel catfish and 200 adult bass, said Dean Rosenthal, the commission's fish production section supervisor.

It's all part of a \$5.5 million improvement project. The lake, which serves as part of the Iowa-Nebraska border, is listed in both states as imperiled.

The fish kill and subsequent restocking were necessary because

Carter Lake had become dominated by aggressive fish that stirred up bottom sediments.

That darkened the waters and released phosphates, creating blue algae and other environmental problems, Iowa officials have said.

The dominant buffalo fish and carp were making life difficult for fish species better suited for game.

Restockings during the coming years will eventually make the lake attractive to anglers.

See Fish: Page 2

## Fish: Carter Lake expected to be fishable again in the fall of 2011

Continued from Page 1

"It's an urban lake that has a lot of people around it," said Chris Larson, regional fisheries supervisor for the Iowa Department of Natural Resources.

"It's a destination for folks, and we want to provide good fishing for urban areas."

Businesses that cater to those who like to cast a line may see an uptick in business, he said.

Officials ask that no one from the public put any fish into the lake. The plan to restock was

developed by biologists trained in these matters, Larson said. The fish will grow rapidly, and Carter Lake will be fishable again in the fall of 2011.

In three to four years, every species should have catchable members, "and there will be lots of them," Larson said.

"This lake is (like) brand new, there is no competition," he said. "So the growth rates should be very fast to begin with."

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10-20-10

# Vision for Papio NRD

10-20-10

**T**he Papio-Missouri River Natural Resources District has offered its constituents from the Platte River to Dakota County a lot for their money in the past few years and should continue to do so as its flood-control plans move forward.

To keep the board on track, the best choices voters could make in two contests are both incumbents, John Conley in Subdistrict 4 and Tim Fowler in Subdistrict 8.

Conley, treasurer of the board this year, has spent much of his 12 years on the board trying to make sure that the NRD's projects get good oversight. Now that the board has bonding authority, he said, it is more important than ever that its projects are well planned, well managed and run smoothly. Issuing bonds, he said, allows the board to get maximum bang for its bucks while still accomplishing important flood-control and water-quality projects.

Fowler said he feels strongly that the NRD must use every tool in its possession to make sure that the Papio Creek watershed remains controlled and safe for the hundreds of thousands of residents who live in the Omaha area. The NRD's new bonding authority allows it to pursue flood-control projects "without burdening the taxpayers with monstrous bills," he said — which is correct, given the requirements under that carefully written state law.

Fowler said he doesn't take the responsibility of dealing with people's homes and lives lightly, even as he advocates for prudent use of the agency's funds.

The Papio NRD has gone several years without much change in its tax rate. NRD leaders have pursued fiscal responsibility and have shown concern for the public pocketbook. The board members seem to have a feel for balancing the high-cost end of the operation with its responsibilities for recreation and preservation of the area's natural resources.

John Conley and Tim Fowler would continue those sound policies if voters returned them to office.

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Published Friday October 22, 2010

**FURTHERMORE: World-Herald editorial**

The final 1.5 mile segment of the Missouri River Hiking/Biking Trail in Douglas County, delayed for four years, will soon begin construction. The segment, from Ponca Road to the Douglas/Washington County line, would connect with the trail leading to the Boyer Chute National Wildlife Refuge. Both Sen. Ben Nelson, D-Neb., and the staff of the Papio-Missouri River Natural Resources District, which developed Boyer Chute, worked hard to navigate the complex federal requirements for cost-sharing.

# Nichols in 2nd bid for Conley's NRD seat

By Nancy Gaarder  
WORLD-HERALD STAFF WRITER

Two rivals with a passion for the Papio-Missouri River NRD are facing off again in November.

John Conley, 75, who is retired after working as a manager and engineer with the Metropolitan Utilities District, is seeking his fourth term.

Barbara Nichols, 59, who recently received bachelor's degrees in environmental science and political science, is asking voters for a second chance to serve.

They seek to represent Subdistrict 4 — west-central Omaha — on the Papio-Missouri River Natural Resources District board.

The agency is responsible for managing watersheds and natural resources along the Missouri River from Dakota County to Sarpy County. Projects include dam construction, levee improvements, park improvements and habitat protection.

In 2006, Conley turned back Nichols' effort to unseat him, 10,201 votes to 6,615. She had moved into his district to run after losing the seat she had held in a different NRD subdistrict.

In his campaign, Conley stresses experience and integrity.

"I would like to emphasize that I have ... never done anything that would embarrass the NRD nor its staff," he said.

That is a reference to 2006, when an affair between Nichols and then-NRD general manager Steve Oltmans became public. The board's ensuing investigation eventually led to Oltmans' dismissal. Also, Nichols had five misdemeanor theft convictions from 1984 to 2006, which she attributes to hard financial times.

Nichols said those days are behind her. She's had her convictions set aside, received her college degree, gotten a job and wants a chance to serve again. She hopes people see her election bid as she does.

"I'm hoping that it does show my character, there's not much more bad anyone can say about me. I know I'm the best person for the job," she said.

Conley, finishing his 12th year on the board, said he sees no reason to self-impose term limits.

"I have a passion for this, and it ties into my experience," he said. "I can bring my nearly 40 years at MUD to the work that the NRD does. I understand what needs to be looked over."

Conley said the district's property tax rate, which has declined for five years, is an example of the board's fiscal stewardship. He said the board's willingness to continue building dams, despite some opposition, reflects its commitment to its core mission, flood control.

Nichols takes issue with Conley's claims of financial stewardship. While the tax rate has declined, the total number of dollars collected through the levy has risen because property valuations have risen, she said. "Taxpayers are actually contributing more dollars."

In 2006, the NRD set the property tax rate at 3.9 cents per \$100 assessed valuation, and in 2010 it set the rate at about 3.3 cents.

Five years ago, the district budgeted for \$15.7 million in property tax revenue, while the 2010 budget calls for \$16.67 million.

Positions on the NRD board are unpaid. Directors get a \$70 per diem, not to exceed \$3,600 a year, for conducting district business. They also are reimbursed for expenses.