Agenda Item: 11.

MEMORANDUM

TO THE BOARD:

SUBJECT: General's Manager Report

DATE: December 8, 2003

FROM: Steve Oltmans, General Manager

A. <u>INFORMATION/EDUCATION REPORT</u>: A copy of the I&E Report detailing Information and Education activities of the District for the month of November, 2003, is attached for your review.

B. MISCELLANEOUS/PERSONNEL ITEMS:

- 1. Attached is an article from the Nebraska Trails Council Newsletter that spotlights P-MRNRD staff member Gerry Bowen. Gerry is a member of the Nebraska Trails Council Board and serves as Treasurer.
- 2. Attached is a thank you note from Tony Bretey, Washington County Extension Assistant for 4-H, thanking the District for sponsoring the Sandhills Academy 4-H Camp scholarship. The recipient of this year's scholarship is Elizabeth Schroer.
- 3. Attached is a thank you letter from John Lortz, Director of Education & Technology for the Senior Health Foundation Computer Education, thanking the District for donating old computer equipment to the Midwest Geriatrics, Inc. The Senior Health Foundation's computer education program opens new worlds, creates new relationships and makes learning positive and fun for seniors residing at the Florence Home.
- C. <u>REPORT ON PURCHASES CONSTRUCTION SERVICES</u>, <u>PROFESSIONAL SERVICES</u>, <u>PERSONAL PROPERTY</u>: Pursuant to Board direction, attached is a report indicating construction services, professional services and personal property purchases for the month of November, 2003. Please review this report and contact me if you have any questions.
- D. <u>CURRENT AND ON-GOING PROJECTS P-MRNRD LEGAL COUNSEL</u>: Attached is a copy of the current and on-going projects for District Legal Counsel, Paul Peters, as of November 14, 2003. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.

E. <u>NEWS CLIPS</u>:

- * November 7, 2003 Omaha World Herald article Trail compromise supported. Consensus reached on Happy Hollow route.
- * November 8, 2003 Omaha World Herald editorial Farmers, take note. Stewards of the land show that alternatives to irrigation yield a harvest.
- * November 8, 2003 Omaha World Herald editorial An environmental about-face. Administration is evidently preparing to reverse course on prior promises.
- * November 8, 2003 Omaha World Herald article White House replaces team studying Missouri flows.
- * November 12, 2003 Omaha World Herald article Probe sought on Missouri River switch. Democrats from three states want to know why a team of scientists studying a management plan was replaced.
- * November 12, 2003 Bellevue Leader article Council OKs \$50,000 for art wall.
- * November 14, 2003 Omaha World Herald article \$26 million in bill for state projects.
- * November 14, 2003 Omaha World Herald editorial Reviewing the Mo. Biologists' firing seen as political; let's suspend judgment for six weeks.
- * November 17, 2003 Omaha World Herald article Little found in water tests near Mead Superfund site.
- * November 18, 2003 Omaha World Herald article River plan offers no flow changes.
- * November 18, 2003 Omaha World Herald editorial Mahoney is a major asset. Parks can contribute economic benefits to local areas.
- * November 18, 2003 Lincoln Journal Star article Irrigation well metering hearing held. Farmers in the Upper Big Blue Natural Resources District could pay as much as \$1,000 per well.
- * November 19, 2003 Omaha World Herald article Neighbors say no thanks to \$1 million. The money for park improvements had strings attached: closing off an access area to Cunningham Lake.
- * November 20, 2003 Omaha World Herald article Rural water project shrinks
- * November 20, 2003 Omaha World Herald article Sales tax allocation for water backed.
- * November 21, 2003 Omaha World Herald article Fans, foes of trail plan speak out.
- * November 21, 2003 Lincoln Journal Star article Central Platte NRD places 3-year ban on drilling new wells.
- * November 21, 2003 Blair Enterprise editorial Rural water plan good for everyone involved.
- * November 23, 2003 Omaha World Herald editorial Burning up a problem. Ash Grove may have good solution to an excess of old tires.
- * November 24, 2003 Omaha World Herald editorial Missouri disappointment. Achieving real balance on the river will require real compromise.
- * November 25, 2003 Lincoln Journal Star editorial Steps toward wetter Platte are positive.
- * November 27, 2003 Omaha World Herald article OPPD weighs 2 routes for high-voltage line. Possibilities being discussed are along the Keystone Trail and 72nd Street.
- * November 28, 2003 Omaha World Herald article 3 states near Platte alliance. Nebraska, Colorado and Wyoming have been negotiating for 10 years.
- * November 29, 2003 Omaha World Herald article Nebraska proposes own plan for Missouri River.

- * December 1, 2003 Omaha World Herald article Neighbors earn their reputations for defense. Neighborhood rejects billionaire's offer for closing road.
- * December 3, 2003 Omaha World Herald article Preventing tainted wells is not easy to do. After being told of contamination in October, homeowners near Grand Island want a change in state law.
- * December 5, 2003 Omaha World Herald article Filling fully may cost builder fine of \$25,000.

November 2003

Information & Education Report

Information

- NRD Annual Report published in Weekly newspapers Blair, S.Sioux City, Tekamah and Walthill.
- Fall 2004 SPECTRUM Published.
- Gave Speakers Bureau presentation to the Bellevue Garden Club.
- Finalized copy for the update of the NE Natural Resources Districts brochure.
- Updated Web Site pages.
- Continued work on staff survey.

Education

- Presented 2 programs to Millard South Environmental Studies Class
- Arranged for Toys For Tots toy drive to be held at the NRC
- Managed 75 volunteer hours
- Led nature hike for Owens Educational Center
- Presented Animal Adaptation programs for all Benson West 1st Graders
- Arranged for Food Drive to be held in the NRD
- Worked with LPSNRD to help coordinate speakers for the Earth Wellness Festival
- Updated NRD Education Intern job description and began advertising for 2004
- Updated and posted NRC holiday calendar and luncheon flyer
- Updated service award plaques, worked with Regal Awards to have a 30 year plaque made, printed all service awards for staff

NTC Board Member Spotlight: Gerry Bowen, Treasurer

Regular Job:

Natural Resources Planner for the Papio-Missouri River NRD since 1984

Why did you get involved in the Nebraska Trails Council?

Initially, it was job related. The contacts helped me do my job better. Also, riding a bike on the trails helped to understand the issues facing trail users, and necessary adjustments in design and construction to address those issues.

What do you think is the biggest issue facing trails in Nebraska?

Continuation of federal, or other outside, funding sources. Reliance on public budgets only to build the trails restricts development of new trail routes.

What is your favorite trail in Omaha?

The trail at Zorinsky Lake because it is close to home (can ride a bike to it), peaceful, tree-lined route through the park, and not too strenuous (an issue for us older folks). As far as a linear trial, the West Papio Trail (WPT) from Zorinsky Lake north for many of the same reasons listed above. The WPT is our most scenic trail.

Tell us about your most memorable trails experience.

Unfortunately, it was the trails conference in Chadron. The most enjoyable was the opening of the Platte River Connection and the Lied Bridge after seven years of working on the project.



While scouting a trail location with the Forest Service, I slipped and broke a bone in my ankle. The whole experience clouded my stay in Chadron, but the people were wonderful and helpful. The trip back to Omaha was memorable, with help from John Williams and Mark Stark being the "good samaritans". The conference was held in May and the cast came off in September, making for a very "memorable" summer.

How can the Nebraska Trails Council help trails enthusiasts around the state?

The Council is composed of many professionals who plan, design, and build trails. These wide and varied experiences can provide guidance to new trail developers at a very reasonable cost (usually free!). As a future item, the Council could establish a lending library that includes case histories of each trail in Nebraska for use by others. It would also be quite interesting to review in about 25 years.



Dear Papio-Missouri River NRD,

On behalf of the Washington County 4-H program, I would like to thank you for sponsoring a Sandhills Academy 4-H Camp scholarship this year. I am sure that your scholarship recipient, Elizabeth Schroer, is anxious to go to camp and learn in the process.

As in the past, our office will contact you about the funds.

If there is anything that the 4-H program or I can do for you, please don't hesitate to call.

Thank you once again!

Sincerely,

Tony Bretey

Extension Assistant / 4-H



MIDWEST GERIATRICS, INC.

7915 North 30th Street ◆ Omaha, NE 68112 ◆ (402)827-6015 ◆ fax (402)827-6005 An Omaha-based, nonprofit organization

November 25, 2003

Pat Teer Papio-Missouri River NRD (AKA Chalco Hills Rec. Area) 8901 S. 154th Street Omaha, NE 68138

Dear Pat:

Pat, on behalf of the Senior Health Foundation Board of Trustees and President, Steve Hess, I truly thank you and Papio-Missouri River NRD (AKA Chalco Hills Rec. Area) for your donation of computer equipment received October 14, 2003. Please consider this your receipt.

Our senior computer education program continues to exist through the support of generous donors such as you. Senior Health Foundation's computer education program opens new worlds, creates new relationships and makes learning positive and fun. Please know that your thoughtful support is greatly appreciated.

Sincerely.

John Lortz, Director of Education & Technology

Senior Health Foundation Computer Education

fax (402)827-6005

Report On Purchases Construction Services, Professional Services, Personal Property

November, 2003

	Cost	\$5,616.00	\$4.875.00	\$4 110 75	67.017.00	0.0750.00	3 9,750.00												
	Company	Martin Marietta	Superior Mat Co.	DNB Electrical	United Seeds Inc	Theile Geotech Inc	THORN GOODEN, INC.												
ltom / Tack	3/" corporad rock		Wooden mats for backhoe for muddy conditions	Wire and set up and 110 line connect for wind generator	Grass seed at various sites	Geotechnical Investigation of the West Branch near Rumsey													
Project Name	Project Maintenance	Proj Maint & Constanting	W/-1	wainut Creek	Project Maintenance	West Branch- 36 th to 72 nd											Francis Control of the Control of th		_
Date	11/3-28/03	11/12/02	11/12/03	11/20/28/02	11/20-28/03	11-24-03					-								_

Updated: November 14, 2003



OMAHA, NF 68138-3621

(402) 444-6222 FAN (402) 895-6543

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):

- <u>Little Papio</u>: (Cleveland)
- Big Papio: (Cleveland)
- West Branch (Cleveland):
 - o Land Exchange with Sarpy Co. (96th St.) (W)
 - Land Exchange with Bellino (96th St.) (W)
- Western Sarpy Dike (Sklenar, Cleveland):
 - o Closing with Bundy's (potentially modify ROW/offer) (F)
 - Complete easements three dikes and one drainage ditch (F)
 - o Amended drainage ditch easements on Hickey (First National and Bundy Properties) (W)
- Floodway Purchase Program (Woodward):
 - Prepare draft Interlocal Agreement for Flood Mitigation Planning and Mapping Assistance Program (P)
 - o Floodway Property Purchase Agreements as needed (F)
- <u>Trail Projects</u> (Bowen):
 - o Bennington Trail Interlocal Agreement (N)
- Missouri River Corridor Project (Becic):
 - California Bend Final settlement with tenant (Wright's) (W)
 - **♦** Lower Decatur Bend Appraisal Review, prepare ROW purchase agreement documents (W)
 - Review/comment on LDB habitat easement letter to the COE (P)

• USDA P.L. 566 Projects, Silver Creek and Pigeon/Jones Watershed (Puls/Cleveland):

- o Papio Site S-30 development agreements (F)
- o Silver Creek Site Easements— as needed (W)
- o Release of Site S-7 Easement (W)

• Papio Watershed Dam Sites:

- o Dam Site 19 agreement (Petermann) (W)
- o Candlewood Easements (Chris Curzon) (O)
- o Dam Site 13 Agreement (Petermann) (F)

• Papio Creek Watershed Partnership (Stormwater) (Woodward):

- Storm water Utility Legislation (P)
- o Partnership Interlocal Agreement (P)

• Rural Water Projects: (Sklenar)

- Water Purchase Agreement for WCRW Country Estates Mobile Home Park (W)
- Water Purchase Agreement with Blair and Washington County for WCRW #2 (W)

• Other:

- o Aerial photo/GIS Consortium Agreement with MAPA (N) (Woodward)
- o Interlocal Agreement with Bellevue for Missouri Riverfront Development (N) (Becic)
- o Interlocal Agreement for Dakota County Natural Resources Center (W) (Puls)

/peters/project lists/2003-October

Trail compromise supported

Consensus reached on Happy Hollow route

By Julia McCord

WORLD-HERALD STAFF WRITER

1 - 1 - 03They eyed their options.

They voted.

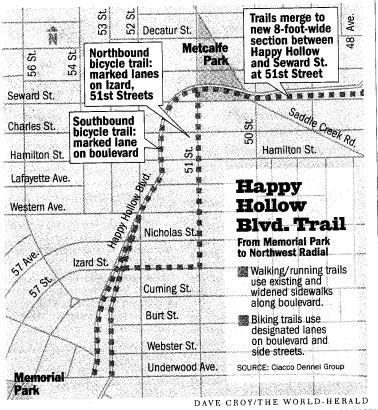
And when the count was in, the majority of the people who attended Thursday's meeting on the proposed Happy Hollow recreational trail reached a consensus.

The trail, they said, should start at the Dodge Street overpass, follow the sidewalk on the north side of Dodge east to Happy Hollow Boulevard and run up the west side of Happy Hollow to Underwood Avenue.

From Underwood Avenue, they said, the trail should follow Happy Hollow to Metcalfe Park and from there east to the Northwest Radial Highway.

Not everyone was happy with the proceedings.

Twenty-two refused to vote, and 36 signed a petition See Trail: Page 2



Trail: Compromise gains support

Continued from Page 1 against the trail in any form.

City Parks Director Larry Foster, however, was pleased with the outcome.

"These are viable, workable options and the vast majority agree," he said.

The meeting was held at Beth Israel Synagogue at 1502 N. 52nd St.

It is the fourth of five public meetings set up by the Parks Department to gather neighborhood input on the proposed trail. Landscape architect Dave Ciaccio, who is drafting the plan, strung up five overhead maps with five proposed routes marked in orange.

The most difficult was the stretch from Underwood Avenue to Metcalfe Park, he said.

Neighborhood residents had

been concerned about bikers crashing into pedestrians, trees coming down and safety concerns connected with street, alley and driveway crossings. They also worried that an 8-foot-wide trail would gobble up a big chunk of green space.

Ciaccio's plan is a compromise.

Instead of sharing the same path, pedestrians will use existing sidewalks and bikers will use the street.

Striped bike lanes will extend north on Happy Hollow to Izard. From there bikers will have a designated bike route east to 51st and north to Metcalfe Park. Bikers and pedestrians will share an 8-foot-wide trail through existing green spaces from Metcalfe Park to

the Northwest Radial, Ciaccio said. Southbound bikers will have clear sailing on a striped bike lane extending from Metcalfe Park to Underwood Avenue.

Ciaccio said the plan has several advantages:

- Only one tree would have to come down in the Underwood Avenue-Metcalfe Park stretch.
- The Nebraska Department of Roads has approved it.
- It preserves the character of the Dundee-Memorial Park neighborhood.
- And Dundee Presbyterian Church at 53rd and Underwood won't lose any on-site parking.
- The fifth and final meeting will be at Beth Israel on Nov. 20.

From there the plan will go to the City Council.

Farmers, take note

group of forward-looking farmers west of Sidney, Neb., can teach their compatriots something about stewardship of land caught in the teeth of

Stewards of the land show that alternatives to irrigation yield a harvest.

drought and declining water supply. Much of western Nebraska and

surrounding areas has suffered in recent years from lack of rain and ebbing levels of water in streams. reservoirs and wells. The results include lawsuits, heated arguments. water metering and restrictions on well-drilling in various areas — and

still water levels decline.

So more than 30 farmers growing crops in the Sidney Draw, where the summer of 2003 was to be the fourth consecutive droughty growing season, took a chance. They got together and planted crops that use less water — wheat and oats rather than corn and alfalfa, for instance. They voluntarily converted irrigated acres to dryland farming. They turned off the end guns on their center pivot systems.

What came from their good sense and restraint was a fourinch increase — yes, increase — in groundwater levels in the valley west of Sidney.

The area was the only portion of the South Platte Natural Resources District where groundwater levels ac-

tually went up.

The changes those farmers instituted saved an estimated billion gallons of water; 6 billion gallons were used in 2002. The specific long-term benefits of this kind of conservation are difficult to pin down, but the effect is almost certain to be positive.

Those farmers have proved that they are not helpless in the face of drought, that their livelihood and lifestyle can be sustained, and that there are workable alternatives to government control of groundwater. Natural resources districts and farmers across the state should pay attention.

W-H 11-9-03

An environmental about-face

hen Clean
Air Act
rules were
relaxed in August, the
Bush administration
said the rules wouldn't
increase pollution
(never mind decreas-

ing it). The administration also vowed that the new rules wouldn't affect the more than 100 investigations under way against companies accused of violating the act.

Then, in meetings Tuesday and Wednesday, Environmental Protection Agency officials reportedly said the agency would no longer pursue cases of past violations under the old rule.

Dozens of old power and industrial plants thus would get away with past violations. What message does that send to other polluters — or, for that matter, to any industry regulated by the government?

The plants succeeded in getting the rules changed, too. So now they're free to make more upgrades to aging facilities without (as required until now) adding modern anti-pollution devices. Lawsuits and subsequent settlements concerning numerous aging power plants in prior years resulted in an estimated 7-million-ton annual reduction of pollutants.

It cost millions for those plants to

Administration is evidently preparing to reverse course on prior promises.

upgrade. Now their competitors escape that cost, making it clear that the new rules have created an unfair dichotomy.

Dropping the investigations also subverts

the justice system. Even if the releases of pollutants are legal now, they weren't when the investigations began. American justice functions properly when the law of the moment — not the law of the future or the law of the past—is enforced.

The administration has done an about-face not just on serious industrial-oversight issues but also on its commitments. Neither should be taken lightly.

White House replaces team studying Missouri flows THE ASSOCIATED PRESS line to come up with a new operaService will have its mind the Interior Department, w

In a move that may block changes to the Missouri River's flow, the Bush administration has yanked the government scientists who ordered the switch off of the years-long river project and is bringing in a new team.

The U.S. Army Corps of Engineers, which has resisted making changes to how it manages the river, is under a December deadtions plan that follows the Endangered Species Act.

Now, a different team of scientists at the U.S. Fish and Wildlife Service will say whether the corps can avoid major changes such as a previously ordered switch to a more natural spring rise and low summer flow - and still comply with the act.

"What appears likely to happen is that the Fish and Wildlife Service will have its mind changed for it," said Tim Searchinger, an attorney for the conservation group Environmental De-

The Fish and Wildlife Service said critics were jumping to conclusions.

"The bottom line is, this will go where the science leads," said Hugh Vickery, a spokesman for the Interior Department, which includes the service.

The old team of scientists said in 2000 that the river needs a more natural spring rise and low summer levels to comply with the Endangered Species Act.

The Bush administration postponed the changes and is seeking a new "biological opinion" from the Fish and Wildlife Service.

Probe sought on Missouri River switch

know why a team of scientists studying a Democrats from three states want to management plan was replaced.

11-12-0

THE ASSOCIATED PRESS

Democratic lawmakers from three upper Missouri River states are calling for an investigation into the Bush administratists in charge of evaluating tion's decision to replace scien Missouri River management.

The lawmakers want to know

the reason for replacing the old team, which ruled in 2000 that management by the U.S. Army Corps of Engineers did not fol-Bush criticized that decision low the Endangered Species Act. during the presidential cam-

Critics of the administration's

latest decision say the new team could produce an opinion that allows the corps to continue its current policies, which are widely seen as favoring downstream barge and farm interests and Bush ally Sen. Kit Bond of Missouri, at the expense of wildlife in the upper basin.

"That decision does not make very much sense on its face," said Dan Pfeiffer, a spokesman seems, on the surface, to be mofor Sen. Tom Daschle, D-S.D. "It tivated more by politics."

Daschle called for the Depart-

ment of the Interior's inspector general to investigate.

He was joined by Sens. Tim Johnson of South Dakota, Byron North Dakota, and Max Baucus Dorgan and Kent Conrad of of Montana, and Rep. Earl Pomeroy of North Dakota.

man Jeff Fleming said the department would cooperate with any investigation. But he said the new team would be capable Interior Department spokesand would base its decision on science, not politics

The new group of U.S. Fish

bers will be a specialized team experienced in making high-It will be led by Dale Hall, who runs the agency's southwest regional office, and Robyn Thorson, who runs the agency's and Wildlife Service staff mem profile decisions, Fleming said. Great Lakes office.

Hall, a biologist, has worked on some of the nation's most contentious endangered

Thorson is a lawyer and formerly worked on public and congressional affairs at the agency.

Council OKs \$50,000 for art wall

By MARGARET BEHM Leader staff writer

The Bellevue City Council voted 9-0 Monday night to donate \$50,000 for the Lewis & Clark Children's Art Wall.

State Sen. Paul Hartnett said he's pleased with the development of the riverfront and the wall will add to that.

"What the city has done with Haworth Park and how you've transformed it is remarkable," he said.

Hartnett said the wall will cost \$250,000. He asked the council to match the \$50,000 donated by the Sarpy County Board of Commissioners.

With the council donating money for the wall, Hartnett said it will be easier to solicit donations from private entities. Councilmen John Ott agreed. "If we don't invest in ourselves why would be expect others to?" he asked.

John Royster, a landscape architect for Big Muddy Workshop, said part of the funds raised will be put into an endowment to pay for maintenance. A private foundation will be in charge of the endowment.

The wall will feature weatherproof artwork created by children to show how they interrupt the story of Lewis and Clark.

The wall will be located on a peninsula in Haworth Park, between the river and marina. The wall be 8 feet high and 65 feet long, and will be located 140 feet back from the river.

It will be coated so that graffiti may be easily cleaned off, he said.

Also Monday, the council voted 9-

0 to require commercial property owners to hard surface all off-street parking, access, aisles, and driveways if they connect to a hard-surfaced road. Property owners have until Oct. 31. 2004 to comply.

After much debate, the council voted 7-2 to approve the an interlocal agreement for improvements to 48th Street and Capehart Road. The agreement is with Sarpy County, SID 243, and Clearwater Falls.

Chief Building Inspector Steve Carmichael said in an interview that he has notified the City Council of the eviction of residents of R Apartments, near Capehart and Fort Crook roads. The council will rule on whether to condemn the property or grant building permits for fixing life and safety code violations.

Mayor Jerry Ryan gave out the prizes for the winners of the Mayor's Drug Commission Poster Contest.

The winners were: first place and a \$100 savings bond went to Kevin Zeitner from Avery Elementary, second place and a \$75 savings bond went to Makayla Spahn from Twin Ridge Elementary, and third place and a \$50 savings bond went to Samuel Marchant from Betz School. The bonds were donated by Great Western Bank.

Ryan and the bridge commission presented a plaque to former Bridge Commissioner Bob Hovey.

The Jewel of Bellevue Award was given to chemical dependency counselors Euliss and Kathleen Moore.

Councilwoman Theresa Hatcher was absent from the meeting.

\$26 million in bill for state projects

A \$401.3 billion defense bill sent by the Senate to President Bush includes \$26 million for Nebraska projects.

Projects included:

- \$1.5 million for a proposed military helicopter facility at Grand Island.
- \$5.8 million for the Army National Guard fire station in Omaha.
- \$3 million for a Nebraska National Guard camp frontage levee segment.
- \$1 million for the Army National Guard fire station in Norfolk.
- \$758,000 for the Army National Guard readiness center in York.
- \$618,000 for the Army National Guard readiness center in Columbus.
- \$13.4 million to replace a hydrant fuel system at Offutt Air Force Basenear Bellevue.

The bill also contains an across-the-board military pay raise of 3.7 percent, with certain midcareer personnel eligible to receive up to a 6.25 percent increase.—AP w-H

maha World-Herald

JOHN GOTTSCHALK, Publisher

LARRY KING, Executive Editor CHARLES REINKEN, Editorial Page Editor DEANNA I. SANDS, Managing Editor

FRIDAY, NOVEMBER 14, 2003

Reviewing the Mo

he Bush admin-istration got in what appeared to be a sound body blow in the politically charged fight over management of the Missouri River recent-

ly. But the issue will not stay down for the count.

Top officials fired the team of experienced federal Fish and Wildlife Service biologists, the group that said in 2000 that sound science required flow changes on the river to restore its battered ecosystem and protect its species, endangered, threatened and otherwise.

The White House and members of Congress from states up and down the river have stuck their oars in this water repeatedly in recent years, altering the nature of what should be a strictly scientific decision. So the move to oust a biological team that had worked on the Missouri and reported on its needs for so long was bound to appear political.

Nevertheless, there are glimmers of reason in the murk. The new team of biological scientists contains men and women with expertise that directly relates to the data they will be reviewing on the Missouri. Many are experienced - in endangered species, in reviewing studies and reports, in reaching decisions in complex scientific matters.

Much of the staff used by the first scientific team will return, so the new group will not be looking at the river in an informational vacuum. Fish and Wildlife officials — and key team members — have assured us that the goal is a fresh look at the evidence and not a rubber-stamp reversal to please the powers-that-be.

The administration, Fish and Wildlife and the team are taking plenty of flak on this abrupt move. Environmental groups are in ridicule mode; Democratic lawmakers from three upstream states want an investigation. But we are willing to wait until the team finishes its work -45 days, an expedited review period—to see what it comes up with.

Biologists' firing seen as political; let's suspend judgment for six weeks. ties. The new team could agree with the first team that flow changes, including a spring rise of some size and a summer low-flow period, are vital to the health of

the river. It is this change that the Army Corps of Engineers, which manages the river, has resisted so

vigorously.

That finding would lend tremendous credibility to the original concept. It could become virtually impossible for the White House and other opponents to continue to resist.

On the other hand, the team conceivably could reverse the opinion and withdraw the order for managed flow changes in the Missouri. This would widely be seen as a political move, could cost the federal government whatever credibility it has on the issue and surely would be challenged in court.

The third possibility is that the new team would both agree and disagree, perhaps trying to walk a difficult line between politics and environmental protection. This would be difficult, and its believability would rest on the team's scientific reasoning. It's likely that this action, too, would head for court.

The next few months could be crucial to the fate of the Missouri River. The corps plans to reveal its proposed management plan soon; that plan, by all accounts, would not change the river's flow. Other plans and proposals are cooking. Legal cases filed this past summer are slogging through the courts.

None of this is productive, however. By spring, we would like to see action. Some plan to benefit the river habitat, some significant pilot project, some scientifically based and creative venture, something that will contribute in a meaningful way to the river's health.

The future of the Missouri — as barren ditch or vital, inviting river environment — is at stake, and time

Little found in water tests near Mead Superfund site

By Nancy Gaarder WORLD-HERALD STAFF WRITER

Tests by the Environmental Protection Agency of drinking water wells near the Mead Superfund site indicate no significant new problem with semivolatile compounds or radioactivity.

The EPA sampled 23 wells in and around the site because of concerns that contaminants from an old landfill and radiation from buried low-level nuclear waste could be reaching the wells. Semi-volatile compounds are chemicals that don't quickly vaporize upon exposure to air. They include such things as pesticides, herbicides and industrial chemicals.

The property was home to the Nebraska Ordnance Plant, as well as a missile silo and a landfill. The aquifer is known to be contaminated by solvents and explosives from the military activities, and a number of residents are treating their well water to remove those contaminants.

Earlier this year, there were



Community meeting

Thursday, 7 p.m., Mead Community Center

renewed concerns about other possible contaminants, so additional tests were done. The University of Nebraska, which now owns the property, legally buried radioactive medical and research wastes

See Mead: Page 2

Mead: Samples from wells find no new problems

Continued from Page 1 there during the 1970s.

For the most part, test results came back with no detectable amounts of contaminants, said Scott Marquess of the EPA. While the results showed some radioactivity, he said, none of the levels "would cause alarm."

The readings could reflect naturally occurring radioactiv-

ity in the groundwater or the use of fertilizer, particularly potassium.

Residents have been notified of the results, Marquess said, and the EPA has arranged to meet with them to discuss results

The EPA tested for several dozen semi-volatile compounds

that potentially could leak from a landfill. Those that were detectable, Marquess said, might have just as easily come from common laboratory contaminants, such as gloves or plastics.

The drinking water tests are just one part of the investigation of the site. Now that the EPA has determined that there isn't an immediate, pressing threat to

human health, it can move forward with the rest of its investigation.

The EPA has sued the university, seeking its help in paying for the cleanup. Jonathan Kahn, an attorney for the EPA, said the agency will continue to talk with the university. More tests are needed, he said, to determine the extent of any contamination.

+

River plan offers no flow changes

THE ASSOCIATED PRESS

The U.S. Army Corps of Engineers would keep more water in upper Missouri River reservoirs during extreme drought under a plan proposed Monday.

The corps, which manages dams and reservoirs along the 2,341-mile river, does not plan to make seasonal changes to the river's depth — the spring rises and summer lows that conservationists contend are needed to pro-

tect endangered fish and bird species.

But it does intend to acquire shallow habitat for pallid sturgeon to spawn, and it plans to build or modify sandbars needed for terns and plovers to nest, according to the new biological assessment.

"There is little to no spawning of pallid sturgeon, and one of the things that we think is missing is the lack of habitat, spawning habitat," corps spokesman Paul Johnston said.

Conservationists said those measures will not be enough to protect the species, pointing out that they contradict a 2000 U.S. Fish and Wildlife Service recommendation for the flow changes.

"You can't just do habitat," said Chad Smith, Nebraska field director for the environmental group American Rivers.

Senate Democratic Leader Tom Daschle said the plan was not the broader reform the river needs. Daschle, D-S.D., said the corps "has once again proven its commitment to maintaining the status quo on the river by proposing a flawed management plan."

Brig. Gen. William T. Grisoli, who oversees Missouri River management for the corps, said the plan was "the best balance" between helping species rebound and other river uses.

The corps sent the assessment to the U.S. Fish and Wildlife Service for review.

W-H 11-18-03

Mahoney is a major asset

ahoney State Park lbet ween Lincoln and Omaha has proved to be a major boon for Nebraska's park system —

and for the economy of the surrounding area, if statistics on visitor spending in communities near na-

tional parks are any guide.

Mahoney, Nebraska's most popular state park, pulls in more than a million visitors a year and generates about \$1 million above expenses in

an average year. But it has also helped spark interest in other parks around the state. which were visited by an additional 600,000 people between 1990, when Mahoney opened, and 2002.

Mahoney's financial contribution to the communities surrounding it

Parks can contribute economic benefits to local areas.

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would be difficult to quantify. However, a recent study suggests that visitors to the 348 U.S. national parks spend about \$10.6 billion a year, supporting

212,000 jobs. The spending was on everything from hotel reservations to gas, food and souvenirs.

That's a solid plus for the businesses surrounding those parks. And it's likely that Mahoney and other state parks also contributed to the economies of the communities around them.

Mahoney Park is a wonderful asset to Nebraska. The fact that it was originally developed using private donations to pay for much of its infrastructure makes its success all the sweeter.

Irrigation well metering hearing hel

Farmers in the Upper could pay as much as Resources District Big Blue Natural \$1,000 per well.

WATS-03 BY ART HOVEY

YORK — At least 200 farmers day to react to plans to put meters on irrigation wells in the Upper Big packed a hearing room here Mon-Blue Natural Resources District. Lincoln Journal Star

porter Dennis Richters was the first and the first of many to warn of the far-reaching and divisive effects of to testify at the York City Auditorium Utica farmer and metering sup-

an October decision that could eventually lead to allocation of "I'm not sure any of you should groundwater.

be re-elected," Richters told members of a 17-member board arrayed before him. "Because if you do your job right, everybody is going to be so damn mad at you you're not go-

ing to be re-elected."

The NRD leadership, which serves York and parts of Seward, changes in its water-conservation tion drew down average water levels by almost 7 feet from 2000 Hamilton and six other counties, called for metering and other rules after drought and heavy irriga-

through the spring of 2003. Rod DeBuhr, manager of the water department, expects more dry conditions over the past summer to

in readings that will be taken next spring. Signs of increasing concern about the irrigation resource in the lower the level by another 2.5-3 feet York area are part of a bigger picture in which the Central Platte NRD is expected to vote in Grand Island Thursday on a moratorium on drilling new wells.

dozen NRDs have acted or are considering actions on moratoriums and other conservation measures in the nation's leading groundwa-Elsewhere, others of some twoter-irrigating state.

ig a well at a cost that could public comment would allow farm-Back in York, rules advanced for ers to refrain from irrigating 10 per-

comments on those

proposals and another that would raise the water level at which metering would be required by 1 foot from a 1978 benchmark will be accepted through Nov. 26.

No regulation will result if water or if the board reconsiders its decilevels don't drop another 3.7 feet sion on the basis of public input.

On the other hand, if water levels drop another 6.7 feet, proposed changes mean metering would be followed by the first water-use restrictions in the NRD's threedecade history.

ties were obviously running high in Concerns about grim possibili a crowded seating area Monday.

ble mistake" to bypass conservation Richters said it would be "a terrimeasures until wells run dry.

And former NRD board member

the current board for a proactive Luke Jacobsen of Marquette praised move "that recognizes the situation we're in."

ing this past summer. "Half the pivots didn't even have water coming cobsen said, wells were already showing the effects of heavy pump-In his area north of Aurora, Jaout of the nozzles," he said.

conservation plans also told NRD leaders they think the worst of a multiyear drought is over. "We're with at the local level. And critics of But others testifying Monday said local problems should be dealt three years closer to a lot of rain,' said Stan Boehr of Henderson.

Boehr also warned of economic ready on a tight budget," and he hardship "because agriculture is alpointed out that, for a farmer with

12 wells, metering means "\$12,000

William Plock of Hastings said movement toward water restrictions would fall much more heavily flow pipes than on a center-pivot user, because the former system on a user of ground-level, gravitywith no return" on investment.

typically needs more water.
"You're going to put him out of business," Plock said. "You're going to break him."

John Turnbull, manager of the NRD, said after the hearing that there would be no final decision by the board until at least its Dec. 17 meeting.

sion," Turnbull said, "then the exist-"If the board makes no deciing regulations remain in place." Reach Art Hovey at 523-4949 or

ahovey@journalstar.com.

Neighbors say no thanks to \$1 million

By Rick Ruggles

WORLD-HERALD STAFF WRITER

A small group of residents of the Cunningham Lake area Tuesday night turned down \$1 million that would have been applied to park improvements.

In a show of democratic clout at the neighborhood level, the residents said they didn't want a \$1 million contribution to the city from billionaire Walter Scott if accepting it meant closThe money for park improvements had strings attached: closing off an access area to Cunningham Lake.

ing off an access area to the lake.

The neighbors voted 23-17 against accepting the money. In the process, they also declined a 7.5-mile compacted limestone trail that the money would have funded.

The Scott family, which owns

three mansions and much property on the lake's east side, offered to pay for the trail around the lake. In exchange, the city would close a large public access spot at the end of Rainwood Road on the east side.

City Parks Director Larry Foster gathered the neighbors at Northwest High School for the second meeting in three weeks to help set priorities for renovating the park areas around the 390-acre Cunningham Lake north of Omaha.

Foster told the neighbors that their vote would be key. Without Scott's \$1 million, Foster and consultant Kevin Strehle said, the city had \$250,000 to improve the rundown east access area, replace old toilets and make a

See Lake: Page 2

Lake: Residents reject \$1 million

Continued from Page 1 playground area on the lake's west side.

With Scott's \$1 million, the city could build the trail around the lake, create an area for horse-trailer access on the northeast edge and make other improvements. But the east access area would have to go.

Greg Crisman, who lives north of the lake, told Foster: "I

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think it's a bad thing to do. Tell him to keep his \$1.5 million (actually, \$1 million). That's my opinion."

But Carmen Novoa, who lives in Lake Cunningham Hills, said that if she lived where the Scott families live, "I'd probably kick in some cash and want the same thing" as the Scotts. If there were any Scott representatives in attendance, they didn't speak.

X Foster said that with the \$1 million, he probably could secure \$250,000 more from the Papio-Missouri River Natural Resources District.

Residents voted by placing adhesive green dots on one or the other option. And when the vote went against the largescale improvement, a disappointed Foster said he believed that was the final word on the matter. +

Rural water project shrinks

By Todd von Kampen WORLD-HERALD STAFF WRITER

Tony and Melanie Bonacci won't have to haul water forever to their country home west of Fort Calhoun, Neb.

But farther south, Brian and Joyce Tietgen and their two daughters must hope their well doesn't dry up.

Papio-Missouri River Natural Resources District officials thrilled some rural residents and disappointed others when they set the final shape of a \$2.7 million rural water system south of Blair and west of Fort Calhoun.

Dick Sklenar, the NRD's special projects coordinator, said construction could begin in a year on the system, which rural acreage owners have sought since 2001.

Water would flow from the City of Blair to at least 230 households and a mobile home park in a 20-square-mile area.

That's less than half the area and one-third the potential customers identified in an earlier feasibility study.

Customers will include the Bonaccis, who were married in September and are slowly moving into a home on five acres a mile west of Fort Calhoun.

They almost didn't buy it when they learned the home's 120-gallon water tank depended on a dried-up well.

"Everyone trying to get water out here is drilling and drilling and not getting any water," said Tony Bonacci, who for now is hauling water from his current home in Omaha.

About 70 households will be refunded their \$2,600 hookup fees, Sklenar said, because too few of their neighbors signed up for the NRD to afford an extension.

The unlucky ones include the Tietgens, who live on three acres a half-mile north of the Douglas County line.

Brian Tietgen, a retired farmer, wanted insurance against his 210-foot-deep well running dry. But none of his dozen or so neighbors signed up.

"Our water's OK, and we've got enough, but down the road with contamination and more and more demands on the aquifer, how long is it going to hold up?" he said.

Sklenar said about 100 households in the final service area have another chance to sign up. The NRD will charge \$2,800 per household for late hookup fees, rising to \$3,500 after July 1.

Wayne Talbert, whose well association pushed for water service, said he feels bad for residents who were left out.

Talbert and his neighbors knocked on dozens of doors to recruit customers. It took dry weather last summer to gain enough to build the system.

Sales tax allocation for water backed

■ A task force says its plan would preserve compromises among competing interests.

By Nancy Gaarder
WORLD-HERALD STAFF WRITER

KEARNEY, Neb. — Money is so important to changing the way Nebraska handles its water resources that the state should divert a portion of its sales tax to pay for financial incentives and other conservation measures, a committee studying the issue recommends.

Guaranteed funding is critical, says the Nebraska Water Policy Task Force, which Wednesday wrapped up deliberations on a legislative proposal that will be presented to law-makers in January.

The group is recommending that a tiny fraction of a cent of the state's 5.5-cent-per-dollar sales tax rate be reallocated to a Water Resources Trust Fund.

Doing so would place about \$11.1 million a year in the proposed fund. About \$6.7 million of that would be spent for water-related work that the state al-

ready does. The rest, about \$4.5 million, would be new spending, but the state could save an estimated \$3 million of that by filing fewer water lawsuits.

The plan will probably face a tough go in the Legislature because state sales tax revenue is not easily earmarked for special interests. Right now, the only set-aside is on motor vehicle sales taxes for roads projects.

If the plan fails, the water projects will probably have to compete against other priorities for state money.

Recognizing that the state is in financial straits, task force members said the money is needed to keep compromises among competing interests from unraveling.

The 49-member task force has been working for about 18 months on proposed legislation. The group reflects interests as varied as power companies, groundwater irrigators and environmentalists.

"We can craft the best water legislation in the world," said Dave Sands, a task force member, "but if we don't have the money to enact it, it's not going to be the best."

Roger Patterson, director of the Nebraska Department of Natural Resources, said the money would be used for such things as compensating farmers for lost income if they converted irrigated land to dryland farming, and for building projects to store more water.

One of the compromises at risk, said Don Kraus of the Central Nebraska Public Power and Irrigation District, would give groundwater irrigators incentives to cease some of the pumping that is depleting surface water.

Tom Schwarz, who represents central Platte River irrigators, said those incentives are particularly important if the task force's work is to lead to an increase in water levels in Lake McConaughy. That's because irrigators upstream from McConaughy would be included.

Patterson said adequate funding would probably allow the state to accomplish the pro-

posed legislation's initial goals through voluntary measures. If money is lacking, he said, the state could force irrigators to cut back on water use. But that would only worsen tensions.

The state might not have much choice about some changes in water use because of a Platte River agreement among Nebraska, Colorado, Wyoming and the federal government. That agreement will adjust use of the Platte to allow endangered species to survive.

Much of the direct administration of the proposed new law would be handled by natural resources districts.

The task force also is recommending that NRDs have more leeway to raise taxes. The group will propose that the Legislature lift the 2.5 percent cap on NRD budget growth and the 4.5-cent limit on NRDs' property tax levy.

State Sen. Elaine Stuhr of Bradshaw said the task force may have difficulties with financing, but the timing is good.

"Maybe it's the drought," she said, "but water, no matter where you go, urban or rural, is on the minds of everyone."

Fans, foes of trail plan speak out

// - 2) - 03 By Julia McCord

WORLD-HERALD STAFF WRITER

Residents of the Dundee area had one last chance Thursday to voice their opinions about a proposed recreational trail along Happy Hollow Boulevard. And they took full advantage of it.

Opponents peppered landscape architect Dave Ciaccio and acting Parks Director Larry Foster with questions about safety, cost, environmental degradation and liability.

They applauded when they felt someone had scored a point. But they didn't have the floor to themselves.

Several people spoke in favor of the trail, including a biker and a walker who said the trail will improve their safety. Jay Baker said it would be an excellent opportunity to keep young people like himself in the neighborhood.

"I don't understand the opposition," he said. "It makes no sense to me."

Thursday night's meeting at Beth Israel Synagogue, 1502 N. 52nd St., was the last of five public meetings for neighborhood residents.

The proposal goes to the City Council for a vote on either Dec. 16 or Jan. 6, Foster said.

Under the plan, the trail will start at the Dodge Street overpass, follow the sidewalk on the north side of Dodge east to Happy Hollow Boulevard, and run up the west side of Happy Hollow to Underwood Avenue.

From Underwood Avenue, it will follow Happy Hollow to Metcalfe Park and from there east to the Northwest Radial.

The trail from Dodge to Underwood will be an 8-foot-wide ribbon of concrete. From Underwood to Metcalfe Park, it will follow existing sidewalks and put bikers into the street in designated lanes or routes.

Foster said the current plan is "substantially different" from the one that was first proposed.

He and Ciaccio went back to the drawing board to address concerns voiced by neighborhood residents and came up with a much better plan, Foster said

"You've helped us do good work," he said.

Central Platte NRD places 3-year ban on drilling new wells The Associated Press //-2/-03 Resources District, the ban covers placement wells and wells pumpfore Thursday's vote. Some p

GRAND ISLAND - A three-year ban is being issued on new wells near the Platte River in central Ne-

Approved Thursday by the board of the Central Platte Natural

about 150 miles between Columbus and Gothenburg, and an area six to eight miles on either side of the Platte River.

It includes all new irrigation, city and industrial wells except for replacement wells and wells pumping less than 50 gallons a minute.

The ban will provide time for a

study meant to assess whether water in the Platte River area is overappropriated. The board held several public hearings on the proposal before Thursday's vote. Some people spoke against the ban, arguing that any water supply problems reflect the current drought. Others, however, said parts of the Platte River basin are overappropriated, leading to water shortages.

The Enterprise *Friday,* November 21, 2003

blairnebraska.com



Editorial

Rural water plan good for everyone involved

proposal to bring water from the city of Blair to rural residents south of town looks like a win-win-win situation.

The 230 or so residents in the area win because they would have a reliable source of water, something not every county resident can claim.

And the city of Blair wins because it would have a backup in place in case something catastrophic happened to our water supply.

The plan as presented by the Papio-Missouri River Natural Resources District, would run pipes from the southern edge of Blair to the area in which residents who paid a \$2,800 fee will be hooked up and provided water from the city for about \$50 a month.

In addition, the project would include a water tower south of town that would hold more than a million gallons of water. As an added backup for the rural residents and for the city of Blair, the network would be hooked up at the other end to

the NRD's water system that serves Fort Calhoun. That water is provided by the Metropolitan Utilities District in Omaha.

Those connections mean that if a major failure occurs in Blair's water system, it not only would have the water tower to fall back on, it could temporarily get water from MUD.

The rural water proposal is also the first step in what will undoubtedly be an ever-growing system of water lines that serve rural residents in southern Washington County. With the growth that is occurring in that area and the water troubles many folks have already experienced, it seems inevitable that some kind of comprehensive water system will be put in place.

This is a good first step.

Editorials represent the majority opinion of Enterprise Publishing's editorial board: Publisher Mark Rhoades, Co-Publisher Kenneth Rhoades, and Editor Doug Barber.

Burning up a problem

ebraska has an old-tire problem. Actually, about 2 million old-tire problems a year. Now the Ash Grove Cement Co. says it can help the

state while helping itself and still staying within air-quality standards.

If state authorities allow, the company's plant in Louisville, Neb., would burn up to a million scrap tires a year to generate heat for its cement-making process. Its furnaces burn at such high temperatures that the fire doesn't generate the choking black smoke usually associated with burning tires.

Plant officials said using tires for fuel would cut the plant's coal use by 10 percent to 20 percent, would not increase pollution and even might

Ash Grove may have good solution to an excess of old tires.

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reduce one of the plant's emissions.

Nebraska law doesn't allow used tires to be buried in landfills. Some already are being re-

cycled as playground mulch or rubber-asphalt mix. But most are simply carted out of state and buried, exporting a problem the state should be dealing with itself.

If, indeed, a tire-burning facility is safe and would not foul the air (officials said the company would have to meet state emissions standards, but Louisville residents expressed doubts at a public hearing on a similar question in 1997), then Ash Grove's proposal could turn out to be a good solution to an annoying problem. We hope the plant can deliver on all the stated goals.

Missouri disappointment

he Army Corps of Engineers' recommendation against flow changes on the Missouri River was hardly unexpected. But it was

disappointing nevertheless. The corps has again failed to take advantage of potential compromises being proposed by groups interested in restoring the health of the river environment.

Scientific opinions from the U.S. Fish and Wildlife Service and the National Academies of Sciences, as well as supporting data from several national environmental organizations, have argued that flow changes at some level will be necessary to protect the river and its species habitat.

This doesn't mean that the relatively extreme fluctuations in the river level proposed by, say, American Rivers and other environmental groups are either wise or doable. It does mean, however, that some additional water likely would have to be released from upstream dams in the spring, for instance — not enough to scour the river free of obstructions, but enough to trigger the reproduc-

Achieving real balance on the river will require real compromise. tion cycles of some of the fish and wildlife.

Corps officials have proposed mitigation projects as a substitute for flow changes — that is, acquisition

of shallow-water retreats and reconstructing sandbars and similar natural features.

The corps already has completed a handful of such projects, and it has more in the works. Plans are to provide more spawning habitat for the endangered pallid sturgeon, among other changes on the river. Such arrangements are an excellent way to make progress on restoring the Missouri, and the corps should be encouraged to continue and expand its work.

Mitigation projects constitute progress. But, judging from the independent scientific studies conducted thus far, they're not going to do the entire job. With its latest plan embracing only mitigation at the expense of any flow changes, the corps unfortunately has turned away from an opportunity to work with, rather than against, the many groups that also care about the river environment.

Steps toward wetter Platte are positive

he Platte River in central Nebraska hasn't really deserved to be called a river the past few summers. Between Mother Nature's stinginess with rainfall and snow and irrigation wells sucking groundwater at prodigious rates, the Platte has been bone dry for mile after mile. Meanwhile, attempts to protect the river were inching along at an agonizingly slow pace.

Finally, however, there is reason for hope that the river can be saved for future generations.

The Water Policy Task Force last week agreed on a plan for restoring water levels in the Platte River to what they were in 1997.

Two days later, the <u>Central Platte Natural Resources Dis</u>trict established a temporary moratorium on new wells in a <u>zone six to eight miles</u> wide on both sides of a 180-mile <u>stretch of the river</u>.

The Platte River this spring was designated as one of the nation's Top 10 Most Endangered Rivers for 2003 by the American Rivers organization. The alarming label is thoroughly deserved.

The Platte disappeared occasionally in summer months before thousands of center pivots started sucking water from the river, of course. Irrigators can even find statistics that seem to indicate that the 10,000-plus wells in the river valley haven't had much effect on flow.

But without protection from excessive use, the future for the Platte looks as dry as the riverbed looked this August from Central City to Columbus.

What used to be a river seemed more like a sandy super highway for off-the-road four-wheelers and trail bikes.

"I think there is a recognition basin-wide that we have crossed the line on water development and its important other uses," said Don Kraus, a task force member and manager of the Central Nebraska Public Power and Irrigation District.

The district owns and operates Lake McConaughy, which has shrunk to almost a quarter of capacity during the past few years of drought and the accompanying frenzy of well drilling.

The district watched as sources of water for the lake such as Pumpkin Creek, a tributary of the North Platte, vanished while center pivots irrigation poured thousands of gallons onto fields near the creek.

Few would dispute that irrigation is important to the state's agricultural economy, but left unchecked, irrigators, might not leave enough water left in the Platte for the millions of cranes and other waterfowl that stop on the Platte during annual migrations, not to mention tish and other wildlife, City officials in Lincoln and Omaha that depend on the Platte to recharge well fields also are worried about the future of the river.

The agreements this week are only a small step toward a wetter Platte, but those who prefer rivers with water in them have reason to be encouraged.

OPPD weighs 2 routes for high-voltage line

■ Possibilities being discussed are along the Keystone Trail and 72nd Street.

WORLD-HERALD STAFF WRITER BY NANCY GAARDER

tage power line along either the Keystone Trail or 72nd Street The Omaha Public Power Disrrict hopes to build a high-volnear Ak-Sar-Ben.

popular hiking-biking trail, a would be trimmed or removed from Grover Street to just south of Interstate 80, said Mike Jones, If the line is built along the significant number of trees spokesman for OPPD.

ily used 72nd Street, it probably If the trail is built along heavwould disrupt a number of busi-

Medical Center have expanded, and Children's Hospital has buil a new facility The power line would connect

utility would need permission from the Papio-Missouri River Douglas County and the U.S. Natural Resources District, To build along the trail, the Army Corps of Engineers.

> electricity to the area, Jones said. Individual power poles that are about three to four feet wide and 120 to 150 feet tall would carry two sets of lines totaling

two substations and is needed to

mprove the reliability of

the trail. Holm's department is responsible for maintaining the mental services for Douglas County, has recommended that the lines not be put right along Kent Holm, director of environ-Citing concerns over disruption and damage to the trail

and

The midtown area has seen Jones said improvements are

230 kilovolts.

First Data Resources and the Omaha have built office and classroom buildings on the for-

needed to guarantee service. significant construction,

University of Nebraska at

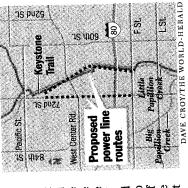
The Corps of Engineers has

asked for additional information to determine whether the project would impair flood control. mer Ak-Sar-Ben racetrack property. Nebraska Furniture Mart and the University of Nebraska

to be built along the trail. The board is likely to take the issue is negotiating with OPPD on a permit that would allow the line The natural resources district up at its December meeting.

trees along the trail behind the The utility has said it would pay for any damage it causes to the trail. Jones said the row of College of St. Mary would not have to be removed.

route along 72nd Street, Jones other issues that would affect a with the city during the second week of December to assess right-of-way, easements and The utility also plans to meet



The 72nd Street option has the potential to be more disruptive and costly, Jones said.

the line would be built in 2005. A If everything goes as planned, cost has not been estimated.

3 states near Platte alliance

■ Nebraska, Colorado and Wyoming have been negotiating for 10 years.

KEARNEY, Neb. (AP) — A species protection for many

KEARNEY, Neb. (AP) — A cooperative agreement among Nebraska, Colorado, Wyoming and federal officials for Platte River flows is nearer completion, although crucial steps remain.

By the end of 2004, the U.S. secretary of interior will be handed a program to address Endangered Species Act requirements for the river basin. If the secretary approves the plan, the three states' governors will have about six months to decide whether to signit.

"Every state will have difficult choices to make on that," said Jim Cook, legal counsel for the Nebraska Department of Natural Resources.

Cook and Ralph Morgenweck of the U.S. Fish and Wildlife Service's Denver office gave a cooperative agreement update Tuesday at the joint annual convention of the Nebraska Water Resources Association and Nebraska State Irrigation Association.

Cook said he expects the secretary and governors to approve an extension of the process to June 30, 2005. The current extension expires at the end of 2003.

Morgenweck said a final program agreement would streamline U.S. Fish and Wildlife Service reviews for endangered species protection for many projects in the Platte River basin

Negotiations for an agreement have been going on for about 10 years. A key turning point came in May, when everyone agreed that not much had been accomplished the past two years.

Colorado officials wanted to walk away for a while to decide what they would do, Cook said.

They returned in July.

Morgenweck and Cook said there has been progress since then, thanks to help from an outside facilitator, smaller working groups and a willingness to tackle key issues.

One of those key issues is the water section.

"We've had about 40 drafts of that," Cook said. "That shows you the conflicts we've had over words."

Major unresolved issues include water needs for pallid sturgeon in the lower Platte River near the confluence with the Missouri River and program funding.

It will be important to have all three states on board, Morgenweck said. Asked what happens if a state pulls out, Morgenweck said, "Everyone knows the question is out there. We're trying mightily to avoid ever having to answer it."

Nebraska proposes own plan for Missouri River

THE Associated Press W-H 11-29-03

Nebraska has proposed a Missouri River operations plan that includes different flow levels.

Nebraska Assistant Attorney General Dave Cookson said that the levels include a spring flow pattern to benefit wildlife habitat and summer flows to protect the species and power plants.

He estimated that the river infuses \$600 million into Nebraska's economy — including \$400 million from two nuclear and four coal-fired power plants that need cooling water.

"Primarily, the interests we

are protecting are power," Cookson said.

Cookson said the highs would not cause downstream flooding and the lows would still protect power plants.

Cookson and Nebraska Department of Natural Resources Director Roger Patterson will promote the state plan next week in Washington meetings with federal officials.

The Army Corps of Engineers has been rewriting the management plan but has been caught between upstream states' concerns for fish and wildlife, and downstream states' desires for flows to accommodate barge traffic and other uses.

Neighbors earn their reputations for defense

By Rick Ruggles

WORLD-HERALD STAFF WRITER

Lake Cunningham Hills residents say they wouldn't be so defensive if they didn't have so much to defend.

Nestled against the 390-acre Cunningham Lake just north of Omaha, they regularly see hawks glide and hear geese honk. Big enough to windsurf and boat on, the lake sparkles in the sun and shimmers in the wind.

"My back yard actually backs to the lake, and that was our big draw to the house," said Merrily Moore, who lives there with her husband and four children. "We've had pheasants back there, and we've had deer. We have an owl back there at night. . . It is beautiful, and we want to keep it that way."

The subdivision of \$120,000 to \$200,000 homes, near 84th Street and Interstate 680, has the feel of a city neighborhood but is moments away from the lake and vast rural stretches.

Although residents are familiar with public debates, their area might be best known in the future for having rejected a \$1 million offer from billionaire Walter Scott, who lives in a mansion on the lake's east side.

Scott proposed to pay for a 7.5-mile compressed limestone trail around the lake if a large road and park area on the east side were permanently closed.

"No one family or one person should decide how it's going to be done or what's going to be done," Cecilia Holzhey said of improvements to the lake area.

Lake Cunningham Hills and the acreages nearby have been involved in three public debates See Lake: Page 2

Lake: Neighborhood rejects billionaire's offer for closing road

Continued from Page 1 over the last five years.

For their resistance in 1999 to a police-fire training center in their area, former Mayor Hal Daub referred to residents as CAVE people — citizens against virtually everything. Daub later apologized.

As development sidles next to them, residents want to have a voice in the transformation of the area.

"They've got a pretty solid homeowners association," said Paul Wenninghoff, who lives south of Lake Cunningham Hills. "Issues are important to them."

They helped fight off the massive training center, which was proposed for Wenninghoff's farm property near 96th and State Streets.

The year before, they fought the placement of manufactured, or modular, homes in an area just east of them. Some of the manufactured houses were erected in Lake Cunningham Ridge, although the bulk of that new subdivision is made up of starter homes that are not of the modular variety.

The Scott proposal was made public in October. The City of Omaha, which oversees the park around the lake, had \$250,000 to make various small improvements. But the Scotts, through their attorney, suggested to the city they would put up \$1 million for a recreational trail and other improvements.

The Scotts also wanted a park area and a run-down, half-mile access road on the east side closed.

The large chunk of land the Scotts own east of the lake is bisected by Rainwood Road, which leads to the crumbling access road and park area in question. Dr. William Singer, son of Walter Scott's wife, Suzanne, lives in a large house on a hill overlooking the north end of that access road.

On the south side of Rainwood are W. David Scott's house and Walter Scott's

24,000-square- foot mansion. W. David Scott is Walter's son.

All three homes are prominent from various vantage points along the west side of the lake.

City Parks Director Larry Foster said the Scotts wanted to cut off vehicular access to the east side. Neighbors who attended two public meetings this fall said fishermen, horse riders and others use the access area.

Foster put the plan to a vote of the residents, most of whom lived near the lake, at a public meeting on Nov. 18. They turned down Scott's offer on a 23-17 vote

Dave Stover, longtime president of the Lake Cunningham Neighborhood Association, said he voted for acceptance of the \$1 million donation. He believed it was shortsighted for some of his neighbors to vote against it.

"I think people felt that he (Walter Scott) was buying something and using a public lake for his own purpose. I didn't feel that way," Stover said. "It was like, 'We're the underdogs, and we're not going to let you push us around.'"

Singer and the Scotts didn't return phone calls this week, nor did they attend either of the public meetings on the matter.

Merrily Moore said she had nothing against Walter Scott. She doesn't know him. But she and her family have taken walks and enjoyed picnics in the park area that includes the half-mile-long road. She voted against taking the money, she said, and her husband, David, voted for it.

Cecilia Holzhey said she was pleased with the way the issue was decided. Democracy won, she said.

She and her family moved to Lake Cunningham Hills 11 years ago, she said, because it was out of town. But development approaches.

"They're catching up with us," she said.

Preventing tainted wells is not easy to do

■ After being told of contamination in October, homeowners near Grand Island want a change in state law.

GRAND ISLAND, Neb. (AP)— Joan Schwan may never use water from her tap again. She just doesn't know whether she can trust that it is safe.

Ever since the well that supplied her home tested positive for industrial solvents nearly two months ago, Schwan and her family have been drinking bottled water and using filtered water for such things as washing clothes and showering.

The family has noticed the difference. Their clothes are cleaner, and they have had fewer health problems such as headaches and skin rashes.

Could it have been the water?

"It makes you wonder," said Neal Schroder, who lives down the street from Schwan.

The Schroder and Schwan households were among about 70 families in four subdivisions just outside Grand Island that were forced to stop using their tap water after wells tested positive for the solvents in early October. City officials are working to hook the families up to the city's water supply by the end of the year.

Schwan is using the experience to push for change. She wants homeowners using private wells to be told when potential contaminants are present nearby. Under current law, there is no requirement for notification.

Such a requirement would be difficult, if not impossible, to enact, state regulators and policymakers say.

There are thousands of areas of contamination across the state, but not all of them pose a risk to water, said Dave Haldeman of the Nebraska Department of Environmental Quality.

"Although there are all these sites out there, we don't know the full extent of contamination or what extent a well owner may be at risk because of the mere presence of a contaminant." he said.

The type of soil, water flow, well depth and the concentration of contaminants are all factors in whether a problem exists, Haldeman said. The result is that owners of private wells likely won't know about a contamination until after it occurs.

Homeowners could test for 86 possible contaminants if they chose, but the tests would cost between \$3,000 and \$4,000.

That's why the state recommends testing each year for only the most likely problems, bacteria and nitrates, said Jack Daniel, who monitors water wells for the State Health and Human Services System. Those tests cost about \$20.

Problems with nitrates and bacteria usually are caused by exposure to human and animal wastes or farm fertilizers.

If a homeowner believes there may be another contaminant in the water, he or she should have a test done for that particular problem, Daniel said.

More than 110,000 households in Nebraska are served by private wells, according to the Nebraska Well Drillers Association. There are more than 90,000 irrigation wells in the state.

What happened to the homeowners near Grand Island is rare, Daniel said.

"I would have to call it isolated," he said. "The flip side of that is, I couldn't tell you there isn't another one out there."

Schwan had her well water checked every six months even before the contamination, but not for the industrial pollutants that caused the problem.

The contaminated private wells outside Grand Island were discovered through tests the city began after high levels of industrial solvents were found in a city well last year.

The affected homes are less than a half-mile from a Case New Holland plant where contaminants were burned and buried 30 years ago. Some of the contaminants found at the plant site are

the same that are found in the groundwater.

The company has offered to pay for city water lines to be extended to the subdivisions and homes, but it denies responsibility for the contamination.

The state is requiring Case New Holland to conduct quarterly tests for any homes in the subdivisions not connected to city water.

Filling gully may cost builder fine of \$25,000

By Nancy Gaarder

WORLD-HERALD STAFF WRITER 1 1 - 5 - 0 3 A longtime Omaha area devel-

A longtime Omaha area developer faces a possible fine of up to \$25,000 for failing to compensate for environmental damage at a construction site at 108th and Lake Streets.

The Army Corps of Engineers has told Hogan Development Co. that it violated an agreement with the corps by not re-routing a creekbed that workers graded over.

The gully, a periodic tributary of the Papillion Creek, was filled in during site preparation for the Whispering Hills apartment and commercial development.

Douglas Dreessen, staff engineer for Thompson Dreessen and Dorner, the consulting engineers on the project, said overall delays in the project prevented the re-routing from being done.

"We planned on doing the work," Dreessen said. "We were just going to do it when we had the buildings under way and a contractor on site."

Developers are required by the federal Clean Water Act to compensate for environmental damage to waterways.

This particular creekbed carries water only after storms. Lacking a new channel, storm water runoff from the area will pour into the city's storm sewers before being dumped into a creekbed farther downstream.

That's not desirable because it concentrates urban pollutants such as oil and silt.

David LaGrone of the Corps of Engineers said Hogan had agreed in 2000 to dig about 3,000 feet of channel through the complex in exchange for filling in about 1,400 feet.

Dreessen's firm designed the new drainage system. Dreessen said his firm normally would have sought a permit extension on behalf of Hogan when it became clear that construction was being delayed. But the extension was overlooked when Dreessen's project engineer for the site left the company.

Both firms are in negotiations with the Corps of Engineers.

Mike Hogan of Hogan Development did not return phone calls.

Hogan has developed a number of metro-area projects, including Tara Plaza and Wolf Creek Shopping Center in Sarpy County.

The federal permit expired in August, LaGrone said, and during a routine inspection in September, the corps discovered that Hogan had not rerouted the drainage way.

The proposed fine also includes a penalty for failing to place a deed restriction on an 80-foot buffer zone along the west side of the property.

The fine, LaGrone said, is less about environmental damage than about following the rules.

"We had an agreement that wasn't abided by," he said. "We're working on negotiating a new agreement."

The corps has given Hogan until April 15, 2004, to resolve the problem. Any solution, LaGrone said, would require the new channel. "We want no net loss of habitat in the area."

A \$25,000 fine is the maximum penalty that can be levied in the case. The final amount may be reduced, LaGrone said, if the creekbed is replaced.