

MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager Report

DATE: June 6, 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 May, 2008, is attached for your review.
- B. **MISCELLANEOUS/PERSONNEL ITEMS:**
 - 1. **District Accounting Position:** The District Accounting position was advertised in the Omaha World Herald and Lincoln Journal Star on April 27 and May 4. Over thirty applications were received. I have reviewed the applications and narrowed the field to 5 candidates. Interviews will be scheduled for the week of June 16th.
- 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 May, 2008. 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 May 12, 2008. 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 May, 2008. Please review and if you have any questions, contact me. The next Partnership meeting will be held on June 26, 2008, at 10:00 a.m. at the NRC.
- F. **UPRR RIGHT OF WAY ABANDONMENT:** District staff has been working with the Nebraska Trails Foundation to obtain railbanking status on the proposed UPRR abandonment along the West Branch between Giles Road and Old L Street. I have attached a letter from the Nebraska Trails Foundation requesting the Surface Transportation Board to establish the railbanking. UPRR is not opposed to this designation. An appraisal of the property has not been completed at this time, but we anticipate that it will be in the \$500,000 range. The estimated amount has been included in the FY 2009 budget.

G. NEWS CLIPS:

- ✓ May 10, 2008, Omaha World Herald article – 3 vie for Washington seat on NRD Board
- ✓ May 11, 2008, Omaha World Herald article – When it rains ... New levee rules put towns in fiscal fix. Post-Katrina safety standards might call for costly upgrades in riverside towns from Hooper to Omaha
- ✓ May 13, 2008, Omaha World Herald article – Bike lanes coming to Omaha streets. A 20-mile route will help riders from trails in the central part of the city get downtown.
- ✓ May 14, 2008, Omaha World Herald editorial – Another water battle. Conflict dogs Republican, Niobrara; Platte River system next.
- ✓ May 15, 2008, Omaha World Herald article – Farm bill gets veto-proof House OK
- ✓ May 16, 2008, Omaha World Herald article – Johanns and Kleeb support farm bill
- ✓ May 16, 2008, Omaha World Herald article – Rain garden will clean runoff into Carter Lake
- ✓ May 16, 2008, Lincoln Journal Star article – River dispute headed for non-binding arbitration
- ✓ May 16, 2008, Blair Enterprise article – Japp advances in NRD
- ✓ May 19, 2008, Omaha World Herald Community Connection – Breaking away for day of bike fun and facts
- ✓ May 20, 2008, Omaha World Herald article – Judge strikes down part of Republican River law
- ✓ May 20, 2008, Omaha World Herald article – Bruning will appeal decision on water tax. Water problem is statewide issue, plaintiffs say.
- ✓ May 21, 2008, Omaha World Herald article – County OKs green for green roof. Planting atop the Saddlebrook multiuse building will reduce runoff and pollution.
- ✓ May 23, 2008, Omaha World Herald article – Ruling no snag in Republican River fight
- ✓ June 3, 2008, Omaha World Herald editorial – Getting out their message
- ✓ June 6, 2008, Washington County Pilot Tribune article – Bridge's role in flooding questioned again

May 2008

Information & Education Report

Information

- ◊ Began work on Summer 08 SPECTRUM
- ◊ Produced and distributed radio and TV PSAs
- ◊ Coordinated additions to web site supporting PSAs
- ◊ Prepared draft I&E budget for 09
- ◊ Updated Walnut Creek page on web site
- ◊ Began work on the preparation of a P-MRNRD fact sheet to accompany facts sheets being prepared by all NRDs

Education

- ☐ Continued planning for NRD Summer Day Camps
- ☐ Held Water Works 2008 (2000 students attended)
- ☐ Continued working on GPS curriculum
- ☐ Met with Boy Scouts of America about mentoring program (Venture Program)
- ☐ Took all 1st graders from Prairie Wind Elementary on Nature Hikes and gave them presentations on Reptiles/Amphibians
- ☐ Took Millard South Environmental Studies Class on Nature Hike
- ☐ Held King Science & Technology 7th Grade Field Days (2 days, all 7th graders in attendance)
- ☐ Visited Nebraska Statewide Arboretum
- ☐ Presented Frog/Turtle program to all preschoolers at Hearts and Hands Preschool
- ☐ Presented 9 water quality programs at Gretna Middle School Field Day
- ☐ Met with Ken Finch to further discuss the Omaha Outside Initiative
- ☐ Presented Geocaching program to Millard South Environmental Studies Class
- ☐ Presented Geocaching program at Ralston Summer School (130 Students, K-6 graders)
- ☐ Presented Enviroscope to Girl Scout Troup (10 scouts)

Updated: May 12, 2008

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 (P)
 - ☼ Piccolo Point easement forms (W)
- **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) (W)
 - Amended drainage ditch easements on Hickey (First National Property) (P)
 - ☼ Horn, Glasshoff ROW certification letter to USACE (W)
- **Floodway Purchase Program** (Woodward):
 - Floodway Property purchase agreements as needed (F)
- **Trail Projects** (Bowen):
 - Mopac Trail (Hwy 50 to Lied Bridge) –Educational Land & Funds condemnation; closings (P)
- **Missouri River Corridor Project** (Becic):
 - ☼ Agreement for Omaha to maintain Missouri River Trail at N.P. Dodge North (P)

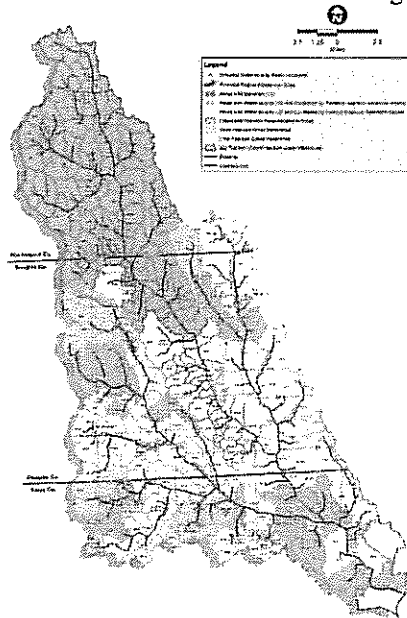
- **USDA P.L. 566 Projects, Silver Creek and Pigeon/Jones Watershed** (Puls/Cleveland):
 - Pigeon/Jones Creek Site Easements – as needed (F)
 - Silver Creek Site Easements– as needed (Site #11 and #9 ROW) (W)
 - Release of Site S-7 Easement (W)
 - ✪ Turtle Creek #2 rehab project contract documents (W)
 - ✪ Revise P/J Site 15 Agreement w/Dakota County (W)
- **Papio Watershed Dam Sites** (Woodward/Petermann):
- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):
- **Rural Water Projects:** (Sklenar)
- **Elkhorn River Public Access Sites** (Sklenar):
- **Other:**
 - Kennard Wastewater Closing (Woodward) (F)
 - ✪ Rumsey Station wetlands expansion purchase agreement closing (Cleveland) (F)
 - ✪ Blair NRCS/NRD office; prepare closing documents for property (Sklenar) (F)
 - ✪ Village of Waterloo – levee cost-share agreement (Woodward) (N)
 - Glacier Creek appraisal review and purchase agreement (N)

MAY 2008



Stage IV Watershed Evaluation

HDR gave an update on the watershed management plan and an example of a financial plan. The analysis began with a project ranking based on flood control and the estimated time frame for development as determined by Omaha's Master Plan. Communities were encouraged to review the priority ranking and provide input on additional considerations that might change a project's priority. From this point, a population projection was used to determine the number of potential developable gross acres for time increments between 2010 and 2050. This was broken down to estimate a potential fee per lot from the private sector that would finance 1/3 of the project costs. The estimated fee per lot was determined to be significantly larger than previously discussed during initial policy development. Results from the example financing plan showed that initial costs would exceed available funding. Outside revenue would be necessary to offset this deficit. Discussions continue on the potential funding framework for the watershed management plan.



Stormwater Management Policies

Talks continued during the month of May on the stormwater management policy revisions. The intent of the revisions are to better suit the policies to the proposed watershed plan and also to attempt to merge the Papillion Creek Watershed Partnership policies with the Douglas/Washington County policies to form a unified set of requirements that all parties can agree to. The group seems to be in agreement that creek setbacks should be clarified and enforced for all streams with drainage areas up to 50 acres. Several concerns were voiced about development in the floodplain. The group as a whole is in favor of restricting development, but to varying degrees. Stormwater Management Financing continues to be a topic of discussion but with feedback from developers and engineers it is hopeful that some agreements can be reached. The Partnership expects to finalize the policy revisions within the next few months.

Public Outreach and Involvement

The Elected Officials meeting has been postponed to a later date. The Partnership members are hopeful that a meeting date can be set in the Fall.

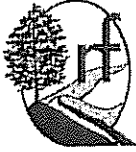
Recent Stormwater Regulations

The first part of June, the City of Omaha will be presenting their ordinance revision stating that LID shall be required on all new developments to provide water quality control of the first ½ inch of stormwater runoff. The ordinance revision will first be presented at Planning Commission and is expected to be in front of City Council in July. All Partnership members are encouraged to adopt this ordinance change. The City, along with the Papio NRD and Olsson Associates, will be hosting a workshop for developers and engineers on the ordinance change and post construction stormwater management. The workshop is scheduled for September 25th at the Douglas/Sarpy Extension Office.

Next Meeting: The next Partnership meeting is scheduled for June 26 at 10:00 AM at the Papio-Missouri River NRD.



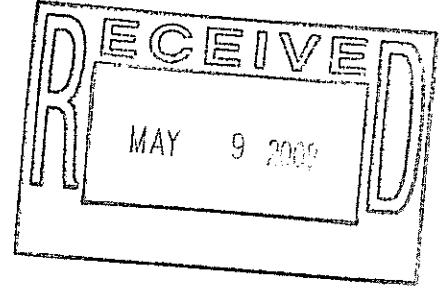
BENNINGTON



Nebraska Trails Foundation, Inc.

1644 Woodsvlew • Lincoln, NE • 68502-4649 • 402-420-5885

May 6, 2008



Ann K. Quinlan, Secretary
Surface Transportation Board
395 E Street SW
Washington, DC 20423

RE: Surface Transportation Board, Docket No. AB-33 (Sub-No. 260X)
Union Pacific Railroad Company – Abandonment Exemption in Douglas
and Sarpy Counties, NE

Dear Ms. Quinlan:

Enclosed is a request for "Interim Trail Use" on the rail line cited above.
Also enclosed is a check for \$200 for the fee regarding this request.

This request is advanced by the Nebraska Trails Foundation, Inc. and
Nebraska's Papio-Missouri Natural Resources District.

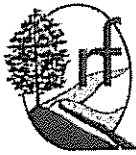
Thank you for your attention to this request.

Yours truly,

Ross Greathouse
for Nebraska Trails Foundation, Inc.
3901 South 27th Street
Lincoln, Nebraska 68502

Enclosures: 2

RG:cg



Nebraska Trails Foundation, Inc.

1644 Woodsvlew • Lincoln, NE • 68502-4649 • 402-420-5885

May 6, 2008

Ann K. Quinlan, Secretary
Surface Transportation Board
395 E Street SW
Washington, DC 20423

RE: Surface Transportation Board, Docket No. AB-33 (Sub-No. 260X)
Union Pacific Railroad Company – Abandonment Exemption in Douglas
and Sarpy Counties, NE

Dear Ms. Quinlan:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of Nebraska Trails Foundation, Inc., a non-profit organization interested in promoting trail development in the State of Nebraska, which is hereinafter referred to as "Commenter." This is also being filed on behalf of the Papio-Missouri River Natural Resources District, 8901 South 154th Street, Omaha, Nebraska 68138.

Commenter takes no position on the propriety of discontinuance of current rail service, but Commenter does request issuance of a Notice of Interim Trail Use (NITU) rather than outright abandonment authorization. These comments pertain to the rail line of Union Pacific Railroad Company, with respect to the 3.45 mile portion of its Millard Industrial Lead, extending between Milepost 22.85 in Omaha, NE and Milepost 19.4 in LaVista, NE, in Douglas and Sarpy Counties, NE. The line traverses U.S. Postal Service Zip Codes 68128 and 68137 and includes no stations. The right-of-way is part of a line proposed for abandonment in Docket AB-33 (Sub-No 260X.)

A map of the right-of-way is attached.

A. Public Use Condition

Commenter requests the Surface Transportation Board find that this property is suitable for other public use, specifically trail use,

and to place the following condition on the abandonment:

1. Barring non-public disposition condition sought: *An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms.*

Justification: This corridor offers an excellent addition to commuter-recreation trails in the Metropolitan Omaha area. This right-of-way is part of the Master Plan for Trails as is shown on an attached map. It will connect the Millard area with LaVista and Papillion which leads to the West Papio Trail and on to the Keystone Trail. It will provide connections between neighborhoods, schools, and parks. It will also provide opportunities for off-street commuting.

The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time to coordinate efforts with local interest groups and to commence negotiations with the Carrier.

2. Preserving trail-related structures condition sought: *An order barring removal or destruction of trail-related structures such as bridges, culverts, ballast and rip/rap; but not removal of tracks, ties and signal equipment.*

Justification: Bridges, culverts, ballast and rip/rap have considerable value for and would certainly facilitate recreational trail purposes. On the other hand, such structures generally have a negative salvage value for a railroad, so their preservation poses no burden on interstate commerce.

The time period requested is 180 days from effective date of the abandonment authorization for the same reason indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail-banking in addition to the public use conditions sought above. Commenter also requests rail-banking and interim trail use. Commenter accordingly makes the following statement:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY.

In order to establish interim trail use and rail-banking under Section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, Nebraska Trails Foundation, Inc. and Papio-Missouri River Natural Resources District are willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the use is immune from liability, in which case it need only indemnify the Railroad against any potential liability,) and for payment of any and all taxes that may be levied or assessed against the right-of-way owned by the Union Pacific Railroad Company.

A map depicting right-of-way is attached.

The Nebraska Trails Foundation, Inc. and the Papio-Missouri River Natural Resources District acknowledge that use of the right-of-way is subject to the users continuing to meet its responsibilities described above, and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

A copy of the statement is being served on the Railroad on the same date it is being served on the Commission.

By my signature below, I certify service on Mack H. Shumate, Jr., Senior General Attorney, Law Department, Union Pacific Railroad, 101 N. Wacker Dr., Rm 1920, Chicago, IL 60606-1718.

Surface Transportation Board
May 6, 2008
Page 4

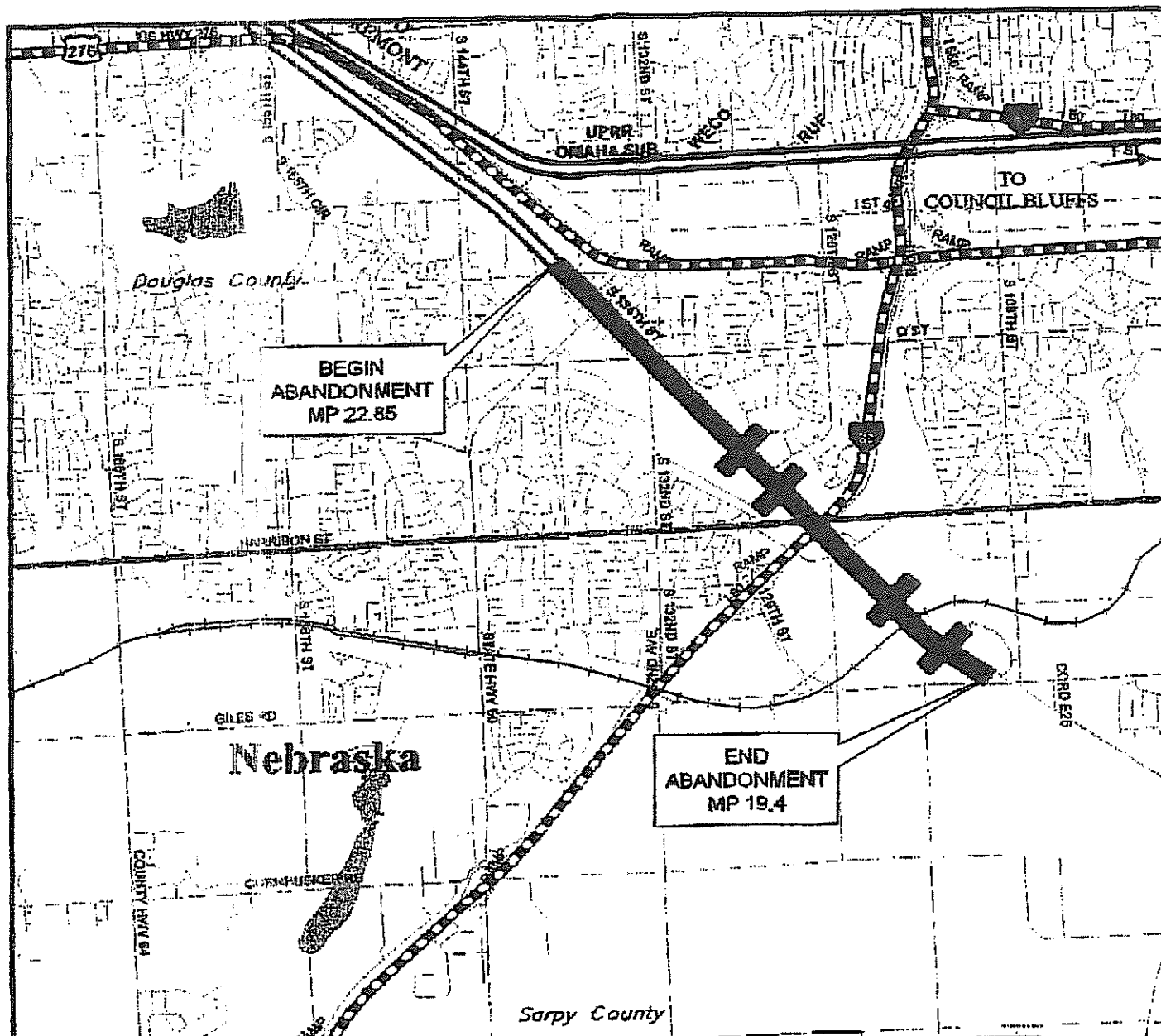
Respectfully submitted,

A handwritten signature in black ink that reads "Ross Greathouse". The signature is written in a cursive, slightly stylized font.

Ross Greathouse
For Nebraska Trails Foundation, Inc.
3901 South 27th Street, Ste 29
Lincoln, Nebraska 68502

RG:cg

CC: Mack H. Shumate, Jr., UP
Gabriel S. Meyer, UP
Alissa Hackel, UP
Gerry Bowen, Papio-MO NRD
David Scoby, Nebr. Trails Fdn



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
19.72	1 SPAN THROUGH PLATE GIRDER	50'	1902
20.12	1 SPAN I-BEAM	20	1901
21.03	3 SPAN TIMBER PILE TRESTLE BALLAST DECK	42'	1948
21.34	3 SPAN TIMBER PILE TRESTLE BALLAST DECK	42'	1943

Legend

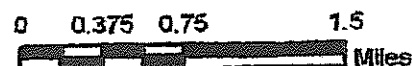
- abandonment.csv Events
- OTHER UPRR LINES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

MILLARD INDUSTRIAL LEAD

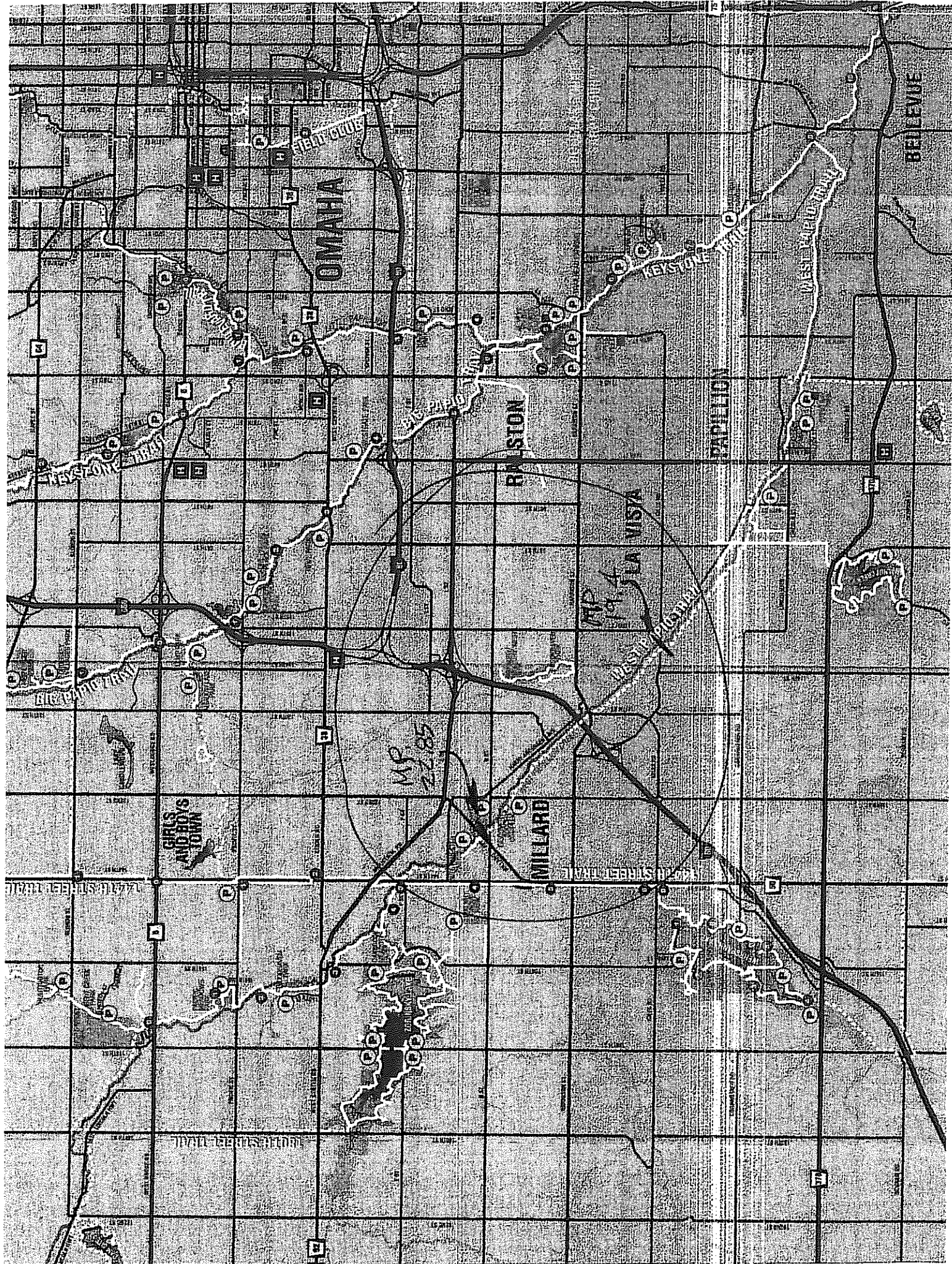
MP 19.4 TO MP 22.85
TOTAL OF 3.45 MILES
IN DOUGLAS COUNTY, NEBRASKA = 2.07
IN SARPY COUNTY, NEBRASKA = 1.38 MILES

UNION PACIFIC RAILROAD CO. MILLARD INDUSTRIAL LEAD NEBRASKA

INCLUDING 50+ YEAR OLD STRUCTURES



Q:\abandonments\ab-53_260.mxd



3 vie for Washington seat on NRD board

BY NANCY GAARDER

WORLD-HERALD STAFF WRITER

Numerous dams have been proposed throughout the Papio-Missouri River Natural Resources District, but none has been more controversial than those that would affect residents of Washington County.

The district is guaranteed a new board member to represent that county because incumbent Dick Connealy chose not to run for re-election.

Dams and storm water management figure prominently among the policies being pursued by those who hope to replace Connealy in District 1.

Three people are running: Scott Japp, Jim Jepsen and Kevin Propst. Tuesday's primary will narrow the choices to two. Voters will make their final selection in November.

Five other seats on the district board are up for election, but all of the candidates in those primaries will advance to the general election.

Propst said the district is using "outdated technology" by promoting dams as a solution to storm water management.

Having developers incorporate low-impact practices into their projects would better manage runoff and at what should be zero cost to taxpayers, Propst said.

Propst said voters in the district, which serves Washington, Burt, Thurston and Dakota Counties, need a strong representative to protect their rural interests.

Additionally, he is "very concerned" about the property tax burden that the district is placing on residents. The district has added 1 cent to its levy to fund dams.

He said he has attended many district board meetings and forums over the past three years to stay abreast of the dam and storm water projects.

Japp said the board has not been living up to the intent of the Legislature.

The district, he said, "wastes money" when it should "wisely conserve" natural resources.

The district, he said, is mismanaging the floodplain by allowing development and then attempting to remedy that mistake by proposing as much as \$500 million in dams.

The district should not use eminent domain to build flood-control structures, and developers should be required to incorporate 100-year flood protections into their projects, he said.

"Flooding is an act of nature," Japp said. "However, flood damage is man-made."

Jepsen said each proposed dam needs to be reviewed on its own merits to see whether it is "feasible and necessary" for the protection of citizens.

It would be wise, he said, to

Scott Japp



Age: 52
Party affiliation: Republican
Address: 4752 County Road 15, Arlington
Occupation: home builder

Education: bachelor's degree, agriculture, University of Nebraska-Lincoln

Previous offices held, sought: none

Family: single

Jim Jepsen



Age: 59
Party affiliation: Republican
Address: 415 Walnut St., Hubbard
Occupation: mechanic, Nebraska

Department of Roads

Education: graduate, Emerson-Hubbard High School; also, farming and mechanics classes

Previous offices held, sought: none

Family: married, six children

Kevin Propst



Age: 45
Party affiliation: Republican
Address: 19001 Greene St., Washington
Occupation: owner, Jldders

coffee shop, Blair

Education: graduate, Seward High School; attended University of Nebraska-Lincoln and University of Nebraska at Omaha

Previous offices held, sought: trustee, Village of Washington, 2004 to present

Family: married, two children

see that dams that are built to serve multiple purposes, including providing a recreational outlet.

Jepsen said he has farmed for more than 50 years and served on the Dakota County Planning Board for about 20 years, which he said will help him bring common sense to the board.

He is running for the district board because he has always been an advocate for the environment.

"Someone once told me, we need to leave this world a better place than which we found it. I firmly believe that."

Contact the writer:
444-1102, nancy.gaarder@owh.com

WHEN IT RAINS . . .

New levee rules put towns in fiscal fix

■ Post-Katrina safety standards might call for costly upgrades in riverside towns from Hooper to Omaha.

May 11, 2008

By Matthew Hansen

WORLD-HERALD STAFF WRITER

HOOPER, Neb. — A financial fallout caused in part by Hurricane Katrina is soaking tiny Hooper — and might also wind up drenching other riverside cities, including Omaha.

The Hooper City Council learned this spring that the mile-long dirt levee protecting the north side of town from the Elkhorn River isn't high enough to meet tougher new federal standards implemented after Katrina ravaged New Orleans and other parts of the Gulf Coast in August 2005.

The town of 827 residents must contract with an engineering company, pay for a complex set of structural tests, add as much as a foot of dirt to the top of the levee and make other changes.

The total cost: as much as \$1 million.

"We all sat around and looked at each other and thought 'How are we going to pay for this?'" City Clerk Roxanne Meyer said of the council's reaction.

The potential cost has left city officials dumbfounded, because the levee is a simple, pyramid-shape earthen embankment that snakes around the golf course and grade school, protecting homes and businesses for decades. The levee hasn't changed. It's the Federal Emergency Management Agency that is different.

Stung by criticism and threatened with Katrina-related lawsuits, FEMA is preparing to examine nearly two-dozen levees in Nebraska and hundreds of federal levees across the United States. The agency plans to decertify levees that aren't tall enough or strong enough to meet U.S. Army Corps of Engineers standards for a once-in-a-century flood. That process is putting towns like Hooper in a financial quandary.

Upgrading their levees to meet the new standards can come with an eye-popping cost. Simply adding 6 inches of dirt to Hooper's levee could cost as much as \$500,000, Meyer said.

Or, towns can leave their levees alone and risk seeing the federal government erase the non-repaired levees from flood-maps.

Changing the flood map matters, because it could force businesses and homeowners behind the uncertified levees to buy costly flood insurance and halt development in areas newly deemed to be in a flood plain.

Either way, the federal government isn't planning to pick up the check — a fiscal reality that could swamp the budgets of small towns and big cities alike in the years ahead.

Omaha may get a financial bath as soon as this summer. A preliminary Corps of Engineers test shows that the city's flood wall, which protects downtown from the Missouri River, needs more testing and could require repairs to meet the new standards, said Randall Behm, chief of flood-risk management at the Corps' Omaha office.

Five levees in the Omaha metro area, including the flood wall, could need repair in the next two years. The City of Bellevue owns two of those levees.

Western Iowa has about two dozen levees that also must be tested by 2010, Behm said.

"I know it's going to be difficult for some communities, and I personally think (the government) should help them out no matter what size they are," Behm said. "But the truth is that, in the future, if you live in a high-risk zone, you are going to have to pay to live there."

Hooper and Waterloo are among the first U.S. towns to face this new reality of life along a flood-prone river.

The Corps of Engineers built the levees in both towns, and for years the structures passed their annual visual inspections without problems.

Then, on Aug. 29, 2005, Hurricane Katrina's 125-mph winds and torrential rainfall hit New Orleans. Two major levees that were supposed to protect New Orleans — levees that federal engineers had judged to be unsafe as early as 1985 — crumbled and failed. More than 1,000 people died, many drowning in the floodwaters.

In the aftermath of Katrina, politicians and engineers increasingly questioned the safety of the nation's other levees, some of which date back to the Great Depression.

The result: a new national accreditation system designed to ensure that the levees will conform to standards that ensure they will hold in a worst-case scenario storm or flood.

Federal officials knew decades ago that the country needed updated flood maps and repaired levees, said Julie Grauer of FEMA's regional office in Kansas City, Mo. Congress actually earmarked the initial money for

the flood map upgrades before Hurricane Katrina, Grauer said.

But the storm helped to force the issue, Grauer said, and may guarantee continued congressional funding for the certification project.

She said the remapping would have happened eventually across the country, with or without Katrina — though perhaps not as quickly and maybe not as with as much cooperation from towns protected by levees.

"One thing is for sure. When you have a disaster, it gets people's attention," said Grauer, a map modernization specialist.

The certification process applies only to levees already recognized by the federal government, and those generally are owned by cities. It doesn't apply to levees built by farmers or private landowners.

To remain accredited, the levees now must pass a height check. Some were never built to the height deemed necessary to withstand a so-called 100-year flood — a severe flood that has a 1-in-100 chance of happening during any given year.

Other levees met or exceeded the 100-year standard when they were built, but they no longer meet it because some river and creek levels have risen over the years.

Levees also must undergo a series of tests to show that things such as sewer lines poked through a levee or the decaying roots of a dying tree growing on a levee won't cause it to fail in a flood.

The goal is to ensure that the physical and financial ruin caused by a catastrophic failure such as that in New Orleans doesn't happen again, said Behm of the Army Corps.

"The cities are looking at this as a financial issue first, but my perspective, this is a safety issue first," he said.

In some Nebraska towns, the process is more of a bureaucratic headache than a financial burden. Scribner Mayor Steve Swanson said he was working with Sen. Ben Nelson's office to get the proper paperwork from the Corps of Engineers to FEMA to prove that Scribner's levee was up to snuff.

In other towns, such as Waterloo, it could cost "a phenomenal amount," said Nancy Hert, the city administrator.

Waterloo's 40-year-old levee, which sits 25 yards from some parts of the Elkhorn River, likely will need to be built higher to meet the new standards, Hert said.

City officials weren't yet sure how much higher. And the project may be complicated further because of the biking and hiking trail that Waterloo paved on top of the levee.

If the city doesn't pay to meet the new levee standards, much of Waterloo could be redrawn into a flood plain, Hert said.

An engineering firm has estimated that "worst-case scenario, it could be 2 or 3 million dollars," Hert said. "It's kind of frightening to see those sorts of numbers on paper."

An Iowa levee eventually may put Mills County in a similar predicament, Behm said, although the levee certification process isn't as far along in western Iowa as it is in Waterloo and Hooper.

Behm also mentioned levees in Hamburg, Iowa, and Sioux Falls, S.D., as potentially problematic for those communities.

Waterloo plans to ask Nebraska's congressional delegation and the State Department of Natural Resources for help, Hert said. City leaders also hold out hope that some federal grant money may be made available.

"There should definitely be a compromise here. Problem is, I don't know that the government wants to compromise right now," Hert said.

Other Nebraska cities, such as Omaha, have barely begun to deal with the certification process.

The Army Corps' initial test of the floodwall is the only work that has been done in the metropolitan area thus far, Behm said. That test showed that if the city's storm water system failed, the flood wall itself could fail, he said.

The Army Corps will examine each of the metropolitan area's other levees — one on Big Papillion Creek, one on Little Papillion Creek and the three on the Missouri River — in the next two years, Behm said.

Marty Grate, the city's environmental services manager, said it was too soon to say whether Omaha will need to upgrade levees — or to estimate how much that might cost.

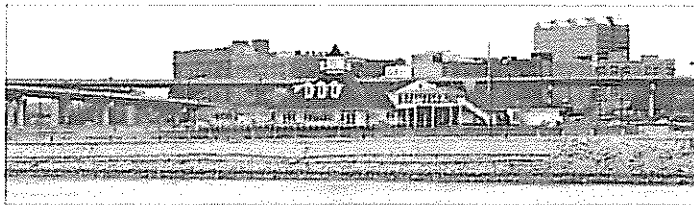
John Winkler, general manager for the Papio-Missouri River Natural Resources District, said he and staff members who have spoken with federal officials expect that at least a few Omaha-area levees will need repairs.

No one was certain whether the City of Omaha, suburban communities or the Papio NRD would have to pay for such upgrades.

"It's not a stretch to say there's going to be some deficiencies. The more deficiencies, the higher the cost," Winkler said. "And the ultimate question is: Who is going to bear that burden?"

■ Contact the writer:

444-1064, matthew.hansen@owh.com



JEFF BUNDY/THE WORLD-HERALD

The levee, left, that protects downtown Omaha from the Missouri River runs in front of Rick's Cafe Boatyard.

Below, Howard Slama of Valley takes a spin on the paved top of the levee that shields Waterloo from the waters of the Elkhorn River.

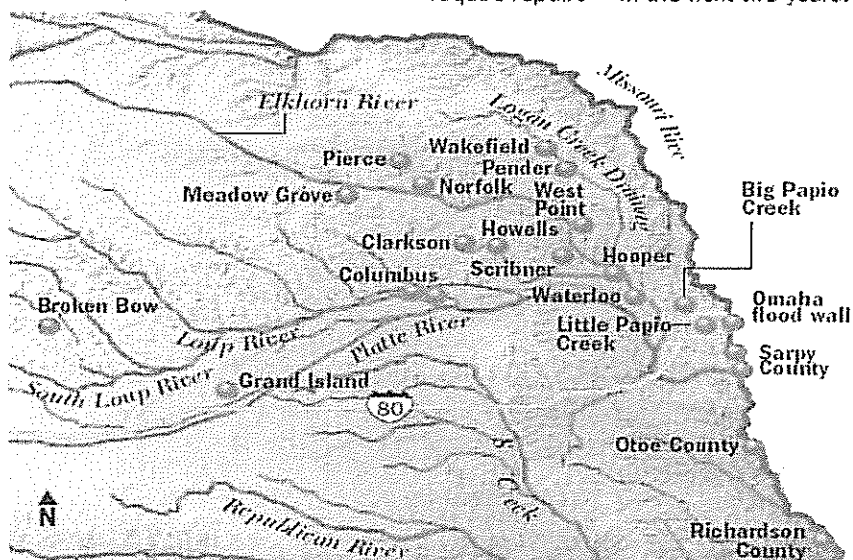


Waterloo meeting

The Waterloo Village Board will meet at 5 p.m. Wednesday to discuss the village's levee. The public meeting will be at Village Hall, 509 S. Front St.

Financial flood?

Of the 37 federally regulated levees in the state, the U.S. Army Corps of Engineers expects these 22 to go through a certification process — and possibly require repairs — in the next two years.



SOURCE: U.S. Army Corps of Engineers

DEAN WEINLAUB/THE WORLD-HERALD

Bike lanes coming to Omaha streets

■ A 20-mile route will help riders from trails in the central part of the city get downtown.

By KAREN SLOAN

WORLD-HERALD STAFF WRITER

Omaha has many great qualities.

Bike friendliness is not one of them, as many local cyclists can attest.

But navigating the city on two wheels is about to get easier with the addition of designated bicycle lanes on some city streets.

Mayor Mike Fahey and leaders from Activate Omaha and the city's cycling community announced Monday that a 20-mile bicycle street route is in the works.

Fahey said the route will create "safe and convenient options for (bicycle) travel on our city streets."

The street routes will connect the Riverfront Trail with the Keystone Trail in central Omaha. From north to south, the Creighton University campus will be connected to the Henry Doorly Zoo.

The idea is to create street routes that allow cyclists to ride from the trails in central Omaha to downtown without having to use busy arterial roads such as Dodge Street.

The exact streets and design of the lanes have not been determined. Marty Shukert, a former Omaha city planning director who is active with the local group Bikeable Communities, said the route probably will use secondary streets that once served as streetcar routes. Those streets are wider and offer a place to install a bicycle lane without having to widen streets.

Signs also may be used to alert motorists to the presence of cyclists.

Shukert said that streets are much harder for cyclists to navigate than the city's trail system.

"Motorists aren't always aware that bicycles can be on the streets. A lot of people want better (cycling) facilities," said Kent McNeill with Activate Omaha, a group that promotes

Get a map

Bicycle maps of the area can be picked up at local bicycle shops and public libraries. Go to Omaha.com for a link to order one.

physical activity and healthy living.

Activate Omaha and Bikeable Communities, a consortium of entities that promote cycling, are spearheading the effort with the assistance of the city.

The bicycle street route system is being funded through private donations. The project is expected to cost about \$700,000, and \$600,000 has been raised thus far from the Peter Kiewit Foundation and an anonymous donor.

The work is expected to start as early as this summer and be complete within 12 to 18 months.

The bicycle street route is just one of several recent initiatives meant to promote cycling in Omaha.

Activate Omaha and Bikeable Communities have made available a bicycle map of the metro area, showing bike routes and trails.

Fahey also announced the creation of a new bicycle and pedestrian advisory committee to discuss proposed infrastructure projects and how they affect walkers and cyclists. The committee will be formed in the coming weeks, Fahey said.

Bicycle enthusiasts also have hailed the addition of bicycle racks on all Metro Area Transit buses.

Monday was the first day of National Bike to Work Week, in which people are encouraged to ditch their cars and commute on bicycles. About 60 cyclists joined Fahey on a short ride from the Gifford Park neighborhood to the riverfront and the new pedestrian bridge, which is under construction.

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5-13-08

OMAHA DAILY HERALD FOUNDED 1865
OMAHA DAILY WORLD FOUNDED BY GILBERT M. HITCHCOCK 1885
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Omaha World-Herald

TERRY KROEGER, *Publisher*

MIKE REILLY, *Executive Editor* GEITNER SIMMONS, *Editorial Page Editor*

Another water battle

Approval last week by President Bush has brought to reality the three-state Platte River recovery plan for balancing the needs of humans and wildlife habitat alike. The measure, signed after complex negotiations, will provide federal authority and \$157 million in funding for the program.

In the plan, initiated in 1997 and signed in 2006 after considerable negotiation, Colorado and Wyoming agreed to leave water in the Platte system to sustain wildlife habitat. Nebraska agreed to provide land and to maintain the amount of water in the Platte at its 1997 level. Half of the program's cost will be paid by the states.

During the years the agreement was worked out, few controls were put on new groundwater irrigation in Nebraska, even as farmers installed groundwater systems on an additional 508,000 acres. The 2.6 million acres under groundwater and surface-water irrigation in 1997 have, almost without notice, become 3.1 million acres.

A moratorium was placed on the drilling of new wells several years ago in the Platte basin upstream of Chapman, in central and western areas of the state, but too late. Nebraska's problem will be how to cut water use in the Platte back to the 1997 level by Jan. 1, 2009, despite the newly irrigated acres.

It will be a painful process, as irrigators in the Republican River basin

**Conflict dogs
Republican,
Niobrara;
Platte River
system next.**

already have found out. They are facing cutbacks, buyouts and other controls on the irrigated water they use because of a 1943 compact between Ne-

braska and Kansas. Nebraska has overused Republican water in recent years:

U.S. Sens. Ben Nelson and Chuck Hagel of Nebraska and two other Senate sponsors announced after the signing ceremony last Thursday that the new law attempts to secure landowners' property rights. It also allows continued water use, they said, as well as permitting development on the Platte even as it protects threatened and endangered species.

"Water use," Nelson said, "is always a perennial concern in the West, and the Platte River Basin has the potential to provide the residents of this region with the necessary resources." The agreement, he added, "ensures that this will occur while also respecting the habitat of the threatened and endangered species of the area."

Perhaps the future of the Platte will be as rosy as some advocates of the three-state agreement suggest. But Nebraska has serious problems with all three of its major rivers, and the future will be complex and difficult, perhaps even disagreeable to some.

Nelson, Hagel and the others have secured federal money and help for the Platte recovery program, a fine start. Now comes the arduous work of implementation.

Published Thursday May 15, 2008

Midlands congressmen mostly support farm bill

BY JOSEPH MORTON

WORLD-HERALD BUREAU

- Farm bill gets
veto-proof House
OK

RELATED

- Farm bill gets veto-proof House OK

WASHINGTON — Most Midlands congressmen backed the compromise farm bill approved by the House on Wednesday.

Rep. Adrian Smith, R-Neb., voiced frustration that it has taken so long to get the bill completed, with five short-term extensions of the current law since it expired at the end of September. But he praised many provisions in the final measure.

"This (legislation) addresses nutrition, renewable energy and conservation efforts while also instituting reform-oriented aspects — including reforming farm programs to reduce benefits going to the wealthiest farmers," Smith said. He also pointed to creation of a multibillion-dollar disaster relief fund.

But that fund was a negative to Rep. Lee Terry, R-Neb., the only Midlands House member voting against the bill. The Omaha lawmaker said the disaster assistance fund undermines crop insurance programs.

"This farm bill is bloated, loaded with pork, has no reform and doesn't help farmers," Terry said.

He also said that although farmers receive only a portion of the total money authorized by the farm bill, they will bear the brunt of criticism for it.

Rep. Steve King, R-Iowa, expressed several concerns about the legislation and criticized its proposed increases in nutrition programs. But he also said waiting until next year could result in an even worse farm bill.

"The best scenario is — let's have a farm bill we can count on and then deal with the rest of it . . . at any opportunity we can create later," King said.

Rep. Jeff Fortenberry, R-Neb., said limits on farm subsidy payments in the bill don't go far enough, but he praised the overall thrust of the measure.

"I believe its overall impact and general direction promote agricultural stability and diversification, ag-based energy production and good conservation and land stewardship practices," he said.

Fortenberry touted provisions of the bill that he pushed, including a new grant program for rural communities seeking to use renewable energy sources.

River dispute headed for non-binding arbitration

By ALGIS J. LAUKAITIS / Lincoln Journal Star
Friday, May 16, 2008 - 11:08:20 am CDT

Although no agreement was reached Friday in a long-standing dispute over Republican River water, three states — Nebraska, Kansas and Colorado — tentatively agreed to take the next step of non-binding arbitration.

Brian Dunnigan, acting director of the Nebraska Natural Resources Department, told reporters after the meeting non-binding arbitration could be the next step — but there also could be more discussion.

“Anything could happen,” Dunnigan said.

Kansas claims Nebraska violated an agreement between the three states and used more than its share of water in the Republican River Basin — a total of 80,000 acre feet — in 2005 and 2006.

In April, Kansas officials demanded Nebraska pay \$72 million for violating the terms of the compact.

Dunnigan had no comment on the money issue Friday.

In an interview, David Barfield, chief engineer for the Kansas Division of Water Resources, said he plans to write a letter asking the Republican River Compact Administration, the group that met in Lincoln Friday, to appoint an arbitrator.

Barfield said the process could take six months or longer.

Asked if he has seen any of the three states change positions, Barfield said: “I haven’t really seen much movement.”

Barfield said there is still a fundamental disagreement over the obligations of each state, and that Kansas does not agree with the plan proposed by Nebraska to bring it into compliance.

All three states must accept a recommendation by an arbitrator; however, if one does not, the matter could go to the U.S. Supreme Court.

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Published Friday May 16, 2008

Johanns and Kleebl support farm bill

BY JOSEPH MORTON
WORLD-HERALD BUREAU

WASHINGTON — When the U.S. House passed a version of the farm bill last year, then-Agriculture Secretary Mike Johanns advised President Bush to pull out his veto pen.

Senate candidate reaction

"I just don't like this idea that we're sending farm payments into New York City. Payment limits is an area where some could argue there was some progress, but it's pretty limited. I wish they had gone farther."

- Republican Mike Johanns

"It brings (disaster relief funding) into the normal budgetary process. There's always going to be a need for that disaster relief."

- Democrat Scott Kleebl

That's exactly what Bush is expected to do when he receives the five-year, \$290 billion compromise farm bill finally approved by Congress this week.

The Senate approved the bill 81-15 on Thursday, following a 318-106 approval Wednesday by the House. Both votes provide a veto-proof margin.

Johanns, a Republican, is back in Nebraska running for the U.S. Senate and now says he would have voted for the farm bill.

He cited two major reasons for the change.

The first involves the removal of a House provision that called for raising taxes on multinational corporations.

Johanns, and many Republican House members, strongly objected to putting such a tax in the legislation. It was removed in negotiations with the Senate.

Secondly, time has simply run out with farmers nearing, or beyond, the end of planting season, Johanns said.

"We're just simply at a point where a farm bill needs to get done," he said.

Johanns declined to say whether Bush should sign the bill.

His opponent this fall, Democrat Scott Kleeb, called on Bush to sign it. Kleeb said that he would have voted for the bill and that the legislation is long overdue.

Kleeb noted that only a small portion of the bill actually goes to commodity programs, and he praised the other areas of the legislation: increased funding for nutrition programs, rural development money and new specialty crop initiatives.

Johanns suggested that the farm bill he proposed as agriculture secretary was not so different from the one passed by Congress, because both used the 2002 farm bill as a framework.

But there are a number of key differences:

- Secretary Johanns proposed shifting funding away from subsidies that are tied to crop prices and putting more into the fixed annual payments to producers. He said at the time that fixed payments are viewed more favorably under international trade agreements.**

The farm bill passed by Congress would do just the opposite by making modest cuts in direct payments and increasing target prices for some crops.

Candidate Johanns said Thursday that crop prices have reached levels that make it unlikely that the programs tied to price will be triggered.

- Secretary Johanns adamantly opposed a permanent disaster relief fund. The bill approved by Congress creates a \$3.8 billion disaster relief fund.**

Candidate Johanns said he still believes a better approach would be to improve existing crop insurance programs.

- Secretary Johanns proposed eliminating farm subsidy payments to those with average adjusted incomes of \$200,000 a year or more. Congress instead opted to cut off payments to individuals with more than \$750,000 in annual farm income, or married farmers who make more than \$1.5 million.**

The cutoff point for nonfarm income would be \$500,000 for individuals or \$1 million for couples under the plan approved by Congress.

Candidate Johanns said he favored lower income limits.

"I just don't like this idea that we're sending farm payments into New York City," Johanns said. "Payment limits is an area where some could argue there was some

progress, but it's pretty limited. I wish they had gone farther."

But he repeated that it was simply time for a farm bill to be passed.

"It's not the bill that I proposed. It's certainly not the bill I would like to have seen come up in the process, but here we are," Johanns said.

Kleeb said the most important thing was to get the bill completed for farmers who are out in the fields now.

He criticized Johanns for leaving his position as agriculture secretary before the farm bill was completed. Johanns has said he worked hard on the bill as secretary and indicated that he could make more of a difference in the Senate.

Kleeb suggested that farm subsidy limits could be tighter than those approved by Congress. But he said he recognizes the need to build a broad coalition of support among lawmakers, some of whom would simply not support tighter limits.

Kleeb called the disaster relief fund "great," saying it will promote fiscal responsibility.

"It brings it into the normal budgetary process," he said. "There's always going to be a need for that disaster relief."

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Contact the Omaha World-Herald newsroom

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5-16-08

Rain garden will clean runoff into Carter Lake

By JASON KUIPER

WORLD-HERALD STAFF WRITER

With clear skies forecast for Saturday, the public is invited to Carter Lake to learn how to plant a rain garden.

Jeanne Eibes, president of the Carter Lake Preservation Society, said the rain garden, on the south shore of the lake, will be the area's largest at about 2,500 square feet.

Consisting of native grasses and flowers, the garden will filter stormwater and runoff so the water that makes its way to the lake is cleaner.

Work will start at 9 a.m. Extra plants will be for sale so people can start rain gardens at home.

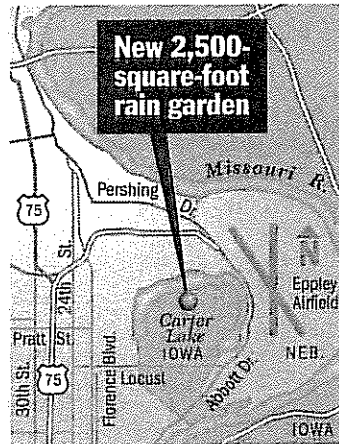
A home rain garden cleanses stormwater of animal waste, pesticides and oil.

This will be the first rain garden planted at Carter Lake. A second is planned for the fall.

The oxbow lake has had below-normal water levels for years. The drop has been blamed on the low level of the Missouri River, development and drought.

The lake's current depth is an average of 6 feet, about 1½ feet lower than it should be.

Preservation society officials were pleased when Iowa Gov. Chet Culver recently announced a \$500,000 appropriation toward lake restoration efforts. The lake is also set to receive \$500,000 approved last year from the state.



DAVE CROY/THE WORLD-HERALD

Both appropriations are contingent, however, on the State of Nebraska providing matching funds of \$1 million. The lake is mostly in Nebraska.

Eibes said she doesn't think the lake is high on the Nebraska Legislature's priority list. The Nebraska Department of Environmental Quality has said, however, that it wants to move forward on the project, Eibes said.

The lake preservation society has until 2010 for Nebraska to match the amount.

Eibes said an additional \$200,000 is coming from the Iowa Department of Natural Resources for feasibility studies.

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Japp advances in NRD

Papio-Missouri River NRD

(2 advance to
general election)



Jim Jepsen
2,070



Scott Japp
1,604



Kevin Propst
1,411

An Arlington resident will advance to the general election for the Sub-district No. 1 seat on the board of the Papio-Missouri River Natural Resources District.

Scott Japp of Arlington pulled in 1,604 votes, or about 32 percent of the total votes throughout Washington, Burt, Thurston and Dakota counties, to earn himself a spot in the general election in

November for the seat. He will face Hubbard resident Jim Jepsen, who totaled 2,070 votes, or about 40 percent of the total votes in the four counties.

Washington resident Kevin Propst earned 1,411 votes to place third. He will

not advance to the general election.

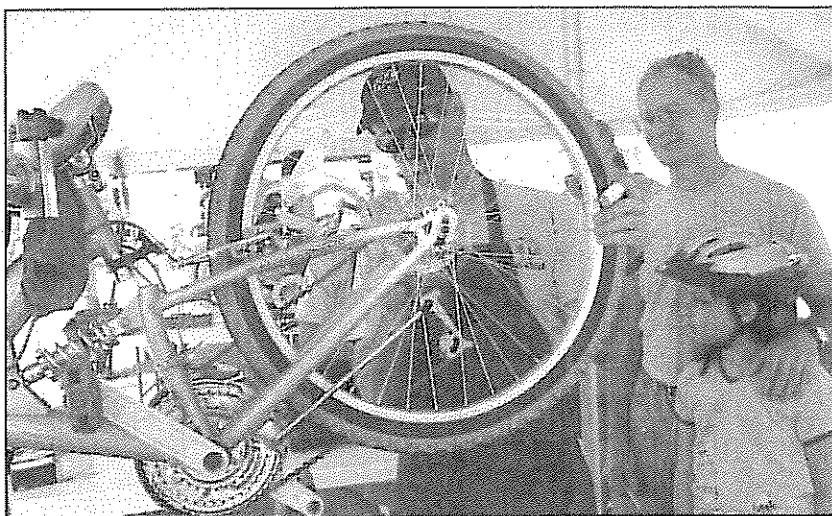
In the four counties, Japp won Washington County with 1,199 votes and Burt County with 222 votes.

Jepsen won the Thurston and Dakota counties voting handily.

COMMUNITY CONNECTION

Breaking away for day of bike fun and facts

Bruce Girour tunes up a bicycle, at right, for Kristina Perez, 9, and her grandfather Chuck Berg at the eighth annual Cyclefest at the Chalco Hills Recreation Area on Sunday. Below, Gretta Staskiewicz helps son Connor, 3, negotiate the safety cones. The event, which featured a bike and trike rodeo, safety checks and free helmets for children, was sponsored by Partners for Child Safety. More than 1,000 people attended, according to an unofficial tally.



Published Tuesday May 20, 2008

Judge strikes down part of Republican River law

BY LESLIE REED

WORLD-HERALD BUREAU

LINCOLN - A Lancaster County district judge has overturned a property tax that three southwest Nebraska Natural Resources Districts hoped to use to pay for water to send to Kansas in an ongoing dispute over the Republican River.

A spokeswoman for Gov. Dave Heineman said the decision likely will be appealed.

The water already has been purchased from three irrigation districts. Some of the water has been sent downstream to Kansas and the remainder is stored at Harlan County Lake. The Legislature earlier this year loaned the three Republican River NRDs \$9 million to pay for the water until the Lancaster County District Court lawsuit over their taxing authority is resolved.

A 2007 state law allowed the three NRDs to levy a tax of up to 10 cents per \$100 value on all property owners in their region.

Nine land owners challenged the property tax, alleging that it amounted to a local tax being collected for a state purpose - compliance with Nebraska state government's 1943 compact with Kansas and Colorado over use of the River, which winds through all three states. They also argued they were being asked to pay taxes to benefit others.

District Judge Paul Merritt rejected those arguments, saying that the money served a local purpose of supporting irrigated agriculture in the region and that the land owners benefited from the tax.

However, he concluded the property tax authority amounted to unconstitutional special legislation because it was written so that it would apply only to the three Republican River NRDs.

Bruning will appeal decision on water tax

By LESLIE REED
WORLD-HERALD BUREAU

LINCOLN — Nebraska Attorney General Jon Bruning plans to appeal a judge's ruling that said three natural resources districts in the Republican River watershed cannot levy a special property tax to pay for water to be sent to Kansas.

Lancaster County District Judge Paul Merritt Jr. said the tax was unconstitutional because the three NRDs were the only government agencies that could ever use it.

The law was part of the efforts by the Legislature and the Upper, Middle and Lower Republican Natural Resources Districts to comply with the 1943 Republican River agreement among Kansas, Nebraska and Colorado.

Money raised by the NRD taxes was to be used to comply with that compact, including buying water from farmers in the region and sending it downstream.

The court decision released Tuesday will not affect Nebraska's ongoing discussions with

See Tax: Page 2

Tax: Water problem is statewide issue, plaintiffs say

Continued from Page 1

Kansas to resolve Republican River issues, said Leah Bucco-White, Bruning's spokeswoman.

Although some aspects of Merritt's ruling seemed to uphold the state's power to give the property tax authority to the NRDs, the Attorney General's Office said the judge's conclusions about the law being "special legislation" — a law affecting only a narrow group of people — could tie legislators' hands.

Unless the state can obtain a stay to block the judge's ruling while it is appealed, the decision could require some property taxes to be refunded, said Rod Confer, attorney for nine area landowners who challenged the tax.

Only taxpayers who paid under protest could obtain a refund, he said. However, a significant portion of the taxes, which are due this year, haven't been paid — and Merritt ordered several county officials not to enforce or implement the tax.

Although Merritt found the

tax to be unconstitutional special legislation, he rejected arguments that state lawmakers improperly used a local property tax for a state purpose or that they improperly taxed one group of people so that others wouldn't have to pay.

Confer said his clients probably will appeal that part of the ruling.

"This is something the state needs to solve — not a problem solely with the people that live in the Republican basin," Confer said.

Nebraska has been using more than its share of water under the three-state compact, leaving less for Kansas, which contends Nebraska owes it \$72.3 million for overuse of Republican water.

In 2006 and 2007, the State Department of Natural Resources paid the Bostwick Irrigation District for rights for more water to send downstream to Kansas.

And in 2007, the Legislature authorized the three NRDs to charge two new taxes — a property tax of up to 10 cents per \$100

value on all property owners in their districts and an occupation tax of \$10 per acre of irrigated farmland to buy water rights, canals, clear vegetation and otherwise augment river flows to comply with the compact's requirements.

The districts moved quickly to implement the new taxes, generating nearly \$8.8 million to buy water rights from irrigators in 2007. About three-fourths of the money generated came from the occupation tax, which was not challenged in the lawsuit.

The Legislature earlier this year agreed to loan the NRDs \$9 million to pay for the water rights in 2008 until the litigation over their taxing authority is resolved.

That water already has been bought and paid for, said Dan Smith, manager of the Middle Republican NRD.

Jasper Fanning, manager of the Upper Republican NRD, said the lawsuit reduced the amount of water the NRDs were able to purchase in 2008 and will impair

the NRDs' ability to purchase more water rights in 2009.

Ever since Nebraska created a state income and sales tax in 1967, the constitution has barred state government from imposing a property tax. That form of taxation is reserved for use by local governments.

Although it is true that the Republican River compact is a state obligation, negotiated and agreed upon by state officials, Merritt said the NRDs' property tax would serve a local purpose in supporting irrigated agriculture in the region and that the landowners would benefit from the tax.

"By permitting the NRDs the option to levy a tax ... the state has provided the population of the Republican River basin with a mechanism to satisfy and protect its need for water, while at the same time allowing compliance with the state's obligation under the compact," Merritt wrote.

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County OKs green for green roof

■ Plantings atop the Saddlebrook multiuse building will reduce runoff and pollution.

5-21-08

By JUDITH NYGREN

WORLD-HERALD STAFF WRITER

Douglas County should have its first green roof this fall.

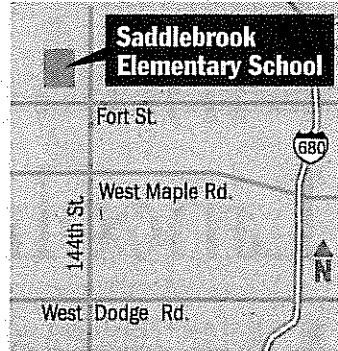
The County Board agreed Tuesday to transfer \$480,000 to the City of Omaha to help finance the installation of the community's only public green — or plant-covered — roof at the Saddlebrook school, recreation center and library. The money will come from a stormwater grant to the county.

The board also voted unanimously to provide \$78,000 in grant money to build a parking lot that will use low-impact de-

velopment practices — including a rain garden — to reduce the amount of stormwater running off the property.

The joint-use building, under construction near 149th Street and Laurel Avenue, is a one-of-a-kind collaboration. The city will run the recreation center and library, the classrooms are being built by the Omaha Public Schools, and the county is using the site to highlight low-impact practices as the way of the future.

Only a portion of the roof at Saddlebrook will be green. Most of the vegetation will be planted on the library side. The remainder of the roof will be built with



THE WORLD-HERALD

traditional roofing material.

Kent Holm, director of the county's Environmental Services Department, said the green roof, planted mostly in sedum, will be monitored for the amount and quality of water runoff. The temperature of the building directly beneath the green roof also will be tracked.

Green roofs are credited with reducing energy consumption by keeping buildings warmer in the winter and cooler in the summer. They also absorb rainwater, reducing the amount of pollutants running off roofs and, eventually, into rivers and streams.

The low-impact parking lot should further reduce the amount and improve the quality of runoff leaving the development, Holm told the County Board. That is important given the building's location upstream of Standing Bear Lake, he said.

Construction is well under way, Holm said. Work on the green roof will probably begin in the fall, and the building is expected to be completed in the summer of 2009.

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Published Friday May 23, 2008
Ruling no snag in Republican River fight
BY LESLIE REED
WORLD-HERALD BUREAU

LINCOLN — Two state lawmakers from the Republican River Valley say they believe Nebraska is getting closer to resolving its water dispute with the State of Kansas.

"We're headed in the right direction," said State Sen. Tom Carlson of Holdrege, speaking after a ruling this week by Lancaster County District Judge Paul Merritt.

Merritt's decision was more favorable to the state than not, because it appeared to uphold the state's ability to designate a local property tax to buy water to deliver to Kansas, said Sen. Mark Christensen of Imperial.

However, the judge ruled that in this case the provision was too narrowly drawn, because it allowed only the three Republican River natural resources districts to use the property tax, Christensen said.

Because state law granted the taxing authority only to NRDs in areas subject to a three-state water compact, Merritt concluded that no other entities besides the Republican River NRDs could use the tax. He ruled that the law benefits a closed class, which is banned by the Nebraska Constitution.

Christensen said that if the Nebraska Supreme Court upholds the ruling, he believes that concern could easily be fixed. The state could allow the tax in all NRDs in areas officially designated to be water-short, he said.

Given the amount of time it takes for an appeal to be decided, he said, it could be 2010 before the issue returns to the Legislature.

In the meantime, he said, the ruling leaves in place a separate occupation tax of \$10 per acre of irrigated farmland. That tax would generate about three-fourths of the \$8.8 million necessary to pay for water rights purchased in 2007.

The Legislature this year loaned the NRDs \$9 million so they could go ahead and pay land owners for water rights, without waiting for the court decision.

Christensen said the occupation tax remains a key tool for the NRDs to purchase future water rights, build canals, eliminate vegetation and otherwise augment the Republican's flow into Kansas.

Carlson said improved rainfall and water rights purchases from area irrigators have boosted levels in Harlan County Lake higher than he's ever seen them.

Some water owed to Kansas now is being held at Harlan County Lake because Kansas can't use it or store it right now.

"We made up a lot of ground in 2007, and we're off too a good start in 2008," Carlson said.

After final allotments are tallied next month, he said, Nebraska will have "erased" much of the amount it owes Kansas.

During the drought years of 2005 and 2006, Nebraska took more than its share of water from the Republican River. Because of that overuse, Kansas contends Nebraska owes \$72.3 million.

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W-H
6-3-08

Getting out their message

Public entities such as cities and school districts spent \$515,000 on lobbying the Nebraska Legislature this session. Nebraskans can disagree over the amount spent on lobbying, but there should be no dispute over the fundamental need for municipalities and other public bodies to exert themselves by defending their interests before the Legislature.

By definition, the Legislature debates proposals that have sweeping effects across the state on key issues of great interest to taxpayers. To cite only three examples of such issues: Tax rates. Public education policy. The regulation of businesses large and small.

Given the importance of such issues, it is fully understandable that municipalities, counties and school districts would want to strongly communicate their views to lawmakers. Indeed, to make such an effort is to stand up for the interests of

local constituents.

Of course, for their part, the members of the Legislature have a separate task: Although they need to listen to the various voices, they need to make balanced, responsible judgments about what is best for the state as a whole, rather than succumbing to parochialism.

But to reach a sound decision, lawmakers need full information, which includes lobbying by public bodies.

The largest lobbying expenditure by a public body this session was rung up by the Millard Public Schools, which spent \$39,000 on such activity. (Compare that, however, to the district's total budget of \$175 million.) No. 2 was the City of Lincoln, with \$38,000. Omaha's city government spent \$27,000.

Does Omaha have important interests that need defending at the State Capitol? Absolutely. The question isn't whether to lobby. It's how much to allocate for the effort.

Bridge's role in flooding questioned again

Wash Co Pilot Tribune 6-6-08
By Melissa Rice
and Stephanie Ludwig

Same story: different chapter.

That's what it's got to seem like for residents of Arlington and those who are in charge of protecting them. The Thursday, May 29, storm that swept through in the evening left flooding in its wake and left Highway 91 closed.

This isn't a new situation: the Bell Creek basin floods nearly every time a substantial rain dumps on the area.

But one main source of concern is Highway 30 over

Bell Creek and the Elkhorn River. Debris in both waterways clogged channel openings under the Elkhorn River bridge, and under an abandoned county road bridge, just downstream of the Highway 30 bridge over Bell Creek.

In the case of the Elkhorn Bridge, the Nebraska Department of Roads even authorized the use of a crane to remove logs and other debris; fortunately, the jam cleared itself just as the crane arrived.

But the abandoned bridge over Bell Creek is a sore spot for Micheal Dwyer, deputy

director of Emergency Management - Region 5/6 for Washington County. He says that, over the 22 years he's served as emergency manager, the bridge is "the most frustrating problem" he's faced.

Dwyer has lobbied for years to have someone - the county, the village of Arlington, area property owners - remove the bridge. To date, his requests have fallen on deaf ears.

"At one point Friday morning, the Bell was at 16 feet, 4 inches - more than 4 feet above flood stage - and almost completely

clogged with debris at the old bridge," said Dwyer. "It doesn't take a rocket scientist to figure out that the old bridge impedes the flow of that creek during a flood."

In May 2007, Dwyer asked the Washington County Board to address the bridge problem. At that time, Supervisor Jeff Quist said he felt most of the flooding was due to the Highway 30 bridge over Bell Creek, not the abandoned bridge downstream. Dwyer disagreed.

County Board chairman Harlo Wilcox said on

SEE BRIDGE PAGE 3A

BRIDGE: *Disagreement on its impact*

FROM PAGE 1

Thursday morning that the county's opinion is still the same as last year, citing evidence from county road supervisor Cheryl Parsons, who examined the area after last week's storms. Wilcox said it would be "fine" if the abandoned bridge were taken out, but he questioned who would have to pay for it.

Dwyer still disagrees with the county's opinion of the bridge.

"Last week's rain was a relatively minor event - just 3 inches in the north part of the basin," said Dwyer. "Sooner or later we are going to get the 9 inches that Blair had several years ago, that Missouri Valley had last year, or that Platte County had Thursday night and we are going to be in serious trouble. Removing the bridge certainly won't solve all of the problems with drainage in the Bell Creek Basin, but it is a very important first step."