

MEMORANDUM

TO THE BOARD:

SUBJECT: General's Manager Report

DATE: January 2, 2004

FROM: Steve Oltmans, General Manager

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

B. **MISCELLANEOUS/PERSONNEL ITEMS**:

1. Attached is a thank you note from Bob Herchenbach, Farm Service Agency, thanking the GM for use of the NRC Board Room on December 9th for a meeting of 50 "real" farmers from Nebraska, Iowa, Missouri, Kansas, Alabama, Georgia, Mississippi, Oklahoma, and South Carolina to explore ways to energize producers and improve FSA services. Our visitors from Alabama, Georgia and Mississippi were extremely impressed with the blanket of snow provided by Mother Nature on the day of the meeting.

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, 2003. 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 15, 2003. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.

E. **UPCOMING RIGHT OF WAY ACQUISITION PUBLIC HEARINGS**

✱ January 29, 2004 – Western Sarpy/Clear Creek – Cabins at 7:00 p.m. at NRC

✱ February 12, 2004 - West Branch (84th Street to Giles Road)
(as part of the Board Meeting)

F. **NEWS CLIPS**:

- ✱ November 24, 2003 - Omaha World Herald editorial – Missouri disappointment. Achieving real balance on the river will require real compromise.

- * November 29, 2003 – Omaha World Herald Public Pulse letter – Flow changes are wise.
- * November 30, 2003 – Council Bluffs Nonpareil article – Paying tribute to legends. Sculptures to mark the trail of Lewis and Clark.
- * December 1, 2003 – Omaha World Herald article – Neighbors earn their reputation as defenders.
- * December 6, 2003 – Lincoln Journal Star editorial – Information could help well owners.
- * December 6, 2003 – Omaha World Herald article – Nebraska proposes river plan. The proposal would allow a spring rise and late-summer fall in water levels on the Missouri.
- * December 7, 2003 – Omaha World Herald editorial – Current events. Nebraska fields a Missouri River plan that should find favor with all factions.
- * December 8, 2003 – Lincoln Journal Star article – Business pushes for Nebraska wind farms.
- * December 12, 2003 – Lincoln Journal Star article – Ethanol plant owner fined. The company agrees to pay \$209,000 to settle air pollution allegations against its facility in York.
- * December 13, 2003 – Lincoln Journal Star article – NPPD board approves wind farm plan. The site, whose construction was estimated at \$45 million, will generate 30 megawatts.
- * December 16, 2003 – Lincoln Journal Star article – EPA suggests rules on mercury. But critics say they are less strict than those envisioned by Clinton White House.
- * December 2003 – Lincoln Journal Star article – Water task force submits final report. Johanns calls the recommendations a ‘good start’ toward new water legislation that could cost up to \$11.1 million.
- * December 19, 2003 – Omaha World Herald article – Johanns favors funding for water. The governor’s task force says \$4.7 million is needed to give the state a sustainable use of the resource.
- * December 19, 2003 – Omaha World Herald article – Nebraska officials like latest river proposal. Fish and Wildlife says the pallid sturgeon’s survival depends on a more natural ebb and flow.
- * December 22, 2003 – Omaha World Herald editorial – Missouri compromise. The health and future of the river is up for grabs right now.
- * December 22, 2003 – Omaha World Herald article – Homefires kept burning using corn as fuel.
- * December 28, 2003 – Lincoln Journal Star editorial – Be prepared to rebuild Mighty Mo.
- * December 30, 2003 – Omaha World Herald Public Pulse Letter – Compromise is unwise.

December 2003

Information & Education Report

Information

- Provided information packets to Leadership Omaha group.
- Updated web site pages.
- Began work on display for NRC visitors center.
- Began preparation for the Omaha Home and Garden Show and the Omaha Sports Show.

Education

- Presented Bird Program to Millard South Environmental Studies Class
- Trained 15 pre-service teachers in Project Learning Tree and Project WET
- Managed 50 volunteer hours
- Attended 8 hour training on Child First Aid/CPR
- Helped plan/set-up NRC Holiday Luncheon
- Ordered and coordinated news clippings for December Board Meeting
- Started revisions on Water Works Application for 2004
- Updated Water Works Web page
- Advertised for Spring Education Intern
- Researched and sent wellness e-mails to staff

Steve,

Just wanted to let you know that we really appreciated you letting FSA use the Conference Room for our meetings on the 9th. I think everyone was very impressed with the facilities.

Have A Merry Christmas!

Thanks
Bob Herchenbach

December, 2003

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Updated: December 15, 2003

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

★ = Top Priority

F = Future Work – No Assignment

N = New Assignment

O = Others Handling

W = Work in Progress

P = PFP's Portion Completed

- **Big Papio Channel Project - West Center Road to West Dodge Road** (Woodward):
- **Little Papio**: (Cleveland)
- **Big Papio** : (Cleveland)
- **West Branch** (Cleveland):
 - Land Exchange with Sarpy Co. (96th St.) (W)
 - Land Exchange with Bellino (96th St.) (W)
- **Western Sarpy Dike** (Sklenar, Cleveland):
 - Closing with Bundy's (potentially modify ROW/offer) (F)
 - Complete easements – three dikes and one drainage ditch (F)
 - Amended drainage ditch easements on Hickey (First National and Bundy Properties) (W)
 - Levee ROW research (RSP, etc.) (W)
- **Floodway Purchase Program** (Woodward):
 - Prepare draft Interlocal Agreement for Flood Mitigation Planning and Mapping Assistance Program (P)
 - Floodway Property Purchase Agreements as needed (F)
- **Trail Projects** (Bowen):
 - Bennington Trail Interlocal Agreement (N)

- **Missouri River Corridor Project** (Becic):
 - ★ California Bend – Final settlement with tenant (Wright's) (W)
 - ★ Lower Decatur Bend – Appraisal Review, prepare ROW purchase agreement documents (W)
 - ★ Review/comment on LDB habitat easement letter to the COE (P)
- **USDA P.L. 566 Projects, Silver Creek and Pigeon/Jones Watershed** (Puls/Cleveland):
 - Papio Site S-30 – development agreements (F)
 - Silver Creek Site Easements– as needed (W)
 - Release of Site S-7 Easement (W)
- **Papio Watershed Dam Sites:**
 - Dam Site 19 agreement (Petermann) (W)
 - Candlewood Easements (Chris Curzon) (O)
 - Dam Site 13 Agreement (Petermann) (F)
- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):
 - Storm water Utility Legislation (P)
 - Partnership Interlocal Agreement (W)
- **Rural Water Projects:** (Sklenar)
 - ★ Water Purchase Agreement for WCRW Country Estates Mobile Home Park (W)
 - ★ Water Purchase Agreement with Blair and Washington County for WCRW #2 (W)
- **Other:**
 - Aerial photo/GIS Consortium Agreement with MAPA (W) (Woodward)
 - Interlocal Agreement with Bellevue for Missouri Riverfront Development (N) (Becic)
 - Interlocal Agreement for Dakota County Natural Resources Center (W) (Puls)



World Herald
Morning Edition
Omaha, NE

NOV 24 2003

Universal Information Services, Inc.

Missouri disappointment

The Army Corps of Engineers' recommendation against flow changes on the Missouri River was hardly unexpected. But it was disappointing nevertheless. The corps has again failed to take advantage of potential compromises being proposed by groups interested in restoring the health of the river environment.

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

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

**Achieving
real balance
on the river
will require
real compromise.**

tion cycles of some of the fish and wildlife.

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

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

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

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



World Herald
Midlands Edition
Omaha, NE

NOV 29 2003

Universal Information Services, Inc.

Flow changes are wise

We greatly appreciate The World-Herald's steadfast support (Nov. 24 editorial) for restoring common sense to Missouri River management.

However, the flow changes that American Rivers, local conservation groups and river biologists support are neither unwise nor undoable. They would result in spring water levels in one year out of three that would be far short of anything that could be considered flood stage and certainly would pale in comparison to the river's historic flows.

A short period of low flow in the summer would mean just a few weeks without barges. The river had a short low-flow period the past two summers, and the world didn't end. A problem arose at the Dodge Park marina, but the City of Omaha, to its credit, is working hard to resolve that situation. Power plants did not shut down, and everyone had his share of drinking water.

In return, the region has the potential to build a billion-dollar recreation and tourism economy similar to what the Upper Mississippi River enjoys, and fish and wildlife species wouldn't become extinct on our watch.

It is time that the Missouri River again becomes a destination and an attraction instead of something that is largely avoided by most people today. That doesn't sound very extreme to us.

Rebecca Wodder, Washington, D.C.
President, American Rivers

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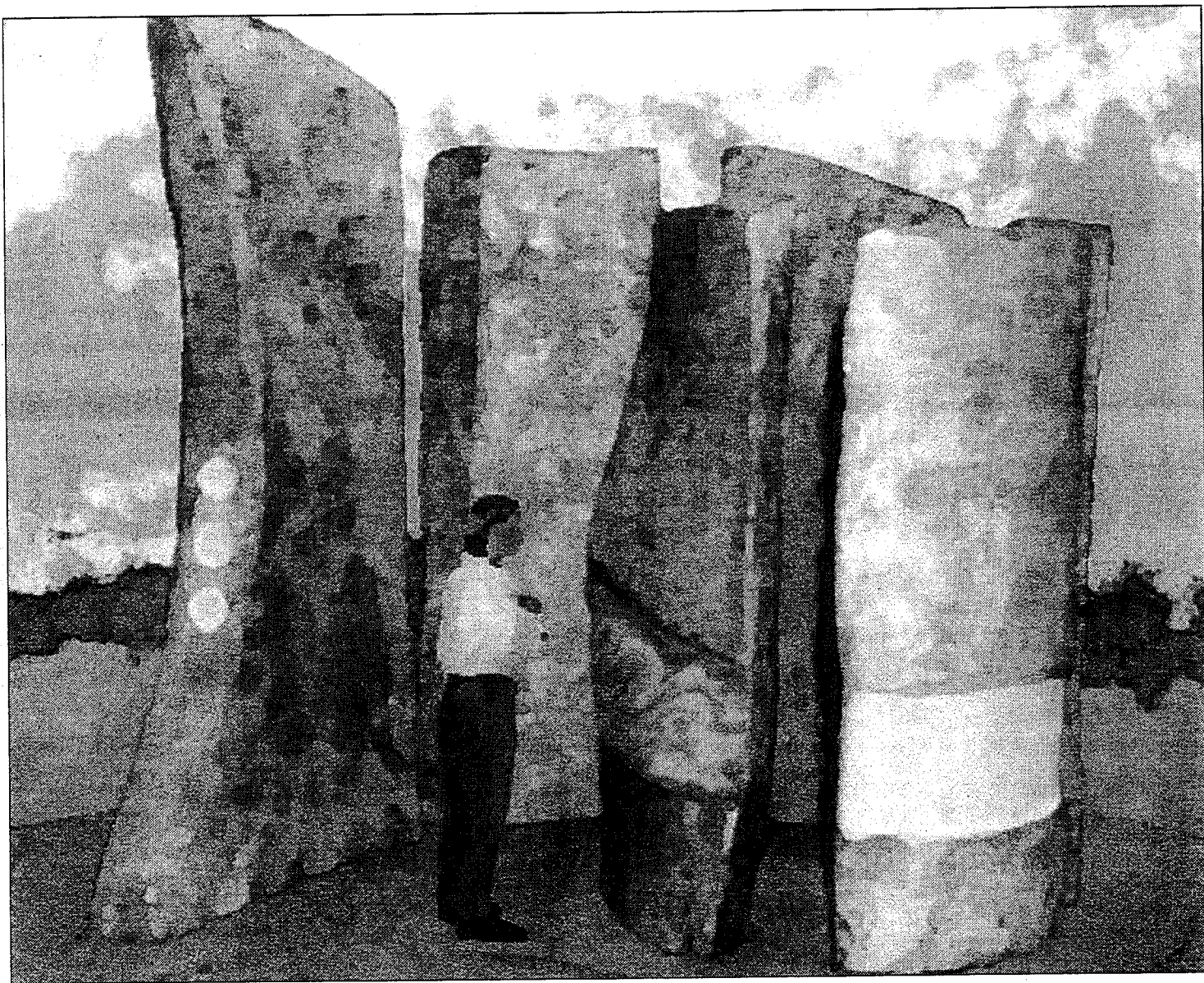
The Daily Nonpareil
(Shenandoah Edition)
Council Bluffs, IA
Cir. W.

NOV 30 2003

Universal Information Services, Inc.

COUNCIL BLUFFS/IOWA

The Daily Nonpareil



Submitted drawing

An artist's sketch shows the concept of a six-piece icon like the one that will be placed at the Western Historic Trails Center next spring.

Continued

Paying tribute to legends

Sculptures to mark the trail of Lewis and Clark

TIM JOHNSON
Staff Writer

Towering concrete panels adorned with interpretive art and historical information will mark eight Lewis and Clark exhibits along the Missouri River in Iowa and Nebraska by next April.

The Icon Interpretive Sculpture Project is part of an effort to enhance exhibits on the Lewis and Clark Trail sponsored by Back to the River, the National Park Service, the city of Omaha and the Papio-Missouri River Natural Resources District, said Carolyn Anderson, project manager. An ad hoc committee has been working on plans for several years in anticipation of the bicentennial of the expedition, which began in 1803 and ended in 1806.

"The object of the project is to create public art, No. 1, but also, for these eight interpretive sites,

to add to the attention given to them," she said.

Plans call for concrete panels ranging from 11 to 14 feet in height to be placed at the exhibits, including three in Council Bluffs and five in Omaha, Anderson said. Six sites will receive one panel, and two will have a cluster of six pieces arranged in a circle. Each icon will have an indented band that will be embellished by a local artist.

"It's going to be wonderful," said Laurel Ronk, director of the Bluffs Arts Council, which is working with a Council Bluffs artists on one icon. "Each one is going to be very different, because a different individual will be working on each one."

The icons will become permanent landmarks, Anderson said.

"The sculptures will be a symbol for the trail that will last for

many years beyond the bicentennial and will establish a permanent visual identity," she said. "The interpretive exhibits will be a major attraction for local citizens and visitors."

In Council Bluffs, icons will be placed at the Lewis and Clark Monument, Western Historic Trails Center and Dodge Riverside Golf Club. Artists for the three sculptures will be Yanna Ramaekers of Omaha, Nan Wilson of Sioux City and Marcia Joffe-Bouska of Council Bluffs.

Complete, six-piece icons will be placed at the Western Historic Trails Center in Council Bluffs and at Miller's Landing in Omaha, Anderson said. Other Omaha sites will include N.P. Dodge Park, Lewis and Clark Landing, Boyer Chute and Levi Carter Park.

Artists are currently working on their designs, Joffe-Bouska

said.

"Each icon has a theme," she said. "The theme for Riverside is transportation and some of the problems they encountered on the journey."

Joffe-Bouska plans to focus on water craft and river travel. In preparation, she is doing research on the types of boats used in the expedition, including the keelboat, pirogue and canoe.

"In the pages of the journals, there is a beautiful line drawing of the keelboat, so I hope to incorporate that into the design," she said.

The theme for the trails center icon will be the changing path of the river, and the Lewis and Clark Monument sculpture will focus on the various ecological environments in the river valley.

Artists must submit their final sketches to the committee by Jan. 5.

12/1/03

Neighbors earn their reputation as defenders

By RICK RUGGLES
WORLD-HERALD STAFF WRITER

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

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

"My back yard actually backs to the lake, and that was our big draw to the house," said Merrily Moore, who lives there with her husband and four children. "We've had pheasants back

there, and we've had deer. We have an owl back there at night. ... It is beautiful, and we want to keep it that way."

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

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

Scott proposed to pay for a 7.5-mile compressed limestone

See Lake: Page 2

Lake: Neighbors rejected billionaire's trail offer

Continued from Page 1

trail around the lake if a large road and park area on the east side were permanently closed.

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

Lake Cunningham Hills and the acreages nearby have been involved in three public debates over the last five years.

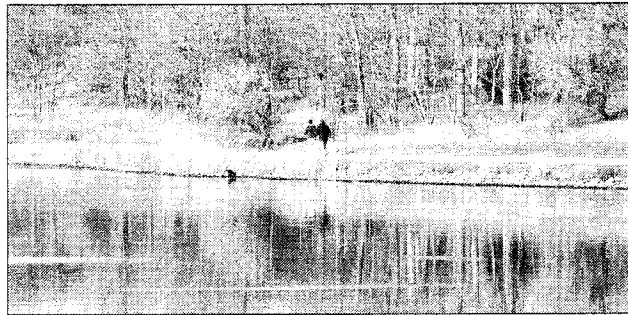
For their resistance in 1999 to a police-fire training center in their area, former Mayor Hal Daub referred to residents as CAVE people — citizens against virtually everything. Daub later apologized.

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

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

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

The year before, they fought the placement of manufactured, or modular, homes in an area just east of them. Some of the manufactured houses were erected in Lake Cunningham Ridge, although the bulk of that



KILEY CRUSE/THE WORLD-HERALD

A couple walk along a trail at Cunningham Lake, which has an active neighborhood association.

new subdivision is made up of starter homes that are not of the modular variety.

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

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

The large chunk of land the Scotts own east of the lake is bisected by Rainwood Road, which leads to the crumbling access road and park area in question. Dr. William Singer, son of

Walter Scott's wife, Suzanne, lives in a large house on a hill overlooking the north end of that access road.

On the south side of Rainwood are W. David Scott's house and Walter Scott's 24,000-square-foot mansion. W. David Scott is Walter's son.

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

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

Foster put the plan to a vote of the residents, most of whom lived near the lake, at a public

meeting on Nov. 18. They turned down Scott's offer on a 23-17 vote.

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

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

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

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

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

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

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

LJS 12/16

Information could help well owners

State officials should study the feasibility of creating a clearinghouse for information on potential sources of contamination for private wells.

Providing a central source of information would enable well owners to take action on their own to protect their health.

Concern about safety of the 110,000 households in the state served by private wells rose this year after homeowners in Grand Island learned they were drinking and showering in water contaminated with industrial solvents.

The source of the contamination has not officially been determined. However, tap water from the homeowners' private wells tested positive for the same industrial solvents that were burned and buried at a nearby industrial site 30 years ago.

The chemicals found in the well water can cause damage to the liver, central nervous system and kidneys. Long-exposure can cause cancer.

The homeowners now drink bottled water and use filtered water for showering and washing clothes. Since the switch, residents say they have noticed fewer health problems like skin rashes and headaches.

Contamination in the private wells in Grand Island was found after the contaminants were detected in a city well in the area. So far the contaminants have been found in private wells serving 50 homes.

Some of the Grand Island homeowners want to help other homeowners avoid the same hazard. They have suggested passage of a law to require that homeowners using private wells be told when contaminants are nearby.

They are meeting with resistance from officials who think such a system would be expensive and cumbersome.

The opponents have valid concerns. State officials say there are thousands of contaminated sites across the state, but not all pose a health risk. Soil type and well depth are factors affecting the potential of contamination.

Owners of private wells, however, face considerable expense if they test extensively for possible contaminants. A test for more than 80 dangerous substances could cost as much as \$4,000.

State officials recommend yearly testing only for bacteria and nitrates, which costs only about \$20.

By creating an easily accessible central clearing house, perhaps on a Internet site, for information about sites where contaminants have been detected, officials could empower private well owners to make decisions on their own whether to pay for more extensive testing.

That solution might not be as far-reaching as a requirement for notification, but it might be more doable at a time when state government spending is facing a shortfall of about \$200 million.

Nebraska proposes river plan

■ The proposal would allow a spring rise and late-summer fall in water levels on the Missouri.

By MATT KELLEY 12-6-02
WORLD-HERALD BUREAU

WASHINGTON — Nebraska is seeking a middle ground in the ongoing row over managing flows on the Missouri River.

Nebraska Attorney General Jon Bruning and Gov. Mike Johanns proposed a management plan Friday that would alter flows along the river to create a spring rise and a late-summer fall on the Missouri.

The proposal — to the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service — is unlikely to totally satisfy conservationists who want altered flows to protect endangered species on the river, or barge operators in Missouri who oppose any move to bring down water levels.

Even so, Nebraska officials say, the plan is a step toward common ground in a nasty river dispute that has dragged on for years.

"We're putting it out there as a reasonable and prudent alternative," said David Cookson, assistant attorney general and chief water litigator for Nebraska.

Cookson said the proposal would keep water levels high enough to avoid problems for Nebraska power companies and Omaha's Missouri River marina.

The Nebraska plan calls for a spring rise, though not as high as recommended by Fish and Wildlife Service biologists charged with ensuring the survival of two endangered birds and one fish.

The plan also calls for the river to drop in late summer, though not as low as some say is necessary to expose breeding grounds for the species.

Barge companies that operate on the Missouri and Mississippi Rivers contend that any flow

"We're putting it out there as a reasonable and prudent alternative."

*David Cookson,
Nebraska assistant
attorney general and
chief water litigator*

River: Compromise proposed

Continued from Page 1
changes could disrupt commerce on both rivers. Farmers worry that high spring flows will make it difficult to drain farmland near the river.

Cookson said the state offered the plan as an alternative in case the Fish and Wildlife Service rejects the corps' current proposal, which would not alter flows. Instead, the corps has proposed using bulldozers and draglines to build breeding grounds for endangered shorebirds.

Paul Johnston, a corps spokesman in Omaha, said the agency has seen the Nebraska proposal but still hopes that Fish and Wildlife will approve its bulldozer and dragline plan this month.

Cookson said state officials in Missouri — where downstream flows affect barges and farmers — have already rejected the Nebraska plan.

The plan received a warmer reception from Chad Smith, Nebraska field manager for American Rivers, a conservation group working to alter flows.

"It is a good-faith effort," Smith said, adding later, "We're not quite where we need to be."

In particular, Smith said, the Nebraska plan calls for spring

flows from Gavins Point Dam near Yankton, S.D., to hit 40,000 cubic feet per second in May. That isn't as high as some biologists say is needed to create new sandbars and nesting habitat for the piping plover and least tern.

The rise and fall would happen roughly once every three years, but never during a drought or when high water poses a flood risk.

Smith was more supportive of the proposal to bring down river levels to 25,000 cubic feet per second in late summer. Biologists say those lower flows are needed to expose nesting grounds and create the back-channel shallows needed by young pallid sturgeon, an endangered fish.

Cookson said he's hopeful the plan will gain support in North and South Dakota, where reservoirs on the Missouri have dropped to all-time low water levels. The lower level has stranded marinas on the reservoirs and wreaked havoc on businesses that depend on tourism and fishing.

Cookson said the plan contains a temporary drop in the Missouri in late spring, allowing reservoirs to retain water levels crucial to a successful fish spawn.

Current events

Nebraska officials have seized the initiative from the Army Corps of Engineers concerning how best to manage the Missouri River for the general good. Most states in the river basin are expected to sign on to a middle-of-the-road Nebraska plan, conceived as a rational alternative to the no-action plan being pushed by the corps.

The heart of the argument is whether flow changes are needed on the Missouri in order to benefit the environment, wildlife habitat and the survival of endangered species. The corps always has managed the river system and its six mainstem dams for the benefit of flood control and navigation. But times — and attitudes — have changed. And the corps has not.

In its proposed management plan for the river, the corps flatly rejected the idea of managed fluctuations in the level of the river below Gavins Point Dam. The corps' idea for the future was, essentially, its idea for the past: no change in water levels to enhance habitat or survival of species, endangered or otherwise.

The Nebraska proposal, on the other hand, includes some meticulously thought-out provisions for environmental flows that vary with the seasons. Roger Patterson, head of the Department of Natural Resources, said the plan would help the river environment and the species dependent on it. At the same time, it would maintain enough water in the system to keep downstream power plants operating, keep the few barges still plying the Missouri moving and not cause unusual flooding of agricultural land. It impresses us as a plan that leaves no real losers.

The plan is a modest approximation of what was once the river's natural pattern. It specifies a short spring spurt of water in mid-March, similar to what used to happen when snow melted off upstream plains. Then it would raise water levels significantly in May to reflect the floods that washed downstream when the snowpack in the mountains melted.

A summer habitat flow from mid-July to mid-August would expose sandbars to benefit bird habitat from Gavins Point to Sioux City.

It is important here to emphasize

Nebraska fields a Missouri River plan that should find favor with all factions.

that this flow isn't as low as the one envisioned in a federal Fish and Wildlife Service opinion on the needs of the Missouri.

The Nebraska plan, for instance, would permit minimal navigation. But it is a strong step in the right direction — a step that it ought to be possible to take without tripping over the vehement objections of a barge industry forced to maintain a split navigation season.

Patterson and Dave Cookson, assistant attorney general in charge of water matters, have already taken the plan to the corps' top echelon in Washington. They're selling it as a compromise that, while not perfect, can work for most of the special interests involved as well as for the basin states and the environment.

The key thing now is to position this compromise so that the corps can reach for it quickly, and approve it fast, in the (likely) event that the corps proposal is insufficient to protect river habitat. A new but knowledgeable team of Fish and Wildlife Service experts, perhaps compromised by political maneuvering in the Bush administration, is reviewing the science concerning what the environment needs. The previous team, as well as the prestigious National Academy of Sciences, recommended water-level fluctuations to benefit wildlife that exceed those proposed in the Nebraska plan.

Patterson's plan would be a good fall-back position for both the corps and Fish and Wildlife, although environmental organizations that have taken the corps to court to force river management changes might not think so.

Chad Smith of American Rivers called the plan a "step back" from a proposal agreed to by six basin states in 2002, and he is correct. That proposal raised so much opposition, though, that there was little practical chance it could ever become reality. However, American Rivers is a group dedicated to pressing for ideal solutions.

The Nebraska plan is not perfect, as Patterson is the first to say. But it is a workable compromise, and that's better than more years of doing nothing while politicians posture, courts wrangle and the river and the species that depend on it deteriorate.

Lincoln
Journal
Star

12/8/03

www.journalstar.com/nebraska

Business pushes for Nebraska wind farms

The Associated Press

GRAND ISLAND—Nebraska has the opportunity to pump millions of dollars into economically depressed rural communities if it takes steps to develop wind energy, a pioneer in the field says.

Dan Juhl of Pipestone, Minn., who has been involved in the wind energy industry for 25 years, said at the 90th annual Nebraska Farmers Union state convention that the state is way behind surrounding states in developing wind energy.

Juhl is the owner of DanMar and Associated Inc., a family-owned wind energy development company that owns and manages two companies active in the renewable energy business, including a 10.2 megawatt wind farm in Minnesota.

Juhl cited a Nebraska Public Power District survey that indicated 96 percent of the public supports developing renewable energy resources, such as wind energy, even if it costs consumers a little more.

"The thing that we really need to put on the table is that if Nebraska Public Power is going to get involved in wind energy, they better do it in a fashion that helps rural economic development and not just give huge contracts to big out-of-state corporations," Juhl said.

Juhl said a 1996 study in Minnesota found a \$10 million a year difference in the development of 100 megawatt wind farm if it's locally owned as opposed to being owned by an out-of-state corporation.

Under the wind energy policy developed in Minnesota, the state currently produces 425 Mw of wind energy that creates nearly \$500 million annually in local economic development, Juhl said.

He said because wind energy development in Minnesota was locally owned by family farmers and not by an out-of-state corporation, the dollars generated remain in local communities.

Juhl said wind energy technology had made major advances the last 10 years, and it was now competitive with conventional energy sources.

John Hansen, president of the Nebraska Farmers Union, said his organization was encouraging the Nebraska Legislature to adopt the Minnesota model of financial incentives for the development of wind energy.

LOCAL

JOURNAL STAR
Friday, December 12, 2003

Local news tips? Call the City Desk, 473-7306
Fax: 473-7305
E-mail: news@journalstar.com

Ethanol plant owner fined

The company agrees to pay \$209,000 to settle air pollution allegations against its facility in York.

BY ALGIE J. LAUKATIS
Lincoln Journal Star

The owner of a York ethanol plant has agreed to pay a \$209,000 fine to the state to settle a case involving alleged violations of air pollution laws. Abengoa Bioenergy, formerly High Plains Corp., was accused of releasing excessive amounts of volatile organic compounds and other pollutants into the air the Nebraska Department of Environmental Quality said Thursday.

The company also avoided installing equipment to limit emissions by not applying for and ob-

taining an air quality permit, the agency said. Further, it did not install the "best available" technology to control emissions.

Abengoa did not admit to the allegations made by the DEQ and the state attorney general's office but agreed to pay the penalty to settle the case. The company also agreed to apply for an air quality permit and install more emission controls.

The settlement requires Abengoa to begin adding some emission controls within 180 days. Those controls are intended to reduce emissions from its feed dryers, fermentation units, gas boilers, cooling cyclones and loadout facilities.

Chris Standlee, a vice president for the St. Louis-based Abengoa, said the company has cooperated fully in this situation, which he called "an industrywide issue."

"Neither the industry nor the regulatory agencies were aware that the testing methods on which the

original permit was based were inaccurate," he said. "Virtually all of these plants were emitting higher quantities of controlled pollutants than we thought they were."

Standlee said new testing methods were recently developed that showed ethanol plants were emitting more pollutants than allowed under their original permits. He said Abengoa is committed to determining what these emissions are and testing for them.

Asked if some hazardous pollutants could have been released, Standlee replied, "We certainly are not aware of any emissions that have been in any way detrimental to the York area."

Abengoa owns and operates an ethanol production plant east of York. Ethanol is a liquid created from starch-rich materials like corn. It can be used in fuels and other products. However, during production, a number of regulated air pol-

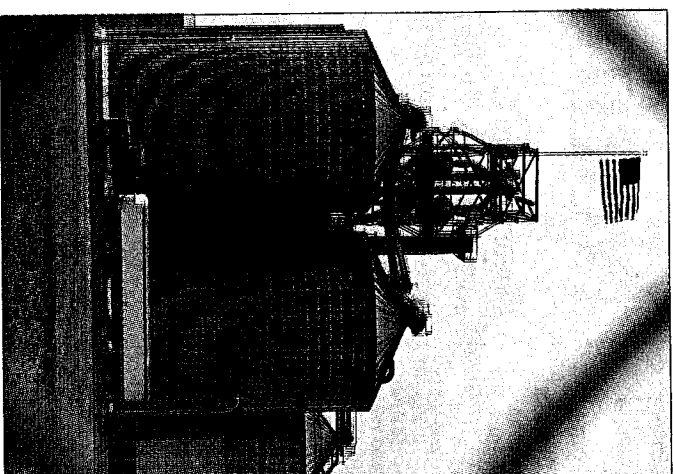
lutants — including nitrogen oxides, carbon monoxide, dust, sulfur dioxide and volatile organic compounds — are released into the air. The state regulates emissions through a permit process. DEQ officials allege Abengoa has released excessive amounts of volatile organic compounds since Sept. 14, 2002.

The agency also claims Abengoa's predecessor, High Plains Corp., did not apply for and obtain an air quality permit when the plant was built in 1993. Abengoa bought the York plant in January 2002.

Records show Abengoa also agreed to pay a \$10,000 fine in May to settle a case involving state air quality standards.

All fines collected in environmental regulation cases are distributed to schools in the county where the cases occurred.

Reach Algie J. Laukatis at 473-7243 or alaukatis@journalstar.com.



FILE PHOTO BY ERIC GREGORY/Lincoln Journal Star

Abengoa Bioenergy has agreed to pay \$209,000 to the state to settle a case involving alleged violations of air pollution laws at its York ethanol plant. According to the Nebraska Department of Environmental Quality, the plant released excessive amounts of volatile organic compounds and other pollutants into the air.

NEBRASKA

NPPD board approves wind farm plan

The site, whose construction was estimated at \$45 million, will generate 30 megawatts.

Lincoln Journal Star

The Nebraska Public Power District board on Friday approved the construction of a 30 megawatt wind farm near Alinsworth with the ability to add up to 75 megawatts of generation capacity in the future.

Construction costs for the wind farm are estimated at \$45 million, with only a slight impact to rates, NPPD said.

Management will work to com-

plete negotiations with Omaha Public Power District and Jacksonville Electric Authority for 10 megawatts each, and will market an additional 25 megawatts to other public entities, NPPD said in a press release.

The vote follows months of study and deliberation about the most economical option for investing in renewable energy and takes NPPD one step closer to achieving

its strategic plan objectives, the Columbus-based electric utility said.

"Two key goals of NPPD's strategic plan are to increase the amount of renewable energy in our generation portfolio and augment economic development in the state," NPPD Board Chairman Wayne Boyd said in a press release. "It is our fiscal responsibility to make sure it is an economical investment for our customers. The business case indicates it is."

The utility has options to lease land for the site, which has been determined to have excellent wind ca-

pacity and can accommodate the development of 75 megawatts of generation with minimal upgrades to transmission facilities.

But, the board did require management to complete detailed studies of the transmission system to verify the capacity of the site with the present transmission system.

"A primary benefit of the facility will be the reduction in NPPD's power purchases through the winter months," president and CEO Bill Fehrman said.

The board considered four different production levels for the wind farm: 15, 30, 50 and 75

megawatts.

"The 30 megawatt investment, with the potential to develop more for other utilities, made the most sense for NPPD and our customers," said Boyd. "NPPD's current base load generation allows wind energy to be added without the need for additional backup generation for use when the wind does not blow."

The project will require approval of the Nebraska Power Review Board.

Construction could begin sometime next year.

EPA suggests rules on mercury

But critics say they are less strict than those envisioned by Clinton White House

BY JOHN HEILPRIN
The Associated Press

WASHINGTON — The Bush administration on Monday proposed giving power plants up to 15 years to install new technology aimed solely at reducing mercury pollution, a week after science advisers said the government should be issuing stronger mercury warnings to pregnant women.

The Environmental Protection Agency's first-ever proposed controls on mercury pollution from power plants would require immediate action in some cases once they took effect by the end of 2004, senior EPA officials say. But they would be less than the limits envisioned by the Clinton administration, letting owners in some cases delay meeting requirements until 2018. They would let industry meet the first six years' goals by using pollution controls already installed to stem smog and acid rain.

Monday was the deadline for EPA to propose mercury limits for coal-fired power plants under a settlement with Natural Resources De-

fense Council. The council is an environmental group that had sued during the Clinton administration to force the regulations. The rule must be made final within a year.

"These actions represent the largest air reductions of any kind not specifically mandated by Congress," said Mike Leavitt, the new EPA administrator. "We are calling for the largest single industry investment in any clean air program in U.S. history."

EPA also proposed a measure for power plants to cut smog- and soot-forming chemicals from their smokestacks. Together, the programs are estimated to cost \$5 billion or more for industry to implement.

But while EPA said it was concerned about mercury, the Food and Drug Administration was told last week by a scientific advisory panel it should provide clearer advice to pregnant women and young children on the risks from mercury in their diets.

The Bush administration mercury plan differs greatly from the Clinton administration approach. According to EPA documents obtained by the

National Environmental Trust, an environmental advocacy group, the EPA in December 2001 estimated mercury could be cut by as much as 90 percent, to 5.5 tons, by 2008 if the best available technology were used under the planned Clinton regulations.

But the White House and Leavitt want to allow utilities to rely for the first six years on mercury pollution controls already installed to stem other pollutants that cause smog and acid rain.

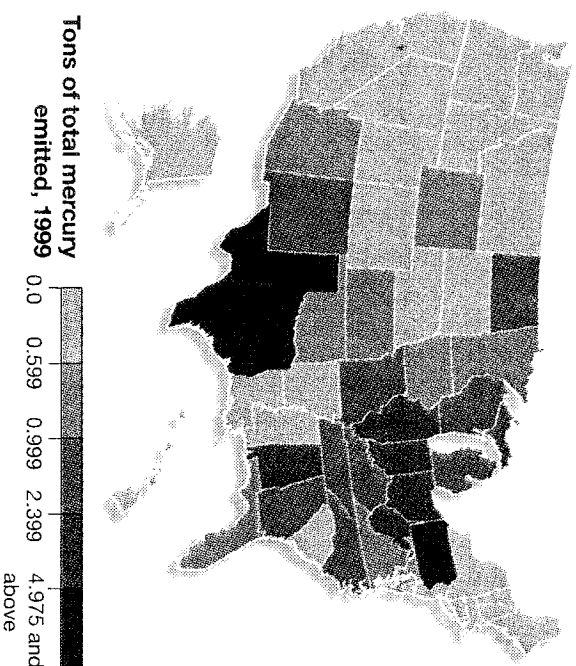
That approach, EPA says, would eliminate about 14 tons a year of mercury emissions from the currently unregulated 48 tons a year generated by coal-fired power plants. Such plants account for about 40 percent of the nation's mercury pollution.

After that, the proposal would cut an additional 19 tons a year of mercury emissions, EPA says. The result would be a 70 percent reduction — from 48 tons to 15 tons — by 2018, the agency says.

The Clinton administration listed mercury as a "hazardous air pollutant." The Bush administration would undo that by placing mercury under a less stringent category of the Clean Air Act, so it can be regulated using a program allowing companies to buy pollution credits from other plants.

Bush proposes mercury pollution controls

President Bush proposed controls on mercury pollution from power plants Monday. His proposal would let some owners delay meeting requirements until 2018. Under Clinton's proposal, plants would have the best mercury controls by 2008. The United States produces 48 tons of mercury per year from coal-fired power plants.



SOURCE: Environmental Protection Agency

AP

Water task force submits final report

Johanns calls the recommendations a 'good start' toward new water legislation that could cost up to \$11.1 million.

BY ALGIS J. LAUKAITIS
Lincoln Journal Star

Gov. Mike Johanns received Thursday the Nebraska Water Policy Task Force's final report, which proposes changes in state water law and the management of groundwater and surface water resources.

Now, Johanns and the Nebraska Legislature must find a way to pay for the water package, which could cost up to \$11.1 million.

Johanns told the group Thursday he would try to find a way to fund the recommendations in the report, the result of nearly two years of effort by the 49-member group made up of irrigation, environmental, recreation, agriculture, municipal, power and natural resource district representatives.

"We have a good start here at having a water law passed and I think a better law," Johanns said after receiving the report from state Sens. Ed Schrock of Elm Creek and Elaine Stuhr of Bradshaw.

Members recommended rais-

Water Policy Task Force Recommendations:

The 49-member Nebraska Water Policy Task Force submitted its final report to the governor Thursday. To view the entire report visit: www.dnr.state.ne.us. Here are some major highlights:

- Maintain the basic framework of the existing state laws governing the use of surface and groundwater but try to build and improve upon the framework.
- Modify existing laws to be more proactive and require certain management actions be taken by the state Department of Natural Resources and the state's 23 natural resources districts when a river basin is determined to be over appropriated or fully appropriated.
- Conduct an annual evaluation of the state's 13 river basins and issue an annual report, beginning in January 2006, of the expected long-term availability of hydrologically connected surface water and groundwater supplies in each basin.
- Identify the Platte River Basin above Elm Creek as being over appropriated. That would occur 60 days after the new water legislation takes effect.
- Develop and implement an integrated surface water and groundwater management plan within 3 to 5 years, once a basin is declared to be over appropriated or fully appropriated.
- Create a five-member Interrelated Water Review Board to settle disputes between the state Department of Natural Resources and NRDs over the development and implementation of integrated management plans. The governor would appoint all of the members.
- Allow temporary and permanent transfers or leases of surface water and groundwater.
- Establish a Water Resource Trust Fund to provide grants for interrelated water management activities. The fund could range from \$4.7 million to \$11.1 million. Some of the money would come from sales tax receipts.

ing some money through sales tax receipts and putting it in a special Water Resource Trust Fund. Using 0.02 of one cent of each sales tax

dollar could yield about \$4.7 million.

Most of the money would be

See WATER, Page 3B

LJS 12/19

Water

Continued from Page 1B

used to collect scientific data, prepare and implement water management plans, develop alternative water supplies and provide incentives for decreasing water use.

The task force listed two funding alternatives, one for \$11.1 million and another for \$4.7 million. About \$6.3 million of the \$11.1 million would come from existing state funds used for small watersheds, resource development and soil and water conservation.

Some money also could come from the state's natural resources districts. Groundwater management activities by NRDs could be exempted from the 2.5 percent budget lid. NRDs could raise their 4.5-cent property tax levy by 1.8 cents, but only in groundwater management areas.

Schrock told members he would introduce the bill that would carry most of the group's recommendations. He said he was optimistic about getting funding, but he urged members to talk to their senators about the legislation's importance.

"My experience in the Legislature is when water resources has to compete with human needs ... it loses out," Schrock said.

Created by LB1003, the task force was to evaluate the effectiveness of laws governing surface water and ground water management

'There's an increasing amount of tension between groundwater and surface water users, and it has to be addressed somehow.'

— Jim Cook, legal counsel for the state Department of Natural Resources

and recommend any needed changes.

In recent years, disputes have arisen between surface water users — those who pump directly from streams — and groundwater users — those who pump from wells. Those disputes have been magnified by a drought that enters its fifth year in some parts of Nebraska.

"There's an increasing amount of tension between groundwater and surface water users, and it has to be addressed somehow," Jim Cook, legal counsel for the state Department of Natural Resources, told reporters.

Reservoirs such as Lake McConaughy are at historic lows, and streams such as Pumpkin Creek, a tributary of the North Platte River, have dried up. Some say that's from overpumping of groundwater. At least two lawsuits have been filed over Pumpkin Creek.

A cooperative agreement being negotiated between Nebraska, Col-

orado and Wyoming also was a driving force for the group. The agreement is to restore endangered species' habitat along the Platte.

A goal of the water package is to restore water levels in the Platte to what they were in July 1997. That date was chosen because it is one of the conditions spelled out in the cooperative agreement.

Ann Bleed, deputy director of the state Department of Natural Resources, said the goal isn't to ensure that water is in the Platte at that time of the year.

"The river could still be dry," she said, adding that the overall goal is to improve water flows in the Platte River, which could take decades.

The Platte, upstream from Elm Creek to the Nebraska-Wyoming state line, was among the key rivers identified by the task force in need of desperate help. Bleed and Cook say that stretch of river is so heavily used by irrigators and others that no new water rights are being issued.

The task force recommended the state DNR and the state's 23 natural resources districts try to reach a level of sustainability along that reach. Cook said state law does not give those agencies the power to address problems and make changes.

Bleed said: "Under the (current) Ground Water Management Act you can mine (an aquifer) to extinction. This new level aims at sustainability."

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Johanns favors funding for water

12-19-03

■ The governor's task force says \$4.7 million is needed to give the state a sustainable use of the resource.

By NANCY GAARDER
WORLD-HERALD BUREAU

LINCOLN — Despite the state's financial difficulties, Gov. Mike Johanns on Thursday threw his weight behind finding the money to fix some of Nebraska's water problems.

A water policy task force that Johanns helped establish has told the governor that \$4.7 million is needed to pay for the financial incentives and water conservation projects that will lead the state toward a sustainable use of water. The recommendations are included in a legislative package that will be presented in January.

"Without funding," Johanns said, "we're not going to get very far."

The group has recommended that the Legislature set aside a sliver of the state's 5.5 cent sales tax—about 1/50 of a penny—for water projects. Although that's a tiny amount, most veteran observers of state politics say it is unlikely that the Legislature will agree to a set-aside.

Nonetheless, Johanns said the money can be found somewhere. After all, a successful water policy should reduce the amount the state spends each year on water lawsuits, which averages about \$3 million.

"The money's there," Johanns said, "but we've been spending it on lawyers."

If the Legislature does not earmark sales-tax revenue, the likely source is the state's general fund.

But the Legislature already faces a projected revenue shortfall of \$211 million in the two-year general fund budget and a number of competing priorities for new spending, including reforms to the state's system for protecting against child abuse.

State Sen. Ed Schrock of Elm Creek, a task force co-chairman, said that his colleagues in the Legislature, in addition to providing money, must resist any urge to change the recommendations.

That's because the proposal is a carefully crafted compromise among competing interests—groundwater and surface water users, environmentalists, electric utilities and city water systems. Change any part, and the difficult alliances that led to the overall package disintegrate.

"If this fails," Schrock said, "we are delegating our water to the courts."

from using water and would pay for reservoirs and other water projects.

The rest, about \$1.2 million, would go toward science-based studies that would analyze the condition of each basin in the state.

The proposal also asks that the Legislature make it easier for local natural resources districts to increase property taxes for water projects.

About 90 percent of the state's water is used by irrigators, and the task force considered, but rejected, paying for its proposals through a tax on water users.

Task force member Ron Bishop, general manager of the Central Platte Natural Resources District, said people statewide benefit from the economic stimulus provided by irri-

gated farming. Furthermore, protecting the state's water resources benefits municipal and industrial uses of water.

Central to the new policy is a requirement that every watershed in the state be studied to determine how much life it has left. Any groundwater hydrologically connected to the state's creeks and rivers would be included in the analysis. Action must be taken to prevent overuse.

The legislation would designate the Platte River west of Kearney as being overused and subject to a variety of mechanisms to reduce use. The first goal would be to return, within 10 years, the Platte's use to 1997 levels. If that is not a sustainable level, additional changes will be needed.

The legislation does not

change the dominant philosophy of local control. Natural resources districts would continue to take the lead on managing their water resources. And groundwater rights would remain "correlative," which means that when cutbacks must occur, all groundwater users suffer equally. There is no priority given to those with older wells.

The proposed legislation does not restrict use of groundwater that is not hydrologically connected to surface water. Thus, stand-alone areas of aquifers can be pumped dry, under this legislation. That includes portions of the Ogallala Aquifer.

The legislation also does not include any specific language that would address the threat of other states wanting to draw water from Nebraska.

Nebraska officials like latest river proposal

BY HENRY J. CORDS
WORLD-HERALD STAFF WRITER

An ancient fish that inhabits the Missouri River's depths won't survive without dam releases that restore some of the river's natural ebb and flow, a federal wildlife agency said Thursday.

The opinion by the U.S. Fish and Wildlife Service on the endangered pallid sturgeon could now force the Army Corps of Engineers to implement flow changes that have been strongly opposed by the navigation industry and other river interests.

But the impact in Nebraska and Iowa remains to be seen, in part because the flow changes



THE ASSOCIATED PRESS

called for by the wildlife agency are modest compared to past proposals, said Nebraska Attorney General Jon Bruning.

The wildlife service proposal

is similar to a compromise that Bruning and Nebraska Gov. Mike Johanns floated two weeks ago in an effort to break a 15-year political deadlock over the na-

Fish and Wildlife says the pallid sturgeon's survival depends on a more natural ebb and flow.



ON OMAHA.COM

Text of the Fish and Wildlife Service opinion.

tion's longest river.

The proposal appears to protect river navigation during the critical spring season, keeps enough water in the river to cool power plants and operate marinas during the summer and does not significantly raise the flooding risk for farmers along the river, Bruning said.

"To be sure, Nebraska would likely be better off with the status quo," Bruning said. "But it seemed pretty clear the service

See Sturgeon: Page 2

Sturgeon: Wildlife service wants river highs, lows

Continued from Page 1
was not going to accept the status quo, and it didn't."

The service's team of wildlife biologists said the pallid sturgeon, a fish that had been around 150 million years before the Missouri was dammed and straightened over the last half century, would be extinct on some stretches of the river by 2018 without changes.

The corps historically has released water from its four major Missouri River dams as needed to provide steady river levels for navigation and other uses.

The opinion called for altered dam releases that would create an annual spring rise on the Missouri to cue the fish's spawning instinct. That would be followed by lower river levels during summer to create more shallow water habitat for the juvenile fish to feed and grow.

The service also agreed with the corps that there needs to be a significant increase in habitat restoration projects — much like DeSoto Bend north of Omaha.

Particularly important would be creating more shallow-water habitat on the stretch of the river in Nebraska and Iowa from Sioux City, Iowa, to the confluence with the Platte River. Along that stretch, more than 98 percent of the natural habitat has been destroyed, the service said.

The condition of the fish is dire enough that the service called on the corps to implement the lower summer flows in 2004. Because of drought in the basin, the service did not recommend implementing the water-consuming spring rise until possibly 2006.

The Corps of Engineers — struggling since 1989 to update its master plan for operating the Missouri's dams — is caught in a debate that pits upstream states against downstream states and environmentalists against economic interests.

The debate started when Montana and the Dakotas sought to keep more water in upstream reservoirs during times of drought to protect their fishing and recreation industries.

In 2000, the Fish and Wildlife Service told the corps that if it did not change releases to mimic the river's more natural flows, the sturgeon and two endangered shorebirds, the piping plover and least tern, would be in jeopardy.

The corps sought to implement flow changes over the last three years but shied away in the face of fierce opposition, particularly from the state of Missouri.

The corps then proposed instead that it not change flows but engineer more habitat. That prompted Thursday's opinion.

The service found that the new corps proposal would not imperil the terns or plovers, whose numbers have increased since a 1997 flood created more sandbar habitat.

But the pallid's numbers continue to drop, the service said.

To promote recovery, it called for a two-stage river rise every spring and reduced flows in summer — both at less extreme levels than called for in the past.

They appear to be levels that Nebraska could live with, said

Roger Patterson, who as director of the Department of Natural Resources represents the state's interests in the river debate.

The summer flows are set at levels where power companies and marinas have been able to operate in the past, he said.

Navigation interests will have enough water to get fertilizer upriver in the spring, though operations during less critical summer months could be difficult during dry years, he said.

Randy Asbury, director of a Missouri-based coalition that has opposed flow changes, said he thinks Nebraska officials are naive if they think the proposal will protect their navigation interests.

Barge companies, he said, could pull off the river altogether if they would be required to shut down for a month most summers.

Officials with the corps said they would take time to examine the 300-page opinion. The agency is under court order to come up with a new dam operating plan by March 2004.

Omaha World Herald 12/22/03

Missouri compromise

Consensus appears to be within striking distance on protection and enhancement of the Missouri River ecosystem.

The biological opinion issued Thursday by the federal Fish and Wildlife Service reiterated and strengthened the call for environmentally friendly flow changes on the river, which has been degraded over the years by channelization and other modifications by the Army Corps of Engineers. Fish and Wildlife's recommendations in many ways closely parallel a compromise proposal floated recently by Nebraska officials as an alternative to the corps' status quo plan.

Fish and Wildlife said the corps must lower the river level next summer at least to what Nebraska officials have said is the minimum navigation level: 25,000 cubic feet per second from the Gavins Point Dam near Sioux City. While that isn't ideal, and barge operators on the Missouri are already in full squawk, it is a reasonable compromise that they ought to try to live with.

Not that environmental concerns were completely happy with the opinion. It does not order the corps to create the shallow-water nurseries that juvenile sturgeon need, said Scott Faber, a spokesman for Environmental Defense.

However, Chad Smith of American Rivers, a leading player in the debate, sounded this middle-ground note: "The new (opinion) identifies flow levels that, if viewed as a starting point, could be workable."

The service's opinion may have surprised some people. Hardly a month ago, the Bush administration fired the original Fish and Wildlife scientific team that formulated the flow-change regime. That group was replaced by other scientists assumed to be more sensitive to pressure from the administration, which has opposed changing the corps' plan. But the second scientific team had experience and sound credentials. We were not willing to condemn it prematurely, and that confidence was borne out on Thursday.

**The health
and future
of the river
is up for grabs
right now.**

The opinion did clarify some issues and differed in some ways from Fish and Wildlife's initial findings. For instance, the biologists didn't order a

spring increase in water flow this year because drought has lowered water levels in the upstream reservoirs.

That, however, is completely consistent with the kind of river management that has been proposed by environmental groups and others who want to restore the river. Opponents of change generally ignore the fact that spring rises and summer lows are proposed only for three years in 10, not every year.

The opinion also promotes habitat enhancement already under way along the Missouri. The corps has done some good work in that area; it needs to continue and expand the effort.

While the Fish and Wildlife opinion weighs heavily, the corps and its supporters are deeply entrenched. It will take all of the negotiating skills of Nebraska leaders, backed up by the determination of groups such as American Rivers, to effect change. Smith cautioned that the service's report seems to contain ambiguities that could allow the corps to continue its stalling tactics.

That shouldn't be allowed to happen. This issue has been hanging for 15 years while the population of endangered species of birds and fish on the river continues to dwindle and the viability of the entire habitat declines.

Compromise is in the air. What had seemed impossible now looks doable. We know that within the corps itself are managers and scientists who realize the need for compromise on the issue of flow management. It is time they seized the initiative.

Now is the moment for Nebraska leaders such as Gov. Mike Johanns and Attorney General Jon Bruning to press for their middle-ground plan.

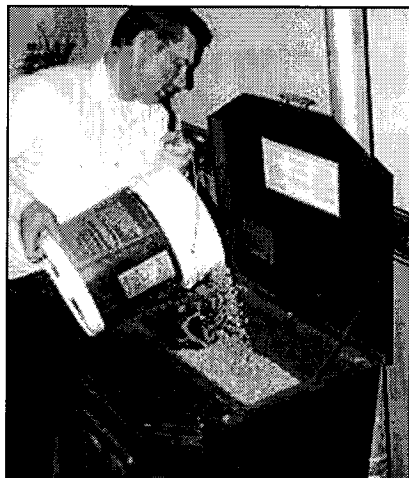
The health of the river that our grandchildren and their grandchildren will grow up with is being decided right now. It's time to seize the moment.



Published Monday
December 22, 2003

Homefires kept burning using corn as fuel

MORRILL, Neb. (AP) - When most people think of corn, they think about juicy corn on the cob dripping with butter or maybe the animal feed used in the agricultural industry.



Brad Grote pours corn into a stove to heat his Morrill, Neb., home. He burns about a bushel a day to heat his 1,600-square-foot house.

But one Nebraska producer thought of something else: heat.

When Brad Grote stokes up the fire at home, he isn't using firewood. Instead, he is using corn as an energy source.

He has been selling multifuel stoves for two years and serves customers all over the Panhandle. While he burns corn as his primary source of heat, the stoves also can be used with sunflowers, cherry pits, wheat, barley, rye or other grains.

Grote said the process isn't complicated. For corn, the grain needs to be about 15 percent moisture and fairly clean, and it takes some air injection to get the fire going.

The fire temperature is between 1,200 and 1,400 degrees Fahrenheit.

The stoves burn about a bushel a day. One hundred and forty pounds of corn produces about a 3-pound "clinker" of ash that can be dumped every two days. Grote said it is possible to have the ash tested for fertilizer, which could be used for trace mineral application in gardens and greenhouses.

He has found several advantages to corn-fueled heat, the biggest of which is cost.

"Hands down, it's cheaper," he said.

On his estimates, corn costs \$2.20 per bushel and costs \$6 to produce 1 million British thermal units of heat. That same amount of heat would cost \$11.45 for 10.9 gallons of propane at \$1.05 per gallon. It would also cost \$16.52 for 10 units of natural gas.

Though he concedes that electric heat might be the most efficient method for well-insulated homes, Grote said many houses aren't adequately insulated and have old windows that suck heat out of houses.

"They're losing a lot of heat," he said. "If they're going to lose it, at least they should lose cheaper heat."

Grote said using grain as a heat source adds value to the local agricultural economy.

Globally, Grote said, burning grain is better for the environment because it doesn't emit as many toxins as other fuel sources.

Contact the Omaha World-Herald [newsroom](#)

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LINCOLN JOURNAL STAR

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Be prepared to rebuild Mighty Mo

12-28-03

Now that the U.S. Fish and Wildlife Service has issued its last word on Missouri River flow, state leaders should prepare to seize an opportunity.

The opinion issued by federal officials last week calls for habitat restoration between Gavins Point Dam and the mouth of the Platte River near Plattsmouth.

Nebraska leaders should be ready with energy and plans that will maximize the recreational aspect of habitat restoration. They should work to restore the Missouri River to a natural resource full of beauty and wildlife that will be sought out by nature and water lovers.

Skeptics were worried that the so-called U.S. Fish and Wildlife SWAT team called into the negotiations by the Bush administration would overturn recommendations issued earlier by a team of experts that collectively have spent years studying the Missouri River.

Instead the 300-page opinion represents a compromise similar to terms proposed earlier by Gov. Mike Johanns and Attorney General Jon Bruning. Conservationists and the barge industry are both outraged.

The U.S. Army Corps of Engineers has been struggling for five years to revise its master plan of operations for the river. The barge industry has been vehemently protesting any change in the status quo, although shipping has fallen far short of predictions and recreational uses of the river generate far more revenue than the barge industry.

Simply put, continuing to manage the river for the benefit of the barge industry is a waste of money.

And managing the river for the barge industry is far more threatening to endangered species and other wildlife than a management style that gives recreational uses a higher priority.

The U.S. Army Corps of Engineers now presumably will use the final opinion from the U.S. Fish and Wildlife Service as it works toward a new deadline in 2006 to come up with revised management plan for the Missouri River.

In the meantime, the barge industry apparently will turn to Congress in an attempt to battle the river management approach using seasonal variations in flow that biologists say are essential to maintaining endangered species in the river.

At this point, however, it would take naked raw political power for the barge industry to win its battle. Too many biologists, from the SWAT team to the National Academy of Sciences, support a return to a more natural river flow that is higher in the spring and lower in the summer.

If Nebraska leaders are ready to push for habitat changes that will change the river from a straight-sided ditch filled with rushing water to a prettier, slower-moving river with meandering side channels, they could leave a desirable legacy for future generations.

W-H public release
12-30-83

Compromise is unwise

The Missouri River compromise is doomed from the start because it is against the law. The 1944 Flood Control Act sets the priorities for managing the Missouri, with flood control and navigation near the top.

The enabling legislation for the Missouri River Bank Stabilization and Navigation Project builds on the 1944 act by authorizing a 9-foot-deep navigation channel for eight months of the year. The Army Corps of Engineers has very limited discretion to change the navigation capacity of this project.

When Congress passed the Endangered Species Act, it grandfathered these existing authorized projects from strict compliance with the act. The corps is required to attempt to accommodate the U.S. Fish and Wildlife Service's biological opinion in managing the river, but only up to the point that it negatively affects an authorized purpose such as navigation. This compromise negatively affects the navigation purpose.

Unless Congress changes the project purposes, the only compromises that will help the endangered species are existing laws that authorize the corps to provide slack water habitat like the Boyer Chute. The environmental community should spend its efforts on lobbying Congress for several hundred million dollars to provide habitat rather than advocate illegal compromises.

Paul J. Kielian, Omaha