

MEMORANDUM

TO THE BOARD:

SUBJECT: General's Manager Report

DATE: April 9, 2004

FROM: Steve Oltmans, General Manager

-
-
- A. **INFORMATION/EDUCATION REPORT**: A copy of the I&E Report detailing Information and Education activities of the District for the month of March, 2004, is attached for your review.

Volunteer Opportunities: The following events will be held in the next couple of months. If any Director(s) would be interested in volunteering for these events, please contact Christy Jacobsen at 444-6222:

- May 4-5, 2004 Water Works at Schramm Park
- May 8, 2004 State Envirothon at Platte River State Park
- May 24-25, 2004 Watershed Festival at Chalco Hills with King Science and Technology Magnet School

B. **MISCELLANEOUS/PERSONNEL ITEMS**:

1. On March 18-20, 2004, Gerry Bowen, Natural Resources Planner, attended the 2004 Midwest Bike-Ped Conference in Overland Park, KS. Approximately 100 people from Kansas, Missouri, Iowa and Nebraska attended the conference. A memo detailing the highlights of the conference is attached.
2. As many of you know, Jean Tait, P-MRNRD Purchasing Agent, is a member of the Air Force Reserves. She has been named the 710th Medical Squadron Non-Commissioned Officer (NCO) for the 1st quarter for 2004. **CONGRATULATION, JEAN!!**
3. The GM has been elected to the National Board of Directors of the Soil and Water Conservation Society (SWCS) representing the Northern Plains Region. The SWCS fosters the science and the art of soil, water and related natural resource management to achieve sustainability by promoting and practicing an ethic recognizing the interdependence of people and the environment. The SWCS is located in Ankeny, IA.

- 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 March, 2004. 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 March 15, 2004. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.
- E. **UPDATE ON MISSOURI RIVER PEDESTRIAN BRIDGE**: On March 5, 2004, the Nebraska Department of Roads opened bids on the Missouri River Pedestrian Bridge. The apparent low bid was from Fru-Con Construction Corp., of Longmont, CO for \$44.9 million which is nearly twice the \$22.6 million engineer's estimate. On March 10, 2004, the State of Nebraska rejected all bids. A meeting of the local partners was held on March 30, 2004 to review the bids and determine how to proceed. Figg Engineering is to provide a written report presenting their findings regarding the project over-bid by April 30, 2004. After the report is received, the stakeholders will meet to discuss the findings and how to proceed with available options. I have attached the agenda of the March 20, 2004, with attachments and several news articles for your review.
- F. **NEWS CLIPS**:
- February 27, 2004 - Blair Enterprise Article – Work could begin this fall on rural water lines. The main water line will also be oversized so Blair can get water from the Metropolitan Utilities District in the event of an emergency.
 - March 5, 2004 - Omaha World Herald article – Trail compromise sparks interest. However, some County Board members have questions about the power-line plan.
 - March 7, 2004 - Omaha World Herald editorial – River changes. Missouri barge interests can't hide behind a 'competition' argument.
 - March 7, 2004 - Omaha World Herald editorial by Harold Andersen – Environmental activities seem to ignore the flood control law.
 - March 10, 2004 - Omaha World Herald editorial – The \$400,000 question. Power lines' extra cost along 72nd Street isn't worth marring the Keystone Trail.
 - March 11, 2004 - Omaha World Herald article – 72nd Street residents pan power line.
 - March 12, 2004 – Omaha World Herald editorial – The right path. City officials, airport board should work to resolve bike-trail concerns.
 - March 12, 2004 – Omaha World Herald editorial – Douglas County fairness. Senator Brown is right to seek to revamp law for merging governments.
 - March 12, 2004 – Omaha World Herald article – Corps opts to leave DeSoto as it. A plan to convert the lake into a river channel has been set aside.
 - March 16, 2004 – Omaha World Herald Public Pulse Letter by Jim Redelfs – Approve OPPD's plan.
 - March 17, 2004 – Omaha World Herald article – Board turns down trail proposal. The refusal to allow a path on Eppley Airfield property disheartens supporters.
 - March 18, 2004 – Omaha World Herald article – Water bill advances; are rougher seas ahead?

- March 19, 2004, Corps of Engineers News Release – Corps releases Record of Decision, new Missouri River Master Manual and final 2004 annual Operating Plan.
- March 21, 2004 – Omaha World Herald editorial – All wet on wetlands. What’s up with the Army Corps of Engineers’ new plan for river habitat?
- March 23, 2004 – Omaha World Herald article – Nature Conservancy tries new Platte strategy.
- March 24, 2004 – Omaha World Herald Public Pulse letter by David Mortensen – Trail benefit many.
- March 24, 2004 – Omaha World Herald article – Counties move to regulate sizes of lots. The Douglas and Washington County Boards are concerned about a trend toward houses on large acreages.
- March 24, 2004 – Omaha World Herald article – Corps’ plan for Missouri is faulted.
- March 26, 2004 – Omaha World Herald article – Bill would fund Nebraska road projects. Under the measure, passed by a House committee, the state would get \$75 million to use in more than a dozen ways.
- March 26, 2004 – Omaha World Herald article – Bereuter says flood insurance is unfair.
- March 27, 2004 – Omaha World Herald article – Missouri River flow from dams to be cut.
- March 27, 2004 – Omaha World Herald article – NRD official targets waterfowl.
- March 28, 2004 – Omaha World Herald article – S.D. seeks corps’ guarantee that fish will be protected.
- March 29, 2004 – Omaha World Herald article – Wall to honor Lewis and Clark
- March 30, 2004 – Omaha World Herald editorial – Nebraska’s future. Lawmakers should say ‘yes’ to an important integrated bill on management of water.
- April 3, 2004 – Omaha World Herald article – Compromise helps water bill advance.
- April 4, 2004 – Omaha World Herald editorial – Flooded with inequities. The battle for fairer premiums in Nebraska goes to Senate.
- April 7, 2004 – Omaha World Herald editorial – Laying down a new path. Western Douglas county trail plan seems a good step for developing the region.
- April 7, 2004 – Bellevue Leader article – Joint waste facility to open for operation in June.
- **Spring, 2004 – Water Line, published by the Papio-Missouri River NRD for its Rural Water Systems’ customers.**

March 2004

Information & Education Report

Information

- Began work on Spring 2004 SPECTRUM
- Staffed booth at the Omaha Sports Show
- Began preparation of booth for Activate Omaha event at Quest Center on April 23 and 24.
- Hosted Regional Envirothon
- Updated Web site pages.
- Toured construction of Household Hazardous Waste site
- Continued participation on Earth Day Omaha committee.
- Began work on ad for World-Herald supplement honoring Omaha 150.
- Gave presentation to Omaha Breakfast Optimists.

Education

- Guest-reader at Benson West Read Across America Event
- Attended two day computer training on Correl Draw
- Presented at Elkhorn Science Festival
- Presented Bird Nest program at Benson West
- Set-up and held Metro Regional Envirothon
- Continued planning for Water Works 2004
- Continued working on OPS/LPS/State correlations to LEP
- Presented at the Earth Wellness Festival
- Started planning for Watershed festival at Chalco Hills
- Organized and managed 140 volunteer hours
- Met with Curriculum specialist at Benson West—working on aligning NRD programs with OPS standards
- Started planning for Arbor Day Festival at Benson West
- Continued working with AAS to have artwork and birthday cards for staff
- Started planning for two LEP workshops in April
- Sent out Spring mini grants
- Continued taking orders for spring tree give-away
- Revised Walnut Creek Camping flyer and printed copies
- Up-dated contract with RSVP for Visitor's Center Volunteers
- Recruited volunteers for Visitor's Center for April – June

Memo to the File:

Subject: 2004 Midwest Bike-Ped Conference – Overland Park, Kansas

Date: March 23, 2004

By: Gerry Bowen

The writer attended the 2004 Midwest Bike-Ped Conference in Overland Park, Kansas March 18-20, 2004. There approximately 100 in attendance from Kansas, Missouri, Iowa, and Nebraska. The highlights of the conference are listed below.

1. Andy Clarke, incoming Executive Director of the League of American Bicyclists (www.bikeleague.org) was the keynote speaker. He noted that even though USDOT guidelines call for increased accommodations for bicycle and pedestrian users, only about 1% of the federal highway funds are spent on these facilities. He emphasized the concept of “complete streets” which calls for accommodations for all users groups (cars, bicycles, and pedestrian).
2. Several speakers talked about a reallocation of space to accomplish the “complete street” goal. In most cases, right-of-way widths are finite, but the lanes can be reduced in width and number to provide the necessary room for bike-ped facilities.
3. Mark Fenton, host of the PBS series “America’s Walking”, spoke about the increased inactivity of the populace as the reason for obesity. He noted that urban planners continually design developments that are not pedestrian-friendly, which adds to the problem. Individuals won’t walk where they are not accommodated.
4. Ross Greathouse , Lincoln, Nebraska trailbuilder, spoke about the proposed Quad States Trail and about the development of the Lied Platte River Bridge.
5. The writer spoke about the utilization of the NRD’s flood control levees for trail purposes.

Senior NCO of the Quarter

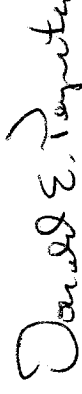


Master Sergeant Jean Tait

Congratulations to the 710th Medical Squadron Senior NCO of the 1st Quarter for 2004. Your commitment to excellence and unsurpassed performance has made a significant impact in our unit and the Air Force Reserve. You have truly "Aimed High" in the best Air Force tradition.



Steven J. Gambaiana, CMSgt
Amn/NCO Board President



Donald E. Paynter, Colonel
Commander 710th MDS

March 2004

1

Updated: March 15, 2004

**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

- **Big Papio Channel Project - West Center Road to West Dodge Road** (Woodward):
- **Little Papio**: (Cleveland)
- **Big Papio** : (Cleveland)
- **West Branch** (Cleveland):
 - Land Exchange with Sarpy Co. (96th St.) (W)
 - Purchase Agreements, deeds (90th to Giles) (N)
- **Western Sarpy Dike** (Sklenar, Cleveland):
 - Closing with Bundy's (potentially modify ROW/offer) (F)
 - Complete easements – three dikes and one drainage ditch (F)
 - Amended drainage ditch easements on Hickey (First National and Bundy Properties) (W)
 - Levee ROW research (RSP, etc.) (W)
- **Floodway Purchase Program** (Woodward):
 - Floodway Property Purchase Agreements for Proskel Property at Elbow Bend (P)
- **Trail Projects** (Bowen):
 - Bennington Trail Interlocal Agreement (W)
- **Missouri River Corridor Project** (Becic):
 - California Bend – Final settlement with tenant (Wright's) (W)
 - Lower Decatur Bend – Appraisal Review, ROW documents and habitat easements (W)
 - ★ Washington County Road 51 – Agreement with Washington Co. to asphalt trail (N)

- **USDA P.L. 566 Projects, Silver Creek and Pigeon/Jones Watershed** (Puls/Cleveland):
 - Papio Site S-30 – development agreements (F)
 - Silver Creek Site Easements– as needed (W)
 - Release of Site S-7 Easement (W)
- **Papio Watershed Dam Sites:**
 - Dam Site 19 agreement (Petermann) (F)
 - Candlewood Easements (Chris Curzon) (O)
 - Dam Site 13 Agreement (Petermann) (F)
- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):
 - Storm water Utility Legislation (W)
 - Partnership Interlocal Agreement (W)
- **Rural Water Projects:** (Sklenar)
- **Other:**
 - Aerial photo/GIS Consortium Agreement with MAPA (P) (Woodward)
 - Interlocal Agreement with Bellevue for Missouri Riverfront Development (N) (Becic)
 - Interlocal Agreement for Dakota County Natural Resources Center (W) (Puls)

PEDESTRIAN BRIDGE MEETING-MARCH 30, 2004

- ✓ I. Introductions - Larry Foster
- ✓ II. Presentation by Figg Bridge Engineers, Inc.- Linda Figg and Alan Phipps
 - a. Project Recap
 - b. Engineer's Estimate Review
 - c. Analysis of bids received
 - d. Questions - All attendees
- ✓ III. Discussion of Contractor Meeting - Larry Foster and Alan Phipps
 - a. Current Schedule for Contractor Meetings - Alan Phipps
 - b. Representative from Stakeholder to attend or be invited - Larry Foster
- ✓ IV. Steps Following Contractor Meeting - Larry Foster
 - a. Written Report - Contents, form, etc.
 - b. Follow-up meeting - Date, location
- V. Open Discussions



City of Omaha
Mike Fahey, Mayor

March 11, 2004

**Parks, Recreation &
Public Property Department**

Omaha/Douglas Civic Center
1819 Farnam Street, Suite 701
Omaha, Nebraska 68183-0701
(402) 444-5900
FAX (402) 444-4921

Larry N. Foster
Acting Director

Alan R. Phipps, P.E., S.E.
Figg Bridge Engineers, Inc.
1873 South Bellaire Street, Suite 1500
Denver, CO 80222

Dear Alan,

On March 5, 2004, the Nebraska Department of Roads opened bids on the Missouri River Pedestrian Bridge, a project designed by Figg Bridge Engineers and your sub-consultants. Prior to the bid opening, your firm provided an engineers estimate in the amount of \$17.2 million for the work associated with the bid documents. Two bids were received for the base project. Fru-Con Construction Corporation submitted a bid in the amount of \$44,942,031.00 and Massman Construction Company provided a bid of \$50,286,497.90. The low bid exceeded your estimate by 262%.

On Tuesday March 11, the local bridge funding partners met to review these bids and determine how to proceed. I was directed to first, advise you of the groups collective shock at the difference between your estimate and the apparent cost to build the bridge and their disappointment that the low bid is so far over the funds available. As you know, on numerous occasions, the need for the design team to deliver this project within budget has been emphasized. Additionally, on two occasions, potential budget overruns were discovered and the stakeholders worked with you to reduce bridge elements to bring the project back within budget. All of these actions were based upon the estimated cost provided by your firm.

The purpose of this letter is to; 1.) Provide immediate direction to your firm, in light of the bids received, 2.) Schedule a meeting for our review of your preliminary findings, 3.) Issue you directions regarding discussion with perspective bidders, and, 4.) Inform you of the City's decision regarding any fees or expenses incurred by you or your consultants during the process presented in this letter.

Immediately, following the March 5 bid opening, you and I briefly discussed the bids received. I directed you to obtain the bid documents from the Nebraska Department of Roads and analyze these documents, comparing them to your estimated costs. We agreed this was the first effort in determining what went wrong. I believe you have initiated this step, but if not, consider this letter as your formal direction to do so.

Additionally, consider this letter formal direction for Figg to initiate internal reviews of your bid documents, cost estimating procedures, similar project comparison and any other internal methods you can mobilize to determine why the difference between your project estimate and the bids was so significant.

I have scheduled a stakeholders meeting for March 30, 2004 at 8:30 a.m., in the City of Omaha PR&PP Conference Room, for the purpose of allowing you to present the information discovered from your review of the bid documents and your internal audit. At this meeting, be prepared to provide your preliminary analysis, based upon these two initial reviews, of what caused the drastic overbid.

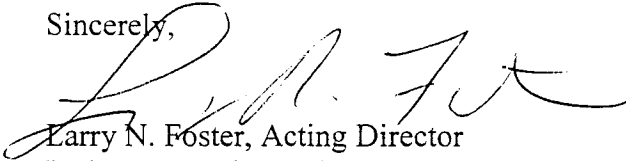
On Wed, March 10, the State of Nebraska formally rejected all Pedestrian Bridge bids. You are directed to organize a series of meetings or phone conferences with all five of the pre-qualified bidders to discuss their bids with special attention to determining what caused the overbid. I realize some bidders may decline, but all are to be offered this opportunity. In organizing these sessions, it is mandatory for you to invite representatives from the Nebraska Department of Roads, Federal Highway Administration and Metropolitan Area Transit. Please contact the State to determine the protocol for inviting FHWA. Additionally, the following stakeholders must be included, Hank Vieregger, Norm Jackman, and Marlin Petermann from the P-MRNRD.

Once these meetings are complete, Figg is to provide the stakeholders a written report presenting their findings regarding the project over-bid. This report is to be submitted to me by April 30, 2004. I am aware that organizing the bidder meetings may be difficult; I am therefore willing to re-evaluate the report submittal date once you have the meetings scheduled. Following our review of this final document, I anticipate we will meet with you to discuss your findings and how to proceed with this project.

Finally, the work activities required within this letter are unusual and solely caused by the large discrepancy between the estimate prepared by your firm and the apparent cost of building the bridge, as evidenced by the bids received on March 5. You are hereby notified the City will not reimburse Figg, or any current or additional consultants employed by Figg, for any expenses associated with the work outlined in this letter.

I will be on vacation until March 29. Should you have questions regarding this letter, please call Dale Mathre at 402-444-5941.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry N. Foster". The signature is fluid and cursive, with a large initial "L" and "F".

Larry N. Foster, Acting Director
Parks, Recreation and
Public Property Department

cc: Mayor Fahey
Dale Mathre, City of Omaha PR&PP
Steve Oltmans, PMNRD
Jennifer Mahlendorf, Mayor's Office
Jim Becic, PMNRD
Marlin Petermann, PMNRD
Ron Hopp, Council Bluffs PR&PP
Gail Malmquist, Council Bluffs Community Development
Liz Wunderlich, Nebraska Department of Roads
Norm Jackman, City of Omaha Public Works
Hank Vieregger, City of Omaha Public Works
Jessica Gladstone, MAT
Randy Eldorado, Nebraska Department of Roads
Linda Figg, Figg Bridge Engineers, Inc.



Figg Bridge Engineers, Inc.

Member firm of Figg Engineering Group

1873 South Bellaire Street, Suite 1500
Denver, Colorado 80222
303/757-7400 Fax: 303/757-0698

Creating
Bridges
As Art®

March 26, 2004

VIA E-MAIL

Mr. Larry N. Foster
Acting Director
City of Omaha Parks, Recreation & Public Property Department
1819 Farnam Street, Suite 701
Omaha, Nebraska 68183-0701
Phone (402) 444-5901

REFERENCE: Bid Analysis
Missouri River Pedestrian Bridge
FIGG Project No. 1806-03

Dear Larry:

Thank you for your March 11, 2004, letter concerning the bid results for the Missouri River Pedestrian Bridge. We want to assure you that Figg Bridge Engineers is totally committed to your signature pedestrian bridge being built at an affordable price.

We share in the Stakeholders sentiment that the two bids received on March 5th for construction of the bridge were surprisingly high, and concur in the decision to reject the bids. The cost estimates developed during the design process were based on actual historic construction costs for similar bridges, including bridges that are currently under construction. While some of the difference between the estimate and the bids can be explained by the recent national spike in steel prices that was discussed, it appears that the bids received do not represent the true value of the construction work. A detailed analysis of the estimate and bids will be presented at our meeting in Omaha on March 30th. Linda Figg, President of Figg Bridge Engineers and myself will attend this meeting to present information to the stakeholders on what we know right now and to personally give you our commitment to getting the bridge the community anticipates built.

Contacts have been initiated with all five of the prequalified contractors, as well as five representative specialty subcontractors and suppliers, inviting their participation in individual teleconferences to establish what factors led to the bids submitted. Several conferences have been arranged for late in the week of March 29. As requested, we will distribute a meeting schedule and instructions for participation to the Stakeholder representatives early next week when more arrangements are finalized.

Following the discussions with the contractors, we will develop strategic solutions for construction of the signature bridge that everyone in the community is expecting given the budget.



Mr. Larry N. Foster
March 26, 2004
Page 2 of 2

We look forward to our meeting next week, and to the start of construction on this exciting project. At the conclusion of this project it is important that all of the Stakeholders and members of the community are happy with the signature bridge results and we are committed to it being our job to get you there.

Sincerely,

FIGG BRIDGE ENGINEERS, INC.

Alan R. Phipps, P.E., S.E.
Regional Director
Western Regional Office

cc: Mayor Mike Fahey, City of Omaha
Mr. Dale R. Mathre, City of Omaha
Mr. Steven G. Oltmans, PMRNRD
Ms. Jennifer Mahlendorf, City of Omaha
Mr. Jim Becic, PMRNRD
Mr. Marlin Petermann, PMRNRD
Mr. Ronald Hopp, MPA, CLP, City of Council Bluffs
Ms. Gayle M. Malmquist, AICP, City of Council Bluffs
Ms. Liz Wunderlich, Nebraska DOR
Mr. Norman Jackman, P.E., City of Omaha
Mr. Henry (Hank) Vieregger, P.E., City of Omaha
Ms. Jessica Gladstone, Metro Area Transit
Mr. Randall J. Eldorado, P.E., Nebraska DOR
Ms. Linda Figg, FIGG
Mr. Jose M. Rodriguez, P.E., FIGG

Bids could force redesign of riverfront footbridge

By C. DAVID KOTOK

WORLD-HERALD STAFF WRITER

The twin sails over the Missouri River may have to be trimmed after bids for the pedestrian bridge between Omaha and Council Bluffs came in Friday at double the expected cost.

The city doesn't have enough money to build the project for the \$45 million low bid, said Mayor Mike Fahey.

The futuristic bridge, with its

"We all wish we could build this bridge for \$23 million. If we can't build it for that, it's back to the drawing board — literally."

Bob Kerrey, former U.S. senator



two suspension towers designed to look like giant sails, was supposed to redefine Omaha's skyline and symbolize the cooperation between Omaha and Council

Bluffs. It was proposed as a \$22.6 million project.

"It missed by so far it's mind-boggling," Fahey said.

No one Friday suggested walk-

ing away from the pedestrian bridge linking Omaha's new riverfront with a proposed park in Council Bluffs. But one supporter says something has to change if the bridge is to be built.

The idea grew out of former U.S. Sen. Bob Kerrey's back-to-the-river efforts. Before the Nebraska Democrat left the Senate in 2000, Kerrey secured the \$17 million federal grant for the span. The money was viewed as a

See Bridge: Page 2

Bridge: Review to ask why bids doubled estimate

Continued from Page 1
going-away gift from Kerrey's colleagues.

"We all wish we could build this bridge for \$23 million," Kerrey said Friday from his home in New York. "If we can't build it for that, it's back to the drawing board — literally."

City officials and private bridge designers were in Lincoln Friday for the bid opening. They were prepared for an overrun of a couple of million dollars because of the recent 40 percent rise in steel prices.

But they were stunned by the more than \$20 million difference.

City Parks Director Larry Foster said he had not seen such a disparity between estimated costs and the actual bid in his 30-year career.

"Obviously, I was surprised," said Alan Phipps, regional director for designer Figg Bridge Co. of Denver. "This was not what we expected."

Only two bids were submitted. Fru-Con Construction Corp. of Longmont, Colo., submitted the apparent low bid of \$44,942,000, compared with \$50,286,498 bid by Massman Construction Co. of Kansas City, Mo.

No bids were submitted by three other pre-approved bidders, including Kiewit Western Co. of Omaha, a subsidiary of Peter Kiewit Sons' Inc.

The submitted bids are now meaningless, Fahey and Foster said, because they will be rejected.

The city already is strapped for funds and doesn't have additional money for the bridge project, which also will link Nebraska and Iowa trail systems.

"The taxpayers are not going to come up with the difference," Kerrey said.

Nebraska's two U.S. senators — Democrat Ben Nelson and Republican Chuck Hagel — had received no requests for more federal money. Neither offered Friday to seek additional cash.

In addition to the \$17 million in federal construction funds, the rest of the money to build the bridge was to come from a \$1.7 million federal planning grant, \$1.5 million each from the States of Nebraska and Iowa, and \$1 million from the Papio-Missouri River Natural Resources District.

Both Kerrey and Fahey said the gap is much too large to try to fill with a private fund-raising effort.

"It's always better to go with the design you fell in love with," Kerrey said. When that's impossible, he said, the only choice is to scale back and come up with an affordable design.

City officials were not prepared Friday to abandon the elaborate design that they envision as the city's signature image. First, Foster and Fahey said, they will give Figg and the Omaha-based architect firm Bahr Vermeer & Haecker a chance to examine the bid docu-

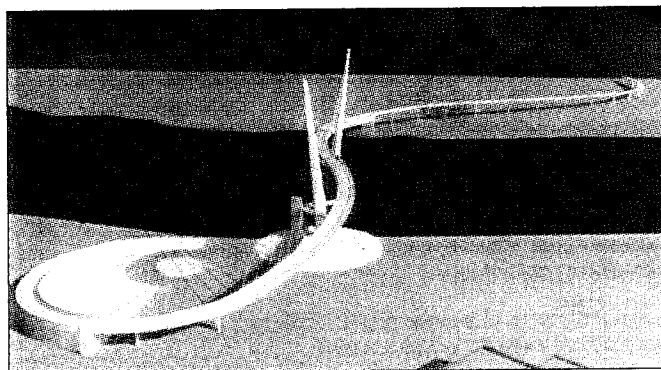
ments to find out why they were so far off.

After the bids are formally rejected, the designers can also discuss with the construction companies what brought them to the conclusion that it would cost \$45 million to \$50 million.

City officials declined to speculate on how long the bridge might be delayed. There is little doubt that construction will not start this summer and that the 2006 completion date is in question.

One concern for the city is the effect of choosing a plainer design as its riverfront centerpiece. In other words, will the pedestrian bridge be, well, too pedestrian?

The 105-condo Riverfront Place development unveiled last year was tied to the nearby pedestrian bridge. A Council Bluffs condominium and apartment plan also is proposed for the foot of the bridge on the Iowa side.



FIGG BRIDGE CO.

An architect's rendering shows the design of the planned pedestrian

OMAHA DAILY HERALD FOUNDED 1865
 OMAHA DAILY WORLD FOUNDED BY GILBERT M. HITCHCOCK 1885
 OMAHA WORLD-HERALD FIRST PUBLISHED JULY 15, 1889

Omaha World-Herald

JOHN GOTTSCHALK, *Publisher*
 LARRY KING, *Executive Editor* CHARLES REINKEN, *Editorial Page Editor*
 DEANNA J. SANDS, *Managing Editor*

W-H
 3-8-04

The need for vision

Omaha, to its credit, stands at a notable point in its downtown development.

The city is enjoying a remarkable renaissance along the riverfront. Impressive recent additions downtown include a new convention center and arena as well as an imaginatively designed corporate headquarters, the First National Tower. Visitors coming downtown from Eppley Airfield are now greeted by attractive new public spaces and a grand view of the skyline. Public art is becoming better incorporated into the city's appearance. Construction of a new performing arts center is under way. A well-considered beautification initiative, Omaha by Design, is taking shape.

This summer, construction was to have started on an ambitious public structure to symbolize the downtown's forward momentum: a graceful pedestrian bridge across the Missouri River. The proposal was a bold move in tune with the can-do spirit animating Omaha's burst of redevelopment.

What a disappointment it was to learn on Saturday that the bids for the bridge project are far in excess of available funds. The lower of two bids was \$44 million, double the \$22 million estimate that city officials have been using.

Such a dramatic disparity between estimate and bid can't be fully explained by even the recent jump in steel prices. City officials are right to have the architects examine the bid documents in an effort to determine the reasons for the divergence.

Whatever the reasons, the cost es-

**Bridge, though
 sidetracked,
 would still
 complement
 Omaha's forward
 momentum.**

timate process has, in this instance, ill-served the city. It is a remarkable turn of events for a project of this magnitude to be sidetracked so abruptly. But, given the fi-

nancial realities, there is no other choice but to press the pause button in order to size up the city's options.

Omaha officials should certainly examine all possibilities for putting the project on-track, albeit in revamped form. Whether that will be possible in light of the financial strictures is, of course, the key judgment that city officials ultimately will have to make.

There ought to be no doubt about one thing, though. If Omaha is going to compete in today's economic and cultural environment, it needs to demonstrate vision—through a positive business climate, certainly, but also through attention to cultural amenities and community appearance, from clean streets to attractive public spaces.

When a regional city embraces such an approach, it often bolsters its chances to secure new development and build a positive national reputation. Omaha has taken a variety of encouraging steps in that regard, as we've detailed above.

The pedestrian bridge would complement that forward-looking vision well. Indeed, it would provide an exclamation point to the entire process, conveying a sense of confidence and ambition to the region and to the nation.

City officials deserve encouragement as they work to keep the bridge project moving ahead. The ultimate goal is one in which Omahans can take pride.



Scrap plans on bridge

According to The World-Herald, ex-Sen. Bob Kerrey, who instigated the plan for a walkway bridge across the Missouri River, now thinks the project should go back to the drawing board due to contractors' bid submissions that indicate the actual expense of the project. Perhaps he should re-think the whole thing and drop it entirely.

In addition to the cost of the project, whatever it may be, additional costs have not been considered. There would be cost overruns, whose amounts won't be known until the project is finished, and the ongoing maintenance of the structure for its entire life.

Local tax money will have to pick up the future unknown expenses. And how many months per year would the bridge be unusable? And how many people would choose to use it during that period?

Taxpayers' money should be used for the good of the general public. Perhaps the bridge money could be more useful in keeping the libraries open and to ease tuition costs for deserving students at the community colleges and universities in this area.

V. Fletcher Nipper, Omaha

Think of the taxpayers

The projected cost (\$22.6 million) of the proposed footbridge over the Missouri River has been exorbitant from day one. Recent bids of \$45 million are way, way over the top.

Please, just once, think about the taxpayers and abandon the whole outrageous idea. The need isn't there in the first place.

W-H 3-8-04 Dick Switzer, Omaha

Towering bridge design is still focus

3-31-04

By C. DAVID KOTOK

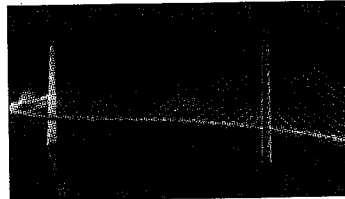
WORLD-HERALD STAFF WRITER

The towers rising above the Missouri River won't be sacrificed to save dollars in the renewed effort to build a pedestrian bridge between Omaha and Council Bluffs, officials said Tuesday.

"We believe the bridge can be built for a reasonable cost," said Linda Figg, president of Figg Bridge Co. "Our estimates were where they should be."

Construction companies reached a different conclusion.

The apparent low bid from Fru-Con Construction Corp. of Longmont, Colo., came in at \$44.9 million — nearly twice the \$22.6 million estimate by the Figg company, which helped design the



ARCHITECT'S SKETCH

A company that helped design the bridge will be given a month to figure out why the bids came in so high and suggest changes.

bridge. Only two firms submitted bids.

During a City Hall meeting, it was determined that the Figg company will be given a month to figure out why the bids came in so high and suggest any design

See **Bridge**: Page 2

Bridge: Engineering firm will re-examine costs

Continued from Page 1

changes. But the key elements of the design — particularly the twin towers with cables creating a signature statement across the Missouri — will remain intact, said Linda Figg, who is based in Tallahassee, Fla.

Omaha Parks Director Larry Foster earlier this month put responsibility for the price difference on the bridge engineers.

"As you know, on numerous occasions, the need for the design team to deliver this project within budget was emphasized," Foster wrote Figg executive Alan Phipps.

Foster also notified Figg company executives that the city would not pay any additional

fees to the firm or its consultants for the work required to get the bridge built within budget.

Phipps responded at the end of last week by saying the company is committed to "develop strategies for construction of the signature bridge that everyone in the community is expecting."

The estimates Figg developed were based on "construction costs for similar bridges, including bridges that are currently under construction," Phipps wrote.

While there was speculation that the increase in steel prices was a major factor in the bids, Figg officials concluded that the cost of steel might explain \$2

million of the difference but no more.

The meeting was attended by officials representing Omaha and Council Bluffs, the Iowa and Nebraska Roads Departments, federal transportation agencies and Figg.

By the time the group meets again in early May, Figg will have conferred with all five companies that were certified to bid on the project, including Omaha-based Peter Kiewit Sons' Inc., to find out why the bids were so far off the estimate.

"We are committed to delivering the bridge people are expecting within a reasonable cost," Figg said.

Omaha Parks Director Larry Foster was unsure whether the

delay caused by the unsuccessful initial bids will amount to a few months or a year or more. That will depend on how extensive the changes are to the initial design, Foster said.

Once a new design is completed, possibly in June, federal officials will have to determine if the changes will trigger a new environmental impact analysis.

If the bids had come in at the \$22.6 million estimate, the schedule called for completing the bridge in the summer of 2006. That date is a secondary concern now, Foster said.

"We are more interested in getting the right solution," he said. "We expect something all of us are proud of."

FEB 27 2004

Universal Information Services, Inc.

Work could begin this fall on rural water lines

An agreement between the Papio-Missouri River Natural Resources District, the Washington County Board of Supervisors and the Blair City Council at the end of 2003 served to help provide rural water to the county in 2004.

The project will consist of running a water line along Nebraska Highway 133 to the intersection of county roads 38 and P43. The city of Blair will provide the water. Along with providing water to each of the residents who signed up for the program, the main water line will also be oversized so Blair can get water from the Metropolitan Utilities District in the event of an emergency. Also, a water tower that will hold up to 1 million gallons of water will be built just south of Blair.

Construction on the project is expected to begin this fall. NRD and HGM Associates consulting a firm representatives completed a field survey of the entire area in January. Using information obtained from the field survey, HGM Associates will spend the summer

The main water line will also be oversized so Blair can get water from the Metropolitan Utilities District in the event of an emergency.

months working on a hydraulic analysis to determine the size of pipes necessary to provide adequate water pressure to the entire area. Also, the NRD is expected to begin work on obtaining easements from affected landowners this summer as well.

The agreement was approved by both the Blair City Council and the Washington County Board of Supervisors last December. The city of Blair will reimburse the district for all costs related to the design, construction and installation of the water tower, the supply main and the point of delivery site as well as the expense involved with acquiring the land necessary

for the project and any necessary interim financing.

The payments will be made in 10 annual installments less 20 percent of the total cost or \$250,000, whichever proves to be the lesser amount.

The city will also be responsible for 50 percent of the costs incurred by the district for the design of extending the water line from the proposed ending point at the intersection of county roads P34 and P39. Once the project is completed, water will be furnished to the rural residents by means of a connection from the city's water line to the project's water line.

Also, the agreement states the city may not terminate the water supply without the availability of another water supply and the consent of the Washington County Board of Supervisors.

In exchange for providing water for the project, the city will receive payments from the district. For the first five years of the project, the district will pay the city 84 cents for every 1,000 gal-

lons of water used. In the second five years, the district will pay 95 cents for every 1,000 gallons of water it receives.

While the county's role in the project is fairly minimal, the board of supervisors has requested the arterial branches of the main water line be oversized in order for the county to be better able to supply water to new houses and developments in the future. In exchange for oversizing the water lines, the county has agreed to pay the district \$200,000 to cover the additional construction costs.

However, both the county and the city will eventually be re-funded for their expenses to the project. Presently, all residents wishing to participate in the program are asked to pay a \$2,800 hookup fee with \$1,500 of each fee divided among the county and the city as rebate payments. On May 1, the hookup fee will increase to \$3,500. The rebate payments will continue on an annual basis until the county and city are repaid in full.

Trail compromise sparks interest

■ However, some County Board members have questions about the power-line plan.

By TOM SHAW
3-5-04
AND NANCY GAARDER
WORLD-HERALD STAFF WRITERS

Douglas County and Omaha Public Power District board members say they are willing to study a compromise that would allow a high-voltage line to be built along part of the Keystone Trail.

The lines would connect the utility's substations at 1505 S. 72nd St. and 7505 F St., about two miles apart.

But before they are convinced that a compromise is the way to go, several County Board members want more questions answered.

OPPD on Wednesday released cost estimates for stringing the power lines along the Keystone Trail and along 72nd Street. Douglas County, which owns the trail, had asked for the numbers.

Placing the power lines along 72nd Street would cost about \$400,000 more than using the trail — less of a difference than first reported.

The compromise, included Wednesday for the first time, would cost about the same as the 72nd Street route — about \$2 million.

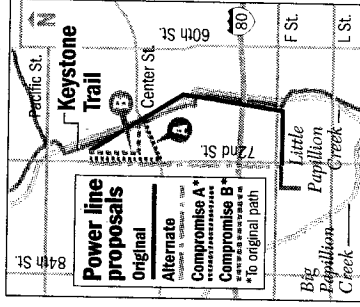
See Trail: Page 2

Adding it up

Cost comparisons of proposed high-voltage line:

Overhead line
Keystone Trail: \$1.7 million
72nd Street: \$2.1 million
Compromise route using Keystone and 72nd Street: \$2 million to \$2.2 million.

Buried lines
Keystone Trail: \$6.2 million to \$9.8 million.
72nd Street: \$8.7 million.



Trail: Power-line compromise to get further study

Continued from Page 1

The compromise route would place the power lines on both 72nd Street and the trail. It would run south along 72nd from Pine Street to Mercy Road or Center Street, then jog along one of those streets east to the trail and continue down the trail to F Street.

"I'm very glad that they've given us different alternatives with the different costs," County Board member Clare Duda said Thursday.

OPPD has not decided when it will take its proposals before the County Board, which must approve such a use of the Keystone Trail. The utility has said that the trail is its preferred route because of cost, easier maintenance and other factors. OPPD board member John Green said the utility will discuss the compromise route at its board meeting next week.

The transmission line is needed, OPPD says, to improve reliability along the Leavenworth Avenue-Pacific Street corridor from downtown to west Omaha.

Duda said he wants to spare

"When we put that concrete trail down there, we took away more green space than these power lines ever will."

NRD board member
Rich Jansen

the trees and green space behind the College of St. Mary, which is northeast of 72nd Street and Mercy Road. "I'd sure be willing to discuss (the Mercy Road) alternative," Duda said.

County Board members Carole Woods Harris and Mary Ann Borgeson said they would still like to avoid using the Keystone Trail altogether but would study the compromise proposals.

"I'm not going to close my mind on looking at alternatives," Harris said. Although the compromise would spare the trees behind the College of St. Mary, other trees

farther down the trail would need to be cut down to make room for the 10-story-tall transmission poles.

Douglas County Board member Kathleen McCallister, whose district would get the poles, said she still has questions.

McCallister and board member Kyle Hutchings want to be sure that area of town is being fairly treated. McCallister said she would be strongly opposed to the plans if other residential and business areas have not seen such a project.

Burying the line is out of the question, according to OPPD, because it would cost more than four times as much.

McCallister said the higher costs of burying the lines should not rule out that option considering the many years those lines would be used.

OPPD rarely buries high-voltage transmission lines such as these, said Vice President Tim Burke. Lower-voltage distribution cables are more commonly buried.

The numbers released this week disturbed several board

members for the Papio-Missouri River Natural Resources District. That board voted 5-4 last month to allow OPPD to use the trail, but without knowing the costs.

"The costs really disturb me when it's that close," said Barb Nichols, who voted to allow the utility to use the trail. "They led us to believe the other alternatives were basically out of the question."

Nichols said she wasn't sure there were enough votes on the NRD board to bring the issue back for a vote. Tim Fowler, who also supported OPPD's request, said he'd like to discuss it again.

"This changes the dynamic," he said.

NRD board member Rich Jansen said further discussion won't lessen his support for allowing OPPD use of the trail because it's the safer route.

"When we put that concrete trail down there, we took away more green space than these power lines ever will," he said. "We've got other trails under big power lines and so far, I've heard no one really complain about it."

River changes

The debate over the benefits provided by taxpayers' multimillion-dollar maintenance of navigation on the Missouri River has long centered on competition.

That would be a valid concern if barges plying the river do, indeed, hold down the prices charged farmers to ship fertilizer upstream and grain downstream. Those commodities make up most of the commercial traffic on the river.

But that's not the way it works.

Barges compete with the railroads. Historically, railroads without competition have set rates as high as the shippers will bear.

When barge supporters beat the drum for competition with the railroads, they don't mention one key thing: From Sioux City to Kansas City, there are not one but two railroads. The Burlington Northern Santa Fe and the Union Pacific compete with each other far more effectively than any barge line could.

Elevators and other companies are investing heavily in grain storage and train loading facilities. For instance, Grain Journal magazine noted in 2002 that the DeBruce Grain Co. barge terminal at Nebraska City was building a rail siding to permit it to load trains.

The Army Corps of Engineers has managed the Missouri River to facilitate navigation, flood control, power generation and several other uses since it began planning to dam the upper river in the 1940s. Six dams created huge reservoirs whose water was used to maintain navigation between St. Louis and Sioux City.

The corps dreamed big. The river highway was supposed to haul 5,000 tons of grain by 1980. But the tonnage peaked at just over 3,000 in the mid-'70s and has fallen ever since. It's nearing 1,000 tons, most of that moving between Kansas City and St. Louis—and it's still dropping.

**Missouri
barge interests
can't hide behind
a 'competition'
argument.**

Why? Farmers try to sell where the price is highest. Many use semi trucks that haul their crops anywhere that will offer a few cents more profit a

bushel.

In addition, more farmers are selling locally. Consider the local corn used by the ethanol plant in Blair, Neb., or the soybeans consumed at the new processing plant in Council Bluffs.

The corps spends \$3 million to \$5 million a year maintaining navigation and stabilizing the banks of the Missouri below Sioux City. That is balanced against the savings shippers realize from river traffic.

When the corps suggested that barges save shippers \$2.20 a ton compared to rail, it fudged a bit, according to AGRI Industries, a Midwestern agriculture cooperative. It notes that in determining that amount, the corps didn't consider shuttle trains, a low-cost rail alternative. (Shuttle trains carry grain to St. Louis and transfer it to cheaper Mississippi River barges.)

Add to all of these considerations the fact that two of three barge companies operating on the Missouri quit in January, and what's left is an industry sinking fast. Navigation enthusiasts would have people believe the companies left because of the uncertainties surrounding the river level and the Army Corps management. Not necessarily.

We lean toward the explanation given by Roger Blaske, head of Blaske Marine, when his company pulled out. "Our experience the last couple of years," he said, "has demonstrated to us that it's just not practical to go there (the Missouri River) at the rates the customers want to pay."

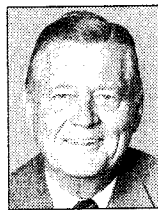
The competition argument no longer washes. For that pivotal reason, the corps' emphasis on navigation at the expense of recreation and other public uses ought to stop.

Environmental activists seem to ignore the flood control law

11-4 3-7-04

It was predictable but nonetheless regrettable that environmental activists would summarily reject the Army Corps of Engineers' latest proposed revision of its master plan for managing the Missouri River.

Two less emotional observers, Nebraska Attorney General Jon Bruning and South Dakota Gov. M. Michael Rounds, reacted positively to the changes the corps is proposing in an effort to accommodate the variety of interests with a stake in how the river's flow is managed.



Harold W. Andersen

Among other changes, the corps proposes to provide up to 20,000 acres of water surface outside the main channel to provide spawning habitat for an endangered species of fish, the pallid sturgeon. The corps' proposed revised management plan also is designed to provide assurance of more recreational water in upstream reservoirs in times of drought.

But environmental activists continue to berate the corps for not doing enough to restore the Missouri to what they describe as a more natural flow to enhance the river's "health."

"Today, the corps dashed our last lingering hopes that they will show leadership without an explicit court order," said Chad Smith of Lincoln, Missouri River coordinator for American Rivers.

People who spend so much time telling the corps how the river should be managed surely cannot be unaware of the terms of the Flood Control Act of 1944, which was designed specifically to dam and channelize the river in a way that much better serves the public than did the "more natural" flow — the flow that in 1952, for just one example, had Omaha's municipal airport underwater and hundreds of civilian volunteers joining public employees in sandbagging along the Missouri to keep it from flooding downtown Omaha.

Particularly galling to some of the environmental activists is the fact that the corps' operating manual has consistently made provision for water levels that allow barge traffic. But "aid to navigation" remains second on the list of 10 purposes Congress mandated to be served by the dammed and channelized river.

The environmental activists' argument for a "more natural" flow in the Missouri is, in a sense, an effort to amend the Flood Control Act of 1944 without going to Congress. If the activists' favor-

ite whipping boy, barge traffic, is to be banned from the river or pushed to the bottom of the purposes for which the corps has been mandated by Congress to manage the river, the fairest and most honest course would be for environmental activists to go to Congress and change the list of objectives to be served by the corps in managing the river — objectives that now read like this:

"Flood control, aid to navigation, irrigation, hydroelectric electricity generation, municipal and industrial water supplies, stream-pollution abatement, sediment control, preservation and enhancement of fish and wildlife and creation of recreational opportunities."

* * *

As I continue my series of lectures on the dangers of collegiate athletic officials worshipping at the altar of the goddess Gender Equity, the subject of today's lecture might be summarized in the form of a question: "Hello down there; are you what's left of the University of Nebraska-Lincoln's intercollegiate swimming program?"

A few years ago, UNL officials emasculated the school's intercollegiate swimming program by ending the men's program while continuing the more expensive women's program. The object was to take money saved by drowning the men's program and apply it against the increasing cost of subsidizing money-losing women's and men's teams, including women's bowling and riflery teams. (There are no men's bowling or riflery teams; no men's soccer team, either, despite the increasing popularity of men's soccer competition in Nebraska high schools.)

I don't know that UNL administrators were prepared for the damaging impact on the women's swimming team that resulted from the decision to eliminate the men's team. In any case, the result was to drive the women's swimming program to the absolute bottom of the Big 12 Conference, as women swimmers reacted indignantly to ending the men's program and said goodbye to UNL.

My lecture today is prompted by a brief news item in last Sunday's World-Herald which reported that Nebraska finished last among the four women's teams competing in the Big 12 Conference championships. So, to the question "Hello down there; are you what's left of the University of Nebraska-Lincoln's intercollegiate swimming program?", the answer from the Big 12 Conference basement is unmistakably "Yes."

■ The writer, retired publisher of The World-Herald, may be reached at P.O. Box 27347, Omaha, Neb., 68127. The telephone number is (402) 593-4553.

72nd Street residents pan power line

3-11-04
BY NANCY GAARDER

WORLD-HERALD STAFF WRITER

After living along 72nd Street for 15 years, Greg Pegg has gotten used to the noise and the traffic zooming past his back yard. He even had an out-of-control car land in his yard.

So he is none too keen about the possibility of the Omaha Public Power District building a high voltage line along the street.

OPPD is considering 72nd Street as an alternative to its preferred route, the Keystone Trail, for a line from Pine to F Streets.

The Keystone is one of Omaha's busiest hiking-biking trails, and plans to build there have run into opposition.

But the trail, Pegg said, "looks like it's a lot easier and doesn't impact as many people."

Pegg was one of six people to attend an OPPD-sponsored informational session Wednesday at the Holiday Convention Centre. About 80 invitations were sent to residents and businesses on 72nd Street.

All six said they preferred the Keystone route, but the depth of their feelings varied.

"I can live with it because of everything else that goes on along 72nd Street," Pegg said. "But the Keystone looks like the way to go."

Patricia Headrick, a longtime 72nd Street resident, is firm. "They spent a lot of money fixing up 72nd Street," she said. "Why mess it up with those poles?"

Headrick said she plans to contact Douglas County Board member Kathleen McCallister, who represents the area. County Board approval is necessary for OPPD to move forward.

OPPD needs to build the line to improve reliability of electricity along the Leavenworth-Pacific Street corridor from downtown to west Omaha, said Larry Troutman of OPPD.

The 72nd Street route would cost about \$2.1 million, about \$400,000 more than trail plan.

The utility would consider a compromise route along parts of both 72nd Street and Keystone, spokesman Jeff Hanson said.

V-H
3-10-04

The \$400,000 question

Four hundred thousand dollars. That's how much would be saved by marrying a well-used city green space with high-voltage power lines.

Omaha Public Power District put firm numbers to the cost difference between a route on the Keystone Trail vs. a route along 72nd Street north of Interstate 80. The figures emerged after the Douglas County Board demanded the information. Prior to that, OPPD had said only that the 72nd Street route would be "significantly more expensive."

We're glad the board asked. That \$400,000, while scarcely minuscule, isn't enough to justify encroaching on a highly popular green space. It's an especially important decision, given the nascent movement in Omaha to foster a more appealing city by protecting aesthetic features such as trails and parks.

The 72nd Street route, of course, is not an entirely popular option, ei-

**Power lines'
extra cost along
72nd Street
isn't worth
marrying the
Keystone Trail.**

ther. It's commonplace for any power line route to meet resistance from those who don't want it near them.

Still, 72nd Street is already a recognized

utility corridor, filled with power poles, street lights, traffic and all the other visual and auditory commotion of modern living. Parks and trails are meant to be at least partial refuges from such. Moreover, the two compromise routes under discussion strike us as folly. Either one would cost about the same as the 72nd Street option and would still mean that well over half of the poles would be erected along the trail.

The \$400,000 cost difference is relatively negligible for OPPD and its ratepayers. The difference in siting is not negligible, however, for Omaha's attempt to foster a better urban environment.

The county board should refuse the request to locate the power lines along the Keystone Trail.

N-H
3-12-04

The right path

Having a biking-and-hiking trail along the full length of Omaha's section of the Missouri River makes sense in many ways.

The idea would help fulfill the "back to the river" concept that has animated the current riverfront development. It would open important new recreational opportunities for residents. And the sight of bicyclists and walkers enjoying the view along the Missouri would give out-of-towners at Eppley Airfield and the Gallup University a welcome impression of Omaha's forward-thinking civic attitude.

Not having the trail along the full course of the river would short-circuit those worthy goals.

Such a river-hugging path was part of the original plans in the 1990s when Omaha civic leaders, and political leaders such as then-U.S. Sen. Bob Kerrey, began moving forward on the riverfront redevelopment.

**City officials,
airport board
should work
to resolve
bike-trail
concerns.**

A trail plan was in fact developed, but a glitch appeared last year when the Omaha Airport Authority voiced opposition to allowing the path to follow the river at

Eppley. Instead, the board urged, the path needs to veer around the airport completely — on its western side, across a busy street, and away from the river.

Mayor Mike Fahey is to be commended for his efforts to avoid such an unsatisfactory outcome. Under a plan he has presented to the airport authority, the path would angle downward off the flood-preventing levee at certain points, to address concern that bikers could interfere with flight paths.

Other matters such as legal considerations also need to be addressed. But as Fahey says, they ought to be solvable through discussion and negotiation. That's the attitude appropriate for this situation.

6-74 3-12-04

Douglas County fairness

State Sen. Pam Brown of Omaha has introduced a bill to remove an ill-considered obstacle to city-county mergers. It's regrettable that the Douglas County Board voted 4-3 this week to undercut her efforts.

Brown's proposal would end the current requirement that a proposed merger be approved by a majority of rural residents — that is, people who live neither in a municipality nor in a sanitary and improvement district.

In other words, the bill would change the law so that a rural minority would not be able to veto a merger proposal approved by the majority of county voters.

A four-member majority on the County Board took the opposite stance, unfortunately. The commissioners approved a resolution saying that Brown's bill "eliminates the right of rural county residents to choose on the issue of consolidation, thus subjecting the rural minority to the possibility of a hostile takeover by the urban majority."

The majority of commissioners is

**Sen. Brown
is right to seek
to revamp law
for merging
governments.**

stretching its claim by saying a rural veto is an automatic "right." In reality, how much weight state law should assign the votes of rural residents in

regard to merger is a subjective judgment, not a matter of absolutes.

Moreover, the commissioners' argument can be turned around in one respect: If the County Board wants to talk about unfairness, what about the fact that Douglas County's "urban majority" pays county taxes that fund services for only a small minority of residents? Merger would help reduce that inequity.

In any case, even if the law were changed as Brown proposes, government mergers would be allowed to proceed only with majority approval from within each of three groups: the county's residents, residents in each municipality and residents who live outside municipalities.

Brown's bill isn't an out-of-bounds infringement of anyone's rights. It is a sensible refinement of state law, fully justified by the facts of the situation. It deserves the Legislature's approval.

Corps opts to leave DeSoto as is

3-12-04

BY NANCY GAARDER

WORLD-HERALD STAFF WRITER

The U.S. Army Corps of Engineers has dropped a controversial plan to convert the lake at DeSoto National Wildlife Refuge into a side channel of the Missouri River.

A popular spot for catfish and crappie fishing, the lake had been scheduled for conversion this summer to help protect an endangered river fish.

Public opposition and the opportunity for other solutions prompted the decision to drop the plan, said Mike George, project manager for endangered species projects along the river.

"Taking into account public concern and the fact that we've got other routes we can pursue," George said, "it just didn't make sense to do DeSoto Bend."

The corps received 26 comments in opposition to the plan.

Chad Smith from American Rivers said the corps' decision to back away is good news — because the plan wouldn't have worked.

The project centered on opening the lake up to the river for two months out of each summer, then closing it off again.

A plan to convert the lake into a river channel has been set aside.

"This was doomed to failure," Smith said. "That's not to say good things couldn't be done at DeSoto. I'm glad they're shelving this."

The U.S. Fish and Wildlife Service, which manages DeSoto, had concerns about the corps' plans. Larry Klimek, refuge manager, said the service is "supportive" of the corps' decision to halt the project.

George said he believes the corps could have engineered a project that would have worked. While the plan hasn't been completely abandoned, he said it has been indefinitely postponed.

"If we reach the point where we can't get shallow habitat acres that the species needs anywhere else," he said, "then we'd have to look at DeSoto. But that's down the road. If we ever look at it again, it would be a look — it wouldn't be that we would do it."

The fish species that the corps is working to protect is the pallid sturgeon. A bottom dweller, the

long-lived fish dates back to the age of dinosaurs. But the river has changed so much due to human engineering that adult pallid sturgeon are not spawning and the young are not surviving. As a result, the species is dying out.

To restore habitat in slower-moving sections of the river, the corps is spending \$11.5 million this year on in-stream improvements. These are the projects that George said make the DeSoto conversion unnecessary.

The projects fall into two categories, George said. First, the corps is notching some of the dikes in the river to allow additional water to flow into the eddies behind the dikes.

Second, the corps is trying to improve habitat on three large bends in the river. Water moves more slowly along the outside of bends, which is where the corps also hopes to improve river habitat. The three bends are north of Blair, Neb.

Between notching dikes and re-engineering the river bends, the corps hopes to gain 1,200 to 1,900 acres of improved habitat from Sioux City, Iowa, to the mouth of the Osage River in Missouri.

W-H 3-16-04

Approve OPPD's plan

Nowhere in the articles I've read about OPPD's proposed power line route are the words "creek" and "floodway" used — only "Keystone Trail."

This slant makes it appear as though widely spaced, slender, steel poles would despoil a pristine, scenic environment. In fact, the proposed route is along the bank of one of Omaha's many creeks. A transmission line along this creek would be no less attractive than the usual debris that lines its banks, particularly after a heavy rainfall.

The more-expensive alternate route, 72nd Street, has seen enough construction and disruption recently. In fact, that disruption would just be finishing when it would start again were the utility forced to route the line along that busy thoroughfare. Never mind the businesses, motorists and residents who would be inconvenienced.

As an OPPD ratepayer and taxpayer who helped pay for the asphalt and concrete "trail" that runs along this creek, I wholeheartedly support OPPD's plan. It is a wise and frugal use of ratepayer and taxpayer funds and property.

OPPD supports the creek route. The Papio Natural Resources District has given its approval. The Douglas County Board should act — and vote — in the interest of the majority of its constituents and approve the route.

Jim Redelfs, Elkhorn, Neb.

Board turns down trail proposal

■ The refusal to allow a path on Eppley Airfield property disheartens supporters.

By C. DAVID KOTOK
WORLD-HERALD STAFF WRITER

Bike riders and joggers lost a chance for one of the best views of the Omaha skyline Tuesday when the Airport Authority board decided against permitting a trail along its boundary.

For Mayor Mike Fahey and city officials, it's on to Plan B for the link from downtown along Missouri River north.

Most of the focus turned to finding a new path, following the 4-1 vote against permitting the city to locate the trail along the levee between Eppley Airfield and the river.

The most likely avenue of least resistance is to bring the trail along the west side of Abbott Drive around the airport. That would mean the trail would have to cross Abbott twice and Locust Street once to avoid airport property.

"I could live with it," said a dis-

heartened Ronald A. Mortensen, president of the Omaha Pedalers Bicycle Club. "But for families and kids, this will be another hazard."

The majority of the board — David Sokol, Roy Smith, Pat McNeil and P.J. Morgan — insisted that the risks to the future expansion and operation of the airport were simply too great.

Board member Harlan Noddle, who was sworn in at the beginning of the meeting, said he wanted to postpone the vote. But when the vote was taken, he went against the others.

The key to the board action was a Department of Transportation provision that protects recreation land. Three outside experts were brought in by the airport administration to insist the trail would fall under the provisions of the federal law.

The experts laid out several
See Trail: Page 2

Trail: Airport board says risks are too great

Continued from Page 1
problems:

■ New airlines may find it more difficult to offer service at Eppley.

■ Any changes in runways or navigational equipment could be delayed.

■ Discretionary funds from the Federal Aviation Administration, which average more than \$2 million a year, could be lost.

As Fahey was pressed for assurances that none of those potential problems would surface, he grew frustrated. "And the sky could fall," Fahey told the board.

There is no way to protect against anyone, anywhere from filing a lawsuit objecting to an airport action, Fahey said. If the authority members fear the trail would handcuff them on future expansion, Fahey said, the city is offering "handcuffs with the key attached."

"I'm extremely disappointed," Fahey said after the meeting.

Several board members said they had no choice given their mission to protect and improve Omaha's air service. Given objections from Southwest Airlines, Union Pacific and the national organization representing corporate air-

craft, they said it was their duty to vote no.

Former U.S. Sen. Bob Kerrey, a longtime advocate of the trail as an important piece in the "back-to-the-river" program, called it a major mistake.

"Any time a public body decides something from a narrow, legalistic view," Kerrey said, "it's always a mistake. The public was not well-served by the Airport Authority in this case."

"We'll have a path, but it will be more expensive, less convenient and more dangerous," he said. "This was not a good day for recreational interests of Omaha."

Kerrey said the transporta-

tion rule, known as "section 4(f)," is just the latest excuse by an airport administration determined to keep the trail off its land.

J.E. Murdock III, who specializes in aviation issues for a Washington law firm, said nothing short of changing the law could overcome the obstacles created by section 4(f), particularly after a U.S. Appeals Court ruling in December.

No agreements between the city and Eppley, or statements by federal agencies could exempt the trail from the requirements, liability and paperwork created by the federal rule, Murdock told the board.

Water bill advances; are rougher seas ahead?

BY MARTHA STODDARD
WORLD-HERALD BUREAU

LINCOLN — With budget clouds amassing on the horizon, debate about a massive change in Nebraska water policy came down to dollars and cents Wednesday.

Lawmakers advanced Legislative Bill 962 only after reaching a compromise that would reduce the amount coming from the state general fund.

LB 962 is a major water policy proposal aimed at resolving conflicts between surface-water users and groundwater users.

But even supporters admitted the compromise may not hold when the measure comes back for the second of three rounds of debate. The next round will come after senators have their first debate about the state budget.

"We will have the battle, the war, on (second round)," predicted State Sen. Roger Wehrbein of Plattsmouth, chairman of the Appropriations Committee.

The funding compromise would launch reform efforts with \$1.5 million of state general funds next year. Another \$1 million or so would be expected to come as a grant from the Environmental Trust Fund.

The money would be used to collect information about water supply and demand, as well as develop plans and monitor changes in areas where there is a water shortage.

That compares with the original proposal for using \$2.5 million of state general funds next year and \$4.5 million the following year.

Wehrbein offered only "temporary support" for the compromise, saying he prefers to support reform efforts from the lottery-supported Environmental Trust Fund.

Sen. Chris Beutler of Lincoln, who helped craft the compromise along with Sen. Ed Schrock of Elm Creek, said he believes irrigators and others should pay fees on their wells to support the program. He said the compromise will give lawmakers a chance to see how the program is developing before deciding on future funding.

X Lawmakers also adopted an amendment that would allow natural resources districts to raise property-tax levies by 1 cent per \$100 of assessed valuation. The additional levy could be used only to carry out water policy reforms.

LB 962 represents a compromise crafted over 18 months by a Water Policy Task Force.

It is built on current water law, in which the State Natural Resources Department regulates water in lakes, streams and rivers, and the regional natural resources districts oversee groundwater use.

The plan calls for the department and districts to work together in deciding whether demand for water in an area matches or exceeds the amount available. Such reviews would be done annually. The agencies would jointly manage water use where water is fully appropriated or overappropriated.

Other provisions of LB 962 address water transfers and cancellation of surface water rights.



News Release

**US Army Corps
of Engineers**

Northwestern Division
Public Affairs Office

12565 West Center Road
Omaha, Nebraska 68144-3869

Contact: Paul Johnston
(402) 697-2552

Phone: (402) 697-2552
Fax: (402) 697-2554

Date: March 19, 2004

Corps releases Record of Decision, new Missouri River Master Manual and final 2004 Annual Operating Plan

OMAHA – The Army Corps of Engineers released today its Record of Decision on the Final Environmental Impact Statement on the operation of the Missouri River dams and reservoirs, the new Master Water Control Manual, and the final 2004 Annual Operating Plan. The decision marks the fulfillment of 14 years of concentrated effort, study and debate on the long-term management of the Missouri River projects by the Corps and other federal agencies, states, tribes and river users.

“We believe the selected plan in the new manual is the best balance for serving the multiple purposes of the reservoir system as authorized by Congress, meets the Corps’ trust and treaty obligations to federally recognized tribes, and complies with the environmental laws, including the National Environmental Policy Act and Endangered Species Act,” said John Paul Woodley, Assistant Secretary of the Army (Civil Works).

“This is one of the most difficult and complex issues facing the Corps of Engineers. It has been compounded by the current drought and the need to protect endangered species,” said Woodley. “I am truly proud of the dedication and sensitivity of the professionals in the Corps responsible for this achievement.”

In 2004, the Corps’ has committed an additional \$23 million to achieve its immediate goals. These goals listed below are reflected in the final 2004 annual operating plan:

- Construct an additional 1,200 acres of shallow-water habitat by July 1 for the endangered pallid sturgeon
- Implement the drought conservation measures
- Provide minimum navigation service without a split season and continue support to other authorized purposes
- Build sandbar habitat for the interior least terns and piping plovers
- Modernize and expand hatcheries for pallid sturgeon propagation
- Implement vigorous research, monitoring and evaluation of recovery efforts
- Establish the Missouri River Recovery Implementation Committee (MRRIC)

“The Corps of Engineers is committed to improving the survival of the species, providing predictability to the people of the basin, and lessening the impact of severe drought by saving more water in the reservoirs,” said Brig. Gen. William Grisoli, Northwestern Division Engineer.

The Corps' retains its commitment to flood control and power generation. The dams protect 1.4 million acres of farmland and 40,000 residential and non-residential buildings along the river from Montana to the Mississippi River. This benefit averages more than \$410 million annually. They also provide average annual hydropower benefits in the range of \$670 million.

The new Master Manual complies with the Endangered Species Act. The Corps and U.S. Fish and Wildlife Service have been working together to address the immediate requirements of the pallid sturgeon, shaping a credible plan to develop 1,200 acres of shallow water habitat by July 1. Over the next two years, the Corps will engage the people of the basin through the MRRIC to shape the Amended 2003 Biological Opinion requirement for a "spring pulse" to meet the needs of the species and the people. The new research, monitoring and evaluation program will provide critical information to this review.

The new manual also incorporates an adaptive management strategy as part of a deliberate process to responsibly identify possible changes to water management. The Corps is committed to ensuring that the public is actively involved and well informed of potential changes in the regulation of the dams and reservoirs, and has the opportunity to comment on those proposed changes prior to implementation.

The long-term goal is to implement a comprehensive set of measures over 20-30 years to help recover the protected species and the ecosystem they depend on, said Grisoli. "I'm excited about the opportunities now available to the basin. The President's budget request for 2005 includes \$69 million for improvements along the entire Missouri River, which bodes very well for both the residents and listed species," he added.

"The people of the basin must work together as a team – federal, state, and local agencies as well as the diverse stakeholders – and remain committed to preserving the Missouri River as a national treasure," said Grisoli, "allowing everyone to enjoy its beauty and many resources."

All the Master Manual documents as well as the final 2004 Annual Operating Plan are available on the Northwestern Division website at: www.nwd.usace.army.mil.

3/21/04 All wet on wetlands

Those 1,200 acres of wetlands, the ones that the U.S. Army Corps of Engineers has proposed to create by July 1 on the Missouri River, are a surprising development. That plan is preferred by the corps so that it won't have to create more historically natural water conditions to benefit wildlife habitat in the much-abused river.

What's going on here?

The U.S. Fish and Wildlife Service issued a preliminary biological opinion in 2002 saying that to maintain the health and preserve the ecosystem of the Missouri, the corps would have to manage the river with flow changes. More water released in the spring and less in midsummer would, among other things, prompt species to mate and create natural nurseries and safe areas for their young to mature enough to survive.

Fish and Wildlife scientists also wanted the corps to construct habitat to foster the health of the river and the species that depend on it.

Enter politics.

A few weeks before Fish and Wildlife was supposed to finalize its recommendations, the Bush administration fired the scientists on the Missouri team. Another research group took over — qualified, in general, but not Missouri specialists. And the new scientists were ordered to work quickly.

That group pretty much supported the first team's findings. But its final opinion contained a few trap doors that gave the corps an out. Thus, 1,200 acres of wetlands.

Adding wetlands to the Missouri system would help its environmental integrity. But scientists, researchers and experts from every agency and every field of study on the river agree — some privately, some publicly — that it, simply wouldn't be enough. Building artificial wetlands here and there may offer some hope to an endangered species (the pallid sturgeon is the most commonly cited example), but it wouldn't come anywhere near solving the problem of degradation of the entire river.

Wetlands create shallow backwaters. There, fish can spawn and grow enough to survive in the swift, treacherous current in the channelized Missouri from Sioux City to the mouth of the Platte River. It is that stretch that arguably has been the most degraded by corps actions and

What's up with the Army Corps of Engineers' new plan for river habitat?

is most in need of flexible management changes. And it is that stretch where Fish and Wildlife told the corps to build its 1,200 acres of wetlands.

The corps considered, then shelved, reconnecting the lake at DeSoto National Wildlife Refuge to the river as part of the project. It has suggested that it will exploit potential shallows on riverbends above Blair, Neb. But the corps is also reportedly considering construction in Missouri — well outside the badly degraded area. Missouri is a key state in this presidential election year, a fact that is probably not unrelated to the situation.

Environmentalists have suggested that the portion of the Missouri below Plattsmouth is marginally healthier than the bare-bank, swift-current ditch that lies above it. It would be unwise of the corps to ignore the section of the river that needs the most help to favor a politically attractive — rather than environmentally needy — portion of the river.

The corps is also reportedly looking at constructing wetlands that cannot be maintained by the river unless its level is well above the minimum needed for summer navigation. That has two implications: First, the corps searched for — and may have found — a way to ignore the Fish and Wildlife recommendations on summer flow levels. Second, if the water level remains high in the summer, the river would continue to be inhospitable to fish spawn and bird and wildlife habitat anywhere but in the tiny manufactured wetlands.

Here are the bottom lines that we see in the 1,200 acres of wetlands:

- It looks like a dodge by the corps to assure that it can maintain a higher summer flow level than Fish and Wildlife and other researchers have said is needed to bring the river back from decline.

- It ignores the larger ecosystem-health questions that have to be addressed if the Missouri is to remain alive and flourishing for grandchildren and great-grandchildren of the people who are arguing over it today.

- It does not set the corps on the right course to environmental responsibility and commitment to a true balance of interests on the river.

Nature Conservancy tries new Platte strategy

W-H 3-23-04

LINCOLN (AP)—The Nature Conservancy, one of the largest nonprofit environmental groups in the world, is using a new strategy to try to save the environment along the Platte River.

The group is teaming up with Nebraska sand and gravel operators, farmers and officials to help preserve environments threatened by development and recreation.

"We're trying to find a balance where development im-

pacts will be minimal on nature," said John Heaston, a field representative for the Nature Conservancy.

During the 1970s and 1980s, the Nature Conservancy, like other conservation organizations, bought land to conserve critical habitats.

The group now owns about 100,000 acres in Nebraska, with its biggest holding a 65,000-acre preserve on the Niobrara River.

One of the strategies the organization is using in the Central

Platte River Valley is working with sand and gravel mining companies on new ways to create wildlife habitat.

The Nature Conservancy is also working with farmers and ranchers to manage grasslands for the benefit of livestock and wildlife.

Voluntary partnerships have the potential to provide income for the landowner and create large grassland systems that benefit declining grassland birds and rare and vulnerable plant communities.

Trails benefit many

W-H 3-24-04

I am writing in response to L.J. Jones (March 21 Pulse). Loosen up the steel-toed Red Wings and realize that the development of public access trails goes well beyond the "Birkenstock-sandals" crowd.

Omaha has come a long way with its willingness to work together with various local organizations to develop a series of connecting trails that improve the quality of life for many people and pets. The trails also provide a safe way to commute rather than play "Frogger" on the city streets.

I agree that the timing is not quite right with the airport trail, but with more planning, the trail eventually will be built. Just watch!

David Mortensen, Omaha

Counties move to regulate sizes of lots

■ The Douglas and Washington County Boards are

concerned about a trend toward houses on large acreages.

By TOM SHAW 3-24-04
AND TODD VON KAMPEN
WORLD-HERALD STAFF WRITERS

Concerned about trends in the Omaha area for placing houses on large tracts of rural land, officials in Douglas and Washington Counties are setting limits on what can be built.

The limits come as residents look to buy homes on lots that are each several acres in size. Such

lots are meant to give people a rural feel without having to live far from the city.

The problem is that larger lots can make it more difficult for cities to absorb subdivisions in the future, and big lots eat up rural land more quickly.

Both counties took steps Tuesday to curb such acreage developments.

Douglas County, which has seen homes pop up with yards of three to five acres, has created a special plan regulating future subdivisions.

The plan limits the size of lots in subdivisions to a maximum of two acres each.

The new regulations would govern a large area of county land northwest of Omaha. The area would be considered a special "overlay district" where the new rules are applied.

See Acreages: Page 2

Acreages: Counties move to control sizes of lots

Continued from Page 1

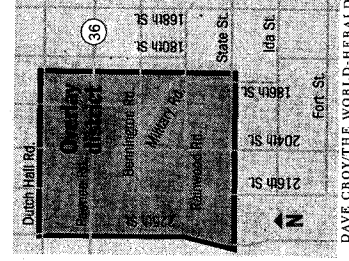
Officials say the area probably will see significant growth as Omaha, Elkhorn and Bennington expand.

"It just gives us more control for more orderly growth," Barbara Hayes, chairwoman of the Douglas County Planning Commission, said of the plan.

In addition to the call for tighter development, the county will also have more oversight of larger lots. Under the proposed changes, the county would be able to regulate lots between 10 and 20 acres. Currently the county has no say on homes built on more than 10 acres.

Douglas County Board member Clare Duda, who represents the area, said the plan is a "great step" to organizing growth in the county.

After seeing an increase in the number of proposals for larger subdivisions in recent



DAVE CROFT/THE WORLD-HERALD

years, county planners asked the city how it handles such development.

City planners said county rules that allow homes to be built on larger pieces of land could complicate Omaha's efforts to absorb developments in the future.

The denser a development,

the easier it is to surround with streets and utilities.

"I think the County Planning Commission has done some good work," said Steve Jensen, Omaha's assistant planning director.

The new regulations were presented Tuesday to the Douglas County Board. They could be voted on next month.

Officials in Washington County did approve a plan Tuesday for how land can be used. The plan allows homes to be built on lots as small as two acres in rural areas of southeast Washington County.

The plan deals a blow to some acreage owners in that area who had wanted officials to allow homes only on tracts of more than 10 acres.

The homeowners don't want houses packed together. They say denser development would ruin the rural flavor that attracted them to the area in the 1970s.

first place.

But county leaders decided that allowing only larger lots in certain areas wouldn't work.

"Not everyone can afford 10 acres," said Planning Commission Chairwoman Laura Linhart. "They want to be in a subdivision with covenants."

While the southern part of Washington County will see smaller lot sizes, in general, lots in northern and western parts of the county would have to be 10 acres or larger.

"The issue was we want to preserve agriculture in Washington County, and you can't do that if you're allowing subdivisions in that particular area," Linhart told the County Board.

Approving the plan brings the county and its consultant closer to finishing four years of work on a comprehensive plan that hasn't been overhauled since 1970.

Corps' plan for Missouri is faulted

3-24-04

BY HENRY J. CORDES

WORLD-HERALD STAFF WRITER

The U.S. Army Corps of Engineers' new plan for operating its Missouri River dams would continue to jeopardize the endangered pallid sturgeon, the Department of the Interior says.

In a letter to the corps, an Interior Department official said the plan is not consistent with biological opinions issued by the U.S. Fish and Wildlife Service, the federal agency that enforces the Endangered Species Act.

The corps' plan does not include the flow changes called for by biologists "and does not achieve the desired goal of avoiding jeopardy to the listed species," said Willie R. Taylor, director of environmental compliance with the Interior Department.

A spokesman for the corps in Omaha said, however, that the agency remains convinced that the Fish and Wildlife Service ultimately will find the new shallow-water habitat the corps plans to build for the sturgeon to be an acceptable alternative to flow changes.

When asked whether the letter seemed to contradict the corps' plan, spokesman Paul Johnston said, "We don't seem to think so."

The disagreement may well be sorted out this spring in a federal court in Minneapolis, where a judge will consider arguments from numerous parties about the corps' management of the river.

Chad Smith, the Lincoln-based Missouri River coordinator for the environmental group American Rivers, said the Interior

Department's letter will provide ammunition for environmental groups seeking dam releases that mimic the river's natural ebb and flow.

"It directly contradicts the corps' self-interpretation that they are complying with the Endangered Species Act," Smith said. "It's a letter from the agency in charge saying that it doesn't."

The Fish and Wildlife Service last fall renewed its call for flow changes on the Missouri, including a high-water rise in the spring and lower summer flows, to aid the pallid sturgeon, an endangered fish that inhabits the Missouri's depths.

The service said that if the Corps of Engineers ultimately increased the amount of shallow-water habitat for the sturgeon, it would endorse the corps'

plan to increase summer water levels to support river navigation and other river uses.

The corps seized upon that offer and said last month that it would work to create 1,200 acres of shallow-water habitat by July 1 so that it could run the river at higher levels this summer.

In his letter, Taylor acknowledged the shallow-water habitat proposals but indicated that the Fish and Wildlife Service still would need to work with the corps to evaluate the new habitat.

Johnston said the corps remains confident that its aggressive efforts will put the habitat in place this year.

The Fish and Wildlife Service's opinion said "that's what we can do," Johnston said, "and that's what we're going to do."

Bill would fund Nebraska road projects

■ Under the measure, passed by a House committee, the state would get \$75 million to use in more than a dozen ways.

3-26-84

By JAKE THOMPSON
WORLD-HERALD BUREAU

WASHINGTON — Nebraska would receive \$75 million for more than a dozen highway and bridge projects in a major highway bill a House committee approved this week.

The House Transportation Committee approved a six-year, \$275 billion highway bill that now goes to the full House, probably next week, said Rep. Doug

Bereuter, a member of the committee. The Senate has passed similar legislation.

Among Nebraska projects funded by the legislation:

■ \$9.5 million for Missouri River replacement bridges in Cass and Sarpy Counties for access to Interstate 29.

X ■ \$5.5 million for the Western Douglas County Trails Project.

■ \$4 million to upgrade Cumming Street and the U.S. Highway 75 project in Omaha.

■ \$3 million for Pflug Road construction in southern Sarpy County.

■ \$14.5 million for the Lincoln South Beltway.

■ \$4 million for the Antelope Valley project in Lincoln, involving transportation, flood control and community revitalization.

■ \$5 million for the Columbus North Arterial Road project.

■ \$1.5 million to pave a road from Cordova to Interstate 80 in Seward County.

■ \$13 million for 68 miles of roadwork between South Sioux City and Norfolk to improve travel between Minnesota's Twin Cities and Denver.

■ \$1.6 million for the Louis-

ville Bypass in Cass County

■ \$1.8 million for a rail grade separation project in Fremont.

■ \$4.5 million for projects in Nebraska's 3rd District, including \$2 million for a new interchange near Kearney at milepost 275.

"Without the help of the federal transportation funds, much of the infrastructure critical to the safety and economic development of the 3rd District would begin to weaken," said Rep. Tom Osborne, R-Neb., who represents the district. "A solid transportation infrastructure ensures we keep our economies running, enhances our daily lives, and above all, delivers the safety our citizens expect."

Bereuter says flood insurance is unfair

3-26-04
BY JAKE THOMPSON
WORLD-HERALD BUREAU

WASHINGTON — Platte River communities are infrequently flooded, but the federal flood insurance program requires them to pay high premiums while rewarding flood-prone homeowners in the South with repeated bailouts, Rep. Doug Bereuter said Thursday.

"In Nebraska, every one of the Platte River residents are paying more for flood insurance than they need to pay," said Bereuter.

The Nebraska Republican testified before a Senate banking subcommittee on his House-passed bill seeking to reform the federal program. Sen. Chuck Hagel, R-Neb., and others plan to introduce similar Senate legislation soon.

Bereuter complained that under current law, North Platte residents must pay \$1 million a year for flood insurance, although the North and South Platte Rivers rarely surge over their banks.

Meanwhile, 1 percent of the 4.4 million households covered by federal flood insurance are repeatedly flooded and responsible for 25 percent to 30 percent of the money paid out, Bereuter said. One Houston home valued at \$114,480 had received \$806,591 in flood payments, he said.

The U.S. General Accounting Office has found that since 1978 the government has paid \$4.6 billion in repeated flood costs.

Bereuter said his goal is lower premiums for Nebraskans while encouraging homeowners repeatedly flooded in Louisiana, Florida, Texas and North Carolina to accept money to move or to put their homes on stilts.

The bill was controversial when the House approved it last fall because some lawmakers representing flood-prone areas contended that it would force people from homes they have lived in for decades.

Bereuter countered that, saying it is unfair to the thousands of homeowners nationwide who pay high premiums to cover the losses from the hundreds of homes that have received flood insurance payouts more than twice their properties' value.

"And there are a lot of repetitive loss property owners that, frankly, want to have a way out, and they will get fair treatment," Bereuter said.

Bereuter's bill authorizes a pilot program with \$40 million to buy out or raise homes.

Also, homes that have received four flood payments totaling more than \$20,000 prior to the law's enactment or two payments of more than \$15,000 afterward would be designated as "severe repetitive loss" homes.

If people refused a buyout or money to raise their homes, their insurance premiums would rise by 50 percent. They could go up another 50 percent for each subsequent flood if a homeowner sought a flood insurance payment of more than \$1,500.

The legislation is supported by a diverse group of organizations including Realtors, bankers, insurance associations and environmentalists.

NRD official 3-27-04
targets waterfowl

HASTINGS — Sandhill cranes might be special birds to some, but one local official says they and other waterfowl should be legal game for hunters all year.

Carroll Sheldon of Kearney, a member of the board of the Central Platte Natural Resources District, said the way geese and cranes concentrate along the Platte River in central Nebraska poses a danger to public health because their waste contaminates land and water.

Sheldon said Nebraska should allow people to hunt the cranes, just as is allowed in other states. Waterfowl hunting should be allowed year round, without limit, Sheldon said.

In material presented to the board Thursday, Sheldon said among other things that the district should test the water for its purity and potability. Sheldon also said a moratorium should be declared on acquiring any new habitat for birds in the Platte River basin.

Sheldon said waterfowl waste contributes to high nitrate levels in groundwater. He added that he would present his concerns to a committee that is helping to work out Platte River management issues among Nebraska, Wyoming, Colorado and federal officials.

The district's general manager, Ron Bishop, said studies have been done to identify nitrate sources. About 75 percent of the problem is commercial fertilizer, Bishop said. — AP

MIDLANDS

Missouri River flow from dams to be cut

With no barge companies planning to ply the Missouri River up to Omaha or Sioux City this spring, the Corps of Engineers announced Friday that it will reduce water flow from its dams in April.

The announcement from the corps' Omaha office, the control point for releases on the Missouri, will be greeted as good news in South Dakota and other upriver states concerned about low water levels in reservoirs.

The corps said their decision will conserve water in three reservoirs. It also will continue to ensure that enough water is in the river for power generators and other river users.

Barge traffic has been falling on the Missouri for years, with traffic negligible on the reaches from Omaha up to Sioux City.

The corps said it would return water levels in May to levels laid out in its recently released plans for operating the river. The decision Friday does not affect the corps' long-term dam release plans. — Henry J. Cordes

W-H 3-27-04

S.D. seeks corps' guarantee that fish will be protected

W-H 3-28-04

PIERRE, S.D. (AP) — South Dakota is headed back to court to seek firmer guarantees that the U.S. Army Corps of Engineers will manage the Missouri River to protect fish spawning in upstream reservoirs.

South Dakota Gov. Mike Rounds wants a federal judge to make the corps give more consideration to the needs of Lake Oahe in South Dakota, Lake Sakakawea in North Dakota and Fort Peck Reservoir in Montana. The lakes need steady or rising water levels in the spring so fish eggs near shore can hatch.

John Cooper, South Dakota's game, fish and parks secretary, said the corps should be required to give the same commitment to the fish that it does to downstream barges.

Cooper said the corps' Master Manual and annual operating plan, released last week, indicate that it will try to protect

fisheries upstream. But the proposals, he said, would give much firmer guarantees of support to the barge industry downstream.

Rounds wants a judge to order that reservoir fisheries get the same guarantees that downstream barges get, Cooper said.

South Dakota's request will be made by amending its complaint in a lawsuit filed two years ago, said State Assistant Attorney General Charlie McGuigan. The federal court system last year transferred South Dakota's lawsuit and a variety of similar lawsuits to a federal judge in St. Paul, Minn.

Corps spokesman Paul Johnston said the continued drought has made Missouri River management more difficult.

"We certainly understand the governor's concerns. We've been in contact with him frequently," Johnston said.

Wall to honor Lewis and Clark

It's the bicentennial of Lewis and Clark's historic journey. Time to mark your calendars for another event.

Officials will break ground for the Children's Lewis & Clark Interpretive Art Wall at 4 p.m. April 12 in Bellevue's Haworth Park.

The exhibit will help describe the 28-month expedition, including time during July and August 1804 when the Corps of Discovery traveled through what is now the Omaha-Council Bluffs metropolitan area.

The wall will be a permanent site made up of children's drawings of the trip. All children who submitted art live along the trail.

The wall will be largely constructed off-site and brought to Haworth for finishing touches and final display.

Construction should be done by the end of May.

W-H
—Shannon Henson 3-29-04

Omaha World-Herald

JOHN GOTTSCHALK, *Publisher*

LARRY KING, *Executive Editor*

CHARLES REINKEN, *Editorial Page Editor*

DEANNA J. SANDS, *Managing Editor*

3/30/04

Nebraska's future

Nebraska lawmakers will soon take their second look at a proposal to create a system of water management across the state that is both fair and progressive. Their decisions on water law will be among the most significant actions they take this year.

Nebraska is rich in water resources. Its streams, rivers and, more recently, groundwater have sustained a ranching and farming economy for generations. The Ogallala Aquifer is wealth banked against a future when water for irrigation, people and the environment is increasingly scarce. But until recently, state law didn't recognize the interconnections between groundwater and surface water or the risks to one of overusing the other.

That changed less than a decade ago. A modest bill was approved that for the first time linked the two types of water. Now lawmakers have a chance to take water policy several important steps forward.

The state's Water Policy Task Force took more than a year to look at the way state law handles water issues. The panel came to a consensus, which the Legislature is now being asked to codify through Legislative Bill 962. That measure isn't what task force members had envisioned (funding has been decreased and the source has shifted, for instance), but it's good enough for a start.

The bill still would do the important work laid out by task force members, who ranged from irrigators to natural resources district officials to utility representatives. It would make the state's natural resources districts the stewards of water resources, under the expert eye of the Nebraska Department of Natural Resources.

New water uses from basins designated by the DNR as over- or fully

**Lawmakers
should say 'yes'
to an important
integrated bill
on management
of water.**

appropriated would not be allowed until the overuse is corrected. The bill would also set up a system to permit water rights to be exchanged, transferred or leased.

Funding questions dog the measure, as with just about everything the Legislature considers this year. The task force originally asked that \$4.4 million in new funding and \$6.3 million already budgeted go to implement its recommendations. Lawmakers are considering adding only \$2.5 million in new money — a sum the DNR can work with, officials said. But the debate continues concerning where even that sum would come from.

Not all — perhaps not any — can come from the general fund, legislators agreed. Senators have broadly settled on the idea that \$1 million should be allocated from the state's Environmental Trust Fund, supported by state lottery proceeds. The remaining \$1.5 million might come from general funds. Or, one lawmaker has suggested, a fee might be levied on irrigators and other water users — which they would likely resist strongly. Alternatively, perhaps an allocation could be made from the fund that helps fix leaky underground storage tanks.

Lawmakers would allow the state's natural resources districts to pay any costs associated with the law via an increase in their property tax rate, up to 1 cent. That's an iffy proposition — tax increases are a particularly bad idea just now. But it is a point for discussion on the floor of the Legislature.

The elements of a sound water management bill remain in LB 962. It would at least get Nebraska started on its journey toward a better, smarter and more progressively managed water future. The Legislature should say a firm "yes" to this proposal.

Compromise helps water bill advance

4-3-04

By MARTHA STODDARD
WORLD-HERALD BUREAU

LINCOLN — A funding compromise swept away the main obstacle blocking advancement of a major water policy reform proposal Friday.

With little debate, state lawmakers adopted the compromise system for managing the state's water resources, then sent Legislative Bill 962 to the last round of consideration on a voice vote.

Gov. Mike Johanns' press secretary, Terri Teuber, hailed the bill's advancement. Water policy reform was among the governor's priorities for the year. He included \$2.5 million for the initiative in his budget recommendations.

The compromise, introduced by State Sen. Roger Wehrbein of Plattsmouth, provides \$2.5 million to launch water policy reform efforts next year. It does not address funding for future years.

Wehrbein said \$1 million of the total would come from the lottery-supported Environmental Trust Fund.

Another \$1.5 million would come from the Petroleum Release Remedial Fund. The fund is supported by a fee charged to petroleum marketers and helps pay for cleaning up fuel leaks from underground storage tanks. Wehrbein said that an-

nual interest on the fund equals about \$1.5 million and that the transfer would not interfere with the fund's purpose.

LB 962 represents a compromise crafted over 18 months by a Water Policy Task Force. It is aimed at resolving conflicts between surface-water and groundwater users.

Sponsoring Sen. Ed Schrock of Elm Creek has described the bill's costs as small compared to the value of agriculture to the state and to the costs when water disputes end up in court.

The bill builds on current water law, under which the State Department of Natural Resources regulates water in lakes, streams and rivers and the regional natural resources districts oversee groundwater use.

As proposed, the department and districts would work together in deciding whether demand for water in an area matches or exceeds the amount available. Such reviews would be done annually. The agencies would jointly manage water use where water is fully appropriated or overappropriated.

The \$2.5 million would be used to collect information about water supply and demand, as well as to develop plans and monitor changes in water shortage areas.

W-4
H-4-04

Flooded with inequities

The National Flood Insurance Program has saved taxpayers many millions of dollars since it was set up in the late 1960s. Its premiums help pay for damage that might otherwise have been covered by tax-funded disaster relief.

But the NFIP is not self-sustaining. In recent years, it had to borrow as much as \$720 million from the Treasury Department in order to meet claims.

Much of the program's financial problems come from homes that suffer repetitive damage. These 1 percent of insured properties total 25 to 30 percent of claim losses, costing about \$200 million annually. That drives up premiums for all other policyholders — especially those in the Midlands where flooding damage is relatively rare.

Nebraska Rep. Doug Bereuter often cites North Platte residents as an example. Property owners there pay an average annual premium of \$358 a year for flood insurance. The historical benefit is 33 cents a year per policyholder. That's an outrageous discrepancy.

The battle for fairer premiums in Nebraska goes to Senate.

That happens because everyone in the NFIP pays the same rate, regardless of actuarial risk.

Bereuter won House passage this winter of a bill that will force owners of repetitive-loss properties to mitigate flood risk by moving to higher ground or elevating their property — or pay significantly higher premiums.

Nebraska Sen. Chuck Hagel has taken the baton in the Senate by introducing companion legislation there. The bill has cleared a committee vote but will face stiff opposition on the floor from Gulf Coast-state senators, where repetitive losses are highest.

A compromise in the House bill that raised the repetitive-loss threshold satisfied some Gulf Coast members of Congress, but others vow to sink the bill in the Senate. We hope they won't succeed — and resisting them, if it comes to that, would be a noble battle.

The narrow interests of a few states should not override the financial welfare of policyholders in the rest of the nation.

+

W-H
4-7-04

Laying down a new path

A well-conceived plan of trails for western Douglas County earned county approval last week. The first planned step is a path linking Elkhorn to Fremont, passing through Waterloo and Valley.

It's true that this roadside trail lacks the open, natural feel of other trails that follow creek beds or abandoned railroad lines. Still, it's the most practical path for building such a trail in the near future. It's projected that construction on the Elkhorn-Fremont path could start in 2005.

Such trails offer a good way to couple destination travel with exercise. That's why the demand is high from outlying communities to gain access to the significant trail miles that wind through the Omaha metro area.

The demand is significant enough, in fact, that many bicyclists, and

**Western
Douglas County
trail plan seems
a good step
for developing
the region.**

even a few joggers, are already using West Maple Road as drivers rush past on the busy four-lane pavement. This presents a potentially significant safety risk, one that the

trail can help abate.

The plan approved by the Douglas County Board last week also would extend the trail to the Platte River and would provide a new canoe launch point on the Elkhorn River at Waterloo. Those are important features. Taking full advantage of such natural resources is an important economic and quality-of-life component for the region's development.

✕ It's a good plan that would benefit many of the county's residents and potentially draw in biking and hiking enthusiasts from other areas. The county, the Papio-Missouri River Natural Resources District and other groups that have pressed the plan forward deserve credit for this progress.

+

Joint waste facility to open for operation in June

By MITCH BEAUMONT
For the Leader

Do you ever wonder what the landfill does with the fees it collects whenever someone deposits something?

Come this June, you will no longer have to wonder, because the physical evidence will be there for all to see.

Sarpy County, along with Omaha, Douglas County, the Papio-Missouri River Natural Resources District and several other smaller organizations, has contributed funding to the construc-

tion of a household hazardous waste facility near 120th and L streets in Omaha.

Sarpy has given about \$20,000, taken from the county's landfill tipping fees, for the initial construction of the more-than-5,600-square-foot facility, said Duwayne Brigman, the manager of the county's landfill.

To fund the operation of the facility, dubbed "Under the Sink," Brigman said the county is setting aside 30 cents per ton of the tipping fees.

"It's a continual payment. The

City of Omaha sends us a bill for that," he said. "This is going to be an ongoing program."

Solid waste coming from within Sarpy County is charged \$22 a ton.

Once complete sometime this June, Brigman said the Under the Sink facility will act as a disposal location for household products such as latex paint, motor oil and lead acid batteries.

According to www.underthesink.org, the facility's Web site, it is expected to take in about 500,000 pounds of household haz-

ardous waste products per year, 29 percent of which is anticipated to be latex paint.

The past success of county-wide paint swaps is evidence of the need for the facility, Brigman said.

"The paint collections have been successful. We've been overwhelmed at each of those events," he said.

Brigman said the Under the Sink facility, which will be owned and staffed by the City of Omaha, was slated to be open by Earth Day weekend, March 19-20. But

several weather delays have caused the completion of the building to be set back until sometime this June.

He recently gave an update on the facility to the Sarpy County Board.

"Nothing with this project has gone smoothly," he said.

"The City of Omaha had all those budget cuts and personnel layoffs and during that time one of the fellows that was acting as project manager for the project took early retirement, so that alone created a bit of a hassle."

Choosing the facility's location was a more-than-two-year-long process, he said. There were 40 sites being considered, two of those in Sarpy County.

"It's really going to be a nice facility and it should be fairly attractive," he said.

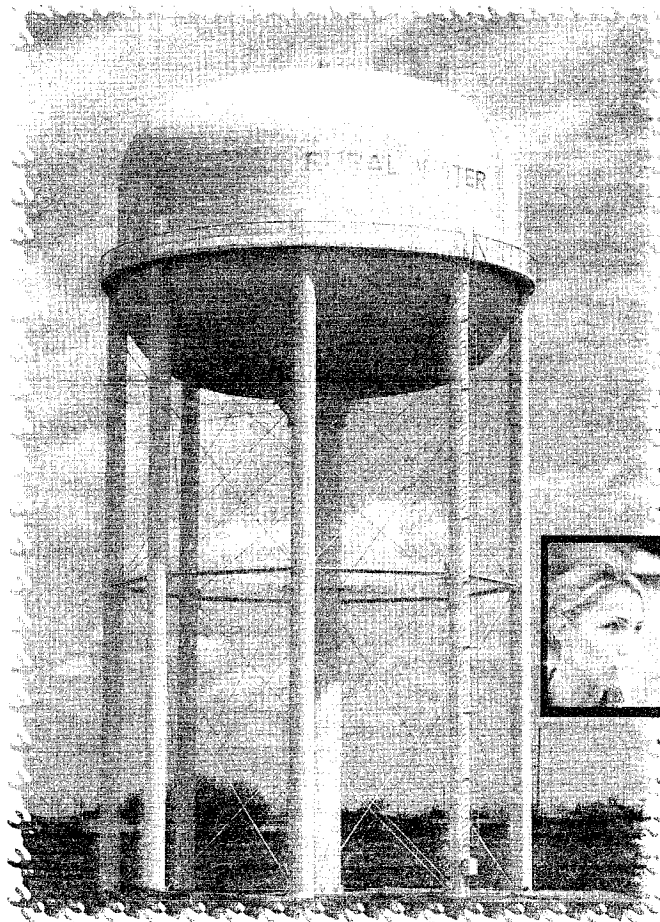
"One of the reasons that we ended up choosing this site was the easy access from much of the city. From much of the city and from much of Sarpy County you can be there in 15 minutes. It's not necessarily the closest, but it's easy to get to."

WaterLine

SPRING, 2004

Published by the Papio-Missouri River Natural Resources District for its Rural Water Systems' customers

New Utility For Washington County Under Development



When people talk, the NRD listens. And then acts.

Such is the case of the newest rural water system sponsored by the Papio-Missouri River NRD.

As a direct result of a petition by rural residents, the NRD has now released the details of a new water system it is developing to supply about 250 residential properties located south of Blair and west of Fort Calhoun.

The water supply will be purchased from Blair and resold and supplied to rural residences.

This will be the fourth rural water system to be managed by the Papio-Missouri River NRD. Since 1980, the NRD has developed 3 rural water systems which are now providing reliable water service to more than 1,300 households as well as the City of Fort Calhoun. Details of this newest project are:

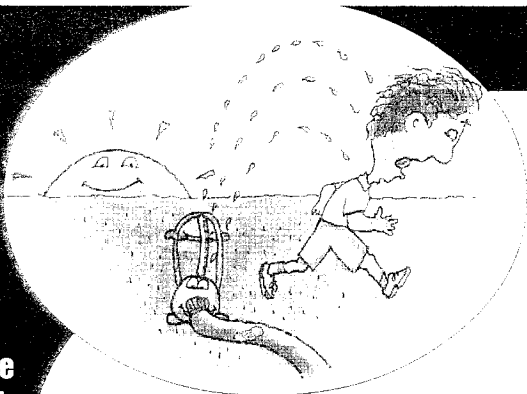
- Water will be purchased from the City of Blair
- Construction will start in late 2004; completion anticipated in summer 2005
- Each water customer will be required to pay a hook up fee of \$2,800.00 (\$3,500.00 after 7/1/04)
- A new water tower holding 1 million gallons will be built; one of the largest in eastern Nebraska
- The utility is designed to accommodate growth for 25-40 years

When I'm working in the yard, is it safe to take a drink from my garden hose?

NO. A standard vinyl hose has substances in it to keep the hose flexible. These chemicals, which get into the water are not good for you. Nor are they good for your pets, so filling their drinking containers out of a garden hose is not a good idea unless the water is allowed to run awhile to flush the hose before using the water. Even a well-flushed vinyl hose can cause problems, however; the outside thread opening at the end could be covered with chemicals or germs from a previous use. If you like to drink from the hose, check into the one type of hose on the market made with a food-grade plastic that won't contaminate water.

How can I prevent pollution of drinking water sources?

Properly dispose of the chemicals you use in your home. Every chemical you buy has the potential of polluting the environment if disposed of improperly. Try to buy environmentally acceptable alternative products and, to minimize waste, buy only what you can use. Remember, if your home is served by a sewage system, your drain is an entrance to your wastewater disposal system and eventually to a drinking water source. Discharges from septic tank drain fields may pollute groundwater.



How much water does my lawn need?

April & May

Roots of cool season lawns are deep now. Apply supplemental water in the absence of natural rainfall—about an inch per week. Water deeply and infrequently.

June

Roots of lawns begin to slough off for the summer. Apply supplemental water in the absence of rainfall—about 1.25 inches per week. Water more frequently and more shallow than spring.

July & August

Roots of lawns are at their shallowest point of the season. Apply supplemental water in the absence of rainfall—about 1.5 inches per week. Water to the depth of the root system; usually about 2 inches deep. Water more frequently and more shallow than spring.

September & October

Roots of cool season lawns are deep now. Water deeply and infrequently. Apply supplemental water in the absence of rainfall—about an inch per week.

Bottled Water Vs. Tap Water

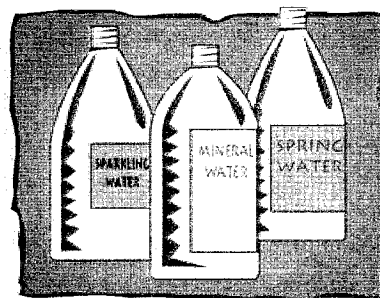
The bottled water industry is now recognized as one of the fastest growing industries in the U.S.—selling almost four billion gallons every year. Despite its popularity, there is controversy surrounding bottled water.

Drink for Dental Health

Different brands of bottled water contain varying levels of fluoride—an element that helps prevent tooth decay. In fact, if more children and adults use bottled water as their primary source of drinking water, then the incidence of tooth decay may rise due to the lack of needed fluoride.

Clean and Pure

A report from the World Wide Fund for Nature states that there are more standards applied to tap water versus the production of bottled water. So there's no guarantee that one type of water is more pure than the other. In addition, bottled water can be 500 to 1,000 times more expensive. So when it comes to deciding your beverage of choice, be sure to consider all of the factors.



Emergency Service

Please refer to the front of your remittance booklet for phone numbers for daytime, evenings, weekends or holidays.

Getting Enough Water?

Did you know that about 60% of your body weight is made up of water? In fact, water plays a role in every system of your body. Water is used to:

- Remove wastes
- Regulate your body temperature
- Cushion and protect vital body tissues and organs
- Dissolve vitamins, minerals, and other nutrients so your body can use them
- Prevent constipation
- Transport nutrients and oxygen to your cells

Try the tips below—they'll help you reach the recommended eight, eight-ounce glasses of water you need each day.

- Drink a glass of water when you get up in the morning
- Put a slice of lemon in your water to give it some flavor
- Keep a bottle of water with you throughout the day
- Take regular water breaks
- Drink a glass of water for every soda you consume
- Drink water with meals

Get In Your Eight! Your body loses fluids everyday by performing its natural functions. It's important to replace these fluids by drinking water.

