

# MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager Report

DATE: August 4, 2006

FROM: Marlin Petermann, Acting General Manager

A. **INFORMATION/EDUCATION REPORT**: A copy of the I&E Report detailing Information and Education activities for the month of July, 2006, is attached for your review.

B. **MISCELLANEOUS/PERSONNEL ITEMS**:

1. **Rod Kinning**, Conservation Technician at Walthill, has submitted his letter of resignation. He has accepted a position with Technogent of Ainsworth, NE and plans to relocate to that area. His last day with the District will be Friday, August 11th. We all wish him well in this new endeavor!!!!

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 July, 2006. 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 July 17, 2006. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.

E. **CITY OF BLAIR REQUEST REGARDING COMPENSATION FOR DAMAGES FROM POSPICHAL CONSTRUCTION, INC. FOR WCRW#2**: On August 3, 2006, a letter was sent to Pospichal Construction requesting payment of \$5,000 by August 15, 2006 for damages incurred by the City of Blair in relation to construction of water distribution facilities for Blair as a part of the Washington County Rural Water #2 Project. The District's Interlocal Agreement with the City warrants and defends the contractors work. The City is requesting that the District pursue legal action if payment is not made. See the attached letter and memo by Dick Sklenar for further explanation.

F. **UPDATE ON CONGRESSIONAL ACTION ON WATER RESOURCES DEVELOPMENT ACT (WRDA 2006)**: On July 19<sup>th</sup> the U.S. Senate finally passed the long overdue Water Resources Development Act (see attached articles). The House had passed similar authorizing legislation earlier this year. The last WRDA bill, which is scheduled annually, was passed in 2000 and included the P-MRNRD's Western Sarpy/Clear Creek Levee Project. Conference between the two Houses of Congress is scheduled for September to work

out the differences in the two bills. An important element of the Senate bill is 'The Second Managers Amendment' which contains provisions for a cost increase for the Western Sarpy/Clear Creek Project. The project was authorized in 2000 at \$15.64 million and is now estimated to cost \$21.66 million. The increase is primarily related to increased construction costs while the project has been delayed due to minimal federal funding.

- G. **MISSOURI RIVER CLEAN UP:** Back to the River, Inc. is coordinating a "shore-line clean up" on Saturday, September 23<sup>rd</sup>. The event will be headquartered at the National Park Service Office on the riverfront parking lot (north of Lewis and Clark Landing). Volunteers need to be at the NPS's parking lot at 8:00 am. They are also looking for donations. This year's event in the Omaha area will focus on the stretch of river from NP Dodge Park - south to a bit past Fontenelle Forest. Please see the attached notice for more information.

H. **NEWS CLIPS:**

- ▶ July 8, 2006, Omaha World Herald article – Top court sides with opponents of dam. With the west Omaha Project 80% complete, lawyers are assessing the impact of a reinstated lawsuit.
- ▶ July 12, 2006, Omaha World Herald article – Navigation on the Missouri to end early again this year.
- ▶ July 14, 2006, Omaha World Herald article – NRD Board spurns governor's advice. Richard W. Patterson is chosen over Mark McColley to fill a vacancy on the Papio panel.
- ▶ July 16, 2006, Omaha World Herald article – Two sides begin talks on Washington County dam proposal. Officials will examine the flood-control alternatives on two large lakes.
- ▶ July 16, 2006, Omaha World Herald article – Resources district elects officers.
- ▶ July 18, 2006, Omaha World Herald article – Comments on dams welcome at forum.
- ▶ July 19, 2006, Omaha World Herald article – Public Forum Announcement.
- ▶ July 19, 2006, Douglas County Post Gazette article – Public Forum Announcement.
- ▶ July 20, 2006, Omaha World Herald article – Environmental Trust director resigns post. The head of the trust's board says there is no question of impropriety in Mary Harding's departure.
- ▶ July 21, 2006, Omaha World Herald article – New Parks, recreation director appointed
- ▶ July 21, 2006, Omaha World Herald article – Foes of dams vent at Papio NRD. Many of their questions remained unresolved after the meeting.
- ▶ July 21, 2006, Omaha World Herald article – Four on council balk at city funds for bridge.
- ▶ July 25, 2006, Blair Pilot Tribune article – NRD to ask county to rejoin Papio group.
- ▶ July 26, 2006, Bellevue Leader – Bellevue projects included in budget.
- ▶ July 26, 2006, Burt County Plaindealer article – Lower Decatur has land.
- ▶ July 28, 2006, Enterprise Newspaper article – County board, residents cool to idea of rejoining NRD group. Papio: Board takes no action on request.
- ▶ August 2, 2006, Omaha World Herald article – Board delays vote on plan for dams. Members want more time to study the proposal to control stormwater.

## **July 2006**

### **Information & Education Report**

#### **Information**

- ◇ Continued improvements to exhibits in Visitor's Center. Requested proposals on new Chalco Hills Exhibit.
- ◇ Continued supplying material to KETV for web site
- ◇ Completed copy for Summer 2006 SPECTRUM
- ◇ Continued work on NRD web site updates
- ◇ Continued work on Annual Report for World-Herald (to be published September 24)
- ◇ Helped coordinate Watershed Forum.
- ◇ Began preparations for Sarpy County Fair

#### **Education**

- ◇ Staffed booth at Heron Haven open house
- ◇ Attended Earth Day 2007 coordination meeting

**July, 2006**

7

Updated: July 17, 2006

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

★ = Top Priority

F = Future Work – No Assignment

N = New Assignment

O = Others Handling

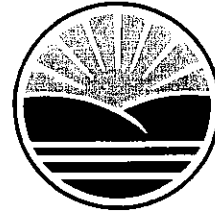
W = Work in Progress

P = PFP's Portion Completed

- **Little Papio:** (Cleveland)
  - Update as needed Easements (6) for Drainage Project North of Maple (P)
- **Big Papio:** (Cleveland)
- **West Branch** (Cleveland):
  - Land Exchange with Sarpy Co. (96<sup>th</sup> St.) (P)
  - UPRR Bridge (Boyer/Young ROW) Bill of Sale and Temporary Easement (N)
- **Western Sarpy Dike** (Cleveland):
  - Closing with Bundy's (potentially modify ROW/offer) (F)
  - Amended drainage ditch easements on Hickey (First National Property) (P)
  - Hansen ROW Condemnation (W)
- **Floodway Purchase Program** (Woodward):
  - Floodway Property Purchase Agreements as needed (F)
- **Trail Projects** (Bowen):
  - Western Douglas County Trail – Ehrhart Griffin professional services contract (P)
  - ★ Mopac Trail – Purchase Agreements and easements (P)
- **Missouri River Corridor Project** (Becic):
  - California Bend – Appeal District Court ruling on Wright's tenant (Arp) (W)
  - ★ Mo. River Trail – Purchase Agreements and easements (P)

- **USDA P.L. 566 Projects, Silver Creek and Pigeon/Jones Watershed** (Puls/Cleveland):
  - Pigeon/Jones Creek Site Easements – as needed (F)
  - Silver Creek Site Easements– as needed (F)
  - Release of Site S-7 Easement (W)
  - ★ S-27 Interlocal Agreement with SIDs on Dam Rehab/Trail Replacement (W)
- **Papio Watershed Dam Sites** (Woodward/Petermann):
  - Dam Site 19 agreement (F)
  - ★ Shadow Lake ROW Closing (P)
  - ★ DS-13 NDOR easement agreement (W)
- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):
  - Amended Interlocal Agreement (W)
- **Rural Water Projects:** (Sklenar)
- **Elkhorn River Public Access Sites** (Sklenar):
  - ★ Provide title opinion for West Dodge Road access site (N)
- **Other:**
  - ★ Arlington Wastewater Interlocal Agreement (Bowen) (N)

PAPIO-MISSOURI RIVER  
NATURAL  
RESOURCES  
DISTRICT



8901 S. 154TH ST.  
OMAHA, NE 68138-3621  
(402) 444-6222  
FAX (402) 895-6543  
[www.papionrd.org](http://www.papionrd.org)

August 3, 2006

Jim Pospichal  
Pospichal Construction, Inc.  
445 South 259th Street  
Waterloo, NE 68069  
CERTIFIED MAIL

RE: Notice of Claim  
Washington County Rural Water System No. 2

Dear Mr. Pospichal:

The District is in receipt of a letter from the City of Blair offering your firm the opportunity to make a one-time payment of \$5,000 to the City, in satisfaction of the City's claim against your firm for expenditures in excess of that amount that were incurred by the City for repairing water line breaks at and near the pressure reducing vault along Highway 30. We request that your firm respond in writing to this settlement offer no later than August 15, 2006. The City is also requesting that the District file litigation against your firm should the offer not be accepted. Enclosed is the attached letter the District has received from the City.

Sincerely,

Marlin J. Petermann, P.E.  
Acting General Manager

Enclosure

CC: Al Schoemaker, City of Blair  
Chris Koenig, HGM Associates  
Dick Sklenar, P-MRNRD

73006 MP:DS:pb file

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Papio-Missouri River Natural Resources District Board of Directors

Fred Conley • John Conley • Richard Connealy • Tim Fowler • Richard Jansen • Rick Kolowski  
Dorothy Lanphier • Joseph Neary • John Schwope • Rich Tesar • Jim Thompson

# MEMORANDUM

**TO:** Marlin Petermann, Acting General Manager

**FROM:** Dick Sklenar, Project Manager

**SUBJECT:** City of Blair Request Regarding Compensation for Damages From Pospichal Construction Inc. for Washington County Rural Water #2

**DATE:** August 2, 2006

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Last year, the District hired Pospichal Construction, Inc. to build a pump station and two pressure reducing vaults within the City of Blair as part of the development of the District's Washington County Rural Water #2 system now in operation. As per our agreement, the City will compensate the District 100% for such work.

On January 5, 2006, a water main break occurred at one of the pressure reducing vaults along Hwy. 30. Pospichal Construction was called to make the needed repairs. After 5 days, repairs were completed. The repairs immediately did not hold up once service was restored. The City, fed up with what they believed was poor workmanship and slow progress, immediately called in another contractor to correct the situation.

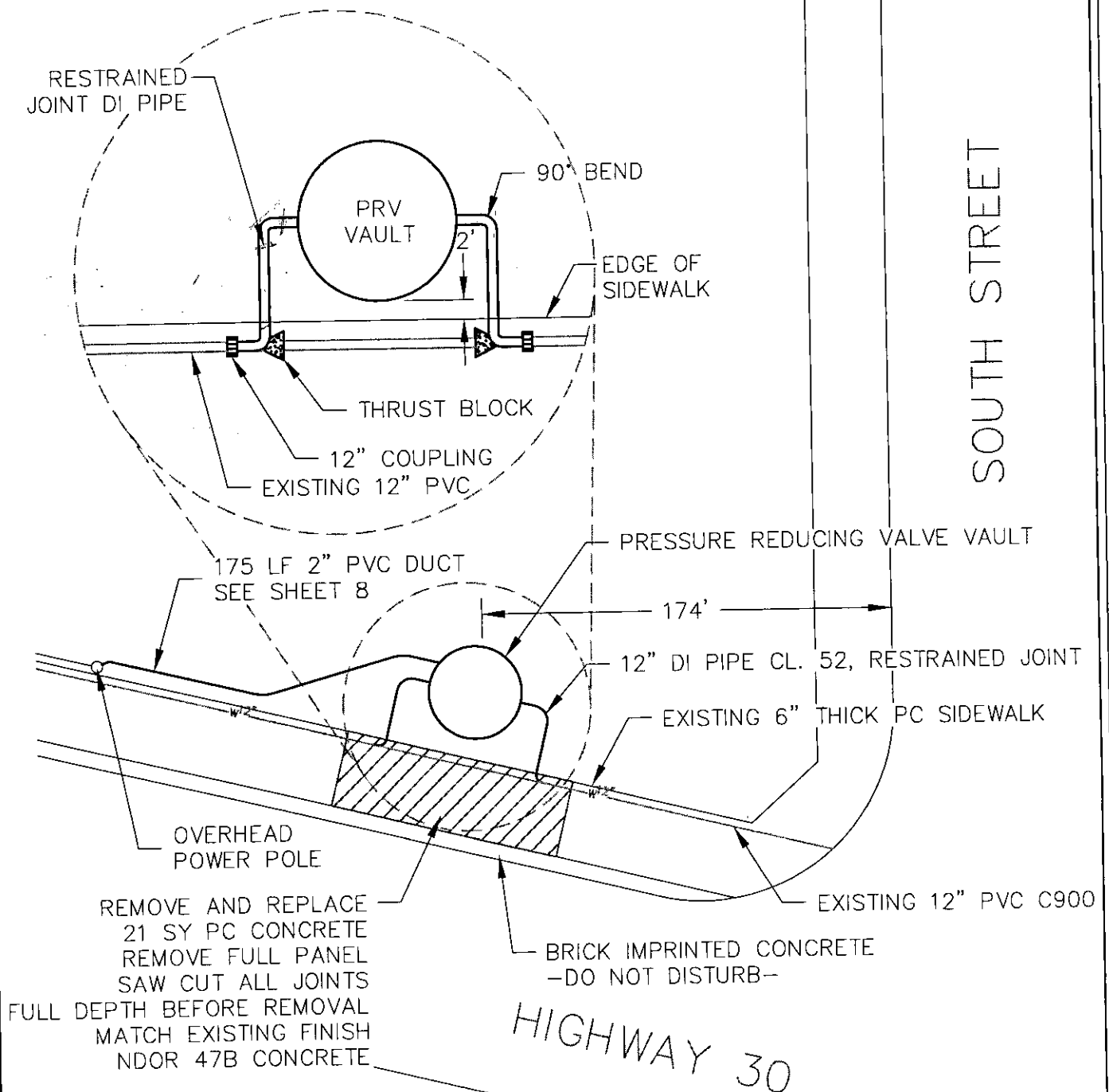
Over the last several months, both the District and the City have been trying to collect compensation for damages from Pospichal Construction. A meeting was even held on June 2 with all parties involved in the hope of a settlement. The City of Blair indicated that they would settle for a \$5,000.00 payment from Pospichal Construction to resolve the matter. The City's claim for damages suffered from the incident amounted to \$17,540.94. Pospichal Construction has not been willing, nor have they offered, a settlement amount. It is Pospichal's contention that the plans and specifications for the pressure reducing vault were poorly done by the engineering firm of HGM Assoc.

The Blair City Council last month took action to request the District to make the City's offer of a \$5,000.00 settlement once again in writing to Pospichal Construction, Inc., with a response deadline from that firm no later than August 15, 2006 (see attached letter). Furthermore, should the contractor not be willing to accept the City's settlement offer, that the District pursues legal means of recovering all damages accrued by the City for the incident.





NOT TO SCALE



NOTE:  
CONTRACTOR TO VERIFY  
DEPTH AND LOCATION  
OF EXISTING WATERMAIN

project no. 71613  
date 10-04-04  
sheet AD2-1

project SOUTH RESERVOIR PUMP STATION  
WASHINGTON CO. RURAL WATER SYSTEM NO.2  
client PAPIO-MISSOURI RIVER NRD  
sheet PRESSURE REDUCING VALVE NO.1

BAB  
drawn  
CJK  
designed  
CJK  
approved

**hgm**  
ASSOCIATES INC.  
ENGINEERING ARCHITECTURE SURVEYING  
council bluffs omaha

**CITY OF BLAIR  
ATTORNEY**

**GEOFFREY C. HALL**

1664 Washington St. • P.O. Box 216 • Blair, Nebraska 68008  
Telephone: (402) 426-4424 • Facsimile: (402) 426-4666

July 27, 2006

**Via Telefax and Regular U.S. Mail**

Mr. Dick Sklenar  
Papio Missouri River Natural Resources District  
8901 South 154<sup>th</sup> Street  
Omaha, NE 68138-3621

RE: Subject: Notice of Request to Pursue Final Settlement/Prosecution of Claim  
Project: Washington County Rural Water System No. 2, Blair, Nebraska  
Contractor: Pospichal Construction, Inc.

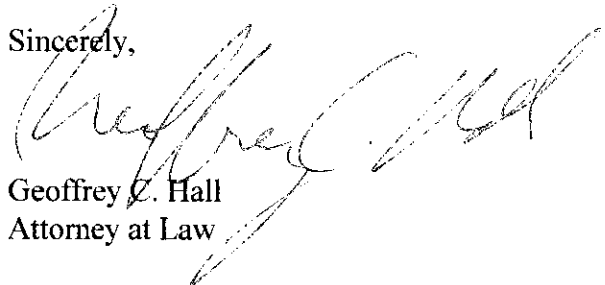
Dear Dick:

This letter confirms that the City Council of Blair, Nebraska is requesting the Papio Missouri River Natural Resources District to pursue any and all claims against Pospichal Construction, Inc. of 445 South 259<sup>th</sup> Street, Waterloo, NE. 68069 relating to the substandard work performed by said contractor relating to the project indicated above unless Pospichal Construction Inc. accepts the City of Blair's final offer of settlement.

The City of Blair is offering Pospichal a one time payment of \$5,000.00 for any alleged monies due and owing for the work on the project indicated above. It is the City of Blair's position that this is a compromise settlement and that if it is not accepted by Pospichal Construction on or before August 15, 2006, the offer will be withdrawn and the City of Blair will pursue any and all claims available.

Since the Papio MRNRD was the contracting party with Pospichal Construction, the City of Blair requests that the Papio MRNRD prosecute this matter to the full extent of the law and recover all costs expended by the City of Blair as a result of the substandard work performed by Pospichal Construction and the subsequent damages sustained by the City of Blair if this offer of settlement is rejected. Please contact Al Schoemaker, the City of Blair Public Works Director at (402) 426-4191, regarding any additional information on this matter. Thank you for your cooperation.

Sincerely,



Geoffrey C. Hall  
Attorney at Law

GCH/caf

c. Al Schoemaker



111 Schilling Road  
Hunt Valley, MD 21031

St. Paul Travelers Bond  
Phone: 443-353-2121  
Fax: 443-353-1136



April 27, 2006

hgm Associates, Inc.  
5022 S. 114<sup>th</sup> Street  
Suite 200  
Omaha, NE 68137  
ATTN: Chris Koenig, P.E.

Re: Travelers Casualty & Surety Co. of America  
Bond No.: 104319202  
Principal: Popsichal Construction, Inc.  
Obligee: Papio-Missouri River Natural Resources District  
Project: Washington County Rural Water System No. 2, South Reservoir  
Pump Station, Blair, NE

Dear Mr. Koenig:

We have reviewed the documentation provided in support of your claim against the above-referenced Bond for damages, allegedly suffered by the Obligee as a result of our Principal's alleged failure to correct defective work in a timely manner. We have also reviewed documentation and correspondence from our Principal regarding this matter. It would appear from the information provided to date, that there is clearly a legitimate factual dispute between the Obligee and the Principal regarding the Obligee's claim. Our Principal contends that the issues surrounding the damaged or leaking water line relate to several design failures and that it made every effort to work with the Obligee to assist in the correction of the failure, but that it was not provided the proper opportunity to complete this work. The Obligee appears to allege that it was provided the opportunity, but either failed to do so or failed to do so in a timely manner.

The Contract provisions you cite in your January 13, 2006 correspondence regarding corrective work do not specify a particular time frame in which corrective work must be completed. Although it does indicate that the Principal may be responsible for the costs of corrective work in an emergency situation when said work is completed by the Obligee, as indicated herein, our Principal denies responsibility for the leaks and has alleged that it is as a result of deficient plans and/or design. As the Surety was not afforded the opportunity to review this condition prior to it being corrected, we are left with a factual dispute between the parties. It is not the Surety's role to decide who is right once it has been determined that a legitimate factual dispute exists. Rather, factual disputes must be resolved by the trier of fact (a judge, a jury or an arbitrator) after both parties have had an opportunity to present their evidence.

As it is not the Surety's role to act as the trier of fact, we have no choice but to respectfully deny your claim.

This correspondence and all prior or subsequent communications are made with express reservation of all rights and defenses that may be available to the Surety, at law or in equity under the terms and provisions of the bond and contract documents.

Sincerely,

  
Kimberly D. Zanotta  
Claim Counsel

Cc: Popsichal Construction

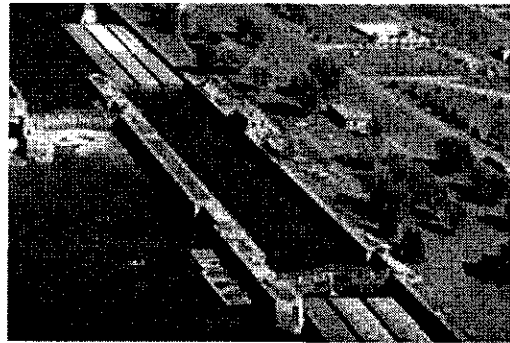
# Water Projects Bill Headed To House-Senate Negotiations

By Tom Ichniowski

ENR

Monday, July 31, 2006

After the Senate's July 19 approval of an estimated \$13-billion water resources bill, industry and environmental groups are starting to focus on negotiations to work out differences between that measure and the version the House passed last year. If lawmakers can strike a deal, it would clear the way for the first Water Resources Development Act since December 2000.



Partly because of demand pent-up since the last WRDA, the House and Senate bills are filled with projects. The largest item in both measures is a \$3.4-billion program for the upper Mississippi River and Illinois Waterway. It includes \$1.8 billion for seven new, 1,200-foot long locks, doubling their length, plus \$1.4 billion for a collection of environmental restoration projects.

*Projects. Senate bill has \$1.8 billion for seven locks, including one at Quincy, Ill., on the Mississippi.*

Also on the long project roster are two major harbor dredging jobs—\$75 million for Miami, Fla., and \$88 million for the Corpus Christi Ship Channel, says Dave Sanford, American Association of Port Authorities' director of navigation policy and legislation. He says projects using dredged material to enlarge Poplar Island in Maryland and Virginia's Craney Island will benefit ports in those states.

Conferees will have to settle on a common project list, but their toughest task may be crafting language to require review of large Corps projects by independent "peers." Environmental and fiscal watchdog groups scored a big win when the Senate added an amendment from Russell D. Feingold (D-Wisc.) and John McCain (R-Ariz.) mandating outside review of projects costing more than \$40 million. The industry preferred a less-stringent proposal from Sens. James M. Inhofe (R-Okla.) and Christopher S. Bond (R-Mo.) to review projects exceeding \$100 million, but that was defeated.

Environmental groups will push to include the Feingold-McCain plan in the final bill, though neither lawmaker is expected to be among the conferees. "I think it will be an uphill battle, but we're ready," says Chelsea Maxwell, National Wildlife Federation legislative director. She notes that the House bill has an independent review provision with a \$50-million project threshold. That language is not ideal, but it helps provide a good starting point, Maxwell says.

# WRDA Passes Senate: Now the Fun Begins

Editorial

Waterways Journal

Monday, July 31, 2006

It has been a long time coming, but on July 19 the U.S. Senate finally passed the long overdue Water Resources Development Act by a voice vote that took place almost exactly one year after the House passed its own version. As Waterways Council Inc. points out, "It was the first time in nearly six years that both the Senate and House have approved authorization legislation in the same Congress."

The Senate agreed to an amendment by Sens. John McCain and Russell Feingold to subject most Corps projects to peer review supervised by a "director of independent review" in the Pentagon, Waterways Council reported in its July 20 special edition of *Capitol Currents*.

The council said, "Passage of this legislation is an important milestone in a multi-year national effort by numerous stakeholders to authorize the construction of seven critically important locks and dams on the Upper Mississippi and Illinois rivers."

National Waterways Conference President Worth Hager said, "I'm thrilled that WRDA has finally passed the Senate and look forward to working with all members of the National Waterways Conference and the National Waterways Alliance to educate our congressional representatives on the true ramifications of some of the bill sections. Our goal is to have a WRDA of 2006 that will ensure transportation and flood control/storm protection capability and reliability, adequate power and water supplies, and jobs and recreational opportunities so that America can continue to provide its citizens with an unparalleled quality of life."

The next step is a conference during which both houses of Congress will work out their differences. Observers say that could take several weeks or even wrap up in September. There is a lot of detail to go over.

Passage of the legislation should not, we think, have come as a surprise to anyone, since 81 senators had signed a letter urging that the issue be brought to the Senate floor. However, the advent of Hurricane Katrina muddied the waters and brought delay. Still, proponents of WRDA felt confident that there would be sufficient votes to pass the measure handily.

Much of the debate over WRDA focused on Corps oversight, including some proposals that we would consider to be harsh and ill thought out. To put it bluntly, we don't think there ever has been a serious need for more stringent oversight. The Corps' methodology for evaluating projects has always been stringent. And while environmentalists have always been at the forefront of the war against the Corps, the agency has always made allowances for environmental-group participation during project evaluations. This means to us that criticism of the Corps is general in nature. It isn't that a specific project has serious flaws. It merely means that any project gives Corps opponents an opportunity to attack and try to bring the agency down.

There are too many good water-project proponents to name, so we will simply thank them

generally and specifically thank Missouri Sen. Christopher “Kit” Bond for his tireless efforts on behalf of the river industry.

While opponents persist in making trouble, the need for lock extensions on the Upper Miss and Illinois seems clear to a very broad spectrum of this nation’s population. It has always been difficult to explain the expansive impact of water transportation on our nation. Just saying that 15 percent of the nation’s domestic cargo moves by water at a cost of 2 percent of the transportation cost doesn’t cut it. To say that water transportation brings in some \$15 billion annually to the U.S. Treasury and only about \$5 billion is returned for maintenance and construction on the inland waterways just doesn’t cut it. But it is true. Even the fact that the towing industry, through its 20-cent-per-gallon fuel tax, pays 50 percent of construction costs on many river projects carries no weight with opponents. They know all this, but they ignore it.

Opponents also ignore the fact that about \$1.5 billion of the Upper Miss/Illinois project cost will be spent on ecosystem improvements and restoration. It doesn’t help their cause to admit it. Know what else they’ve ignored? By stalling the replacement of Locks and Dam 26 above St. Louis for almost a decade, they were able to increase the project cost from \$383 million to about \$1.2 billion. Because of this delay, the Association of Western Railroads said it was able to charge \$750 million more per year for transportation. If they did, that would be in the neighborhood of \$7.5 billion that eventually was passed on to customers in freight charges.

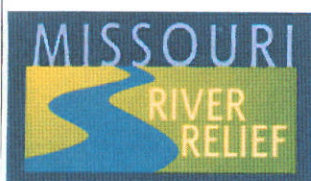
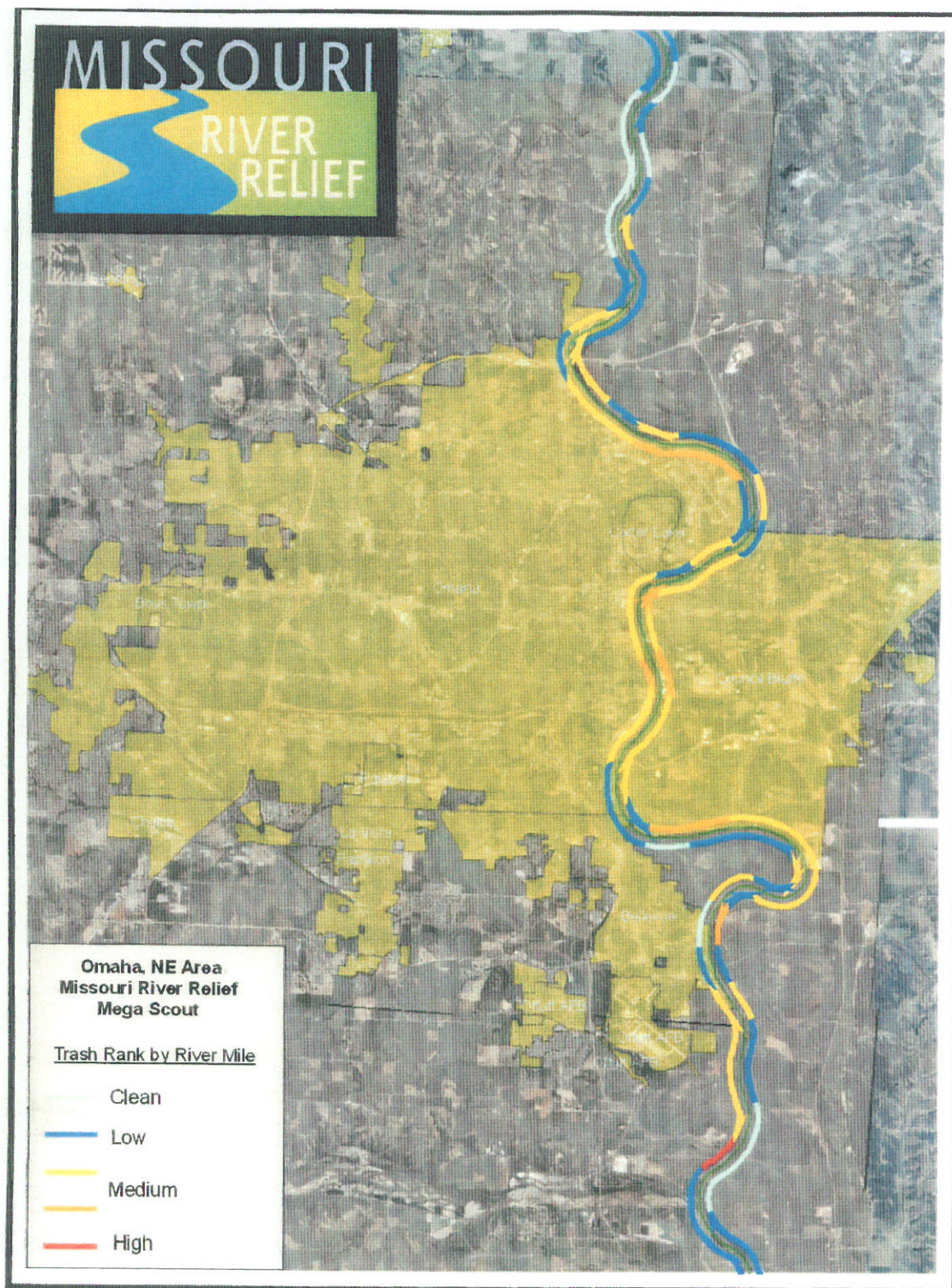
Critics have complained about the \$3.8 billion project, but they have never raised an eyebrow at the \$8 billion-plus planned for the restoration of a Florida swamp. They have never acknowledged Maritime Administration statistics that point out environmental advantages of water transportation over other modes. While a clean environment is written all over the banners they wave, they actually work diligently to obstruct a navigation system that provides serious environmental benefits to the whole country.

The benefits of the Upper Miss/Illinois projects will commence as soon as thousands of mid-nation workers report to construction jobs, a happening that will give a large economic boost to the region.

But first there is the conference. First there is the banter about reining in the Corps—an agency that has served us well for well over 200 years. First there must be the give-and-take over whose amendments should pass and whose shouldn’t. How much oversight should there be is going to grab more attention than it should, because we feel the oversight is adequate as it is.

Nevertheless, that is where we are today. We thank the massive army of supporters who worked diligently to bring about passage of WRDA. As we said in the beginning, it has been a long time coming. But water resource projects have been ignored too long, and the majority of the people who cast votes realized it.





## 2006 Events

5 Clean-Ups and 3 Education Events  
from April 21 through October 7

**CLEAN-UP  
VOLUNTEERS**  
[Click Here](#)

[Clean-Up Events](#) [Education Events](#) [River Notes](#) [Sponsors](#) [Previous Clean-Ups](#)

Clean-Up Events  
4/22: St. Charles  
5/6: Bonnett's Mill  
9/9: Atchison, KS  
9/23: Omaha, NE  
10/7: Kansas City

Chad Pregracke  
Safety Checklist  
FAQs

### Saturday, September 23: Omaha, Nebraska and Council Bluffs, Iowa Clean-Up

This multiple-state clean-up will concentrate on Playland Park in Council Bluffs, Iowa and the Omaha Riverfront in Omaha, Nebraska.

Clean-up time: 9:00am to 3:00pm, Saturday, September 23 (registration begins at 8:00am)

Clean-up headquarters: To be announced

# Top court sides with opponents of dam

■ With the west Omaha project 80% complete, lawyers are assessing the impact of a reinstated lawsuit.

7-8-06  
BY JOE DEJKA

WORLD-HERALD STAFF WRITER

A judge was wrong to dismiss a lawsuit aimed at stopping a dam project at the western edge of Omaha, the Nebraska Supreme Court ruled Friday.

Douglas County District Judge Richard Spethman erred last year when he concluded that he did not have jurisdiction to hear the case, the court said.

It is unknown what effect the ruling will have on the dam project.

"We're not real sure yet," said Paul Woodward, dam project manager for the Papio-Missouri River Natural Resources District. "Legal counsel has just gotten the document and are reviewing it."

The project got under way last November near 192nd Street and West Dodge Road. The dam is about 80 percent complete, Woodward said.

Construction costs are about \$2.4 million, he said.

In March 2005, Spethman denied a temporary restraining order sought by a group of landowners who wanted to stop the dam. The landowners sought a restraining order to stop planning and development while issues they raised in a lawsuit were argued in court.

The landowners had questioned the legality of a partnership between the Papio-Missouri River Natural Resources District and Dial Realty Development Corp. to build the dam and

See Dam: Page 2

## Dam: Deadline cited by judge didn't apply, high court rules

Continued from Page 1

58-acre lake. The landowners also claimed that district officials violated district procedures.

The landowners appealed Spethman's decision.

The Nebraska Supreme Court on Friday reversed the judge's decision that landowners failed to meet a 30-day appeal deadline and sent the case back to the district court for further proceedings. The high court ruled that the deadline didn't apply.

The high court emphasized that its decision deals with the

issue of jurisdiction and not with the merits of the landowners' lawsuit.

Jocelyn Golden, a lawyer for the landowners, was happy, nonetheless.

"We're pleased with the court's decision and eager to argue the merits of the case," Golden said.

The lawsuit was brought by William and Mary Japp, Todd and Jennifer Andersen, Kenneth and Dianna Olson and Jack and Susan Lorsch, all of Washington County, and Larry and Carine Stava of rural Bennington.

+



# Navigation on the Missouri to end early again this year

7-12-06  
By DEREK KRAVITZ

WORLD-HERALD STAFF WRITER

Navigation on the Missouri River will end early for the fourth straight year because of drought-like conditions and below-normal spring runoff across Montana, the Dakotas and Nebraska, the U.S. Army Corps of Engineers said Tuesday.

The navigation season will be shortened by 44 days. It was shortened by a record 48 days last year, 47 days in 2004 and six days in 2003 to conserve water.

The season begins April 1 and usually is scheduled to end Dec. 1.

This year, the corps' last day of flow support will be Oct. 8 in Sioux City, Iowa, Oct. 10 in Omaha and Oct. 11 in Nebraska City.

"In central and western Nebraska, it's very, very dry, and our storage check on the first of July was pretty extraordinary because of that," said Paul Johnston, a spokesman for the corps.

The corps manages Missouri River navigation.  
*See River: Page 2*

## River: Navigation season shortened by 44 days

*Continued from Page 1*

Missouri River flows past Omaha and eastern Nebraska, with water stored in six upstream reservoirs in Montana, North Dakota and South Dakota.

River flows were consistently strong in the mid- to late-1990s,

but in recent years have fallen well below historic runoff levels.

Water for power plants, most recreation facilities and drinking water will not be affected, Johnston said. "We're providing just enough for drinking water

and power plants, but not much more than that."

Water releases from Gavins Point Dam in South Dakota will be maintained to avoid flooding endangered least terns and piping plovers.

Marinas and boating ramps have experienced the greatest

difficulties related to the shortened navigation seasons.

Last year, Omaha's N.P. Dodge Park Marina, which usually shuts down on the first Sunday in November, was forced to close Oct. 2. It is expected to close in early October again this year.

7-14-06

OMAHA WORLD-HERALD

# NRD board spurns governor's advice

■ Richard W.  
Patterson is chosen  
over Mark McColley  
to fill a vacancy on  
the Papio panel.

By NANCY GAARDER  
WORLD-HERALD STAFF WRITER

Not even the governor can tell the Papio-Missouri River Natural Resources District board what to do.

On a close vote Thursday, the board selected credit union official Richard W. Patterson over labor leader Mark McColley to fill a vacancy on the board.

The two were the finalists from among six original applicants.

In a letter to the board, Gov. Dave Heineman offered his "strongest recommendation" for McColley, who is vice president of the Omaha Federation of Labor and a member of the Nebraska Ethanol Board.

The NRD board picked Patterson on a 5-4 secret ballot.

The position represents north-central Omaha and northern Douglas County. It is vacant because three-term member Joe Neary resigned after marrying and moving out of his subdistrict.

It was McColley's second narrow defeat for this board seat. In the 2004 election, he lost by 67 votes to incumbent Neary.

Patterson is president of the Greater Omaha Federal Credit Union and serves on the boards for several civic organizations, including the Mid-America Council of Boy Scouts and the Durham Western Heritage Museum.

Others who applied were Lawrence W. Bradley and Christopher Feuerbach. Barbara and Jay Lutey withdrew their applications.

Also Thursday, the board approved several budget overruns relating to the forced departure of longtime general manager Steve Oltmans.

The daily pay for directors went about 33 percent over budget because of the many meetings held to discuss Oltmans.

Instead of \$24,000 total in daily pay, board members received \$31,973.

The public notice budget was exceeded by at least 58 percent because of advertising to replace Oltmans. Not all the bills are in, but the NRD spent \$3,500 to advertise in the Chicago Tribune and \$1,825 in the Kansas City Star.

General attorney fees are about 75 percent over budget. So far, the district has paid McGrath North Mullin & Kratz \$50,630 for its advice on Oltmans.

Also at Thursday's meeting, the NRD board gave preliminary endorsement to a \$36 million budget for 2006-2007. That's up 17 percent from the 2005-2006 budget of \$31 million.

On Aug. 10, the board will hold a public hearing and take a final vote on the budget. In September, it will set the tax rate, which at this point is expected to remain virtually the same.

# Two sides begin talks on Washington County dam proposal

■ Officials will examine the flood-control alternatives to two large lakes.

By NANCY GAARDER  
WORLD-HERALD STAFF WRITER

7-16-06

A bit of détente is taking place in the controversy over the proposal to build two large flood control lakes in Washington County. But where the talks will lead is unclear.

Washington County and

Papio-Missouri River Natural Resources District officials have begun talking about options beyond damming about 2,300 acres.

Last week, Washington County Commissioner Jeff Quist addressed the NRD, calling on board members to broaden their view of flood-control options.

NRD officials plan to travel to Washington County to meet with commissioners and ask the county to rejoin a regional watershed partnership.

"My main goal is flood control," said NRD board member Rich Tesar, who has been pushing for a thaw in the chilly relationship. "I don't care how we

get there. I'm tired of butting heads, it's better to work together."

Options besides large reservoirs include dry dams, buffer strips, terracing and smaller lakes.

Washington County officials have blocked the NRD's plan by  
*See Washington: Page 2*

## Washington: Talks begin over flood control

*Continued from Page 1*

refusing to allow roads to be inundated. The county also has dropped out of the regional watershed management organization.

"There are a lot of ways to control flooding," Quist said. "We're talking at least. Where the talks will lead, who knows.

Time will tell."

The discussions don't spell the death of the big lakes, Tesar said.

"I sincerely hope we get the big lakes built," Tesar said. "In the long run, the economic advantage to Washington County would be huge. But if they don't want to go for that, I'm willing

to look at a second alternative, which would be smaller dams."

Smaller dams, Tesar said, would have the negative effect of less development and fewer recreational opportunities. But that is a price he said he's willing to pay.

Area landowners who oppose the dams are watching the dis-

cussions warily.

"There needs to be lines of communication, but where this will lead, I don't know," said Jennifer Andersen, a Washington County landowner and member of a steering committee overseeing a study of the big lakes.

### Resources district elects officers

The Papio-Missouri River Natural Resources District board has elected officers.

Jim Thompson was elected chairman; Rick Kolowski, vice chairman; Rich Tesar, secretary; and John Conley, treasurer. — Nancy Gaarder

# Comments on dams welcome at forum

7-18-06

BY NANCY GAARDER

WORLD-HERALD STAFF WRITER

Should Omaha-area communities and counties allow many of their creeks to be dammed to control flooding?

The Papio-Missouri River Natural Resources District will take public comments at a forum Thursday. The meeting is

## Public forum

6 p.m.  
Thursday,  
Papio-Missouri River  
Natural  
Resources  
District, 8901  
S. 154th St.

being held at the insistence of the district's board of directors, which is concerned that the public has been left out of the process.

The district's staff is proposing 29

dams in Sarpy and Douglas Counties to reduce flooding. Developers, who would benefit from the dams by being allowed to build lakefront property, would pay a portion of the cost.

The proposal has been controversial, in part because affected residents haven't been told if their property might be flooded.

Among primary locations where dams are planned:

■ 216th Street and Highway 36.

■ 132nd Street and Rainwood Road.

■ Highway 75 and Platteview Road.

■ 180th and Fort Streets.

■ 180th Street and Giles Road.

■ 192nd Street and Highway 370.

■ 204th Street and Schram Road.

■ 114th Street and Cornhusker Road.

■ 108th Street and Cornhusker Road.

Shawn Melotz, a Douglas County resident who has battled the district over the dams, is not convinced that the agency will be listening. "What bothers me is that we've been giving public input and nobody's listening," she said. "How can we be assured that's going to happen Thursday?"



# YOU'RE INVITED

Public Forum on Papillion  
Creek Watershed Water  
Quality and Flood Control

**Your Input is Needed on Policies for a  
GREEN, CLEAN and SAFE Watershed**

**Thursday, July 20th**

Papio-Missouri River NRD  
Chalco Hills Recreation Area  
8901 S. 154th St

**Information Stations 6:00pm**

**Presentation and Public comment 7:00pm**

For more information:

**Visit the Flood Control Page at  
[www.papionrd.org](http://www.papionrd.org)**

**PAPIO-MISSOURI RIVER  
NATURAL  
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Omaha, NE 68138-3621  
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w-h  
7-19-06

**Thursday, July 20**

□ The Papio-Missouri River NRD will be hosting a public forum to provide the public an opportunity to learn and provide input on six proposed stormwater policies for Douglas and Sarpy Counties. The meeting will be held in the Natural Resources Center at Chalco Hills Recreation Area, 8901 S. 154th Street in Omaha with an information station open at 6 p.m. followed by a presentation and public input session at 7 p.m.

Post-Gazette  
7-19-06

# Environmental Trust director resigns post

■ The head of the trust's board says there is no question of impropriety in Mary Harding's departure.

7-20-86

BY NANCY GAARDER  
WORLD-HERALD STAFF WRITER

Mary Harding, who led the Nebraska Environmental Trust from its inception to being one of the state's main conservation tools, has resigned.

Neither Harding nor the head of the trust's board, Rob Ravenscroft, would say Wednesday why Harding is leaving.

"It was time," Harding said. "I think I'm ready for new challenges. The trust may be ready for a fresh perspective as well."

The trust, funded by state lottery revenues, has distributed more than \$100 million in grants for environmental projects since its launch in 1994. It has been one of the state's top tools for protecting prairies, grasslands and river corridors.

Grants are used to buy land and easements that protect privately held land. The trust also has helped landowners undertake projects to improve their land, especially in the Rainwater Basin and Sand Hills. Other trust-funded projects include recycling, education, the state's water policy task force

and pollution cleanup.

Ravenscroft was quick to say that there are no questions of impropriety.

"Absolutely not," he said. "There was never any consideration of anything illegal or improper. It was a back-and-forth discussion (with Harding), and Mary decided to resign with our gratitude for everything that she's done."

In the past, Harding and the trust have had to fend off, sometimes unsuccessfully, politicians looking for money to solve financial problems elsewhere.

Her departure is likely to leave conservationists worried about future efforts to divert trust funds.

State Sen. Chris Beutler of Lincoln, a champion of the trust, is among those concerned. Not knowing what prompted Harding's departure, he said, makes it tougher to know whether it signals a shift in direction.

"There certainly will be a lot of people watching to see if the philosophic course that has been set by Mary Harding continues to be the direction of the trust," he said. "I hope it is not politicians paving a path to steal Environmental Trust money to pay irrigators not to irrigate."

Ravenscroft said people shouldn't worry about a change in direction.

"I would really like to assure the people of Nebraska... that we're still here, and we still want to continue the good work that's in progress," he said. "If you're thinking there's some external pressure being put on us, that's ridiculous."

Harding, who earned \$81,000, will be paid \$10,000 in severance.

The trust board is expected to accept Harding's resignation at its July 27 meeting.



Harding

FRIDAY, OCTOBER 12, 2001

# New parks, recreation director appointed

By C. DAVID KOTOK  
WORLD-HERALD STAFF WRITER

Steve Scarpello will oversee \$26 million in city programs after being promoted Thursday by Mayor Mike Fahey to full-time director of the Omaha Parks and Recreation Department.

"It's a great opportunity for me to serve a broader base," said Scarpello, who spent his first five years in City Hall as an aide to Fahey.

Although he worked closely with the department as the mayor's point man on the neighborhood parks renovation program, Scarpello said he has had to learn about many of the other programs. The city has more than 200 parks, 18 swimming



**Scarpello**

pools, 13 recreation centers, eight golf courses, tennis facilities, a marina and Rosenblatt Stadium.

Scarpello also will be in charge of the construction of the \$22 million pedestrian bridge across the Missouri River.

"Steve is a trusted and dedicated employee," Fahey said.

Scarpello was named acting director in January during a search to replace Larry Foster, who had been demoted. Foster agreed to take his former job as parks administrator after an investigation concluded he was negligent because his wife, an ice skating instructor, wasn't billed for time on city-owned rinks.

Prior to taking on the parks duties, Scarpello served as Fahey's liaison with neighborhoods. Scarpello was active in Fahey's 2001 campaign and is a former Douglas County Democratic chairman.

Scarpello will make \$85,000 a year. As director, he serves at the pleasure of the mayor without the civil service protection granted most city employees.

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# Foes of dams vent at Papio NRD

7-21-06

By NANCY GAARDER  
WORLD-HERALD STAFF WRITER

## Many of their questions remained unresolved after the meeting.

More questions than answers flowed from a sometimes tense hearing Thursday on a proposal to build 29 dams in Sarpy and Douglas Counties.

About 130 people attended the Papio-Missouri River Natural Resources District meeting. Those who spoke were almost unanimous in their opposition to the dams.

Among the issues that remained unclear at the end of the 3½-hour meeting:

■ How much will it cost taxpayers to maintain the dams?

■ How will condemnation authority be used?

■ Which dams will be built, how will that decision be made, and when will landowners know the fate of their property?

■ Why wasn't the public brought into the process sooner?

■ Why aren't other options being pursued to control storm water?

A recurring concern among

the opponents was the prospect that the Legislature will grant the NRD authority to issue bonds to fund the nearly \$300 million project.

A bill to do that was proposed in the last legislative session, but died in committee. The NRD hopes to have it introduced again next year. Having several cities signed off on building dams would help propel that bill, NRD officials believe.

Shawn Melotz, who opposes the dams, described bonding authority as "an open checkbook without the vote of taxpayers."

Julie Thacker was critical of the NRD's plan to move forward with the dams without knowing — or publicizing — the maintenance costs.

The NRD will own the dams and be liable for them. Marlin Petermann, head of the NRD, said no maintenance calculations had been done.

"Operation and maintenance will be major costs and we'll need to address that as it occurs," he said.

The plan calls for developers to pay a portion of the upfront costs, and in exchange be allowed to build around the lakes. The proposal specifically exempts developers from funding maintenance.

Public officials who spoke tried to assure people that the future was not written in stone.

"The policy says a regional plan will be developed," said Marty Grate of the Omaha Public Works Department. "We're not stating in this policy any specific reservoir."

Washington County resident Dave Mooter said other options should be considered.

"Dams are considered old-technology. A lot of dams are being removed," he said. "This policy as written is flawed and shows a bias toward developers over smart design."

Government officials say the dams will give the metro area added protection from flooding.

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# Four on council balk at city funds for bridge

7-21-06

By C. DAVID KOTOK

WORLD-HERALD STAFF WRITER

A majority of Omaha City Council members said Friday that they are dubious about using any city funds for the Missouri River pedestrian bridge.

Mayor Mike Fahey caught council members by surprise by proposing that nearly \$900,000 be taken from a city bond fund to hire a consultant to monitor construction of the \$22 million bridge.

The bridge between Council Bluffs and Omaha could be built even if the council rejects hiring a consultant.

The bridge project contract

and funding plan are scheduled to come before the council Tuesday.

Leading up to Tuesday's vote, the Fahey administration hopes to make its case to the council about why it's good business to hire an independent monitor to ensure the quality of the construction.

The city has used construction monitors on other big projects, including the city-owned Hilton Omaha across from the Qwest Center Omaha.

City Council President Dan Welch and Councilmen Chuck Sigerson, Franklin Thompson and Jim Vokal said using any

city funds on the project would fly in the face of campaign pledges they made last year. Sigerson completely ruled out voting to spend any city funds.

The three others said that it was unlikely they would support the spending but that they would let the administration make its case.

Councilman Jim Suttle, a former executive with an Omaha-based engineering and architectural firm, said hiring a consultant to represent a project owner has become standard practice in the past 20 years.

"Let's do it right," Suttle said.

Paul Landow, Fahey's chief

of staff, said: "The mayor does not believe it's in the best interest of the city to proceed without the professional expertise of the construction monitor. . . . It would be reckless to move ahead without one."

City officials and Suttle say city employees do not have the engineering expertise necessary to oversee a complicated bridge project.

The \$22 million construction cost would be covered by funds from the federal government, the States of Iowa and Nebraska, the Papio-Missouri River Natural Resources District and private philanthropies.

## Pilot Tribune 7-25-06 In Brief

### NRD to ask county to rejoin Papio group

Marlin Peterman, acting general manager of the Papio-Missouri Rivers Natural Resources District, will appear before the Washington County Board of Supervisors on Tuesday, July 25, to extend an invitation to the county to rejoin the Papillion Creek Watershed Partnership. The county dropped out of the partnership in 2004 amid news reports that the NRD was studying the floodwater control benefits of two proposed dams in Washington County.

"Storm water doesn't pay attention to county lines," Peterman said. "It is a whole watershed issue."

The county board convenes in the lower level of the Washington County Courthouse at 9:30 a.m. on Tuesday. Peterman is slated to address the board at 1 p.m.

# Bellevue projects included in budget

By ZACHARY BAEHR  
Leader managing editor

7-26-06

Two older parks and a large developing riverfront area are due to receive more dollars.

The projects are included in the proposed budget of the Natural Resources District. The final approval of the 2007 budget is set for its Aug. 10 meeting.

Two of the park projects are carryovers from this year where work had yet to be completed.

Hastings Banner Park, covering 20 acres at 53rd and Virginia streets, will receive \$40,000 to assist with a parking lot and road work for better access.

Jewel Park, which features 65 acres between Bellevue Boulevard, Combs Road and 13th Avenue, will see \$37,775 for more trails, shelters and parking lot improvements.

A horse arena area will be cleared to make way for new soccer fields.

The evolving Haworth Park project is set to receive the second of four payments as part of a matching-grant partnership between the city and the NRD.

The \$334,000 is to be used for all improvements to the expanding of the park on the land of the former Kramer Power Plant.

This includes studies and relocation of the sewer plant and sewer lines.

The NRD's proposed property tax levy of .038647 is slightly down from the 2006 levy of .039094.

The total budget is set at \$35.69 million, up \$4.57 million from the current fiscal year.

More than \$16 million will come from property taxes, up about \$800,000 from 2006.

# Lower Decatur has land

7-26-06

On the drawing board for nearly 10 years, Papio-Missouri River Natural Resources District again is budgeting money for work at the Lower Decatur Bend project site.

The preliminary budget, unveiled at the NRD's July 13 board meeting, shows the NRD earmarking \$627,000, which remains in an escrow account, for construction on the "Back to the River" initiative, designed to restore some of the Missouri's natural characteristics removed when the river was channelized for flood control and barge traffic a half-century ago.

The budget also shows \$115,000 for right-of-way acquisition, but the NRD now has all the property it requires. NRD Environmental Coordinator Jim Becic told the Plaindealer recent acquisitions have given the district all the land it needs to begin the project.

He said the next thing is for the NRD's partner in the long-delayed project, the US Army Corps of Engineers, to finalize the plans and find money to actually let the project out for bids.

He anticipated the earliest construction could begin is 2007.

Paul Johnston, the Corps' public affairs officer in Omaha, said the project is not in the budget put together by President Bush, nor is it in the House of Representatives version nor in preliminary Senate figures.

"Unless something comes out of the conference committee, chances are very small Lower

Decatur Bend will get funded in the next fiscal year," Johnston said.

The project, which carries a construction cost of up to \$5 million according to past Corps estimates, is a joint effort between the NRD and the Corps, the body responsible for managing the river. Because it is the sponsoring agency, the NRD must provide the necessary right-of-way and one-fourth of the money, approximately \$1.5 million. The rest comes from federal sources.

The project has been stalled for several years. The NRD has used the time to work toward obtaining property rights to 540 acres of land from three private owners: Mike Williams, Mike Olson and Tob-Isle, Inc., some of which has been held by the same family for generations.

Those talks bore fruit recently when deeds were transferred for the three sites.

Project talks began in 1997, original projections had the project complete by late 2000, but until recently, less than 200 acres has been acquired. A purchase of 22 acres of private land made in 2001, was the first—and last—made for the project, until earlier this summer.

Mike and Molly Williams sold 26 acres, the other two parcels were enrolled in the Wetland Reserve Enhancement Program. The voluntary program offers landowners the opportunity to protect, restore, and enhance wetlands on their property and

establish long-term conservation and wildlife practices and protection—the same goals as the original Lower Decatur project, but management of the property remains with the owners.

Funding for WREP comes through the Commodity Credit Corporation. Program implementation is handled by the Natural Resources Conservation Service (NRCS). First announced in June 2004, the program is intended to create in Nebraska a restored wetlands and wildlife corridor from roughly Ponca to Rulo. USDA officials thought the Lower Decatur site optimal for WREP improvements for the same reason the NRD targeted it nearly 10 years ago, because it is among the few places along the river where a restoration project can be successful. The Lower Decatur Bend area was identified as one of a dozen priority areas when over 40 Missouri River Corridor project sites were identified in 1989.

Project talks began in 1997, original projections had the project complete by late 2000, but until a few weeks ago, less than 200 acres has been acquired. A purchase of 22 acres of private land made in 2001, was the first—and last—made for the project. The rest of the right-of-way is made up of land the NRD owns or took in trade or purchased from Iowa.

The construction work also has been slightly redesigned over the years to save money.

In addition to Lower Decatur, the NRD budget also shows over \$1 million for work on nine dam sites in the Silver Creek watershed through the Conservation Assistance Program. The money is intended to complete work on at least six erosion control dams in a project which has been ongoing since the early '90s, a spokesman said.

The Burt County work is part of the NRD's proposed \$36.34 million budget for the 2007 fiscal year. The total is \$5.2 million more than was spent a year ago.

The new budget shows over \$8.3 million intended for construction of dam sites in the Papio Creek watershed north and west of Omaha.

The proposed budget also shows a lower property tax levy, 3.864 cents per \$100 of valuation and is based on a projected five percent increase in property valuations throughout the seven-county area. Last year's levy was 3.909 cents. The expected higher valuations are projected to raise an additional \$800,000 in property tax revenue, up to \$16.5 million.

The budget is expected to be approved following another public hearing during the board's Aug. 10 meeting, set for 8 p.m. at NRD headquarters at Chalco Hills Recreation Area, 8901 S. 154th St. in Omaha.

# County board, residents cool to idea of rejoining NRD group

By Jim Brazda  
Reporter

Enter Price  
7-28-06

In response to supervisor Jeff Quist's trip to the Papio-Missouri River Natural Resources District's board earlier this month, acting general manager of the P-MRNRD, Marlin Peterman, made the drive up to the Washington County Board of Supervisors meeting Tuesday, July 25, to ask the board to reconsider joining the Papillion Creek Watershed Partnership.

The partnership is comprised of 12 governing bodies within the watershed. The partnership develops storm water management policies for the entire watershed.

The county board voted to withdraw from the partnership after informally pledging to join two years ago to

protest dam projects 1 and 3C, which would create two large lakes in Washington County.

Joining the partnership would require a \$15,000 annual contribution by Washington County. Contribution amounts are based half on percent of population and half on percent of land area. Omaha contributes \$184,000.

Peterman said HDR, the engineering firm hired by the P-MRNRD to study potential dam sites 1 and 3C on the Papillion Creek, will look at flood control alternatives other than the two dams. Studying alternatives to the dams is part of their contract, and should begin on August 1, Peterman said.

Alternatives could include floodplain regulation, flood warning systems, pur-

chase of flood-prone properties, improving the Big Papillion Creek channel, smaller, regional detention structures and full implementation of the conservation practices for agricultural lands, he said.

If any of the alternatives have promise, their flood control benefits will be further studied, Peterman said.

"Our intent is for this to be a very open and free process," Peterman said.

In the past two years there has been a breakdown in meaningful communication between the two bodies, said Rich Tesar, a P-MRNRD board member. He lauded Quist for taking the first step in normalizing relations.

"Yes, I would like to have

SEE PAPIO PAGE 3A

## PAPIO: Board takes no action on request

FROM PAGE 1

a larger body of water, but flood control is my number one goal," Tesar said. "I will support whatever it takes to get it."

When 33 percent of the watershed lays within Washington County, it is foolish to attempt to make decisions about the watershed without county representation in the partnership, Tesar said.

"I'll do anything I can to accommodate you folks," he said.

Wayne Dreessen, who lives near one of the proposed dam sites, said he did not think the county should get involved.

"The way I look at it Washington County should never get into this because we will not benefit from it," he said.

Jack Lorsch, who lives near Kennard, said he still did not trust the NRD.

"Throughout this whole process there's been no cooperation with Washington County, no honesty, nothing," Lorsch said. "What's the benefit to the county to join this? What's the benefit to build these dams?"

Peterman said Washington County would benefit greatly from membership in the partnership. First, it would allow the county to have a voice in decision making. In addition the partnership deals with many things other than these dams, such as public education and water quality standards.

With membership Washington County would also enjoy technical and financial assistance through the partnership when the Nebraska Department of Environmental Quality releases new Future Total Maximum Daily Load standards as is expected, Peterman said.

"They are going to have to point out more benefits if they want that kind of money," said board member Kent Wilcox.

The county board took no action on joining the partnership. If the county joins soon it will have a say when the partnership updates the interlocal agreements in the next three months.

# Board delays vote on plan for dams

■ Members want more time to study the proposal to control stormwater.

8-2-06

By RICK RUGGLES

WORLD-HERALD STAFF WRITER

The Douglas County Board postponed approval Tuesday of an extensive federally mandated stormwater plan.

Board members said the plan was too complicated to have it mastered by Tuesday and agreed to send a letter to the Nebraska Department of Environmental Quality asking for more time. Creation of the policies has been overseen by the Papio-Missouri Natural Resources District.

The stormwater management plan calls for building up to 29 dams in Douglas and Sarpy Counties. Questions have arisen about how the dams would be paid for and the degree to which the plan serves developers and recreational interests, as opposed to flood-control and water quality concerns.

Paul Woodward of the NRD said the plan's two main roles are to improve flood control and water quality. The dams will handle runoff from development and prevent sediment from entering creeks and large lakes, he said.

Although Tuesday was generally cited as the deadline for approval, county and NRD officials said they thought the deadline was flexible.

Woodward said that four local government entities had approved the program and that five would deliberate beyond Tuesday. Two cities considered the program Tuesday night: Papillion, which approved it, and LaVista. Infor-

mation on LaVista's vote was not available Tuesday night.

Woodward said he doubted that the State Department of Environmental Quality would levy fines for going beyond the deadline unless a government entity had not approved the plan two or three months from now. If a community refused outright, he said, federal fines could be imposed.

A spokesman for the department declined to say there would be no fines for missing the deadline by even a little. "There is the possibility of penalties," Rich Webster said.

The NRD's board itself has postponed approval until September, Woodward said. But the NRD has no state stormwater-discharge permit that requires adoption of the plan, he said. The local government entities do have such permits.

One County Board member, Clare Duda, said Tuesday that whether the dams are built should be somebody else's call, not the County Board's.

World-Herald staff writer Joe Dejka contributed to this report.