

MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager Report

DATE: January 4, 2008

FROM: John Winkler, General Manager

- A. **INFORMATION/EDUCATION REPORT:** A copy of the I&E Report detailing Information and Education activities for the month of December, 2007, is attached for your review.
- B. **MISCELLANEOUS/PERSONNEL ITEMS:**
1. **Justin Novak** has been hired as the P-MRNRD Surveyor. Justin started his full-time position on December 10, 2007. He previously served as the temporary Groundskeeper at Chalco Hills Rec Area. I would like to welcome Justin as a full-time employee of the District.
 2. **Paul Woodward**, Water Resources Engineer, received his Professional Engineers License at a ceremony at the State Capitol on December 13, 2007. **Congratulations on this achievement!!!!**
- 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, 2007. 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 17, 2007. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.
- E. **PAPILLION CREEK WATERSHED PARTNERSHIP REPORT:** Attached is the Papillion Creek Watershed Partnership Monthly Update for December, 2007. Please review and if you have any questions, contact me. The next Partnership meeting will be held on January 24, 2008 at 10:00 a.m. at the NRC. The Partnership has also scheduled a series of Public Forums to review the benefits of low impact development and detention alternatives in the Papio Creek watershed. The following is a list of the forums:

February 19, 2008

Papillion Creek Watershed Partnership Public Forum,
WH Thompson Alumni Center, 6001 Dodge St., Omaha
4:30 – 7:30 p.m.

February 21, 2008	Papillion Creek Watershed Partnership Public Forum, Northwest High School, 8204 Crown Point, Omaha, 4:30 – 7:30 p.m.
February 25, 2008	Papillion Creek Watershed Partnership Public Forum, Papillion LaVista South High School, 10799 Hwy 370 4:30 – 7:30 p.m.
February 27, 2008	Papillion Creek Watershed Partnership Public Forum, Millard West High School, 5710 S. 176 th Ave., Omaha, NE 4:30 – 7:30 p.m.
February 28, 2008	Papillion Creek Watershed Partnership Public Forum, Bellevue Lied Activity Center, 2700 Arboretum Dr., Bellevue, NE, at 4:30 – 7:30 p.m.
March 4, 2008	Papillion Creek Watershed Partnership Public Forum, Concordia High School, 15656 Fort St., Omaha 4:30 – 7:30 p.m.
March 6, 2008	Papillion Creek Watershed Partnership Public Forum, Dana College, 2848 College Dr., Blair, NE 4:30 – 7:30 p.m.

F. **NEWS CLIPS:**

- ✓ December 11, 2007, Omaha World Herald article – Funds divvied for transportation work
- ✓ December 12, 2007, Omaha World Herald editorial – Costs of control. Flood-plain mapping involves a dynamic, long-term process.
- ✓ December 16, 2007, Omaha World Herald article – Sewer plan has big PR budget. Despite a nearly \$500,000 information campaign, some say Omahans aren't hearing enough about the massive project.
- ✓ December 19, 2007, Omaha World Herald – City Council Notes – Lawrence Youngman park is born
- ✓ December 19, 2007, Lincoln Journal Star article – Irrigators along lower Platte fight for more water
- ✓ December 20, 2007, Omaha World Herald article – Most of testimony against Platte restrictions. Game and Parks officials, who had urged protection for the river in eastern Nebraska, were neutral in their comments this time around.
- ✓ December 20, 2007, Lincoln Journal Star article – Bleed told to keep Platte open to developers. Previous hearings favored ending irrigation development in Lower Platte River Basin.
- ✓ December 20, 2007, Omaha World Herald article – Kansas ups its water demands. An official says Nebraska must shut down thousands of wells to comply with a court ruling.
- ✓ December 20, 2007, Lincoln Journal Star article – Kansas ups water demands; Nebraska must shut down irrigation wells.

- ✓ December 23, 2007, Omaha World Herald article – Small lake near Omaha to be revived for fishing
- ✓ December 27, 2007, Omaha World Herald article – Cater Lake cleans up on state's list. It got the only earmark, for \$500,000, out of \$9 million allocated in Iowa.
- ✓ December 28, 2007, Lincoln Journal Star article – State budget to take hit from higher school costs
- ✓ December 31, 2007, Omaha World Herald editorial – The way is clear. Tactics aside, Republican River water dilemma seems headed in right direction.
- ✓ January 1, 2008, Blair Pilot-Tribune article – County approves joint stormwater management plan
- ✓ January 1, 2008, Douglas County Post-Gazette article – 'Elkhorn Landing' proposed as name for area of new park

/pt/Winkler/GM Reports/2008/January

December 2007

Information & Education Report

Information

- ◇ Helped set up FEMA remap open house.
- ◇ Continued preparations to provide an e-mailable version of the Spectrum Newsletter
- ◇ Continued work on rec area signs
- ◇ Continued editing Spectrum copy
- ◇ Began work on intergovernmental officials meeting Feb. 2
- ◇ Began preparations for Earth Day 08
- ◇ Worked on committee to plan and produce NRDs in NE Recreations Areas brochure.
- ◇ Met with Omaha W-H on "Kids Explore".
- ◇ Assisted Jim Becic with Blackbird Scenic Overview signs.
- ◇ I&E planning for 2008

Education

- Met with White Paper Committee to determine future action
- Trained 11 pre-service teachers from CU in Project WILD and Leopold Education Project
- Participated in Nebraska Envirothon Conference Call
- Presented Wildlife Encounters Program to Millard South Environmental Studies Class
- Trained 10 pre-service teachers from CSM in Project Wild and Leopold Education Project
- Presented Owl Pellet Presentation to Paddock Elementary 4-year old Class
- Presented Enviroscope Presentation to all 5th graders at Benson West
- Continued to work with AAS Partner Benson West to provide Birthday Cards to staff and artwork for NRC
- Finalized Toys For Tots Toy Drive
- Continued working on GPS curriculum
- Continued Planning LEP workshops for 2008 and travel for 2008 State Coordinators Meeting in St. Paul
- Continued working with Nature Explore Classroom at Peewee's Palace

December, 2007

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Updated: December 17, 2007

Current and On-Going Projects P-MRNRD Legal Counsel

✳ = **Top Priority**

F = Future Work – No Assignment

N = New Assignment

O = Others Handling

W = Work in Progress

P = PFP's Portion Completed

- **Little Papio:** (Cleveland)
 - ✳ Land transfer agreement w/Douglas County (W)
 - ✳ Piccolo Point easement forms (N)
- **Big Papio :** (Cleveland)
- **West Branch** (Cleveland):
 - Land Exchange with Sarpy Co. (96th St.) (P)
- **Western Sarpy Dike** (Cleveland):
 - Bundy and others ROW preparation (potentially modify ROW/offer) (N)
 - Amended drainage ditch easements on Hickey (First National Property) (P)
 - ✳ Hansen ROW Condemnation settlement (W)
 - ✳ Horn, Glasshoff ROW certification letter to USACE (N)
- **Floodway Purchase Program** (Woodward):
 - Floodway Property purchase agreements as needed (F)
 - King Lake closing (W)
- **Trail Projects** (Bowen):
 - ✳ Mopac Trail (Hwy 50 to Lied Bridge) –Educational Land & Funds condemnation; closings (W)
- **Missouri River Corridor Project** (Becic):
 - ✳ Missouri River Trail – Qwest Relocation Payment (P)

- **USDA P.L. 566 Projects, Silver Creek and Pigeon/Jones Watershed** (Puls/Cleveland):
 - Pigeon/Jones Creek Site Easements – as needed (F)
 - ✪ Silver Creek Site Easements– as needed (Site #11 and #9 ROW) (W)
 - Release of Site S-7 Easement (W)
 - ✪ S-31 – Handle Moore condemnation (W)
 - Turtle Creek #2 ROW documents (F)
- **Papio Watershed Dam Sites** (Woodward/Petermann):
 - ✪ Amend Omaha/Elkhorn Agreement for DS-13 (P)
- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):
- **Rural Water Projects:** (Sklenar)
- **Elkhorn River Public Access Sites** (Sklenar):
- **Other:**
 - Kennard Wastewater Closing (Woodward) (F)
 - ✪ Dakota County FP Mapping contract with PBS&J (Woodward) (N)
 - ✪ NGP&C Interlocal Agreement on D-4 dredging (Bowen) (N)

MONTHLY UPDATE

DECEMBER 2007

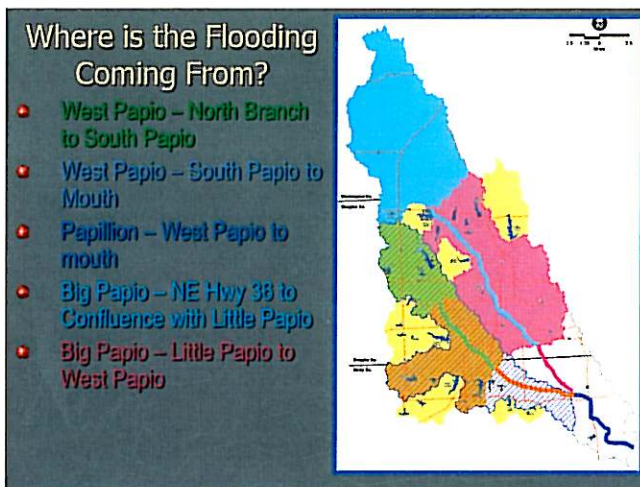


A Partnership meeting was held on December 20, 2007. Full meeting minutes and other materials are updated regularly on the Partnership's website: www.papiopartnership.org.

Stage IV Watershed Evaluation

HDR presented an update on the hydrologic and hydraulic analysis and explained the preliminary results for three of the modeling scenarios including existing conditions, future conditions, and regional detention.

Analysis of existing and future conditions within the watershed indicates that maximum flood flows will continue to increase between 5% and 13% over the next 30-40 years. The illustration below shows which watersheds cause the most severe (maximum) flooding in downstream reaches.



Evaluation points in the watershed were identified and the hydrologic impact of regional detention in Douglas and Sarpy County was presented. The results show that benefits from regional detention lessen as you get further downstream; however, future flood flows may be reduced by as much as 40% in creeks immediately downstream of some of the detention sites.

Public Outreach and Involvement

During December, the main focus of the Partnership was on the Public Outreach and Involvement program. In order to meet the ultimate goals of this task, the Partnership has setup seven public forums throughout the watershed to present Stage IV study results to the public and gather input.

The public forums will take place from 4:30-7:30 PM on the following dates and locations:

February 19, 2008 – UNO WH Thompson Alumni Center
February 21, 2008 – Northwest High School
February 25, 2008 – Papillion LaVista South High School
February 27, 2008 – Millard West High School
February 28, 2008 – Bellevue Lied Activity Center
March 4, 2008 – Concordia High School
March 6, 2008 – Dana College

Additionally, a flyer was distributed to civic organizations indicating that the PCWP had speakers available for their groups. A similar flyer will be distributed to home owner associations which will include the public forum dates.

One on one communications will be coordinated directly by the Partnership and will resume with public officials in January.

Results for the Papillion Creek TMDL Study provided by Nebraska Department of Environmental Quality

At the December 20th PCWP meeting, Pat O'Brien presented the results of the Total Maximum Daily Load (TMDL) study for Papillion Creek. The results indicate that an 87% to 98% reduction in bacteria is necessary for all analyzed stream segments to meet water quality standards. Background on TMDLs, results, possible sources of contamination and potential future regulations can be viewed in the presentation which is available through the Papio-Missouri Natural Resources District, please contact Amanda Grint.

Next Meetings: The next Communications Team meeting will be January 17th at 10:00 AM at the Papio-Missouri NRD office. The next full Partnership meeting is scheduled for January 24th at 10:00 AM also at the Papio Missouri NRD office.

Reminder: On February 2, 2008 at 9:00 AM a meeting is being held at the Scott Conference Center for elected officials within the Papillion Creek Watershed. Please encourage interested parties to attend as they meet to discuss the urgency of the Papillion Creek Watershed Plan.

Funds divvied for transportation work

By TOM SHAW

WORLD-HERALD STAFF WRITER

The State Department of Roads has announced funding to help a number of projects, from the pedestrian bridge over the Missouri River to a few interpretative markers along a historic byway in Dawes County.

The department awarded almost \$6.2 million to 16 projects. The money comes from the federal government and is disbursed by the state annually for projects dealing with alternative forms of transportation.

The state awarded \$1.5 million to the \$22 million pedestrian bridge linking Omaha and Council Bluffs.

Larry Foster, Omaha's parks administrator, said the state already had committed to providing that money. The State of Iowa has provided the same amount, and the Papio-Missouri River Natural Resources District provided \$1 million. Most of the money came from a federal earmark secured by former U.S. Sen. Bob Kerrey.

Foster said bridge construction is on schedule to be completed by November 2008.

Also in the state awards, Omaha received \$500,000 for repairs to the brick streets in the

Old Market. The rest of the money for the \$1.3 million project will come from city funds.

Other funds awarded to projects:

■ \$500,000 for the Nebraska Forest Service and the University of Nebraska-Lincoln to assist with landscaping along transportation corridors.

■ \$500,000 for the Wyuka Cemetery in Lincoln for renovation of a cemetery building.

■ \$499,666 for the Nebraska Game and Parks Commission to design and construct an 8-foot-wide, 1.4-mile-long concrete trail and to rehabilitate two trail bridges in the Fort Kearny State Recreation Area.

■ \$498,960 to the City of Papillion for a 10-foot-wide concrete trail that will be more than a mile long. The trail will begin at 72nd Street and Highway 370 and go north between 72nd Street and Midland Creek.

■ \$451,505 to the City of Springfield for a 10-foot-wide, 3,000-foot-long concrete trail that will begin just south of the Southern Sarpy Activities Complex.

■ \$380,036 to the City of Lincoln for improvements to a section of West O Street, including markers commemorating the historic Detroit-Lincoln-Denver

Highway.

■ \$331,425 to the City of Bennington to design and construct a 10-foot-wide, 1-mile-long trail across Papillion Creek.

■ \$296,217 to the City of Franklin for an 8-foot-wide hike and bike trail that will run less than a mile.

■ 219,186 to the Village of McCool Junction for a 10-foot-wide pedestrian and bike trail running less than a mile.

■ \$201,134 to the Lower Platte South Natural Resources District for a railroad undercrossing and trail connection near the Rosa Parks Way viaduct in Lincoln.

■ \$170,900 to the Lewis and Clark Natural Resources District to design and construct a trail 10 feet wide and more than a mile long east of the Gavin's Point Dam.

■ \$118,726 to the Village of Cairo for landscaping along the Loup River Scenic Byway, which is Highway 11.

■ \$21,760 for the Nebraska State Historical Society to preserve Nebraska's highway historical markers.

■ \$4,480 to Dawes County for two interpretive markers on the Gold Rush Byway, which is U.S. Highway 385.

The Federal Highway Admin-

istration also has announced \$882,400 to nine Nebraska organizations under the National Scenic Byways Program.

The money will be put toward:

Byway roll-up banners, \$24,000; geo-picting GPS photo scavenger hunt, \$94,400; byway photography and videography, \$96,000; byways podcasting and broadcasting, \$200,000; byways youth Web promotion, \$156,000; byways kiosks, enhancements and additional units, \$280,000; and Central Region byways conference, \$32,000.

World-Herald staff writer Michael Avok contributed to this report.

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* GEITNER SIMMONS, *Editorial Page Editor*

MIKE REILLY, *Managing Editor*

Costs of control

The new flood-plain maps of the Omaha area have thrown a kink into the smooth lives of some homeowners who have long believed they were far enough from the Papillion Creek system to escape federal flood-plain requirements and restrictions. A flood plain, however, is a dynamic thing, changing over time.

More than 120 area property owners showed up at an informational session sponsored recently by the Papio-Missouri River Natural Resources District to find out how new flood maps of the West Papio affected them. The maps, replacing outdated ones drawn more than 30 years ago, were commissioned by the NRD and the Federal Emergency Management Agency.

The NRD is the regional agency charged with managing flood control.

Between 700 and 900 new properties were added to the flood plain by the new maps, NRD officials said. Not only do property owners in the flood plain have to buy special insurance if their mortgages are federally insured; they also can face restrictions on development of their property. In addition, a flood-plain designation can have a negative impact on a home's selling price.

There are two obvious reasons why these maps need to be revised every few decades. First, mapping technology progresses and makes it

Flood-plain mapping involves a dynamic, long-term process.

possible for cartographers to more precisely identify such details as the 100-year flood plain.

Second, development all along the watershed can and usually does have a negative effect on the amount and speed of flood water flowing down a stream. The outcome: more rain, more streamflow, more flooding downstream and a larger flood plain.

Each upstream parking lot, roof, street, patio and development takes some land that once absorbed rain before it hit the streams and hurries the water into the watercourse. Development in Washington County, for instance, can increase the amount of flooding in Omaha.

The NRD is required by the federal government to solve flooding problems along the watershed. It has proposed a series of dams upstream of the city, an unpopular proposal opposed by some property owners. In turn, they and others have suggested that alternatives could serve as well. Examples include rain gardens, which catch water and allow it to soak into the ground, or porous paving.

But as hundreds of Omahans now understand, the problem is not simple nor the remedy obvious. How the NRD and local governments answer the challenge of flood control will have an impact on Omaha-area residents, urbanites and others well into the future.

Sewer plan has big PR budget

12-16-07

■ Despite a nearly \$500,000 information campaign, some say Omahans aren't hearing enough about the massive project.

By KAREN SLOAN
WORLD-HERALD STAFF WRITER

Omaha officials want you to learn about the city's plan to fix its aging sewer system.

The cost of your sewer education: close to half a million dollars.

The city will pay \$444,330 over the course of three years to a local marketing and public relations firm to inform and collect input from residents about the sewer project.

One year into the effort, two Omaha City Councilmen say they aren't satisfied with the re-

sults from Lovgren Marketing Group. While Councilmen Garry Gerhardt and Frank Brown haven't criticized the cost of the public relations campaign, both expressed concern that not enough information is getting to Omaha's minority residents.

Omaha's environmental services manager, Marty Grate, defended the effectiveness and cost of the campaign. While acknowledging it's a lot of money, he said the scope and overall cost of the project are so massive that city officials believed

someone with expertise in communications was needed.

Omaha will spend an estimated \$1.5 billion to bring its aging sewer system into compliance with federal clean water rules. Additionally, the city is spending \$24.7 million on an engineering study of the sewer problems.

Despite concerns raised by Gerhardt and Brown, the council last week unanimously approved a new two-year contract for Lovgren. The latest contract

is for \$246,190. The firm's initial one-year contract, approved in December 2006, was for \$198,140.

Grate said he doesn't know if the city will retain a public relations firm after the latest contract runs out.

President and CEO Linda Lovgren said the campaign has been a significant time commitment for her eight-member staff. "I understand that these look like a lot of dollars, but this is an investment," she said. *See Sewer: Page 2*

Sewer: More public meetings planned on project

Continued from Page 1

vestment for clean water and a better quality of life for our citizens," she said.

The engineering study, planned upgrades to the sewer system and Lovgren's contracts are all being funded through sewer usage fees. Grate has said the average monthly usage fee, now about \$12, is expected to rise to around \$50 by 2017.

The rate increases will affect all areas that use Omaha's sewer system, including Bennington, Boys Town, Ralston, Gretna, La Vista, Papillion, Carter Lake and Elkhorn, as well as much of Bellevue, unincorporated Douglas County and northern Sarpy County.

Omaha is not the first public entity to hire an outside communications firm to help generate support for large projects. Earlier this year, the Papio-Missouri River Natural Resources District board approved spending \$86,000 on a public information campaign about its proposal to build up to 29 new dams.

NRD officials said they needed the firm to counter misinformation about the dam project. Douglas County Commissioner Clare Duda called the expense an "absurd" use of tax dollars.

Grate, who oversees the sewer project for Omaha, said the money the city is spending on Lovgren is not going down the drain. For one thing, public participation and input is required by the federal government, he said.

"We don't really have anyone on staff with that kind of (public relations) expertise," Grate said. "Engineers are not always the best communicators."

For the first contract, Lovgren organized 10 local groups called Basin Advisory Panels, which are made up of interested community members. A city-wide advisory panel was also established. These groups are intended to provide input to the engineers working on the project and also address community concerns.

Lovgren also organized several public meetings in the spring and early summer that weren't heavily attended. However, more than 200 people packed a late August meeting when the city unveiled its preliminary \$1.5-billion plan.

Lovgren also maintained a Web site and phone hot line on the sewer project and has developed fliers and fact sheets.

Even so, Councilmen Gerhardt and Brown don't think the message is getting to everyone. During a public hearing on the new contract, both said they want to see more information get to minority communities.

"You haven't really engaged the public. There aren't enough people at these meetings," Brown told Lovgren. "I'd like to see you step it up and go to the churches."

Rebecca Barrientos-Patlan, a member of two of the sewer panels, said she often speaks to groups that don't understand the sewer project. She has spoken to elderly people and residents living in western parts of

the city who don't realize their sewer rates will climb.

"The public is getting part of the plan, but they aren't getting all the information," she said. "Something is not getting across."

Grate said he is pleased with Lovgren's efforts thus far. "Granted, there is more work to be done," he said.

Lovgren said she recently brought on additional staff who will concentrate on communicating with the black and Hispanic communities. They also will work closely with religious leaders and continue to offer information in English and Spanish, Lovgren said.

She said she will organize more public meetings and will hold some in western portions of the city. She also hopes to develop a public television program explaining the sewer issue.

"We believe it is going to take more than the last 11 months to educate the metropolitan area about this program," Lovgren told the City Council.

CITY COUNCIL NOTES

Lawrence Youngman park is born

Lawrence Youngman Lake it is.

The Omaha City Council unanimously voted Tuesday to name a new flagship park at the northwest corner of 192nd Street and West Dodge Road after former World-Herald reporter Lawrence Youngman.

The 175-acre park has been planned since 2001, but the city has not developed the park, which had informally been referred to as Memorial Park West.

Youngman's daughter, Judy Wigton, has agreed to donate \$500,000 to help develop the park, which now has a 60-acre lake created by a Papio-Missouri River Natural Resources District dam, though there is no public access to the lake now.

The first phase of the park's

W-H
12-19-07
development includes vehicle access to the lake as well as a playground and picnic area. Subsequent phases call for a trail around the lake, tennis courts, a baseball field and pavilion. The concept for Lawrence Youngman Lake is a place, similar to Memorial Park, where west Omaha residents can gather for events and concerts.

Youngman, who died in 2003, had donated park land to the city on several occasions. Prior to that, he was a World War II correspondent and was among the first in the state to push for commercial aviation and airports. He also founded Travel and Transport, which is now one of the largest travel companies in the country.

—Karen Sloan

Irrigators along lower Platte fight for more water

BY ART HOVEY / Lincoln Journal Star

Wednesday, Dec 19, 2007 - 07:11:40 pm CST

The state's top water official already has made a preliminary decision to keep the Lower Platte River Basin open to irrigation development — and testimony at a hearing in Lincoln Wednesday was decidedly in favor of making her decision final.

But there seemed to be an air of uneasiness in the room as Ann Bleed pondered the message she could send as soon as next month to irrigators and to those trying to keep water available to threatened and endangered species.

One reason why? All previous hearings ordered by the state's natural resources director followed decisions to stop water development in river basins farther west.

A hearing under Wednesday's circumstances suggests Bleed may be open to changing her mind about the Lower Platte, which covers about 30 percent of the irrigated area in the state and provides Lincoln with its drinking water.

Uneasiness also might be explained by the Nebraska Game and Parks Commission's continuing concerns about the impact of more water development on depleted populations of pallid sturgeons and two bird species, the least tern and the piping plover.

Kirk Nelson of Game and Parks showed no signs of backing off following the hearing.

"It's a difference of opinion on how the river should be managed," Nelson said. "We're concerned that any future development will have a negative impact on the species."

Although Game and Parks and Michael LeValley of the U.S. Fish and Wildlife Service offered what they portrayed as neutral testimony, LeValley raised similar points.

He described the Lower Platte as "crucial to the recovery" of the pallid sturgeon. He also said the federal agency's past reviews of water levels on the Platte had determined that "there are or may be adverse effects" on the grouping of rare birds and fish.

Groups trying to keep the Lower Platte and the major tributaries of the Loup and Elkhorn open to more irrigation development countered by hammering away at the credibility of pending bird and fish reports Game and Parks cites as red flags.

Mark Czaplewski, a biologist with the Central Platte Natural Resources District in Grand Island, was among those doing the hammering.

"We believe there may be reason to question some of the science in the reports," he said.

Others from the ranks of critics, including Wahoo attorney Jaron Bromm, said a 2004 water law that allowed Bleed to shut down irrigation did not allow her to use the welfare of birds and fish as a reason.

Continued

Bromm said she must act “within the regulatory structure” and according to criteria meant to keep water available for human use.

Lloyd Miller, a Beemer irrigator and member of the Lower Elkhorn NRD board, said many farmers in eastern Nebraska are heavily dependent on irrigation to make up for lapses in rainfall.

“Without irrigation, I probably would not be farming today,” Miller said. “And hopefully, some day, I will be able to pass my operation on to my son.”

Bleed said after the hearing she decided to call it because “in the past, we’ve had people complain to the department that we should have determined an area to be fully appropriated.”

But John Knapp of Springfield was the only person taking advantage of that opportunity Wednesday. Knapp wants Bleed to reverse her preliminary decision.

He called for a proactive approach and cited the water strains that go with rapid and increasingly dense property development in Sarpy County.

Most of testimony against Platte restrictions

12-20-07

BY DAVID HENDEE

WORLD-HERALD BUREAU

LINCOLN — The majority of people testifying at a public hearing Wednesday said they agree that the Platte River in eastern Nebraska has enough water to meet current needs.

Supporters of that position outnumbered opponents and those voicing neutrality 12 to 3 at a session in which the Nebraska Department of Natural Resources sought testimony on its preliminary decision that the lower Platte doesn't need special protection yet.

The Nebraska Game and Parks Commission has been saying since October that the 100-mile stretch of the Platte — from Columbus to its mouth at the Missouri River — can't suffer further depletions of water without jeopardizing the habitat and existence of endangered or threatened species.

Game and Parks officials, who have urged protection for the river in eastern Nebraska, were neutral in their comments this time around.

The commission says its scientific studies indicate that the river should be protected from new water development, such as irrigation, to benefit pallid sturgeon, piping plovers and least terns.

But Game and Parks and the U.S. Fish and Wildlife Service offered neutral testimony Wednesday. Kirk Nelson, a Game and Parks assistant director, said the agency has studied the Platte for more than 20 years and is prepared to work with others to ad-

dress the problems.

A group of natural resources districts and cities in the region — calling itself the Lower Platte Basin Coalition — has organized to challenge the Game and Parks position. Several members of the group testified at the hearing.

Remarks by Mark Czaplewski, a biologist for the Central Platte Natural Resources District at Grand Island, typified that testimony.

"I want to emphasize the coalition's support for the (Game and Parks) Commission's efforts to protect and recover endangered and threatened fish and wildlife in Nebraska. But . . . we continue to have serious concerns with regard to the soundness of the science contained in these reports," he said.

John Knapp, a Sarpy County farmer, was the lone opponent to Department of Natural Resources' decision not to declare the lower Platte "fully appropri-

ated." Such a designation would make the river ineligible for further development.

Knapp said sprawling commercial and residential development in the area threaten water supplies and cost taxpayers millions of dollars to mitigate resulting problems.

"We should take action before individuals spend large amounts of money on their pet projects, only to find out that they have spent these funds going for the last same drop of water," he said.

Ann Bleed, director of the Natural Resources Department, will make a final determination on the Platte's status no later than Jan. 18.

The department holds hearings today at 10 a.m. in Atkinson and 7 p.m. in Valentine on a preliminary determination that the lower Niobrara River is fully appropriated. A hearing on the same topic will be held at 3 p.m. Dec. 27 in Gordon.

Bleed told to keep Platte open to developers

Previous hearings favored ending irrigation development in Lower Platte River Basin.

BY ART HOVEY
Lincoln Journal Star

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how the river should be managed," Nelson said. "We're concerned that any future development will have a negative impact on the species."

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Lloyd Miller, a Beemer irrigator and member of the Lower Elkhorn NRD board, said many farmers in eastern Nebraska are heavily dependent on irrigation to make up for lapses in rainfall.

"Without irrigation, I probably

would not be farming today," Miller said. "And hopefully, some day, I will be able to pass my operation on to my son."

Bleed said after the hearing she decided to call it because "in the past, we've had people complain to the department that we should have determined an area to be fully appropriated."

But John Knapp of Springfield was the only person taking advantage of that opportunity Wednesday. Knapp wants Bleed to reverse her preliminary decision.

He called for a proactive approach and cited the water strains that go with rapid and increasingly dense property development in Sarpy County.

"The county and developers want to pack us in like sardines," he said.

Reach Art Hovey at (402) 523-4949 or ahovey@alltel.net.

Kansas

ups its

water

demands

■ An official says

Nebraska must shut down thousands of wells to comply with a court ruling.

12-20-07

By DAVID HENDEE

WORLD-HERALD BUREAU

LINCOLN — Kansas turned up the heat Wednesday in its simmering water war with Nebraska.

Kansas' top water official demanded that Nebraska significantly reduce its use of Republican River water — by shutting down thousands of irrigation wells — and pay monetary damages for the overuse of water in 2005 and 2006.

Kansas contends that Nebraska has violated water use rules spelled out by the U.S. Supreme Court in a 2002 settlement between the two states.

"Nebraska has neglected its

See **Water: Page 2**

On Page 2B

The Platte River in eastern Nebraska has enough water to meet current needs, the Department of Natural Resources is told.

Water: Kansas asks damages on '05, '06 crop losses

Continued from Page 1

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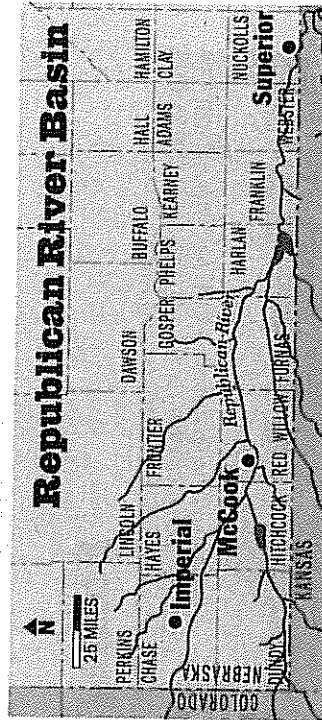
Nebraska's efforts to meet the Supreme Court's order "have been grossly insufficient and unrealistic," Barfield said. "Kansas' water users continue to suffer as a result."

Gov. Dave Heineman said Nebraska has started programs that will bring the state into compliance. Nebraska has used more Republican River water than allowed under the out-of-court settlement of a lawsuit brought by Kansas in 1998.

A new state law set up a procedure for Nebraska to buy water from irrigators to supplement river flows. The law, however, is being challenged in court.

Also, the Upper, Middle and Lower Republican Natural Resources Districts in Nebraska are in the final stages of adopting new plans to manage water in the Republican basin. Those guidelines would generally reduce the amount of water farmers are allowed to pump for irrigation by 20 percent from 1998-2002 levels.

"These are important steps that deserve recognition," Heineman said.



THE WORLD-HERALD

Barfield, who has aggressively insisted that Nebraska comply with the Republican River agreement, said good-faith efforts aren't good enough.

"Nebraska's idea to buy water (from irrigators and let it to flow to Kansas) and say 'Trust us' will not work," Barfield said in an interview.

Barfield's get-tough policy came in a letter to Ann Bleed, director of the Nebraska Department of Natural Resources.

He suggested that Nebraska immediately shut down wells within 2½ miles of the Republican and its tributaries, and on land in the river's basin where irrigation began after 2000.

Barfield said Kansas' crop losses in 2005 and 2006 can't be recovered, so Nebraska should

pay damages equal to either Nebraska's financial gains or Kansas' losses, whichever is greater.

Kansas claims that Nebraska used an estimated 83,000 acre-feet of water beyond what it was entitled to in 2005 and 2006. Nebraska, however, says the total is lower. The states are sorting out that dispute. One acre-foot is equal to 325,851 gallons.

"The amount of water overused in 2005 and 2006 is about what a city of 100,000 would use in 10 years," Barfield said.

Nebraska is expected to be in compliance with the Republican River agreement this year.

Jasper Fanning, general manager of the Upper Republican NRD, based in Imperial, said the reduced-pumping and wa-

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"The plans we're putting in place are better for Nebraska and will get Kansas its water sooner," he said.

Nebraska Attorney General Jon Bruning said he hoped the dispute could be resolved without further litigation.

If Kansas decides to take Nebraska back to court, however, Bruning said he would vigorously defend the state.

"We are confident that the steps in the proposed integrated management plans will get us where we need to be without the need for the drastic actions suggested by Kansas," Bruning said Wednesday.

Nebraska has 45 days to respond to Kansas' proposed remedy. If agreement cannot be reached, Kansas will submit the matter to the Republican River Compact Administration for resolution.

The states' water troubles date to the 1980s, when Kansas claimed that Nebraska was violating the 1943 Republican River Compact, which defined how waters of the Republican basin are to be divided among Colorado, Nebraska and Kansas.

Published Thursday | December 20, 2007

Kansas ups water demands; Nebraska must shut down irrigation wells

BY DAVID HENDEE

WORLD-HERALD BUREAU

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Continued

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Small lake near Omaha to be revived for fishing

12-23-07

By NANCY GAARDER

WORLD-HERALD STAFF WRITER

Fishing enthusiasts will have another spot near Omaha to snag some bass and bluegill, as the state and Papio-NRD have decided to rehab a small lake just upstream of Lake Cunningham.

Jeff Jackson, southeastern district fisheries supervisor for the Nebraska Game and Parks Commission, said the 30-acre lake on the northwest corner of Highway 36 and 96th Street should be ready for fishing in 2011.

The lake is designed to catch sediment that otherwise would have flowed into Cunningham. As a result, it has silted in and degraded in quality.

Game and Parks, in partnership with the Papio-Missouri

River Natural Resources District, plans to dredge about 100,000 cubic yards of sediment from the lake at a cost of about \$500,000.

The small lake will appeal to a different type of angler than Cunningham, which also is being rehabilitated. The smaller lake, Jackson said, will likely be quieter, require a short hike to reach and offer an opportunity for anglers who like to use float tubes.

Cunningham will have bass and bluegill, too, but it also will have open water fishing for boaters searching for white bass and walleye.

Jackson said Game and Parks expects to begin refilling Lake Cunningham in the spring and that good fishing in that lake is about two years away.

Carter Lake cleans up on state's list

■ It got the only earmark, for \$500,000, out of \$9 million allocated in Iowa.

DES MOINES (AP) — State officials have identified 35 lakes in Iowa that are most in need of restoration, and one received special funding during the last legislative session.

That was Carter Lake, which is known for its water-skiing, fishing and proximity to downtown Omaha.

It also has something else going for it: The lake sits in the district of two powerful Democratic lawmakers, Senate Majority Leader Mike Gronstal and Rep. Paul Shomshor, chairman of the House Ways and Means Committee.

Lawmakers approved

\$500,000 in specified state funding — an earmark — to clean up Carter Lake, moving the project ahead of 131 other Iowa lakes on a restoration priority list, according to records the Associated Press obtained through an information request.

In an interview, Gronstal downplayed any role he or Shomshor had in bringing funding to their area.

He pointed out that the earmark contains contingencies for Nebraska to participate in the lake's restoration and noted that the Iowa Department of Natural Resources supports the project.

"Well, it doesn't hurt," Gron-

stal said of his status as majority leader. "It also doesn't hurt that it's represented by Paul Shomshor in the House. But I would say that we've put a lot more money — plenty of money — into lakes in Republican districts."

In fact, the earmark is only a small part of the \$9 million the Legislature allocated for lake restoration projects.

"It's like anything," said Mike McGhee, who oversees lake restoration for the Department of Natural Resources. "Some lawmakers have their constituents who say they've got something they want help with. I say, with lake restoration, whatever push it gets, that's fine."

By all accounts, Carter Lake needs help — largely because of years of runoff from Omaha's

Eppley Airfield. The \$500,000 will pay for dredging and efforts to secure the watershed around the lake, among other improvements.

Carter Lake was ranked fourth on a list of needy lakes compiled by Iowa State University, and none of the higher-ranked lakes received earmarks. Those lakes are Mariposa Lake in Jasper County, Swan Lake in Carroll County and East Lake in Clarke County.

McGhee said he is simply glad that the Legislature is committed to lake cleanup.

"We have 35 lakes now that we're really comfortable with," he said. "It takes a while, frankly, to get these projects up and running, so we're glad we have the money. We wanted long term sustainability."

State budget to take hit from higher school costs

By NANCY HICKS / Lincoln Journal Star

Friday, Dec 28, 2007 - 07:18:27 pm CST

State aid to education has become the monster that ate the budget surplus.

State leaders announced Friday that mushrooming state aid to public schools will gobble up much of the \$52 million state surplus.

Calling for an overhaul of the state aid formula, Gov. Dave Heineman said the 17.5 percent increase in aid to schools is "a financial bombshell."

"I am a strong supporter of state aid to education," Heineman said in a news release. "But this extraordinary increase" — plus 11 percent increases predicted for each of the next two years — "are simply unsustainable."

State leaders had expected some increase in aid to schools, which is driven by a formula in state law. But the new aid estimate is much higher than earlier predicted.

The state likely will send about \$885.5 million in general fund tax dollars to public school districts next year — about \$53 million more than expected when senators approved the two-year budget last spring.

The unexpected increase doesn't leave the state in the poorhouse. But it does put a big crimp in the extra money some senators had hoped to use for other needs.

The surplus for this budget period — money above already budgeted amounts — is down to about \$12.9 million after accounting for the extra in state aid to education, according to the Legislature's fiscal office.

And senators already were looking at ways to spend that money.

The University of Nebraska, for instance, is seeking about \$16 million for a new student services computer system.

But the rapidly growing state aid will create even more severe problems in future years, threatening to cut into funding for other state services.

"If I were the university, I'd be worried," said Appropriations Committee Chairman Lavon Heidemann of Elk Creek.

There's enough money to cover state aid in this two-year budget cycle. But in the future, state leaders will have to either raise taxes or cut spending of other agencies to keep up with state aid growth, he said.

Heidemann said he expects some senators may want to tinker with the aid formula, but that wasn't his reason for sending a warning letter about the issue to them this week.

In his response, the governor recommended eliminating the automatic nature of state aid.

"The amount of state aid to education should be a policy decision for the Legislature and the governor, not a computer in the Department of Education," he said in the news release.

"The current state aid formula is unpredictable and unsustainable. Long term, the state of Nebraska needs a simplified and understandable state aid formula for education," he said.

Several factors are responsible for this increase, from flat federal education funding to a decision by senators to pay for more of the summer school programs, according to an analysis by the fiscal office.

Nearly two-thirds of the unexpected growth is due to legislation passed over the past few years, said Tom Bergquist, an analyst with the Legislature.

State aid to schools historically has had funding swings, from actual decreases to large increases, he said. The average increase over the past 10 years has been about 4.3 percent, he said.

The current state aid number is still an estimate and could change before the Feb. 1 deadline for finalizing state aid.

OWH Editorial 12-31-07

The way is clear

Tactics aside, Republican River water dilemma seems headed in right direction

12/31/07

The game of chess between Kansas and Nebraska that will settle the future of the Republican River is at the eyeball-to-eyeball stage. About where it should be, in other words.

The latest move was by Kansas, which attacked, demanded and threatened. The top Kansas water official used the words "neglected its obligations" in the same breath with "Nebraska" and called some mighty hard-fought political water battles in the Legislature that ended successfully "insufficient."

He also demanded that Nebraska officials shut down thousands of irrigation wells to reduce its take of water from the Republican, and he threatened substantial monetary damages if they didn't.

OK. Now everybody knows where he stands. Maybe the officials involved can get something done.

Both Kansas and Nebraska are standing on fairly solid ground. Kansas is angry because it believes Nebraska violated water use rules set by the U.S. Supreme Court for the Republican River in 2002. And it is, at least in part, correct.

Irrigators in the Republican did use more water than they were entitled to in 2005 and 2006. But according to officials in Lincoln, it works out to far less than what Kansas officials claim. Kansas also appears to be arguing its case by using depletion figures and years that make its claims look virtuous.

It is entirely likely, however, that Nebraska water leaders can point to statistics with equally rosy prognostications that make the Cornhusker State look good. That's what negotiators do, however — they come out snorting at the extremes, catch sight of the reasonable middle ground and begin working toward it.

The upcoming skirmishing over technical studies, hydrological observations and water measurements may look messy to the casual observer, but it'll be meat and potatoes to the experts on both sides. They have the intelligence, the ability and, let's hope, the will to eventually settle on a reasonable and workable solution.

The challenge for Nebraska water leaders will be to come up with a balanced, long-term solution that will keep Republican River surface-water and groundwater irrigators in business, uphold the legal agreement reached in 2002 and stretch into the foreseeable future. It is entirely possible, considering the way things are looking now at the state Department of Natural Resources.

It will depend somewhat, of course, on whether Kansas actually carries out its threat to lawyer up again and take the issue to the high court. That could take many years (20 or 30 in such cases isn't extraordinary) and cost both sides far more than the benefits Kansas could possibly receive, even if it won the case. And what happens to Kansas irrigators during the interim?

The price of animosity is too high.

The situation as it now stands is this: Nebraska officials are confident that Kansas got all the Republican River water to which it was entitled in 2007, and something like 15,000 to 20,000 acre-feet more. Nebraska and its stakeholders have the tools in place, in the form of Legislative Bill 701, passed in the last session, to do the work necessary.

The Lower, Middle and Upper Republican River Natural Resources Districts are expected to accept, within the next two weeks, integrated management plans that will set them on a course to comply with the regulations.

If any of the three should fail, the state is poised to step in and do what is necessary to ensure compliance.

This is the right direction. If Nebraska lawmakers, state officials, irrigators and NRD board members keep their aim steady and their course true, they should find the way out of the Republican River water mess.

County approves joint stormwater management plan

Pilot-Tribune 1-1-08

Washington County has new stormwater management policies after the County Board of Supervisors unanimously approved the plan it had developed in cooperation with Douglas County.

"I feel like this is one of the most important things we've worked on for some time, for the residents of both counties," said Harlo Wilcox, Washington County Board chairman.

Wilcox emphasized that the plan the county board approved was a draft of the policies, which won't be finalized until attorneys for both counties sit down and go through it.

"But it's a darn sight better than what we have had," he said.

Douglas County approved the stormwater management policies earlier in December.

Wilcox said the new policies should help guide development in the county more closely.

"This is more for the developers than it is for anybody else," Wilcox said.

One key aspect of the new policies is the lack of dams proposed for stormwater management.

Wilcox noted that the Papio-Missouri River Natural Resources District has developed a water management plan that includes several controversial dams

and reservoirs in Washington and Douglas counties.

He said the counties' new joint policies, "will take the place of dams."

Shaun Melotz of Bennington, who served on the committee that developed the new policies, said the new plan would "solve stormwater management issues without threatening 9,000 acres of land," a reference to NRD dam proposals.

The basic idea of the stormwater management policies is to stop rainfall where it lands through the use of various best management practices and low impact development techniques.

These include things such as buffer strips around streams to prevent erosion, terracing, no-till farming, wetland restoration to remove sediment and bacteria, rain gardens and rain barrels in private homes, infiltration cells and bioswells to allow rainwater to filter through the ground back to the aquifer and installing sediment basins and silt fences during construction.

Wilcox noted that the newly adopted policies do not include any fees to fund enforcement of them. He said the counties would have to work with the Nebraska Legislature on that.

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by Lou Rodgers

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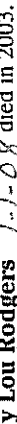
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