

MEMORANDUM

TO THE BOARD:

SUBJECT: General's Manager Report

DATE: January 3, 2003

FROM: Steve Oltmans, General Manager

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- A. **INFORMATION/EDUCATION REPORT**: A copy of the I&E Report detailing Information and Education activities of the District for the month of December, 2002, is attached for your review.
- B. **MISCELLANEOUS/PERSONNEL ITEMS**:
1. Christine Jacobsen, Education/Volunteer Specialist, received a Master of Public Administration degree from the University of Nebraska at Omaha on December 20th. She is to be commended on this accomplishment. **Congratulations!!!!**
 2. Martin Cleveland, Construction Engineer, has been elected President of the Engineers Club of Omaha for 2003. **Congratulations!!!!**
 3. Attached are "thank you" letters to Christine Jacobsen, Jerry Herbster and the GM from John P. McCarty, Associated Professor of Biology and Director of the Environmental Studies Program at the University of Nebraska at Omaha. The above mentioned P-MRNRD employees gave a presentation to Mr. McCarty's Environmental Field Methods class on October 2, 2002.
- 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 December, 2002. 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 December 16, 2002. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.
- E. **MISSOURI RIVER BASIN ASSOCIATION – MISSION AND PRINCIPLES**: I have attached a copy of the Mission and Principles of Management for the Missouri River Basin Association for you review. This planning document was the result of a retreat held in October. The Mission of the Association is defined as follows: "The Missouri River Basin Association addresses water-related issues and promotes effective water and environmental

policy decisions regarding the Missouri River Basin. MRBA works with and coordinates communication among the basin's states, Indian tribes, federal agencies and stakeholders to enhance the basin's economic and environmental resources." Please review this document and if you have any questions, give me a call.

F. **NEBRASKA CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)**

SIGNING CEREMONY: On December 11, 2002, Governor Johanns signed an agreement between the USDA Commodity Credit Corp. and the State of Nebraska concerning the implementation of a Nebraska Central Basins Resources Project CREP. The goal of the Nebraska Central Basins Resources Project CREP is to enroll up to 100,000 eligible acres to significantly reduce the amount of agricultural chemicals and sediment entering waters of the State from agricultural lands and transportation corridors. Copies of the ceremony agenda and background materials are attached. I have also attached new clip from the December 12, 2002, Lincoln Journal Star regarding the CREP Program in Nebraska.

G. **LEWIS AND CLARK LANDING SITE PLAN:** Attached for your information is a copy of the Lewis and Clark Landing site plan. If you have any questions regarding this area, please contact me.

H. **NEWS CLIPS:**

- ➔ November 4, 2002, Omaha World Herald article, Smoking Bank Makes Omaha's Wish List
- ➔ December 13, 2002, Omaha World Herald article, 2-State Battle over Republican River Is Nearing the End
- ➔ December 13, 2002, Omaha World Herald article, For Last Time, Krajicek Sits with NRD Board
- ➔ December 14, 2002, Omaha World Herald article, Federal Grant Money to Aid Trail, Highway, Other Projects
- ➔ December 14, 2002, Omaha World Herald editorial, Protecting Water Quality – Program will pay framers to take conservation measures.
- ➔ December 15, 2002, Omaha World Herald editorial, What Is Chamber Hiding? Omaha panel's vote pushes a casino issue likely to hurt the rest of the state.
- ➔ December 15, 2002, Omaha World Herald editorial, The Best Outcome for all – Kansas and Nebraska seemingly have settled their Republican River lawsuit.
- ➔ December 15, 2002, Omaha World Herald article, MUD Sees Platte as Clear Pick
- ➔ December 16, 2002, Omaha World Herald article, MUD Plan to Expand Hits Hurdle
- ➔ December 16, 2002, Omaha World Herald article, Plan Could Put Cities in a Water Bind
- ➔ December 17, 2002, Omaha World Herald editorial, Painful Choices Loom. – Nebraskans must be prepared for hard cuts in state's budget.
- ➔ December 18, 2002, Omaha World Herald article, Bridge Plan Wends Its Way into Hearts of Curious in Bluffs
- ➔ December 19, 2002, Lincoln Journal Star article, NRD (Lower Platte South NRD) OKs \$7 Million Loan Deal
- ➔ December 22, 2002, Omaha World Herald editorial and editorial cartoon, Get Ahead of this Train – State leaders should jump on sale of water from Nebraska's Ogallala Aquifer
- ➔ December 23, 2002, Omaha World Herald editorial, Let's Do It – Footbridge design is bold signature and a worthy statement for riverfront.
- ➔ December 26, 2002, Omaha World Herald article, No Lack of Outside Funds for City Parks

- ➔ December 26, 2002, Omaha World Herald editorial, Iowa's Pollution Recognized – Carter Lake, Manawa and Missouri River are on 'dirty' list, but its existence offers hope.
- ➔ December 28, 2002, Omaha World Herald editorial, A Record of Trust – City parks employees merit applause for securing grants and donations.
- ➔ December 29, 2002, Omaha World Herald editorial, Find Real Questions – 'Hot spot' of pollution at Mead is cause for concern, but maybe not delay on an MUD well field.
- ➔ December 29, 2002, Omaha World Herald article, Go, Christmas Trees: Drop-Off Sites Are Open
- ➔ Dec. 2002/Jan. 2003, APWA Reporter article, Stormwater Utilities Proving Invaluable for Flood Protection, Habitat Enhancements and Regulatory Compliance

December 2002

Information & Education Report

Information

- Completed update of tax levy comparisons
- Continued work on Regional and State Envirothons
- Began preparations for the Omaha Sports Show
- Made necessary additions to NRD Web Site to accommodate Paperless Project
- Began work on Winter SPECTRUM.
- Began preparations for spring Tree Giveaway and Seeds distribution.
- Updated flier on Prairie View Rec Area.
- Began preparation for Papillion Creek Watershed Partnership public meeting.

Education

- Completed PLT/PWET training at Creighton
- Completed training in Photoshop 7.0 (3 day training)
- Coordinated 85 volunteer hours
- Finished Water Works 2003 application revisions—sent to printer
- Hired Education Intern for Spring 2003
- Up-dated Service Award Plaques in NRC and ordered new plaques
- Printed Service Awards for staff
- Wrote and sent an article to NE Pheasants Forever for state newsletter
- Sent out Mini-Classroom grants
- Organized and set-up reception for December board meeting
- Delivered NRC food drive items to the Omaha Food Bank
- Arranged with USMC to pick up Toys for Tots items
- RECEIVED MY MASTER OF PUBLIC ADMINISTRATION DEGREE FROM UNO



University of
Nebraska at
Omaha

College of Arts and Sciences
Department of Biology
Omaha, Nebraska 68182-0040
(402) 554-2641

20 November 2002

Steve Oltmans
General Manager
Papio-Missouri River
Natural Resources District
8901 S. 154th Street
Omaha, NE, 68138

Dear Mr. Oltmans:

A handwritten signature in black ink that reads 'STEVE' with a long horizontal line extending to the right.

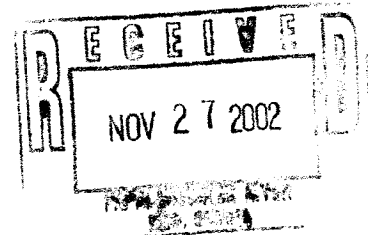
For the second year in row, I want to thank you for taking the time out of your busy schedule to speak to my Environmental Field Methods class on October 2nd. The students are fortunate to have the opportunity to hear from environmental professionals of your status and I'm especially glad that the Papio-Missouri NRD was so well represented. I know the students came away impressed by the history of effective conservation by the NRD that you and your staff described.

Thank you, and best wishes,

A handwritten signature in black ink that appears to read 'John P. McCarty'.

John

John P. McCarty
Associate Professor of Biology and
Director of the Environmental Studies Program
Allwine Hall 514E
University of Nebraska at Omaha
6001 Dodge Street
Omaha NE 68182-0040





University of
Nebraska at
Omaha

College of Arts and Sciences
Department of Biology
Omaha, Nebraska 68182-0040
(402) 554-2641

20 November 2002

Jerry Herbster
Park Superintendent
Chalco Hills Recreation Area
8901 S. 154th Street
Omaha, NE, 68138

Dear Mr. Herbster:

I want to thank you for taking the time to speak to my Environmental Field Methods class on October 2nd. The response from the students last spring when you spoke emphasized how important it is for my students to hear from professionals like you who are involved in effectively managing our natural resources.

Thank you, and best wishes,

John P. McCarty
Associate Professor of Biology and
Director of the Environmental Studies Program
Allwine Hall 514E
University of Nebraska at Omaha
6001 Dodge Street
Omaha NE 68182-0040

cc: S. Oltmans



College of Arts and Sciences
Department of Biology
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20 November 2002

Christine Jacobsen
Education/Volunteer Specialist
Papio-Missouri River NRD
8901 S. 154th Street
Omaha, NE 68138

Dear Ms. Jacobsen:

Thank you so much for organizing the speakers for my Environmental Field Methods class on October 2nd. I think it is very important for my students to have a chance to hear from a diverse group of professionals involved in the environment and natural resources conservation. For the second semester in a row, I came away from our meeting at the Natural Resources Center very pleased indeed! You did an excellent job and I could not have organized such a good group of speakers without you.

Thank you, and best wishes,

John P. McCarty
Associate Professor of Biology and
Director of the Environmental Studies Program
Allwine Hall 514E
University of Nebraska at Omaha
6001 Dodge Street
Omaha NE 68182-0040

cc: S. Oltmans

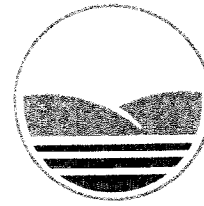
December, 2002

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Updated: December 16, 2002

“Confidential”

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



PAPIO-MISSOURI RIVER
NATURAL
RESOURCES
DISTRICT

8901 S. 154TH ST.
OMAHA, NE 68138-3623
(402) 444-6222
FAX (402) 895-6547

★ = Top Priority

F = Future Work – No Assignment

N = New Assignment

O = Others Handling

W = Work in Progress

C = Completed

P = PFP's Portion Completed

- **Big Papio Channel Project - West Center Road to West Dodge Road (Woodward):**

- ★ Defend condemnation attorney fees (Sunset Golf) (W)
- Subordination Paperwork for Happy Hollow (W)

- **Little Papio:** (Cleveland)

- **Big Papio :** (Cleveland)

- Whitted Creek Easements to Vacanti (W)

- **West Branch** (Cleveland):

- ★ Twin Creek deeds (W)
- Land Exchange with Sarpy Co. (96th St.) (F)
- Land Exchange with Gollehon (96th St.) (F)
- ★ Sloderbeck ROW Agreements (W)

- **Western Sarpy Dike** (Sklenar, Cleveland):

- ★ File condemnation on Jansen Parcel (O) – Roger Schiffermiller
- Closing with Bundy's (potentially modify ROW/offer) (F)
- Complete easements – three dikes and one drainage ditch (F)
- Interlocal Agreement with Army National Guard (P)
- Amended drainage ditch easement on Hickey (First National Property) (N)
- Preview Corps draft scope of services (N)

- **Floodway Purchase Program** (Woodward):

- Elbow Bend Purchase Agreements as needed (F)

(Over)

- **Trail Projects** (Bowen):
 - Brawner Liability Suit (Platte River Connection) (O)
 - One Pacific Place Closing Documents (P)
- **Missouri River Corridor Project** (Becic):
 - ★ California Bend – Review PA, easements, final settlement (Wright's) (W)
 - ★ Lower Decatur Bend – Appraisal Review, prepare ROW purchase agreement documents (W)
 - ★ Boyer Chute – Review PA on FWS (Rogers) property (N)
- **USDA P.L. 566 Projects and Silver Creek Watershed** (Puls/Petermann/Cleveland):
 - Papio Site S-30 – development agreements (F)
 - Silver Creek Site Easements– as needed (W)
 - Release of Site S-7 Easement (W)
 - Waterford (D-17) Agreement (W)
- **Papio Watershed Dam Sites:**
 - Dam Site 19 agreement (Petermann) (W)
 - Candlewood Easements (Chris Curzon) (O)
 - Dam Site 13 Agreement (Petermann) (F)
- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):
 - Storm water Utility Legislation (P)
 - Dakota County/South Sioux City Interlocal Agreement (P)
- **Rural Water Projects:** (Sklenar)
 - Dakota County Rural Water – South Sioux City sale agreement (F)
- **Other:**
 - Ice Jam Explosives Contract (N)

**MISSION AND PRINCIPLES FOR
THE MISSOURI RIVER BASIN ASSOCIATION**
DECEMBER 2002

PREAMBLE:

The Missouri River is a valuable national and regional resource. Its ecological, economic, and cultural significance extends beyond its waters and shoreline communities. The region's prosperity and quality of life are dependent upon the river's continuing economic and environmental viability.

The States and Tribes, in partnership with the federal government, share a continuing responsibility for the development and implementation of management plans for the Missouri River System. While the federal government's role is an important and long-standing one, the States and Tribes of the basin possess a unique obligation to manage the waters of the basin in the interest of all the citizens of the region.

The relationship between maintaining a healthy economy and a healthy environment is becoming increasingly clear. Effective management of Missouri River System will require enhanced collaboration among all units of government and the pursuit of unified economic and environmental policies. The Missouri River Basin Association continues to play a prominent role among intergovernmental organizations in the pursuit of this collaboration.

MISSION:

The Missouri River Basin Association addresses water-related issues and promotes effective water and environmental policy decisions regarding the Missouri River Basin. MRBA works with and coordinates communication among the basin's states, Indian tribes, federal agencies and stakeholders to enhance the basin's economic and environmental resources.

PRINCIPLES FOR MANAGEMENT:

- MRBA will represent and balance the various, often competing interests in the basin.
- MRBA will work closely with its federal advisors, other basin organizations, and stakeholders throughout the basin to develop policy recommendations concerning the Missouri River.
- MRBA's strength and ability to influence policy and legislation are derived from the common ground it finds among its state and tribal members. Therefore, it strives for consensus positions when possible on all issues.

MRBA WORK ACTIVITIES:

Process Issues:

1. MRBA Director Meetings:

- A. MRBA will generally hold 4 meetings per year and schedule its meetings several months in advance of the actual meeting date.
- B. MRBA will attempt to move its meetings around the basin to give stakeholders more opportunities to attend them.
- C. MRBA will send meeting notices to congressional staffers around the basin.
- D. MRBA meetings will generally be a day-and-a-half each in length.
- E. MRBA will formalize the seating arrangement at its meetings, with designated places for state and tribal members and federal representatives.
- F. MRBA will generally host public forums associated with its April and November Directors' meetings each year. The forums will provide education on a variety of issues that affect Missouri River ecosystem recovery.
- G. MRBA will incorporate workshops (roughly 2 hours in length) on various topics, such as specific river uses, hydropower, cultural resources, water quality, and tribal water rights, at its January and September meetings each year.
- H. MRBA will ask MRNRC to provide updates on its activities at each of the MRBA meetings.
- I. MRBA will form several committees to address issues, including a technical committee for annual operating plan development and a legal committee to update the MRBA directors on current legal issues in the basin.

2. Relationship with Federal Agencies:

- A. MRBA will actively seek project ideas from federal agencies.
- B. MRBA will coordinate closely with the federal agencies through its meetings and through the Missouri River Federal Agency Roundtable.
- C. MRBA will seek formalized appointment of federal representatives to serve as advisors to MRBA's Board.
- D. MRBA will encourage two-way communication with its federal advisors, encouraging them to bring up issues for discussion at the MRBA Directors' meetings.

Programmatic Activities:

I. Short-Term Activities: (Within one year)

1. Annual Operating Plan:

MRBA will help implement a collaborative approach to the development of the Corps of Engineers' Annual Operating Plans (AOPs) for the Missouri River. To accomplish this, MRBA will:

- A. Establish an MRBA Director-appointed AOP Technical Committee, beginning with the 2003-2004 AOP cycle.
- B. Have the AOP Technical Committee meet with Corps, the Fish and Wildlife Service, and other federal agencies in mid-July to review current hydrologic conditions in the basin and develop options for inclusion in the Corps' draft AOP. The AOP Technical Committee will encourage participation by the tribes, MRNRC, and other interested parties at its meetings with the federal agencies.

- C. Ask the Corps to share its draft AOP with technical committee members and other interested individuals before mailing it out to the general public.
- D. Ask the Corps to use AOP public hearings to update stakeholders on Agency Coordination Team discussions on such things as fledgling ratios.

2. Monitoring:

- A. MRBA will develop an agreement on legislative language for a monitoring bill by early 2003.
- B. MRBA will coordinate with MRNRC in this process.
- C. MRBA will work towards passage of a monitoring bill in Congress.

3. Refuge Revenue Sharing:

- A. MRBA will support the specific issue of "Refuge Revenue Sharing."

4. Cultural Resource Issues:

- A. MRBA will support individual tribes' efforts to preserve tribal cultural resources from losses to erosions.

5. Information Coordination:

- A. MRBA will support efforts to investigate what kind and the extent of monitoring that is currently taking place in the Missouri River Basin.
- B. MRBA will support efforts to investigate what kind and the extent of habitat acquisition programs and funding are available to Missouri River floodplain landowners.

II. Long-Term Activities (greater than one year):

6. Prior Recommendations:

- A. MRBA will revisit, update, and pursue where still appropriate the implementation of recommendations listed in its April 1998 "Blue Book."

7. Master Manual/Adaptive Management:

- A. MRBA will help coordinate adaptive management activities once a new Master Manual has been adopted for the basin.
- B. Participants in the April and November MRBA educational forums may evolve into an advisory group to the Corps and the Fish and Wildlife Service on Master Manual issues.

8. Stakeholder Committee:

- A. MRBA will continue to explore the formation of a Missouri River Stakeholder Committee.
- B. Participants in the April and November MRBA educational forums may evolve into a Stakeholder Committee.

9. Water Use/Depletion Analysis:

- A. MRBA will support a water use/depletion analysis of the entire Missouri River that will provide important baseline data for managers of the river.

10. Drought Mitigation:

- A. MRBA will consider supporting plans mitigate the effects of drought on the basin.

11. Flow Frequency Study:

- A. MRBA will be briefed on and evaluate the flow frequency study of the Missouri River.

12. Water Quality:

- A. MRBA will determine its role in coordinating future water quality projects.

13. Bank Stabilization:

- A. MRBA will evaluate and consider supporting plans that identify optimal locations for bank stabilization projects along the Missouri River.

14. Sedimentation:

- A. MRBA will support the initiation of studies that evaluate sedimentation issues in the river.

MRBA

Missouri River Basin Association

October 2, 2002

Dear MRBA Stakeholders:

In October, the Missouri River Basin Association Directors held a planning retreat to begin shaping MRBA's future now that our work in developing recommendations for a new Master Manual has begun to wind down. Prior to the planning retreat, we solicited ideas from stakeholders like you throughout the basin in the form of a survey we sent out. Many of you responded, and we are grateful for the thoughts and ideas you so willingly shared with us.

It was clear from your responses to the survey that you want the MRBA Directors to meet in different places around the basin in order to make our meetings more accessible. From now on, we plan to do that. The only exceptions will be on those occasions when we will meet in conjunction with another meeting that has been already scheduled in a location out-of-basin, or when we have conference call meetings to discuss organizational details of the association. Generally, MRBA will be holding longer meetings, 1-1/2 days instead of 1 day. We will also try to incorporate either a brief workshop or field trip to provide our directors and others attending the meetings education on specific uses of or issues related to the Missouri River. Here is a tentative schedule for MRBA meetings next year:

- January 27 – Conference Call Meeting
- April 10 & 11 – Nebraska City, Nebraska
- August 7 & 8 – Bismarck, North Dakota
- November 12 & 13 – Sioux Falls, South Dakota

We also heard from your survey responses that you appreciate the opportunity to participate with other stakeholders in public educational forums on topics of concern to the management or use of the river. MRBA has already sponsored four basinwide stakeholder meetings over the past several years. In the next few months you will be invited to attend the April meeting in Nebraska City to follow up on the discussions from our last workshop in Sioux Falls, relative to the status of endangered species recovery plans and activities. We will be sending you information about this upcoming meeting in the next month or so.

The MRBA Directors have recently revised the draft planning document that came out of their October planning retreat, and I have included a copy of it for your review. Please feel free to share your comments on the plan with us by calling us at (406) 538-4469, or emailing us at rhoper@midrivers.com.

Thank you again for your help in shaping the future of MRBA and the Missouri River Basin. We look forward to continuing to work with you in the future.

Sincerely,

Richard H. Oppen, Executive Director
Missouri River Basin Association

*Great to see you in Lincoln, Steve.
I appreciate all you've done over
the years, as well as your
upbeat nature.*
- *Rich*



Steve Ottman 5 / Ralph Puls

United States
Department of
Agriculture

Farm and Foreign
Agricultural Services

Farm Service
Agency

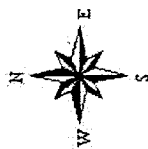
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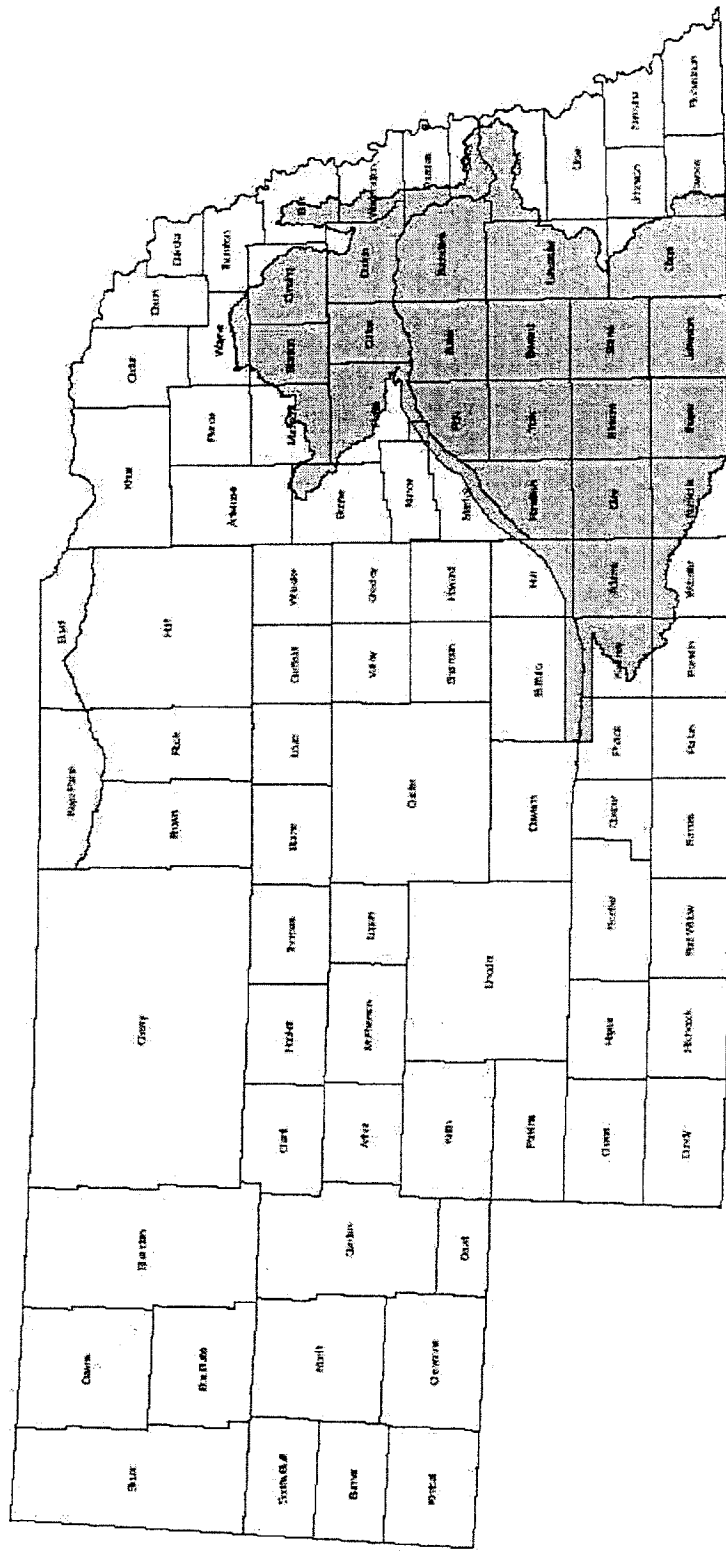
NEBRASKA CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

Warner Legislative Chamber
Nebraska State Capitol
December 11, 2002
2:30 p.m.

- | | |
|-------------|---|
| 2:30 | Welcome, Brian Wolford, FSA State Executive Director |
| 2:40 | Remarks from Governor Johanns
Remarks from USDA FSA Administrator Jim Little |
| 2:55 | Begin CREP signing ceremony
Presentation of pens
Photograph opportunity |
| 3:00 | Governor & Administrator sign CREP Agreement |
| 3:02 | Witnesses sign Witness Page |
| 3:10 | Closing Remarks, Brian Wolford, FSA |
| 3:15 | Media Availability |
| 3:30 | Ceremony Concludes |



CREP Area



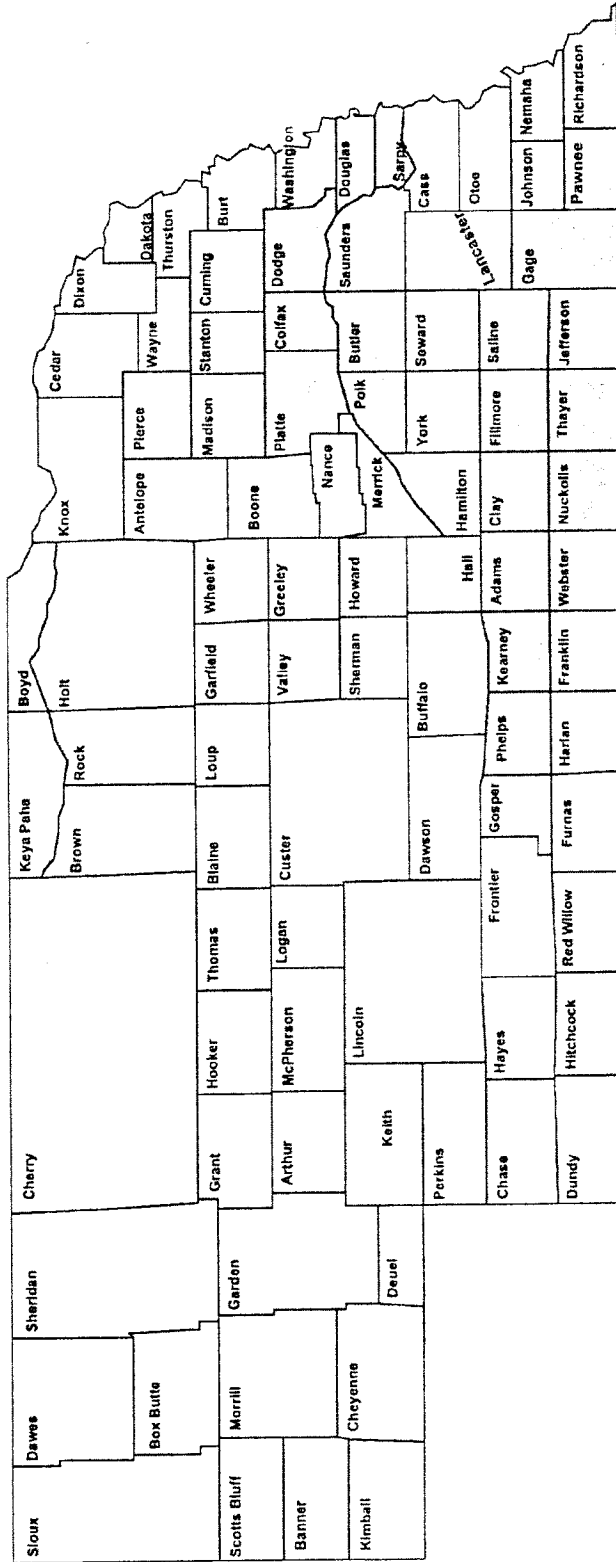
 CREP Counties



Nebraska Conservation Reserve Enhancement Program

CREP and Farmers

Partners with the Land





Conservation Reserve Enhancement Program Nebraska State

Overview

USDA's Farm Service Agency (FSA) and the State of Nebraska launched a \$209 million Conservation Reserve Enhancement Program (CREP). The Nebraska CREP will help improve water quality in the Nebraska Central Basin and enhance wildlife habitat in all or portions of 37 counties in the state.

CREP uses federal and state resources to safeguard environmentally sensitive land through the Conservation Reserve Program (CRP). Land enrolled in CRP is planted primarily to grass and trees to improve water and soil quality and wildlife habitat. CRP was authorized by the Food Security Act of 1985, as amended. CREP provides rental payments and other financial incentives to encourage producers to voluntarily enroll in 10- to 15-year CRP contracts.

Benefits

The Nebraska CREP will help protect lakes and water courses and reduce sediment loading to streams by enrolling 100,000 acres in central and eastern Nebraska. The program will establish vegetative buffers around streams and rivers in the Nebraska Central Basin. These buffers will keep sediment, nutrients, and pollutants from entering water supplies.

Trees, grass, and other appropriate vegetation planted through the program will reduce sediment and atrazine. In addition, native grasses and vegetation will provide vital habitat for a variety of wildlife.

Goals

The goals of the Nebraska CREP are to:

- reduce sediment and sediment borne nutrients reaching the state's water by 75 percent from the 1998 levels;
- increase wildlife populations through the planting of appropriate vegetative covers;
- reduce the quantity of atrazine and related compounds that reach surface and ground water resources by 90 percent from the 1998 levels; and
- significantly increase the diversity and juxtaposition of vegetation by adding approximately 3,000 "resource corners" to the CREP area.

Program Cost

The expected combined federal and state obligation is \$209 million over 15 years, with \$143 million coming from FSA and \$66 million from Nebraska. This does not include any costs that may be borne by producers.

Eligible Areas and Land Eligibility Requirements

The project area includes portions of 37 counties in central and eastern Nebraska. Producers who are located in the project area and meet the eligibility requirements identified for the Nebraska CREP may be eligible. To find out if your operation is located within the project area, contact your local FSA office.

To be eligible for CREP, the applicant must also satisfy the basic eligibility criteria for CRP. Eligible land is:

- Cropland that has been cropped 2 out of the past 5 years and is physically and legally capable of being cropped;
- Marginal pastureland that is suitable for use as a riparian buffer planted to trees or suitable to apply to either filter strips, grass waterways, contour grass strips, or shallow water areas for wildlife;
- Owned or operated for at least 1 year prior to enrollment.

Approved Conservation Practices

The following conservation practices may be eligible for land enrolled into the Nebraska CREP:

Fact Sheet

Conservation Reserve Enhancement Program Nebraska State

- CP1 - Establishment of Permanently Introduced Grasses and Legumes
- CP2 - Establishment of Permanent Native Grasses
- CP4D - Permanent Wildlife Habitat
- CP9 - Shallow Water Areas for Wildlife
- CP21 - Filter Strips
- CP22 - Riparian Buffer
- CP23 - Wetland Restoration

Sign-up

Eligible producers can enroll in 10- to 15-year CRP contracts. Applicants must be able to offer eligible acreage and satisfy the basic eligibility criteria for CRP. Land must be cropland that has been cropped 2 out of the past 5 years and is physically and legally capable of being cropped. Marginal pastureland is also eligible provided it is suitable for use as a riparian buffer planted to trees.

Applicants must generally have owned or operated the land for a least 12 months prior to enrollment. Persons with an existing CRP contract or an approved offer with a contract pending are ineligible for CREP until that contract expires.

CREP Payments

Nebraska CREP participants are eligible for four types of USDA payments:

- Signing Incentive Payment - a one-time payment of \$100 to

\$150 per acre for land enrolled in certain eligible practices.

- Practice Incentive Payment - payment equal to about 40 percent of the total cost for establishing certain eligible practices. This payment is in addition to the 50 percent cost-share assistance that USDA provides.
- Annual rental payment of about 120 percent of the dryland cash rental rate for the county in which the land is located
- Cost-share assistance for installing the conservation practices on eligible land.

Nebraska participants are also eligible for the following one-time state payments:

- \$100 per "resource corner area" issued as an incentive payment, as defined in the Memorandum of Agreement.
- \$100 as an incentive payment provided all four "resource corner areas" of a field are enrolled.
- Cost-share payments of the eligible costs for establishing approved practices.

Enrollment in Other Programs

CREP is another option that farmers may select to enhance their land; applicants may still enroll in the general CRP or continuous CRP. However, CREP provides additional benefits not available through the general and/or continuous CRP. Under CREP, applicants have the flexibility to extend conservation benefits

through a state-funded program and thus increase the sum total of rental payments. Also, the enrollment process is on a continuous basis and payments are generally at a higher rate.

For More Information

For more information on the Nebraska CREP, contact your local FSA office. Additional information is also available on FSA's web site at: www.fsa.usda.gov.

The United States Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

AGREEMENT

BETWEEN

THE U.S. DEPARTMENT OF AGRICULTURE
COMMODITY CREDIT CORPORATION

AND

THE STATE OF NEBRASKA
CONCERNING THE IMPLEMENTATION OF A
NEBRASKA CENTRAL BASINS RESOURCES PROJECT CREP

This Agreement is entered into between the United States Department of Agriculture (USDA), Commodity Credit Corporation (CCC), and the State of Nebraska (Nebraska) to implement a Conservation Reserve Enhancement Program (CREP) for the improvement of water quality and enhancement of wildlife habitat through establishment of vegetative cover to reduce agricultural chemical and sediment runoff into waters of the State. The CREP is part of the Conservation Reserve Program (CRP), operated by the Farm Service Agency (FSA) for CCC.

I. PURPOSE

The purpose of this Agreement is to allow, where deemed desirable by USDA, CCC and Nebraska, certain acreage in the targeted watersheds to be enrolled in the Nebraska Central Basins Resources Project CREP. (Fig. 1)

II. GENERAL PROVISIONS

The goals of the Nebraska Central Basins Resources Project CREP are to enroll up to 100,000 eligible acres to significantly reduce the amount of agricultural chemicals and sediment entering waters of the State from agricultural lands and transportation corridors. The reduction of these Non-point contaminants through establishment of permanent vegetative cover will also enhance associated wildlife habitat.

The primary goals of this Agreement are to achieve, to the extent practicable, the following:

- A. Assist Nebraska agricultural producers in voluntarily meeting label "set back" requirements for atrazine and other agricultural chemicals with installation of up to 55,000 acres of practice CP22, Riparian Buffer Strips and practice CP21, Vegetative filter strips (CP21).
- B. Reduce the quantity of atrazine and related compounds that reach surface and ground water resources by 90 percent from 1998 levels.

- C. Reduce the amount of sediment and sediment borne nutrients reaching the waters of the State by 75 percent from 1998 levels.
- D. Reduce the sediment and nutrient loads entering Nebraska lakes designated under this Agreement for water quality and aquatic habitat improvement by 75 percent through vegetative practices in the watershed and in-lake structural practices. Base line for sediment and nutrient loading is calendar year 2000.
- E. Significantly increase the diversity and juxtaposition of vegetative types by the addition of approximately 3,000 "Resource Corners" to the CREP area. For purposes of this Agreement, a "Resource Corner" is a field corner eligible for practices CP1, CP2 or CP4D according to handbook 2-CRP and this Agreement.
- F. Increase ground nesting bird densities in the CREP area by 25 percent. Increases are to be made from calendar year 2000 levels.
- G. Increase "Wildlife Associated Recreation" by 15 percent from calendar year 2000 levels. "Wildlife Associated Recreation" is defined as hunting, bird watching, wildlife photography, and associated activities.
 - 1) Enroll up to 25,000 acres in Nebraska's CRP-Managed Access Program (CRP-MAP). CRP-MAP is funded entirely by the State of Nebraska and will be counted toward the State's 20 percent cost share.
- H. Reduce by 30 percent traffic accidents and associated loss of life and property as a fringe benefit of installing 1,500 of "resource corner areas" at county road intersections. "Resource corner areas" are defined as land otherwise eligible for practices CP1, CP2, and CP4D consistent with Handbook 2-CRP and this Agreement.

III. AUTHORITY

The CCC has the authority under provisions of the Food Security Act of 1985, as amended (1985 Act) (16 U.S.C. § 3830 et seq.), and the regulations at 7 CFR Part 1410 to perform all its activities contemplated by this Agreement. In accordance with the 1985 act, CCC is authorized to enroll land in the CRP through December 31, 2007.

Authority for the State of Nebraska resides in Section 37-342 Reissue Revised Statutes of Nebraska.

This Agreement is not intended to, and does not, supersede any rules or regulations, which have been, or may be, promulgated by USDA/CCC and the State of Nebraska, or any other governmental entity participating in the CREP. This Agreement is intended to aid in the administration of the Conservation Reserve Program (CRP).

IV. PROGRAM ELEMENTS

In determining CCC's share of the cost of practice establishment, CCC shall use the appropriate CRP regulations and 2-CRP. All approved conservation plans shall be consistent with applicable CRP statutes and regulations, as well as specifications outlined in the applicable Natural Resources Conservation Service Field Office Technical Guide (FOTG) and this Agreement.

- A. For purposes of the Nebraska CREP, acreage denoted in Fig. 1, attached, is considered a conservation priority area.
- B. The CRP contracts for acres enrolled in this CREP must be for a period of 10 to 15 years.
- C. Eligible producers will not be denied the opportunity to offer eligible acreage for enrollment during general or continuous enrollment periods.
- D. CRP contracts executed under this Agreement will be administered in accordance with, and subject to, the CRP regulations at 7 CFR Part 1410, and the provisions of this Agreement. In the event of a conflict, the CRP regulations will be controlling.
- E. No lands may be enrolled under this program until the USDA's CREP Program Manager approves a detailed Nebraska amendment to the Farm Service Agency Handbook 2-CRP (USDA's written procedures for implementation of the CRP program) which will provide a thorough description of this program and applicable practices.
- F. Eligible practices for this CREP are:
 - CP1 - Establishment of Permanent Introduced Grasses and Legumes
 - CP2 - Establishment of Permanent Native Grasses
 - CP4D - Permanent Wildlife Habitat
 - CP9 - Shallow Water Areas for Wildlife
 - CP21 - Filter Strips
 - CP22 - Riparian Buffer
 - CP23 - Wetland Restoration
- G. Acreage Allocation by Conservation Practice
 - 1. CP1, CP2 and CP4D - up to 21,000 acres in prioritized resource corner areas.
 - 2. CP21 and CP22 - up to 55,000 acres.
 - 3. CP9 - up to 4,000 acres
 - 4. CP23 - up to 20,000 acres

V. FEDERAL COMMITMENTS

USDA and CCC agree to:

- A. Cost-share with participants for up to 50 percent of the eligible reimbursable costs for establishment of approved conservation practices. The total of all cost-share payments, from any sources, shall not exceed 100 percent of the producer's out of pocket expenses.
- B. Make a one-time Practice Incentive Payment (PIP) for approved practices consistent with the 2-CRP Handbook.
- C. Make an annual rental payment for each eligible enrolled acre. The per-acre, maximum rental rate in all cases is equal to the sum of:
 - 1) the most current weighted-average, soil rental rate for the 3 predominant soils on the eligible acreage offered according to 2-CRP Handbook procedure, i.e., the base soil rental rate;
 - 2) an annual 20 percent incentive payment of the base soil rental rate for approved practices; and
 - 3) a maintenance incentive payment in an amount according to the 2-CRP Handbook.
- D. Make a one-time Signing Incentive Payment (SIP) for approved practices in accordance with the 2-CRP handbook.
- E. Administer contracts for lands enrolled under the CREP.
- F. Assist in developing plans for Resource Corners.
- G. Conduct compliance reviews according to the 2-CRP Handbook to ensure compliance with the CRP contract.
- H. Provide information to producers regarding Nebraska's CREP for technical assistance for the CREP program in general.
- I. Permit successors-in-interest to enroll under CREP in the same manner as allowed for under any other CRP contract.
- J. Share appropriate data, in accordance with procedures and restrictions and exemptions established under the Federal Freedom of Information Act, federal privacy laws and other applicable laws, with Nebraska to facilitate State monitoring efforts.

VI. STATE COMMITMENTS

Nebraska agrees to:

- A. Contribute not less than 20 percent nor more than 50 percent of the overall annual program costs, and/or in kind services.
- B. Be responsible for:
 - 1) Providing a one-time State Incentive Payment to producers enrolling land in a resource corner(s) equal to \$100.00 per each resource corner area, plus an additional \$100.00 if all four resource corner areas of a field are enrolled;
 - 2) Making direct cost share payments to approved participants of the eligible costs for establishment of approved practices. Total of all cost share payments, from any sources, shall not exceed 100 percent of the producer's out of pocket expenses;
 - 3) Paying all costs of acres enrolled in the CRP-Management Access Program, a Nebraska Game and Parks Commission public access program available to producers with CRP contracts on a first come first served basis. This program is a State conservation program that will be credited toward the Nebraska CREP as an in-kind match;
 - 4) Paying all costs for in-lake structural practices on public waters under Nebraska's Aquatic Habitat Program. This program is a State conservation program that will be credited toward the Nebraska CREP as an in-kind match;
 - 5) Paying all costs associated with annual monitoring programs;
 - 6) Providing technical assistance in the development of Natural Resource Area plans; and
 - 7) Providing other wildlife conservation planning for producers on a request basis.
- C. Establish an Enhancement Program Steering Committee, which will include representatives from the State technical Committee, FSA, Nebraska Department of Agriculture, Nebraska Game and Parks Commission, NRCS, agriculture and conservation groups and local governments. This group will advise the Nebraska Governor's office on the implementation of the CREP.
- D. Seek applicants willing to offer eligible and appropriate land for enrollment in the CREP.

- E. Facilitate the provision of technical assistance from local conservation districts in promoting the CREP.
- F. Implement a broad campaign for continuous public information and education regarding the CREP
- G. Work to ensure coordination with other agricultural conservation programs of State and federal agencies
- H. Within 90 days after the end of each federal fiscal year, the Nebraska Game and Parks Commission shall provide a report to FSA summarizing the status of enrollments under this CREP and progress on fulfilling the other commitments of the program. The annual report to FSA shall include: level of program participation; the results of the annual monitoring program; a summary of non-federal CREP program expenditures; and, recommendations to improve the program.
- I. Within 90 days after the end of the federal fiscal year, Nebraska will submit information summarizing its overall costs for the program. In the event that the State has not obligated 20 percent of the overall costs for the project, the State may be required by CCC to fulfill its obligation within 90 days, or by providing some other mutually agreed-upon remedy.
- J. Temporarily release the participant from any contractual or easement restrictions on crop production during the CRP contract period if such release is determined necessary by the U.S. Secretary of Agriculture in order to address a national emergency.

VII. MISCELLANEOUS PROVISIONS

- A. All commitments by USDA and Nebraska are subject to the availability of funds. In the event either party is subject to a funding limitation, it will notify the other party within 30 days and any necessary modifications will be made to this Agreement.
- B. All CRP contracts under this CREP shall be subject to all limitations set forth in the regulations at 7 CRF Part 1410, including, but not limited to, such matters as economic use, transferability, violations and contract modifications. Agreements between owners or operators and the State may impose additional conditions not in conflict with those under the CRP regulations, but only as approved by the USDA.
- C. Neither the State nor the USDA shall assign or transfer any rights or obligations under this Agreement without prior written approval of the other party.
- D. The State and USDA agree that each party will be responsible for its own acts and results to the extent authorized by law and shall not be responsible for the acts of any others and the results thereof.

- E. This Agreement shall remain in force and effect until terminated by USDA, CCC or Nebraska. This Agreement may be terminated by either party upon written notice. Such termination will not alter responsibilities regarding existing contractual obligations under the CREP between participants and USDA or CCC, or between participants and Nebraska.
- F. The Deputy Administrator for Farm Programs, Farm Service Agency or their designee, is delegated authority to carry out this Agreement, and with the Governor of Nebraska, or designee, may further amend this Agreement consistent with the provisions of the 1985 Act as amended and the regulations at 7 CFR Part 1410. The provisions of this Agreement may only be modified by written Agreement between the parties.

In Witness Whereof, the parties here have set their hands as of the dates indicated herein below.

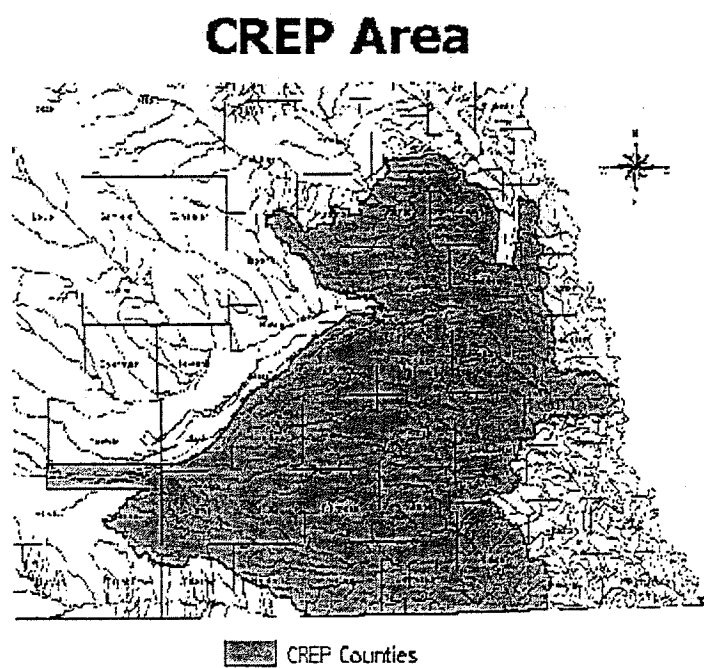
James R. Little
Administrator
Executive Vice President of the Board
Commodity Credit Corporation

Date

Mike Johanns
Governor
State of Nebraska

Date

Figure 1





Q&As

United States Department of Agriculture • Office of Communications • 1400 Independence Avenue, SW
Washington, DC 20250-1300 • Voice: (202) 720-4623 • Email: oc.news@usda.gov • Web: <http://www.usda.gov>

Release No. 0503qa.02

THE NEBRASKA CENTRAL BASINS RESOURCES PROJECT CREP

1. What is the Nebraska Conservation Reserve Enhancement Program?

The Conservation Reserve Enhancement Program or CREP (pronounced "Krep") is a Federal-State natural resource conservation program targeted to address State and nationally significant agricultural-related environmental problems. Through CREP, program participants receive financial incentives from USDA to voluntarily enroll in the Conservation Reserve Program (CRP) in contracts of 10 to 15 years. Participants remove cropland or marginal pastureland from agricultural production and convert the land to native grasses, trees, and other vegetation. The CRP is authorized by the Food Security Act of 1985, as amended.

2. What are the goals of the Nebraska CREP?

The Nebraska CREP will help farmers improve the water quality of the designated rivers and streams by reducing sediment and agricultural chemical runoff. Through CREP, Nebraska farmers may voluntarily enroll eligible acreage that will improve the environment and wildlife.

3. What areas in Nebraska are included in the program?

Producers can offer eligible cropland and marginal pastureland in 37 central and eastern Nebraska counties. Contact your local USDA Service Center for specific information concerning your eligibility for CREP.

4. What are the goals of the Nebraska CREP?

The goals of the Nebraska CREP are to:

- Improve water quality of the designated streams and rivers by installing 100,000 acres of filter strips, riparian buffers, native and other grasses, wetlands, and wildlife habitat practices.
- Enhance and create wildlife habitat.

5. What conservation measures are applicable?

To better serve program goals, specific CRP conservation practices have been identified for inclusion in the program. The practices are:

CP1, Establishment of Permanent Introduced Grasses and Legumes
CP2, Establishment of Permanent Native Grasses

-more-

CP4D, Permanent Wildlife Habitat
CP9, Shallow Water Areas for Wildlife
CP21, Filter Strips
CP22, Riparian Buffer
CP23, Wetland Restoration.

6. Who can sign up for the Nebraska CREP and for how long?

Enrollment will be on a continuous basis beginning January 21, 2003. Cropland must meet cropping history criteria and be physically and legally capable of being cropped in a normal manner. Marginal pastureland is also eligible for enrollment provided it is suitable for use as an eligible riparian buffer. Persons who have an existing CRP contract or an approved offer with a contract pending are not eligible for CREP until that contract expires. Contract periods are from 10 to 15 years.

7. What are the payments under CREP?

Generally, CREP participants will be eligible for the following types of USDA payments:

- **Signing Incentive Payment:** A one-time payment of \$100 to \$150 per acre for land enrolled in a riparian forest buffer or grass filter strip practice. This payment is made soon after the contract has been signed and approved.
- **Practice Incentive Payment:** A one-time payment equal to about 40 percent of the eligible cost for establishing the riparian buffer or filter strip. This payment is in addition to up to 50-percent cost-share assistance that USDA will provide for installing eligible practices.
- **Annual Rental Payment for the Life of the contract:** Payments at the normal rate, plus an incentive payment of 20 percent of the calculated soil rental rate for cropland and 20 percent of the established rate for marginal pastureland.
- **Cost-Share Assistance:** Assistance up to 50-percent for the installation of the eligible conservation practices on enrolled land.
- **Annual Maintenance Payment:** A payment in accordance with Handbook 2-CRP procedure.

In addition, Nebraska will offer the following payments:

- A one-time State incentive payment equal to \$100 per "resource corner area" as defined in the Memorandum of Agreement (Agreement) enrolled.
- A one-time State incentive payment equal to \$100 provided all four "resource corner areas" of a field are enrolled.
- Cost-share payments to participants of the eligible costs for the establishment of approved practices.

Further details will be available. Producers should contact their local FSA office to obtain and read the program contract information before making a decision to enroll.

8. What is the cost of the Nebraska CREP?

Based on the initial implementation of the Nebraska CREP, which projects an enrollment of 100,000 acres, the expected combined financial Federal and State obligation will be approximately \$209 million. Of that amount, \$143 million will come from USDA and \$66 million from the State and private sources. This does not include any costs that may be assumed by producers. USDA's share of the total program costs is approximately 68 percent and Nebraska's share is approximately 32 percent.

9. Can I still enroll in general CRP and continuous sign-up CRP?

Yes. CREP is another option under the CRP that farmers may select to enhance their land; applicants may still enroll eligible land in the regular general CRP or continuous sign-up CRP. However, CREP provides additional benefits not available through the general and/or continuous sign-up. The CREP enrollment process is on a continuous basis and payments are at a higher effective rate.

10. Can I hay or graze my CREP land?

Haying and grazing currently are not permitted during the CRP contract period, unless USDA permits it for emergency purposes under normal CRP rules.

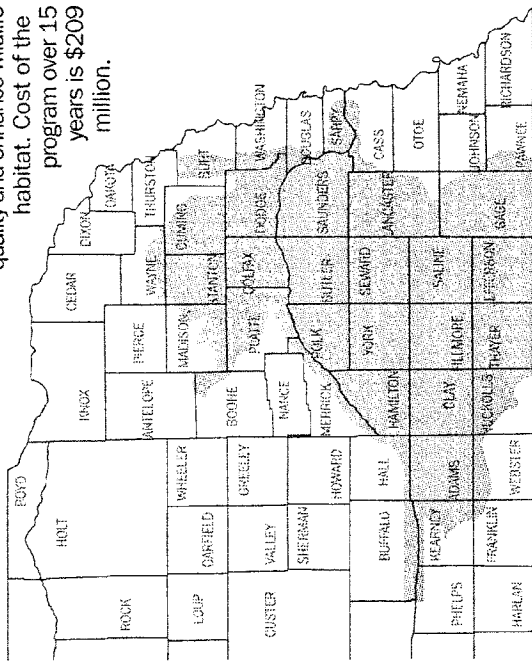
11. Where can I get more information about the program?

Contact the Farm Service Agency or Natural Resources Conservation Service office within your local USDA Service Center or your local Soil or the Water Conservation District office. Additional information is also available on FSA's Web site: <http://www.fsa.usda.gov>.

Program to bolster conservation

The Nebraska Conservation Reserve Enhancement Program

All or parts of 37 counties in central and eastern Nebraska are eligible for a new conservation program that seeks to improve water quality and enhance wildlife habitat. Cost of the program over 15 years is \$209 million.



SOURCE: USDA

SHEILA STORY/Lincoln Journal Star

CREP offers to help restore state's wetlands.

BY ALGIS J. LAUKAITIS
Lincoln Journal Star

Nebraska's rivers and streams should be cleaner and there should be better habitat for wildlife, federal and state officials say, under a new \$209 million cost-sharing program offered to farmers and ranchers in all or portions of 37 central and eastern counties.

The Conservation Reserve Enhancement Program, or CREP, is designed to help ag producers in those counties establish tree buffers, plant native and other grasses and restore wetland to reduce the amount of sediment and agricultural runoff entering the state's waterways. Officials say sediment is the state's largest water pollutant.

Participants would receive cost-share money and other financial incentives under CREP if they voluntarily enroll marginal cropland or

pasture in 10- to 15-year Conservation Reserve Program contracts. Enrollment begins Jan. 21.

"This is really worth looking into. Not only can you do something environmentally for our state, but it also may help from an economic standpoint," Gov. Mike Johanns told reporters after a Wednesday afternoon signing ceremony at the state Capitol.

Johanns and James Little, USDA Farm Service Agency Administrator, signed a document that established CREP in Nebraska. Since its inception in 1997, the program has been implemented in 25 states. Four other states are considering adopting the program.

"The spirit of cooperation represented in the CREP document can only serve to make Nebraska a better state, not only in the short-term but in the long-term," said Johanns.

Total cost of the program is expected to reach \$209 million over 15 years, with \$143 million coming from the federal government and \$66 million from the state of Nebraska and private organizations.

In an interview, Johanns said the state's share of the money will come

from existing programs and in-kind services. For example, he said, the Nebraska Department of Agriculture is already doing some of these same types of programs. He said the Legislature won't have to appropriate any funds.

Greg Reisdorff, a program specialist with the Farm Service Agency in Nebraska, said the out-of-pocket costs for farmers and ranchers should be very minimal.

Little said CREP is part of the federal government's successful Conservation Reserve Program. Nearly \$1.6 billion in annual rental payments started to go out in October. Nebraska farmers and ranchers receive \$61 million annually.

"CREP is designed to address specific environmental issues related to agriculture," said Little. "It takes a grass-roots approach, in linking USDA with state governments, tribal organizations and local interests, to create individual programs tailored to each state and producer. The objective is simple -- to share costs and resources, while addressing specific local environ-

See PROGRAM, Page 3B

Program

Continued from Page 1B

mental problems, in designated target areas."

Reisdorff said the 100,000 acres in central and eastern Nebraska were chosen in consultation with other partner agencies. He said there are some water quality concerns in the area, especially with agricultural runoff.

There's also not too much land enrolled in the Conservation Re-

serve Program, and that was another factor for targeting all or parts of those counties.

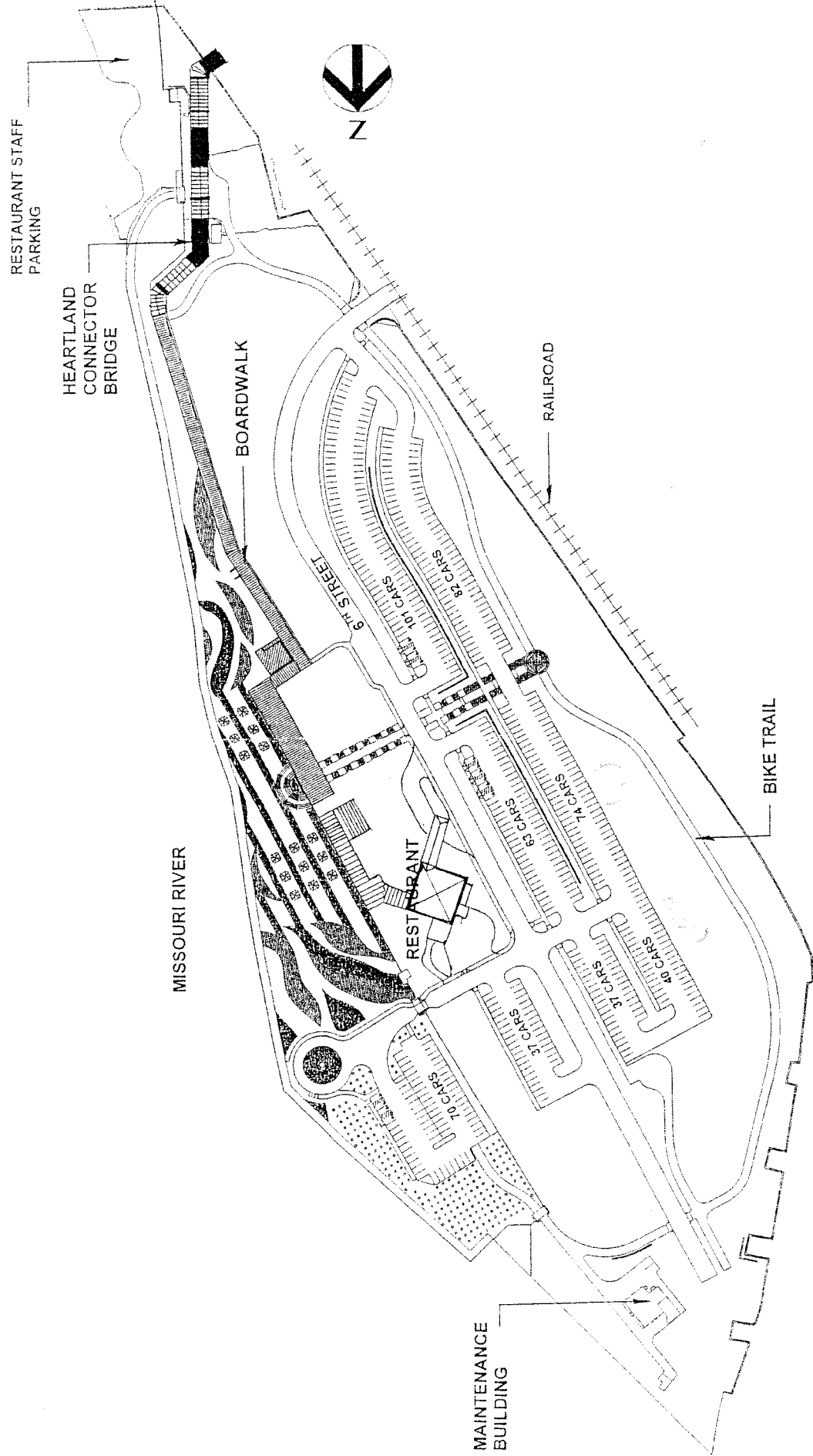
University of Nebraska research shows that using trees and grasses to create buffer strips near rivers and streams can trap 70 percent to 85 percent of chemical runoff from a field, the governor noted. In addition, these types of conservation practices also can remove 55 percent to 95 percent of the sediment coming off a field.

Reisdorff said it will be several years before the state starts seeing

results from CREP.

Progress will be monitored and the Nebraska Game and Parks Commission will file an annual report. CREP in Nebraska was developed over a three-year period with the cooperation of many state and local agencies including 13 natural resources districts. Interested farmers and ranchers are encouraged to contact their local Farm Service Agency for more information or to enroll.

Reach Algis J. Laukaitis at 473-7243 or alaukaitis@journalstar.com.



LEWIS AND CLARK LANDING
 NO SCALE
 TOTAL PARKING- 504 STALLS

Smoking ban makes Omaha's wish list

*City Council stance
targets restaurants*

Legislative priorities

BY NICHOLE AKSAMIT
WORLD-HERALD STAFF WRITER

Protecting Omaha's state aid and supporting bills to ban smoking in restaurants, use casino gambling profits to lower property taxes and allow cities to charge stormwater-monitoring fees top the city's 2003 legislative agenda.

Proposals to extend the closing time at downtown bars, limit public access to law enforcement records and allow private security officers to ticket shoplifters didn't make the lobbying list approved Tuesday by the Omaha City Council.

Although Mayor Mike Fahey could veto the council's support for the anti-smoking measure and may reintroduce a resolution supporting the shoplifting bill, the council expects to pitch the proposals to state senators at a luncheon Dec. 17. The 2003 Nebraska Legislature convenes Jan. 8.

Tuesday, about a dozen people wearing "Smoke-Free Omaha" stickers applauded the council's backing of the smoke-free restaurant bill, which State Sen. Nancy Thompson of Papillion is expected to reintroduce. It would prohibit smoking in restaurants, though not in bars.

Representatives of the American Lung Association gave the council cards and letters from about 1,100 people who oppose smoking in restaurants and workplaces. Anti-smoking advocates flooded council offices with e-mails and phone calls. Several testified Tuesday.

Carrie Syenra, a 24-year-old waitress, said her restaurant job fits her college schedule but requires her and others to breathe harmful smoke from customers' cigarettes. "We deserve to work in a smoke-free environment," she said.

Councilman Marc Kraft, who sponsored the proposal, said the council received only one phone call and one unsigned letter opposing it. No one from the tobacco or restaurant industry spoke Tuesday.

Council members added the bill to their lobbying wish list on a 4-3 vote — with the caveat that they'd support the bill only if it didn't prevent cities from enacting and enforcing similar or even stricter local ordinances on smoking.

Council President Chuck Sigerson and Councilmen Dan Welch and Jim Vokal voted against the proposal, leaving it vulnerable to a veto from Fahey, whose spokeswoman said he needs to study the measure's impact further.

All but Welch and Vokal supported a bill proposed by Councilman Frank Brown that doesn't endorse or oppose casino gambling but would require the proceeds of expanded gaming in Nebraska to go solely to property-tax relief.

Brown said he opposes gambling but proposed the bill to focus the inevitable gambling discussion on how profits from casinos, if allowed, would be used.

Fahey has said Omaha needs to be involved in the casino debate, but a spokeswoman said he isn't sure that Brown's approach is the way to go.

"The mayor appreciates the council's desire to reduce property taxes but is somewhat concerned about relying on an undependable form of revenue," said Tess Fogarty.

The measure isn't subject to a veto because a supermajority of the council supported it.

The council unanimously agreed to support legislation that would allow Omaha and other cities to collect fees to cover the costs of complying with new federal regulations on stormwater quality.

Acting Public Works Director Norm Jackman estimated that new programs to filter and monitor Omaha stormwater will cost the city about \$8 million a year. He said monthly fees, based on the amount of hard surface area on a property, could be as little as \$2 or \$3 per household in Omaha.

On the list

Omaha's lobbying priorities include fighting further cuts in state aid and supporting or introducing bills that would:

Limit the use of casino gambling proceeds to property-tax relief.

Ban smoking in Nebraska restaurants.

Allow cities to charge user fees to pay for new, federally required stormwater management programs.

Make unauthorized use of a vehicle a Class I misdemeanor for first offense and a Class IV felony for subsequent offenses.

Make stealing an item from a vehicle a Class I misdemeanor.

Limit the city's liability for willing passengers who are injured in vehicles pursued by police.

Allow the introduction of new evidence during special assessment appeals cases.

Revoke certification for officers who commit high-grade misdemeanors and other serious crimes.

Make flight to avoid arrest a felony in some cases.

Require uniform use of in-transit stickers on vehicles.

Not on the list

The legislative priorities do not include proposals that would:

Allow private security officers to issue shoplifting citations.

Allow cities to designate "convention trade areas" where alcohol could be sold until 2 a.m.

Bar access to law enforcement records if the requests are being made to sell a product or service.

2-state battle over Republican River is nearing the end

12-13-02

By ROBYNN TYSVER
WORLD-HERALD BUREAU

LINCOLN — The fight between Kansas and Nebraska over the Republican River is on the verge of settlement, saving taxpayers millions of dollars in legal fees.

Nebraska will agree to water restrictions during dry years that may affect irrigators, but the state will pay no monetary damages for its past use of the river, The World-Herald has learned.

The deal still must be approved by the special master assigned by the U.S. Supreme Court to oversee the case and must be signed by the governors of both states.

The official announcement was expected Monday in both Kansas and Nebraska.

Kansas filed the lawsuit in 1998, alleging that Nebraska used more Republican River water than allowed under a 1943 compact.

At first, negotiations between the states broke down under then-Gov. Ben Nelson. Last year, Gov. Mike Johanns suggested a resumption of settlement talks, and Kansas agreed.

At the heart of the case is groundwater.

Kansas claimed that Nebraska had used too much water from the river by allowing the drilling and use of thousands of groundwater wells along the river and its tributaries.

Nebraska argued that groundwater was not part of the original compact. Two years ago, in a blow to the state, an initial ruling by the special master deemed that groundwater was a part of the compact.

The settlement between the states also makes it apparent that groundwater is a part of the compact.

Several people, speaking on condition of anonymity, confirmed the settlement.

Republican River in dry years to ensure compliance with the 1943 agreement.

Kansas and Nebraska also agreed to the way groundwater use will be measured and when restrictions will go into place.

The Republican River basin stretches for 430 miles, starting on the dry plains of eastern Colorado. It slices across the northwest corner of Kansas and then meanders through southwest Nebraska before dipping back into Kansas.

In Nebraska, the river is used to irrigate thousands of acres of crops. In Kansas, the river also is used for industry and for people in some of that state's largest cities.

It is the second time in a little over a year that Nebraska has resolved a water dispute with a neighboring state. Last November, Nebraska settled

a lawsuit with Wyoming over use of the North Platte River.

The Wyoming case is a good indicator of the amount of money that can be spent in such lawsuits. That case lasted 15 years and cost Nebraska taxpayers \$24.7 million.

The Kansas lawsuit has cost Nebraska taxpayers about \$12 million.

Johanns and Attorney General Don Stenberg declined to comment on the apparent agreement. They said a press conference will be held Monday.

When asked Thursday about word of a possible settlement, Johanns smiled and said: "Good question."

"I cannot confirm anything, but we hope to have an announcement soon, within the next few days," said Mark Ohlmeier, a spokesman for Kansas Attorney General Carla Stovall.

The special master in the case has ordered both parties to remain silent about any possible settlement, said Chris Peterson, Johanns' spokesman.

"To speak about it before that

Nebraska will agree to water limits but won't face monetary damages in a settlement with Kansas.

For last time, Krajicek sits with NRD board

12-13-02 By NANCY GAARDER
WORLD-HERALD STAFF WRITER

Don't let anyone say that board meetings of the Papio-Missouri River Natural Resources District aren't interesting.

Tim Krajicek, who was kicked off the board in October because he had moved out of his district, was back in his chair Thursday night. Earlier in the day, Sarpy County District Judge William Zastera approved an injunction allowing Krajicek to return.

Even though Krajicek sat with board members, his name was absent during roll call.

When asked, the board's attorney, Paul Peters, said the board did not have to seat Krajicek because he had not posted a bond to accompany the judge's decision. With that, board Chairman Fred Conley refused to seat him.

Krajicek protested.

"I don't know how many lawsuits I have to file against this

board," he said.

Krajicek has filed requests for injunction and a temporary restraining order, and a lawsuit seeking at least \$1.5 million in damages.

When Krajicek was elected to the board's southern Douglas County seat, he lived in south Omaha. He later moved to Sarpy County. Subsequently, a Douglas County District judge ruled that Krajicek had vacated his seat by moving, and board chairman Conley declared the seat vacant.

Krajicek has appealed.

Thursday's meeting was the last one Krajicek could have attended under any circumstances. His term on the board expires this month.

Krajicek left about 20 minutes into the meeting — before he was scheduled to receive a thank-you gift as one of two departing board members.

Despite the lawsuits, Krajicek will still receive the \$60 clock.

Federal grant money to aid trail, highway, other projects

12-14-02
By HENRY J. CORDES

WORLD-HERALD STAFF WRITER

An inner-city trail linking Omaha's Memorial and Fontenelle Parks, a Bellevue-to-Papillion trail and restoration of a three-mile section of the historic Lincoln Highway will move forward in the coming year with state help.

The Nebraska Department of Roads on Friday announced 15 projects that will receive funding under a special grant program for highway beautification, pedestrian and bike trails, and historic preservation.

Some \$4.1 million will be distributed under the Transportation Enhancement Program, part of the state's annual federal highway allocation.

A \$329,270 grant to the City of

Omaha will fund engineering and construction of the first segment of the Memorial Park-to-Fontenelle Park trail.

The 1.7-mile segment will begin at the north end of Memorial Park and follow Happy Hollow Boulevard to the Northwest Radial. The city will put \$82,318 into the project.

A \$443,097 grant to Douglas County will begin work to restore deteriorated portions of the Lincoln Highway between 174th and 204th Streets east of Elkhorn.

The Papio-Missouri River Natural Resources District will receive a \$500,000 grant for a three-mile trail along the West Papio Creek from 36th to 72nd Streets, including a 200-foot bridge over the creek.

The NRD will provide \$664,451 in matching funds.

W-H
12-14-02

Protecting water quality

Nebraska officials and the federal government have together taken a major step toward protecting the state's water supply from agricultural runoff and the state's soil from erosion.

The program involves \$209 million, most of it in the form of federally disbursed conservation money that will pay farmers to plant grass and trees to capture and filter out excess agricultural chemicals before they can reach streams and rivers. The filter strips and treelines are also effective in keeping topsoil on the land rather than letting it erode into waterways.

The 15-year program, which concentrates on counties in central and eastern Nebraska, should also have positive effects on wildlife habitat and should benefit the water systems of the state's largest cities by curtailing agricultural pollution. Atrazine and nitrates, linked to

**Program
will pay farmers
to take
conservation
measures.**

health problems and found at high levels in the areas included in the program, are its main targets.

If the program is fully adopted by Nebraska farmers, the project will triple the number of grass filter strips and increase the number of farm acres planted in trees, from 3,000 acres to more than 45,000.

This is a trifecta: City dwellers get cleaner water, farmers get paid for taking sound conservation measures that help them preserve their land, and the state gets financial help from Washington for much-needed environmental improvement.

+ 

What is Chamber hiding?

12-15-02

Greater Omaha Chamber of Commerce members are probably wondering why an organization with such a rich history of commercial and civic stewardship has become involved in the promotion of gambling in Nebraska. So are we.

Even more curious is what the Chamber's board is hiding, and why. The "reasons" for its position favoring gambling have yet to be revealed in a credible manner. Is it a trade-off to protect business incentives? Is it some other back-room accommodation of its interests or those of others? There has been no comprehensible public explanation, and the directors aren't talking.

Chamber President Lou Burgher sent an urgent e-mail message to most board members Friday, attempting to prevent them from speaking to this newspaper. In it, he said outgoing Chamber Chairman Dick Davidson, Chairman of the Union Pacific Railroad, "has taken the stand that it is a Chamber issue." That, after some 50 directors sat mostly mute during a barely audible voice vote that rubber-stamped the resolution — which, let it be noted, was previously uncirculated.

Why would the Chamber board duck?

It paid Creighton Professor Ernie Goss and gave him a few weeks to deliver what the Chamber leadership refers to as an "economic study" of gambling. Chamber leaders continue to refer to the parking-lot license tag portion of Goss' more comprehensive survey as if it settled the issue. We wonder: Why is no reference ever made to the easily obtained (and quite modest) Iowa tax receipt figures in referring to "diversion" of Omaha gambling dollars to other states?

A couple of brave board members have said they supported the position so that the Chamber would have "a seat at the table." Based on its support for leveraging gambling dollars for statewide economic development, we believe the table referred to by the Chamber is not a table at all — it is a trough.

Others wanting a seat include Omaha Mayor Mike Fahey, some Douglas County commissioners, and a few state legislators — all of whom apparently believe hundreds of millions of dollars will flow through this trough — enough to slop

**Omaha panel's
vote pushes
a casino issue
likely to hurt
the rest
of the state.**

The amount of gambling dollars that might be available for the Chamber's incentive protections or other "economic development" is embarrassingly small compared to the economic harm the metropolitan area and the rest of Nebraska is all but certain to endure.

Why isn't the Chamber talking about Goss' conclusions about the detrimental impact to the statewide economy of Nebraska?

The resolution says revenue from gambling ("gaming" to those who want to gloss over the harsh realities — now including, apparently, the Chamber) is unreliable and *should not* be used for tax relief or even general fund revenue. Contrast that with the desire on the part of the county, and some state senators, to get to the trough.

Why isn't the Chamber willing to define what it means by "limited" gambling and acknowledge the effect of its pro-gambling position on permitting Indian casinos (and, yes, the dreaded slot machines) throughout Nebraska?

Why shouldn't Chamber directors be allowed to state clearly why they believe folks will fly to Omaha instead of going to such destinations as Atlantic City, Las Vegas, St. Louis, New Orleans or many other gambling Meccas?

Why won't the Chamber board tell this community how it calculated the impact of a potential Omaha casino on the economy of Council Bluffs? And what economic benefit is enjoyed by Omaha businesses from our neighboring residents who shop, eat, visit and spend to the great benefit of Omaha commerce?

The Chamber started this strange journey with a survey to which a little more than 10 percent of its 3,600 members responded. We suspect most members had the good sense to not voice an opinion in the absence of meaningful facts.

Before pro-gambling forces open the next champagne bottle, we urge the Greater Omaha Chamber of Commerce's board of directors to return to their more customary forthrightness and tell the people why (or even if) they really support

W-H
12-15-02

The best outcome for all

It may be time to write "the end" on the Republican River brouhaha, with minimal damage to Nebraska. That would be the best possible outcome.

Gov. Mike Johanns is due to make an announcement Monday on the lawsuit between Nebraska and Kansas. Reliable sources have told World-Herald staff writer Robynn Tysver that a settlement is in the offing. The settlement would pertain only to future water use, without involving damages for past events.

Kansas authorities sued Nebraska in 1998, charging that it had broken a 1943 agreement on division of the water in the Republican. Nebraska, authorities said, had allowed uncontrolled pumping of underground water from the Republican water system, shorting Kansas on the amount left in the river.

Potentially millions of dollars and large amounts of water were at stake. Then the special master appointed by the U.S. Supreme Court to oversee the case ruled last year that Kansas could seek damages only for the years after 1994, when it first raised objections. Before that, Kansas could have claimed — but would have had to prove — that the shortage of water had restricted development or agriculture along the Republican. Reparations could have been substantial.

Kansas previously won a suit against Colorado after making similar claims concerning the Arkansas

Kansas and Nebraska seemingly have settled their Republican River lawsuit.

River. Estimates of monetary damages in that case, which ended a year ago, were \$9.2 million, not including interest from 1985.

But the real sword of Damocles hanging over Nebraska's head was a ruling two years ago by the special master designated by the U.S. Supreme Court to oversee the case. Vincent L. McKusick ruled that Nebraska's consumption of groundwater could be included in the suit.

Nebraska Attorney General Don Stenberg had argued that, because groundwater was not specifically mentioned in the 1943 compact, it could not be considered now. But groundwater and surface water are inextricably linked. The Nebraska Legislature recognized that in 1996, when it passed conjunctive-use legislation. The more groundwater wells pump irrigation water, the less left for the watershed.

Taxpayers in both states can sigh with relief. In just the few years that the suit has been active, Nebraska spent \$12 million. Kansas probably spent at least that. And these suits often go on for decades.

The proposed settlement apparently would involve water restrictions in the Nebraska portion of the Republican basin in dry years; the restrictions could have an impact on irrigators who have fought regulations vociferously for years.

Nevertheless, a settlement was the best way. If the agreement is as favorable as it sounds, there is much to be proud of.

MUD sees Platte as clear pick

■ The utility cites public health and lower costs in turning away from the Missouri River for its water needs.

12-15-02

By NANCY GAARDER
WORLD-HERALD STAFF WRITER

The Missouri River carries five times as much water past Omaha each day as the Platte River.

So why would the Metropolitan Utilities District choose to put its new \$300 million well field and water treatment plant along the more ecologically vul-

nerable Platte River — especially when landowners and public officials in that area of the Platte River valley oppose the expansion?

"What's wrong with the Missouri River?" said Tom Jaudzems, the county attorney in Saunders County, which is fighting MUD's proposal.

"It's the second-largest river in the country. They've got all the water they need right there. It's what they've been using over 100 years — all of a sudden there's something wrong with it?"

MUD and the Army Corps of Engineers say public health and affordability are driving the decision. The reasons they cite:

■ Redundancy. MUD needs to lessen its dependence on the Missouri River if it wants to

Platte West expansion

What: The Metropolitan Utilities District plans to expand its peak capacity by almost 40 percent — with the intent of meeting maximum demand for at least 30 years.

Water source: Platte River aquifer.

Cost: \$300 million to build. \$7.3 million a year to operate and maintain. Water rates already have gone up to pay for the plant.

How much water? The new plant would be allowed to pump 19 billion gallons a year from the aquifer, enough to fill about 15 square miles with water six feet deep. MUD would be allowed to pump up to 104 million gallons on any given day but would be

restricted to an annual average of 52 million gallons a day. MUD currently can pump 234 million gallons a day. In 2030, it is expected to need 330 million gallons during the hottest, driest days.

When: The plant is expected to take five years to bring on line. MUD would begin work next year.

Where: The wells would be placed along the Platte River southeast of Yutan, in both Saunders and Douglas Counties. The water plant would be built at 216th and Q Streets.

Who receives MUD water? 176,000 customers in Omaha, Bellevue, Ralston, La Vista, Elkhorn, Bennington, Fort Calhoun and Waterloo.

avoid a crisis should the Missouri become contaminated.

■ Cost. An alternative that includes Missouri River water would cost about 62 percent more over 25 years.

ter. The particular site chosen by MUD offers a deep pool of underground water with greater capacity than even the aquifer. See **Water**, Page 2

Continued

Water: Permit for wells may come early next year

Continued from Page 1
along the Missouri River.

The Platte West expansion will be one of the costliest public works project in the metro area, comparable in cost to Omaha's new convention center-arena.

After about eight years of review, a decision by federal officials on a permit may come by early next year. If approval comes, litigation by those who oppose it could follow.

About 60 percent of the wells that MUD would install would be in Saunders County. Officials there worry that the water table will drop, reducing the profitability of farmland, decreasing property values and harming the environment.

The driving force for the expansion is summer water use — lawn sprinklers, swimming pools, carwashing — not drinking water. If it weren't for summertime demand, the utility already would have enough capacity to meet average daily demand for about 30 years, according to the corps.

But if Omaha wants to have a growing, vibrant economy, an expansion like this is the only responsible choice, local and federal officials say.

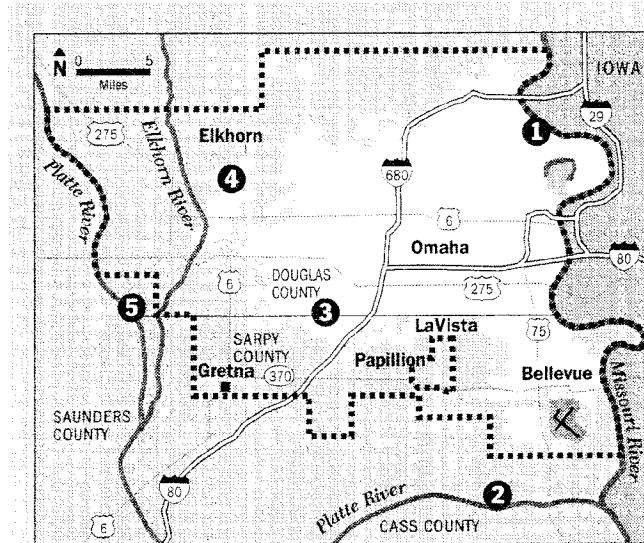
"You have to have a good water supply," said Tom Wurtz, general manager for MUD. "Without this, the metro area is not going to grow. You'd have to stop development."

Already, west Omahans are experiencing water pressure problems in the summer — mostly related to sprinkler use. For two years, MUD has asked people to restrain outdoor watering in the summer.

More important, MUD has told two Sarpy County developers that the utility cannot guarantee water to their developments until MUD receives federal approval for this well field.

Without this expansion, more developers will hear that same message, Wurtz said. Small towns that want to tap into MUD's water system might not be able to as the utility retrenches.

John Fullenkamp, an Omaha attorney who works with devel-



MUD water supply

□ Current service area - - - - - 2030 service area (projected)

Plant	Capacity*	Water source
① Missouri River plant	158.0	Missouri River
② Platte South well field	60.0	Platte River aquifer
③ Millard wells	14.0	Dakota sandstone aquifer
④ Elkhorn wells	2.2	Dakota sandstone aquifer
⑤ (Proposed) Platte West	100.0	Platte River

*Millions of gallons per day

SOURCE: U.S. Army Corps of Engineers

SIDNEY JABLONSKI/THE WORLD-HERALD

opers, said the impact of MUD's expansion goes beyond whether any particular suburbanite gets a new home.

New construction is just about the healthiest portion of the nation's anemic economy. Letting that come to a halt, he said, would be "shooting the golden goose."

"Just think about the economic activity from one house," he said. "You've got the carpet layer, the electrician, the plumber, the guy who provides cable, the guy who sells the television. . . . The ripple effect of (development) is significant."

In studying MUD's options, the Army Corps of Engineers rejected outright any plan that relied solely on the Missouri River — despite its obvious bounty of water.

That's because of the risk of

contamination along the river and the threat of terrorism, said Rodney Schwartz, who is overseeing the corps' analysis of MUD's plans.

MUD gets about 68 percent of its water from the Missouri. Most of the rest comes from another plant downriver on the Platte aquifer. With this proposed expansion, MUD would draw water almost equally from the Platte aquifer and the Missouri River.

Even if there were no threat of terrorism, water from the Missouri River is at risk of contamination.

About 230 barges ply the river each year, hauling fertilizer and petroleum products. Eight industrial pipelines cross the river north of Omaha, transporting natural gas, petroleum and anhydrous ammonia. A nuclear plant

operates along the river about 20 miles north of town.

An accident involving any one of these could disable MUD's Missouri River treatment plant.

And while the utility has never had to shut down its plant, other towns have had to close theirs. Based on the experience of those towns, an outage here could leave the metro area without its major source of water for anywhere from two days to two months.

Today, MUD would face a serious shortage but probably could limp along under those conditions, Wurtz said. But in the coming decades, an outage along the Missouri River could leave northeast Omaha without water, according to a utility analysis.

The corps conducted a detailed analysis of six options for providing Omaha with water, each using to some degree at least one of three spots along the Platte aquifer.

The site that MUD prefers would cost about \$726 million to build and operate over 25 years, compared with the \$1.2 billion price tag of an option that taps water from both the Platte aquifer and Missouri River.

The Missouri River option costs more because the water is not as clean and more pipes would be needed to move the water from the Missouri to western Douglas and Sarpy Counties, where the growth is.

Ninety-five miles of pipe would have to be laid, compared with 11 miles using the Platte West site. Laying pipe from the Missouri River westward also would disrupt existing Omaha neighborhoods.

The site along the aquifer that MUD has selected appears to provide the cleanest water of the choices available.

The utility can sink its wells deep into the aquifer and draw up water that has been naturally filtered of impurities and sediment. River water, on the other hand, is awash with sediment that has been flushed from fields.

"This is one of the best Platte River groundwater sources in the state," Wurtz said. "and it's where we need to be at."

MUD plan to expand hits hurdle

■ Landowners along the Saunders-Douglas County line want compensation for a proposed well field.

12-16-02
By Nancy Gaarder

WORLD-HERALD STAFF WRITER

One day, the fishing and hunting might not be so good. Habitat for a prehistoric endangered fish could be affected.

Pollution might spread from a nearby federal environmental cleanup. Farmland could suffer. Property values might drop.

Those are among the reasons people along the Saunders-Douglas County line don't want to see the Metropolitan Utilities District expand into their area of the Platte River Valley.

"I don't see how any thinking, reasonable person can look at this with all these problems and come to the conclusion that this is an acceptable place," said Grant Porter, deputy Saunders County Attorney.

The county is battling MUD's Platte West expansion, which will include a new well field. The county has threatened to take the utility to court.

General Manager Tom Wurtz said the site offers what MUD

has an obligation to provide: a reliable supply of clean water at an affordable price.

"We didn't hire an attorney to give us that opinion," Wurtz said. "We hired the premier water experts in the nation and asked them to tell us where to go. That's why we went where we did."

The site, which straddles the Saunders-Douglas County line, could cause MUD to pay about \$11 million in compensation for replacing wetlands, compensating farmers and building wildlife habitat.

That's almost double the approximate \$6 million in impact from each of five other options for expansion. But it's a fraction of the \$300 million cost for the Platte West project.

Utility and federal officials say the potential problems are based on worst-case scenarios that may never happen. The utility can vary its pumping, MUD executives say, to minimize harm.

"It is not in our best interest
See Utility: Page 2

Continued

Utility: Landowners resist MUD expansion plan

Continued from Page 1

to injure existing landowners, because then we have to pay for it," said Wurtz. "We intend to be good neighbors."

The area potentially affected is small compared to the metropolitan area, Wurtz said. Under the worst case, productivity could decline on about eight square miles of farmland. That could result in about a \$2.4 million drop in property values.

That's small comfort to farmer Harold Kolb, who raises corn and soybeans in Saunders County.

"Everybody is entitled to water," Kolb said. "You're going to have to share some of it. But I shouldn't have to suffer at Omaha's profit."

Landowner Tom Siems, considering legal action against MUD, said he sees the utility as an 800-pound gorilla that will come in and do whatever it

wants. Siems said the utility should be required to commit ahead of time to how it will compensate landowners.

MUD has already done that with the U.S. Fish and Wildlife Service and Nebraska Game and Parks Commission. Siems owns a patch of Douglas County land near the well field site where he has several sand-pit lakes that he stocks for fishing.

The utility is giving the Fish and Wildlife Service \$1 million to compensate for possible damage to habitat for the pallid sturgeon, an endangered fish that dates to before the time of dinosaurs.

The Platte River is one of the Missouri River tributaries where the pallid sturgeon is known to exist. The \$1 million will be used to improve a backwater area along the Missouri.

Game and Parks will receive \$125,000 for possible damage to the Two Rivers Recreation

Area, where MUD pumping could lower lake levels by as much as five feet. Also, the utility plans to create a wetlands near La Platte to replace wetlands lost along the Platte.

Wurtz said those payments to state and federal officials arose out of legal obligations. The utility, he said, can't pay private citizens for damage that may never occur.

MUD is planning to bring the new well field on line gradually. The full impact of its pumping may not be known for 15 to 25 years.

The utility plans to sink about 40 wells on both sides of the Platte River, with about 60 percent in Saunders County and the remainder in Douglas County.

Because the water would come from the aquifer and not directly from the Platte River, most of the impact will be on the aquifer. That's why nearby lakes and wells could drop as the

water table drops and why the underground water contamination at a nearby environmental cleanup site could be affected.

Since the water is not being taken directly from the Platte River, the river would drop imperceptibly — about .09 to .60 of an inch.

This explains why fishing and swimming at lakes at the nearby Two Rivers State Recreation Area could be diminished.

The utility already has agreed to install monitoring wells near a contaminated portion of the aquifer that is being cleaned up by the federal government.

The pollution comes from a former munitions plant near Mead, and there is a possibility that MUD's pumping could pull the contaminants farther east. Officials say the contaminated water is not a threat to MUD's wells because the wells are uphill from the pollution.

Plan could put cities in a water bind

12-16-02
By NANCY GAARDER

WORLD-HERALD STAFF WRITER

When drought struck the Midlands last summer, water levels along the Platte River aquifer dropped so low that Lincoln required its residents to restrict water.

So what will happen when Omaha's \$300 million well field and water plant come online, upstream of Lincoln's wells?

The capital city has senior water rights over MUD's new wells, which means that if Lincoln wanted to, it could require

Omaha to restrict pumping at its new plant in deference to Lincoln's needs.

Jerry Obrist, chief engineer for Lincoln's water system, said he doesn't envision a competitive relationship between the state's two largest cities.

"We would work with Omaha," Obrist said, "because we're talking about customers in the state of Nebraska. There is no reason for us to fight about it."

Working together, he said, would mean that if Lincoln were

on mandatory water restrictions, it would expect Omaha to do the same thing.

Omaha, which has access to more water via the Missouri River, asked its customers to voluntarily conserve water last summer but did not mandate restrictions.

Tom Wurtz, general manager for the Metropolitan Utilities District, said he also sees a collaborative effort between the cities and with agriculture interests.

In reality, Wurtz and Obrist

said, cities such as Omaha and Lincoln are minor players in the use of water in Nebraska. Irrigation accounts for about 90 percent of the demand for water from the Platte River aquifer, according to the Army Corps of Engineers.

The corps' analysis indicates that on rare occasions the river could drop low enough to affect MUD's new plant. When drought is that severe, Wurtz said, the utility would be working with everyone to conserve water.

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

Omaha World-Herald

JOHN GOTTSCHALK, *Publisher*

LARRY KING, *Executive Editor*

CHARLES REINKEN, *Editorial Page Editor*

DEANNA J. SANDS, *Managing Editor*

12-17-02

Painful choices loom

The \$211 million state lawmakers have slashed out of the budget in the last year and a half is only the first swipe of the knife. Another estimated \$675 million must go in the biennial budget the Legislature will take up when it meets next month. That's about 11 percent of the state's \$2.8 billion general fund budget.

Nebraskans need to realize this is no casual number to shrug off by saying, "We tightened our belts, so should government." This is a staggering number that could force cuts at a level unseen in decades. State Sen. Mike Foley of Lincoln probably wasn't exaggerating when he said, "We're going to be cutting into the heart and soul of the state government and the university."

Cuts in Medicaid and the university system, which suffered the biggest blows in the last special session, were protested vigorously. But even after taking about 25,000 people off the Medicaid rolls, the agency's budget went up 5.7 percent.

Medicaid is likely to be back on the hit list. A program that has grown an average of 13.1 percent per year since 1978, according to statistics from Gov. Mike Johanns' office, it's now 16 percent of the budget. It was 3 percent in 1978. Without changes, the program will continue to gobble up ever bigger portions of the state budget pie.

This situation sets up a cruel dilemma — the same ailing economy that precipitated low tax receipts and a budget crunch also means more people than ever need the services that are likely to be cut. But

**Nebraskans
must be prepared
for hard cuts
in state's
budget.**

the dilemma must be faced squarely.

Even though state lawmakers surveyed by The World-Herald didn't favor cuts in state aid to schools, that, too, may have to be considered. School aid makes up nearly 25 percent of the state budget, and fiscal analysts predict that it could grow an average of 6.5 percent a year over the next two years. The reason: State property values are expected to grow more slowly than school spending.

Together, estimated increases for school aid and Medicaid account for more than half of the state's projected budget increases through June 30, 2005. Those are big factors in what the Legislative Fiscal Office points out is the Appropriations Committee's limited ability to affect the state budget without statutory changes. Increased entitlements and a compulsory state aid formula mean the committee has direct control over only 45 percent of the state budget, compared with the 70 percent it controlled 20 years ago. That makes budget-cutting harder because it requires hearings and action from other legislative committees.

The 2003 session isn't going to be easy. With voices from many special interests trying to protect their programs, state lawmakers will be faced with the vital task of establishing solid priorities for the coming years. Nebraskans clearly need to provide input and guidance as lawmakers do so, but taxpayers also need to be prepared to feel the slash of the budget knife on the services in which they, personally, have a stake.

Omaha World-Herald

SUNRISE EDITION
WEDNESDAY, DECEMBER 18, 2002

AN INDEPENDENT NEWSPAPER OWNED BY EMPLOYEES

Bridge plan wends its way into hearts of curious in Blu

By JACLYN O'MALLEY
AND RICK RUGGLES
WORLD-HERALD
STAFF WRITERS

COUNCIL BLUFFS — Kathryn Thomas says it's pretty.

Eleven-year-old Matt Wolf says it's cool.

And 82-year-old R.H. Fanders? He can't wait.

The three were among a small group attending Tuesday evening's public hearing on a pedestrian bridge that would span the Missouri River. Earlier, the mayors of Omaha and Council Bluffs unveiled the stylish, curved design.

Thomas, who has lived in

Council Bluffs since 1960, said that when she first heard about plans for a biking and walking bridge, she thought it was a joke. "I said, 'Ha, ha.' But now it makes sense to have it, and it will be pretty," she said.

"Council Bluffs will be appreciated artwise and have something to be proud of besides the casinos."

The bridge is part of the effort to turn the riverfront from an industrial zone to an appealing area for tourists and for leisure activities such as bicycling, walking and running.

"It's a bold design," Omaha Mayor Mike Fahey said. "It's a welcome mat to our communi-

Seeking input

Another public hearing is set for 4 p.m. today at the Peter Kiewit Conference Center, 1313 Farnam St.

ties."

Fahey and Council Bluffs Mayor Tom Hanafan likened the \$22.6 million bridge to St. Louis' Gateway Arch. The comparison conveyed their hope that the bridge would attract thousands of visitors.

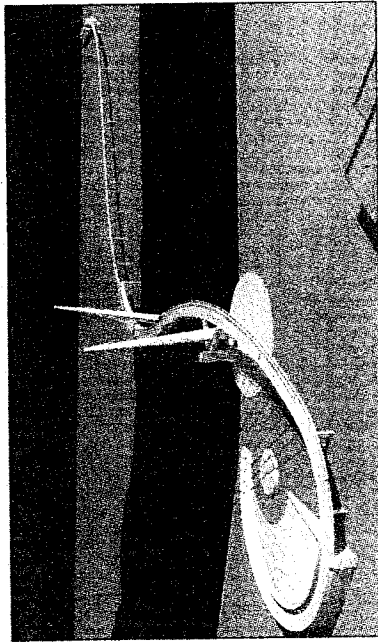
Construction is expected to start next year and conclude in 2005.

Matt and Fanders, both also

from the Bluffs bike-riding there. "It's kind of bridge that goes Omaha," Matt says, lights and the shadows.

Fanders was the design, calling Hanafan said Bluffs is the only could think of it can't capitalize to a big river.

"There's now across the Missouri fan said. "You Point A to Point B Hanafan said only bridge of it



FIGG BRIDGE ENGINEERS
City, state and federal representatives will consider public input before approving the design for the pedestrian bridge early next year. The \$22.6 million bridge is expected to be completed in 2005.

Continued

Bridge: Final design awaits public commentary

Continued from Page 1
two states.

City administrators have said the design, by Figg Bridge Engineers' Denver office, isn't absolutely the one that will be adopted.

Various city, state and federal representatives will consider public input before approving the design, said Larry Foster, acting director of Omaha parks and recreation. Those officials most likely will vote on the project, Foster said. That will occur in two to three months, he said.

The project primarily will use federal money. The Papio-Missouri River Natural Resources District will contribute \$1 million and Nebraska and Iowa \$1.5 million each.

The bridge is one piece of a massive development plan along the Missouri River. On the Omaha side, the development in-

cludes a convention center and arena, a Gallup Organization facility and campus, trails and a new National Park Service headquarters.

On the Council Bluffs side, two high-rise condo towers and two smaller apartment buildings are expected to be built.

Hanafan acknowledged that critics will question the expense involved and challenge how heavily the bridge will be used on cold, dark days.

But many, he said, will support the project because they want change in their communities.

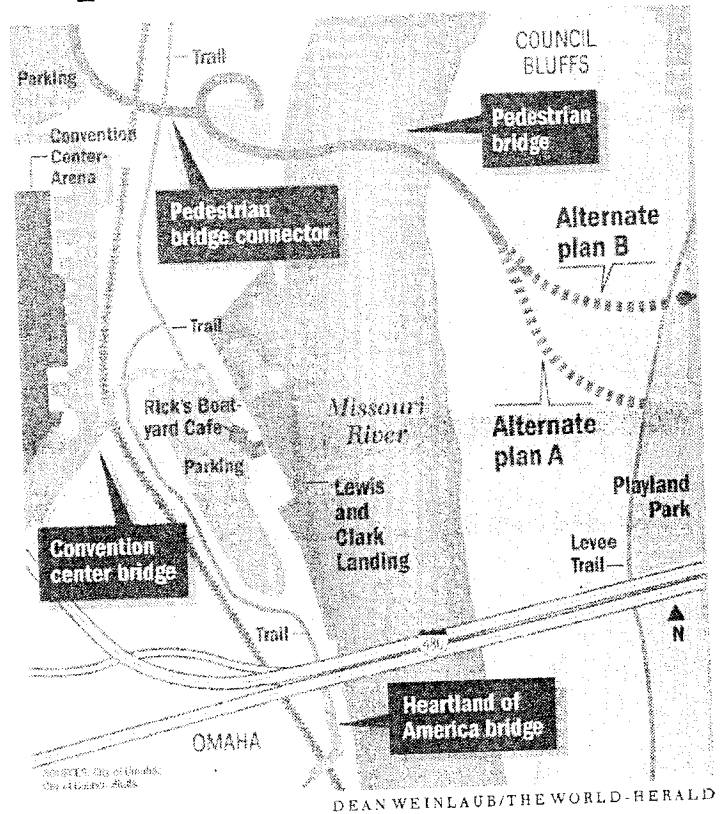
They want exercise paths and opportunities to get closer to nature, he said.

Fahey praised the bridge design, calling it unique.

"I think it will look fabulous when it's lit up at night," he said. "I think it's going to be outstanding."

"It's kind of neat to have a bridge that goes across (to) Omaha. I like the lights and the shape."

Matt Wolf, 11



LOCAL

JOURNAL STAR
Thursday, December 19, 2002
B

Local news tips? Call the City Desk, 473-7306
Page Design: Amy Taylor

NRD OKs \$7 million loan deal

Funds will be used to purchase land for Antelope Valley plan

BY ALGIS J. LAUKAITIS

Lincoln Journal Star

The Lower Platte South Natural Resources District could take out loans totaling \$7 million to help acquire land for the controversial Antelope Valley Project.

On a 16-2 vote Wednesday, the district's board of directors approved a loan agreement with Union Bank. Directors Barbara Morley and Larry Zimmerman voted no and Ken Reitan and Kim

Scholing abstained.

The interest rate would be about 3.19 percent, or 75 percent of the prime rate. Loans could be taken out beginning April 1, 2003, and would be available through 2009. They would only be used to acquire land along Antelope Creek.

Paul Zilling, assistant general manager, said the loans would help pay bills while the district waits for money from other sources, including federal and state governments.

The district has approved similar loan agreements in the past but not of this magnitude.

The Antelope Valley Project is a 20-year plan designed to eliminate Antelope Creek's 100-year flood plain, stimulate downtown revitalization efforts and improve traffic in the city's core neighborhoods. The district is a partner in the project with the city of Lincoln and the University of Nebraska-Lincoln. Together, they formed the joint Antelope Valley Authority to administer the \$223 million project.

During discussion, some board members voiced concern about the district's responsibilities for land acquisition and ultimate financial lia-

bility if the project is halted.

"What happens if the project goes to a vote of a people and they vote it down?" asked director Larry Zimmerman.

Terry Kubicek, a Lincoln attorney and recently elected director, has filed a lawsuit that asks for such a referendum. He claims the city violated its charter when it entered an agreement to form the joint authority. The case was recently heard by the Nebraska Supreme Court but no decision has been issued.

Kubicek, who spoke briefly before the board, urged members to reconsider and not vote for the loan agreement.

"It seems to me this is fiscal irresponsibility," he said, citing recent

budget cuts by the city and state. "It will saddle the board with a burden that should not be there with a new board coming on."

Kubicek was not eligible to vote because recently elected directors don't take office until January.

But other directors voiced support for the loan agreement and the Antelope Valley Project.

"Antelope Valley is just waiting for a major flood to happen and all of downtown Lincoln will be flooded," said Richard Wiese.

He said he did not want to see the district held responsible in the future years because of something it did not do today.

See NRD, Page 3B

NRD

Continued from Page 1B

Director Barb Morley questioned the role of the joint authority and said she wanted to avoid a repeat of the Northeast Radial transportation project, which was started but never completed.

"It didn't keep them from taking the land and disbursing the land for other purposes," she said.

Director Ted Wehrbein told the board it is hard to please everyone with a project of this size.

"There are choices. It can come to a halt," he said. "But I can't see this loan agreement jeopardizing something and keeping it from getting started. It's a cost-effective and appropriate response."

In other action, the board accepted a bid of \$590,473 from Land Construction of Lincoln to do some channel stabilization work on Beal Slough in the area south of 27th Street and Nebraska 2. The company was one of four bidders.

The bioengineering work will include replacing rolled matting with straw mulch.

The district said it will save as many trees as possible and plant thousands more to help stabilize the banks.

Reach Algis J. Laukaitis at 473-7243 or alaukaitis@journalstar.com.

Get ahead of this train

The idea of mining and selling water like other types of natural resources — coal, say, or oil — may be foreign to many Nebraskans. But this state is blessed with an underground aquifer that is the envy of drier states, and policy-makers must give the question serious attention.

Water is the lifeblood of the land. In the West, it is also a source of contention. Nebraska has been involved in water lawsuits with several states in recent years. And inside the state, ground- and surface-water irrigators are at odds in some areas over dry creeks.

Underlying many of the arguments and much of the state is the Ogallala Aquifer, an underground, water-rich rock sponge that is North America's most abundant source of fresh water. It stretches from Texas to South Dakota, but the deepest portions lie beneath Nebraska; in the Sand Hills, its water bursts forth into streams that ultimately flow into the Platte River near Columbus, helping replenish the wellfields that supply Lincoln, Omaha and other communities.

Now, Homeland Hydro Options LLC has proposed sinking three wells into the heart of the aquifer in Grant County. The company would

State leaders should jump on sale of water from Nebraska's Ogallala Aquifer.

pump about 780 acre-feet of water every year (enough water to cover 780 acres of land one foot deep). The water would be

taken by rail and sold to water-starved Denver-area communities.

That is not a huge amount of water. But the precedent is huge.

The U.S. Supreme Court ruled 20 years ago that water is a commodity that states cannot restrict unless its transfer would have an effect on public health or safety. State leaders have to examine the exact restrictions that decision sets up. Nebraska is not helpless in the face of water entrepreneurs, though its power may be limited.

The Legislature's Natural Resources Committee is on the job. State Sen. Ed Schrock, chairman, has said he'd like to put a stop to the out-of-state sale of water. Barring that, he suggested lawmakers will look at taxing the sale, a reasonable thought. Wyoming charges a severance tax on coal; Alaska does the same on oil. Those who mine Nebraska's water should also pay.

Homeland Hydro is the first, but it likely won't be the last. Top state officials need to get control of this train before it runs over a precious Nebraska resource.



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

Omaha World-Herald

JOHN GOTTSCHALK, *Publisher*
LARRY KING, *Executive Editor* CHARLES REINKEN, *Editorial Page Editor*
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Let's do it

The pedestrian footbridge designed to link Omaha and Council Bluffs is a wonderful swirl of light and motion, its lines exciting, its appeal the same. It would be a great addition to the Missouri Riverfront and to Omaha and Council Bluffs.

The \$22.6 million bridge is a key piece of the riverfront puzzle. Done right, it will become a signature for the Omaha metropolitan area, a piece of architecture that is memorable for its beauty and sweep, much as the St. Louis Arch or the Golden Gate Bridge are memorable. The design presented by Figg Bridge Engineers is done right.

The bridge starts with a bold swirl on the Omaha side of the river, near the new convention center-arena, the Gallup campus and the other new development under construction or planned for the area. It rises above the river, hanging from cantilevered towers, in appearance reminiscent of the larger, but no more dramatic, Sunshine Skyway bridge over the entrance to Tampa Bay in Florida.

Its graceful curves settle down again in Council Bluffs near where upscale residential development is planned and not far from Broadway, where new entrance parks, stone, glass and grass welcome visitors to the city from the west.

Footbridge design is bold signature and a worthy statement for riverfront.

Larry Foster, acting director of Omaha parks and recreation, summed up the proposal at a recent public hearing that "it's more than a bridge. It's more than transportation."

Naysayers continue to put down the idea that the Omaha area should have something of beauty and distinction. They don't want to see the money "wasted" on such a "frivolous" thing as a pedestrian footbridge. What they fail to understand, however, is that the money is not being spent, it's being invested — invested in the future of both Council Bluffs and Omaha, in the future of the riverfront — in progress.

It will provide a safe path for pedestrians and bicyclists to go between Iowa and Nebraska, between Omaha and Council Bluffs, something that does not now exist. It will give visitors to the cities something to think about and a sight of which to tell the folks back home. And it should help instill pride and a positive attitude in the people of both communities who have, in the past, had little confidence in their city.

The design isn't final yet — it could still change in response to public and official comments before construction begins in 2003. But we want to see this bridge — or one just as bold — leap from the drawing board into reality. Let's do it.

No lack of outside funds for city parks

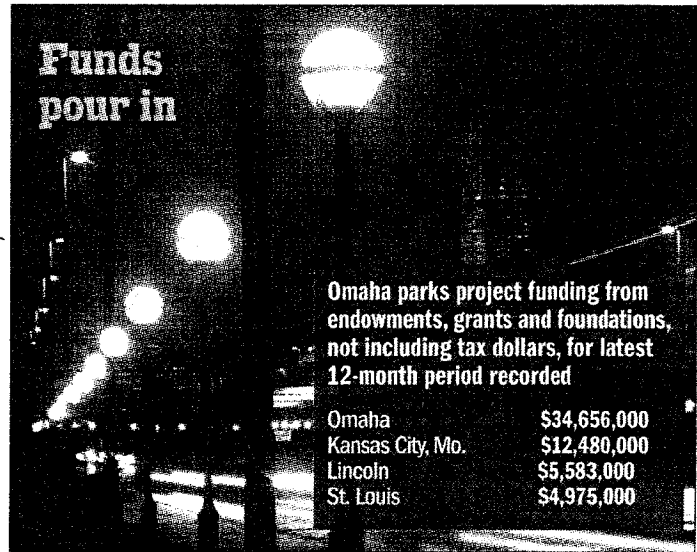
12-26-02
BY CLIFF BRUNT
WORLD-HERALD STAFF WRITER

Omaha's Parks and Recreation Department pulled in a record \$34.7 million this year from outside endowments, grants and foundations.

That is more than what the Kansas City, St. Louis and Lincoln departments combined to draw during a comparable time period.

Those who work with the Omaha Parks Department said the city's success comes from aggressive pursuit of funds, meticulous planning and a record of making good on its promises.

The department usually must develop an idea, submit a grant application, then compete with other businesses or parks depart-



THE WORLD-HERALD

ments for funding.

Lyn Wallin Ziegenbein, the Peter Kiewit Foundation's executive director, said the Omaha Parks Department's professionalism is the main reason her organization keeps answering the city's call.

"We find them effective, responsive, accurate, thorough and timely," she said. "That's not always how it works with different groups, but the City Parks Department is like that every single time."

See Parks: Page 2

Continued

Parks: Outside funding was plentiful

Continued from Page 1

Larry Foster, Omaha's acting parks director, said he believes his previous high in raising outside funds was about \$14 million in 2001.

Foster knows this is a special year because of riverfront development. He said a large-scale, detailed plan helps when asking the government for money.

The Missouri River pedestrian bridge is the largest project that will be paid for by outside funding. Five government agencies combined to award the city nearly \$23 million.

Other projects paid for by outside funds include the "string of pearls" lights on Abbott Drive and improvements at the Dill softball complex and the Koch Family Tennis Center.

When the city isn't getting federal grants, it's getting donations.

Since 1996, the Peter Kiewit Foundation has given the department \$11.8 million, more than any organization. The foundation received the National Humanitarian Award from the National Recreation and Park Association this year.

"One of the advantages Omaha has is a pretty strong corporate community that has a history of being very generous," said Lynn Johnson, Lincoln's parks director. "Here, most of our giving tends to be on a smaller basis and on an individual basis."

Ziegenhein said it's easy to give the Omaha Parks Department money because it's trustworthy.

"When we're paying bills, there's a very high degree of accountability on both sides," she said. "Our books always match."

The city received \$311,285 in federal Urban Park and Recreation Recovery funds earlier this year to fix up three north Omaha parks. Only 41 percent of the applicants received an award, and Omaha was one of a few cities that received 100 percent of its request.

Dan Wiley of the National Park Service's regional office in Omaha said the department does its homework before sending in a

Omaha Parks, Recreation and Public Property department

2002 outside funding for capital projects received from grants, endowments and foundations

Riverfront related	
Rick's Cafe Boatyard/Private.....	\$2,000,000
Missouri River Pedestrian Bridge/Federal, State, NRD.....	\$22,613,000
Miller's Landing/Douglas County.....	\$2,400,000
Miller's Landing/River Star Excursion Boat.....	\$250,000
Abbott Drive beautification/Peter Kiewit Foundation.....	\$3,800,000
Total	\$31,063,000
Non-riverfront related	
Barrington Trail Connector Project/Homeowners Association.....	\$55,000
Koch Tennis Center expansion/Tennis 2000 committee.....	\$700,000
Deer Hollow Park renovation/Neighborhood Association.....	\$100,000
Lewis & Clark Trail interpretation/Natl. Pk. Service, Back to the River Inc.....	\$225,000
Lewis & Clark interpretation/National Park Service.....	\$13,000
Towl Park Lagoon/Neb. Game and Parks.....	\$90,000
Bryan Park Basketball Court/Homeowners Association.....	\$20,000
Applewood Heights Playground/Homeowners Association.....	\$25,000
Miller Golf practice facility/corporate donations.....	\$80,000
Boulevard tree removals and planting/community development block grant.....	\$800,000
Keystone Trail drinking fountain/Omaha Running Club.....	\$10,000
Neighborhood parks renovation/Papio-Missouri River NRD.....	\$1,000,000
Neighborhood parks renovation/National Park Service.....	\$313,000
Boxelder Creek Bridge/Neb. Game and Parks and Papio-Mo. River NRD.....	\$175,000
Dill Softball Complex/Omaha Softball Association.....	\$35,000
Total	\$3,593,000
Overall total	\$34,656,000

Kiewit Foundation donations since 1996

Project	When	How much
Gallagher Family Fun Pool.....	1996-97	\$470,000
*Renovation, Om. Historic Parks and Blvd. System.....	1998-99	\$357,000
Miller Water Park.....	1998-99	\$400,000
*Elmwood Family Fun Pool.....	1999	\$120,000
*Adams Park Outdoor Basketball Complex.....	2000	\$55,000
*Kountze Water Playground.....	2000	\$125,387
*Fontenelle Park Baseball Field Renovation.....	2000-01	\$130,000
*Jerry Parks Youth Football Complex.....	2000-01	\$369,000
*Abbott Drive Beautification, Phase I.....	2000-01	\$5,000,000
*Elmwood Park Springs Restoration.....	2001-02	\$1,000,000
*Abbott Drive Beautification, Phase II.....	2002	\$3,800,000
Total since 1996		\$11,826,387

*paid for entire project

THE WORLD-HERALD

grant application, and its employees are easy to work with.

Omaha's Koch Family Tennis Center was nearly completed this year, five years ahead of schedule, because of a successful public-private partnership.

Omaha Tennis 2000 paid the city \$700,000 in private funds this year to upgrade the facility.

The improvements increased the number of courts to 24 and made an already impressive fa-

cility into one of the nation's best.

"It's as fine a facility as there is anywhere," said Jim Farber, spokesman for Omaha Tennis 2000.

Koch has drawn the Missouri Valley Conference tournament and national youth tournaments.

"We couldn't have done it without the city, and the city couldn't have moved as fast without us," Farber said.

W-H
12-26-02

Iowa's pollution recognized

Some familiar Midlands names are on the list of polluted lakes, streams and rivers that Iowa authorities drew up recently: The Missouri River. Lake Manawa. Carter Lake.

Across the state, the roster comprises 188 impaired lakes, streams and rivers. It is the first list the Iowa Department of Natural Resources constructed using the scientifically valid testing and data methods ordered by lawmakers in 2000. That gives the list a sound underpinning of research and testing, meaning Iowans can rely on its accuracy and authorities can press for changes based on its findings.

The problems with Manawa, Carter Lake and the Missouri are nothing that would startle anyone who has kept up with environmental issues. Carter Lake has a bacteria problem, a potential danger for swimmers and boaters, while Lake Manawa suffers from "non-algal turbidity." (That is, it's muddy and full of suspended particles.)

The list for the Missouri, sampled between Council Bluffs and the Boyer River upstream, is longer. It contains an unacceptable level of bacteria; also, arsenic is a factor for cities, such as Omaha, that drink the Missouri's water.

Carter Lake, Manawa and Missouri River are on 'dirty' list, but its existence offers hope.

Finally, the aquatic habitat offered by the Missouri between the Big Sioux River and Iowa's southern border is unacceptably impaired. That's what environmental groups,

the U.S. Fish and Wildlife Service and others have been telling the U.S. Army Corps of Engineers, which controls the river, for years.

Thanks to Gov. Tom Vilsack and Iowa lawmakers, the state has increased its investment in water quality in recent years. One sign of that investment is the additional scientific scrutiny given the lakes, rivers and streams in order to compile the deficiency list. Because the findings are reliable, according to Jeff Vonk, director of the DNR, the state can work with farmers, business owners and others to improve specific problems.

The quality of Manawa, Carter Lake and the Missouri is important to the Midlands and the people who live here. For instance, as the Back to the River plan progresses, its safety and viability become more and more obvious to the eye and nose and more significant to government and businesses.

This list, a sign of environmental commitment by Iowa officials, is not a sign of shame. It is, rather, a harbinger of hope.

W-H
12-28-02

A record of trust

Cynical taxpayers, growing callous to continuing news of budget shortfalls and deficits, take note: Omaha's Parks Department has provided a heartening shot of positive news.

The city department reached an apparent record total for outside fund-raising in 2002, taking in nearly \$34.7 million in grants and donations.

A large chunk of that — \$22.6 million — was funding for the Missouri River pedestrian bridge. But even without that sum, the city will realize more outside funds than other places such as Lincoln or St. Louis.

Agencies to which the Parks Department applies for grants or donations praised the city employees for being professional and trustworthy, another bit of reassuring news for Omaha stakeholders.

City parks employees merit applause for securing grants and donations.

We've often commented on the importance of aesthetics and green spaces to a community, a sentiment obviously shared by Mayor Mike Fahey's administration, which

has made improving neighborhood parks a priority.

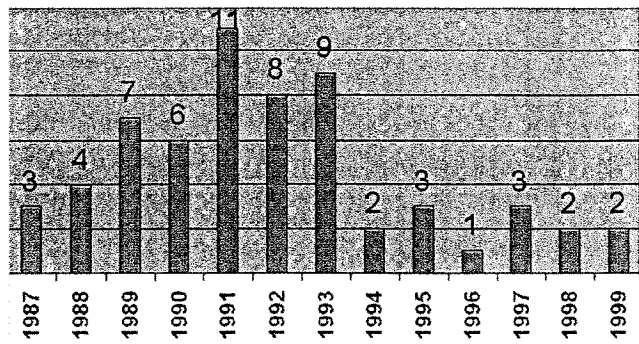
The list of contributing partners to the parks' capital projects, too, shows citizen concern for parks. From area homeowners associations to tennis and softball associations, Omaha's residents have contributed to community projects that matter to them.

It's welcome news to see parks employees doing their best to match taxpayer dollars with other funding sources and putting it to good use on projects that make our city's neighborhoods pleasing places in which to live.

+-----

ly, in funding stormwater programs. In short, the funding priorities of cities and counties shift to other pressing matters, with stormwater issues relegated to the "important but not urgent" categories.

According to the Florida Stormwater Association (FSA), 48 stormwater utilities were established in Florida between 1987-1993 compared to only 13 in the markedly drier period of 1994-1999.



Stormwater utilities startups in Florida

Nonetheless, more and more municipalities are either introducing stormwater utilities or raising the fees for existing utilities. There are two principal reasons why stormwater utilities appear to be growing in popularity.

First, it is becoming increasingly evident that surface water runoff should be managed as part of a "holistic" strategy for water supply and recharge. With population growth and increased development, the impact on our water supply system is twofold: More water is needed to serve a growing population and increased demand, especially in the metropolitan areas. Also, more growth usually translates into urban sprawl, reducing the amount of rainfall recharge to the aquifer.

Several recent studies, including a report by American Rivers (www.amrivers.org), a non-profit organization, have documented the effects of urbanization and growth on droughts and water shortages. While the link between an increase in population and a subsequent increase in water demand has always been obvious, the link between urbanization and a decreased aquifer supply has not been apparent until recently.

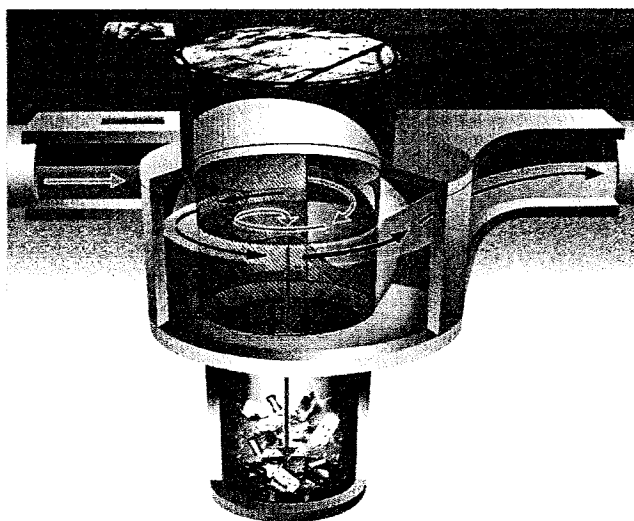
Impervious areas, such as roads, buildings, and parking lots, have replaced meadows, farmland, and forested areas. This substitution channels the rainfall that used to find its way down to the aquifer, into stormwater management systems aimed at flood protection and expedited drainage to the nearest receiving water body. The new impervious area coupled with increased groundwater withdrawals (to keep up with the growing demand) have also resulted in saltwater intrusion into aquifers in many coastal areas.

Stormwater managers, as well as regulatory agencies, have shifted their focus from managing stormwater for rapid discharge off the land, to designing systems that allow for detention of the runoff, infiltration, and in some cases, direct recharge into the aquifer following some form of treatment. The stormwater utility thus serves

as a dedicated funding source for designing such holistic stormwater systems and assists in protecting and preserving groundwater supplies.

The Water Quality Act of 1987 and the promulgation of NPDES regulations by the Environmental Protection Agency (EPA) in the early 1990s have also increased public awareness on the impact of surface water discharges.

Studies, including the National Urban Runoff Program (NURP), have documented the ability of stormwater to carry a variety of pollutants from urban and agricultural activities. Such pollutants include herbicides, pesticides, heavy metals, and nutrients. Stormwater professionals, working with state and regulatory agencies, have shifted to designing stormwater management systems that provide treatment of the runoff carrying such pollutants.



Urban pollutants collected from a stormwater separator

In addition, the EPA, along with the Pollution Prevention (P2) roundtable and other organizations, have been advocating the elimination of pollutants at the source by encouraging citizens to be prudent in using pesticides and fertilizers, and are working with businesses to reduce by-products and waste. Many organizations have also chosen to retrofit their existing infrastructure with a wide range of options—from separating the combined stormwater and sanitary sewer discharges, to the installation of simple mechanical devices for the capture of floatables (leaves, cups, trash, etc.) and suspended solids.

The stormwater utility is a concept that will only grow in popularity over the next few years as municipalities are finding that when properly implemented, it helps provide flood protection and complies with ever-increasing environmental regulatory requirements.

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Stormwater utilities proving invaluable for flood protection, habitat enhancements and regulatory compliance

Elie G. Araj, P.E.

Senior Vice President

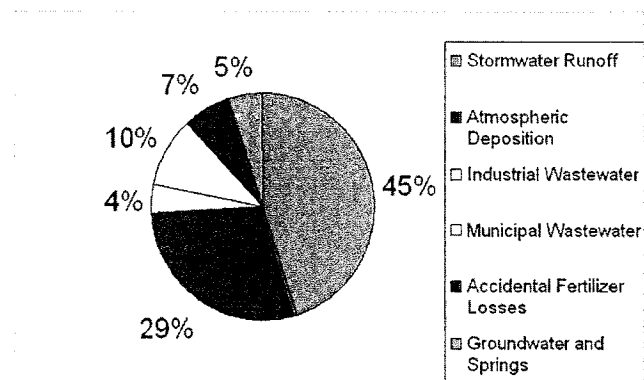
Berryman & Henigar, Inc.

Tampa, Florida

The stormwater utility is providing communities nationwide with the ability to implement stormwater projects that can assist in flood protection, water quality improvements, pollutants load reductions, and habitat enhancements.

Whether set up as a "user fee," "ad valorem," or "non-ad valorem," in most states a stormwater utility provides the necessary seed money or matching funds for the receipt of state and federal funding that helps communities manage and implement stormwater projects.

Stormwater runoff is still a major source of pollution for many cities and counties nationwide. The Tampa Bay Estuary Program, for example, estimates that about 45 percent of nitrogen loading to Tampa Bay is attributed to stormwater runoff. The Sarasota Bay Estuary, an important breeding area for fish and crustaceans, often receives unhealthy amounts of freshwater after intense rainfall.



Sources of nitrogen loading to Tampa Bay

Urbanization has also replaced many wetlands, which aid in groundwater discharge and act as natural filters for the uptake of pollutants, with impervious areas resulting in more runoff. In addition to acting as a carrier of pollutants, stormwater runoff, by itself, can prove to be harmful to certain ecosystems if not properly managed.

Given those realities, the increased complexity and permitting requirements often result in escalating project costs and protracted schedules. Cities and counties are faced with the task of either finding the needed appropriations to fund these projects or otherwise shelve them. Without a dedicated funding source, such projects have to compete with other priorities for General Revenue funds, Municipal Service Taxing Units (MSTU) funds, sales tax and other municipal revenue sources.

The solution for many of these communities is the stormwater utility, an effective funding source for stormwater management.

Hillsborough County, FL is one example. Future revenue from the stormwater utility was bonded over a five-year period, providing the county with about \$100 million to plan, design, permit, acquire land, and construct hundreds of stormwater projects. The county also uses stormwater utility funds to implement its National Pollution Discharge Elimination System (NPDES) program and to complete comprehensive watershed management studies for all of its major basins—covering in excess of 1,000 square miles.

The county's watershed management plans address flood control, water quality, habitat enhancement, and water supply. Such initiatives have allowed the county to receive millions of dollars in additional state and federal funds and help enhance habitat values and water quality in the Tampa Bay Estuary.

In addition to the NPDES program, cities and counties are also closely examining their stormwater management systems because of the pending implementation of Total Maximum Daily Load (TMDL) for impaired water bodies by the EPA and state environmental agencies.

The TMDL program aims at improving the water quality and health of impaired water bodies. By estimating the assimilation capacity of a water body, regulatory agencies will set maximum allowable amounts for the discharge of certain pollutants into that water body. In many instances, those discharges originate in publicly-owned stormwater systems.

The City of Cape Canaveral, FL is also implementing what will soon be an effective stormwater utility program. The stormwater utility, expected to be in place by Spring 2003, will concentrate on water quality enhancements and the protection of the Banana River Lagoon—a 156-mile estuary that is part of the Indian River Lagoon. The Banana River has been on the EPA 303(d) list of impaired water bodies and is likely to have a TMDL established by the Florida Department of Environmental Protection (FDEP).

The stormwater utility will provide the necessary funding to allow the city to implement its stormwater master plan, resulting in a projected annual reduction of pollutants to the river of about 2,700 pounds of nitrogen and 42 tons of suspended solids.

Not surprisingly, the formation of stormwater utilities is often directly related to the weather. Historically, dry weather patterns and the lack of stormwater-related flooding problems have translated to a diminished public interest in stormwater issues and, consequent-

Go, Christmas trees: Drop-off sites are open

12-29-02
By CHRISTOPHER BURBACH
WORLD-HERALD STAFF WRITER

You need neither receipt nor reason to return your Christmas tree to nature.

Christmas tree drop-off sites opened Saturday in Omaha and Bellevue. Trees left at the free sites — and old tannenbaums were beginning to pile up by the afternoon — will be sliced, diced and put to some landscaping use.

"That's a good thing," Omahan Terry Pelletier said as she left her tree, for the third year running, in a Tranquility Park parking lot.

Tranquility, 120th Street and West Maple Road, is one of a

dozen drop-off sites in metropolitan Omaha.

They're staffed by volunteers, such as Suburban Rotarian Jerry Sestak, who was enjoying not shivering but could have used some more business to stay occupied.

"It's a little slow," he said.

At Tranquility, volunteer John Christensen, a Douglas County Extension Service master gardener, was expecting drop-offs to increase next week over the steady flow that brought a few hundred trees in Saturday.

Recycling trees benefits Omaha, "both in terms of saving money and landfill space

See *Trees*: Page 2

Trees: Omaha, Bellevue sites ready to accept them

Continued from Page 1
and in terms of community involvement," said Bob Sink, environmental services manager for the City of Omaha.

Waste Management Co. and Papillion Sanitation Co. are providing curbside pickup. Check with your hauler to see if reservations and extra fees apply.

In Lincoln, some haulers will pick up at the curb.

In southwest Omaha, Boy Scouts Troop 282 will pick up trees today and Jan. 4 and 5. The free service is offered in the area

bounded by Pacific Street and Highway 370, between 90th and 180th Streets.

Leave a message at 951-5560 or e-mail troop282@myesa.com with your name, address, ZIP code, phone number and preferred pickup date.

Trees must be at the curb by 9 a.m., and the Scouts will pick them up by 5 p.m. on the day requested. Donations are accepted.

The trees will be used for fish habitat in lakes maintained by the Papio-Missouri River Natural Resources District.

Metropolitan Omaha Christmas-tree drop-off sites:

■ Tranquility Park, 120th Street and West Maple Road, paved lot at soccer complex.

■ Ak-Sar-Ben's entrance at 69th Street and Mercy Road, east of the gate.

■ Orchard Park, 66th Street north of Hartman Avenue.

■ Football field on F Street, east of 156th Street, parking lot east of field.

■ Brown Park, on U Street between 15th and 18th Streets.

■ City of Omaha maintenance

facility, 11th and Locust Streets (open only when staffed).

■ Wehrspann Lake, Highway 370, west of Interstate 80, south parking lot at the wildlife management area entrance.

■ Bellevue's Haworth Park, Highway 370 and Payne Drive.

■ Papillion Senior Center, 1001 Limerick Road.

■ Papio Bay, 815 E. Halleck St.

■ La Vista Sports Complex, 66th Street, two blocks south of Harrison Street.

■ Kelly West Park, 87th Street and Park View Boulevard.

W-H
12-29-02

Find real questions

The heavy concentration of potentially dangerous pollution found on the west side of the Mead Superfund site is a development that warrants forthright investigation. It does not warrant overreaction.

The Nebraska Ordnance Plant Superfund site is the Saunders County location where bombs, rockets and shells were made during World War II and the Korean War. Atlas missiles also were there during the Cold War. The ground is contaminated with solvents and chemicals such as Royal Demolition Explosive, and the Army Corps of Engineers is in the process of cleaning it up. The work could take 100 years.

The recently uncovered "hot spot" is a heavy concentration of TCE, used to flush out missile fuel lines, on the west side of the 24-square-mile site. It is far more concentrated than experts had expected, but apparently it, too, will be dealt with.

The discovery gives Saunders County residents and officials, who have long opposed the location of an Omaha drinking-water wellfield uphill of the Superfund site, another hook on which to hang their objections.

Certainly, all aspects of the hot spot and its implications for the clean-up site should be explored. It was unexpected, something that happens with these clean-up sites. The Metropolitan Utilities District wellfield, however, is far from the hot spot, and previous studies have indicated it is not in any realistic danger of contamination.

**'Hot spot'
of pollution
at Mead is cause
for concern, but
maybe not delay
on an MUD
wellfield.**

The need for this wellfield to supply the Omaha metropolitan area with water is vital. This community faces curtailment of new development and possible mandatory water restrictions if

the Platte West water plant does not proceed.

The corps has already fallen behind schedule in its decision-making process — a process that is necessary before MUD begins construction. We believe that the federal agency can use existing scientific information and common sense to move MUD's project ahead.

The real problems posed by the Superfund site are to the south of MUD's wellfield site, which straddles the Douglas-Saunders County line. Without corps action to curtail the spread of pollution, contaminants could eventually reach Lincoln's only wellfield, near Ashland.

U.S. Rep. Doug Bereuter, who represents Saunders County, has asked the corps to respond to questions raised by longtime opponents. Of course it should. But many questions have been raised and answered time and time again by the corps, MUD and others, and we would hope that the corps can distinguish legitimate new questions from background noise and proceed accordingly.

The need is urgent. MUD is ready to build. The corps, assuming that it discovers no major surprises, needs to find a way to allow the utility to do so.