

MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager Report

DATE: November 10, 2006

FROM: Marlin Petermann, Acting General Manager

A. **INFORMATION/EDUCATION REPORT**: A copy of the I&E Report detailing Information and Education activities for the month of October, 2006, is attached for your review.

- ❖ At this year's Home and Garden Show, the district shared booth space with our new education partner, Wild Encounters. Among animals brought to the show this year were a Desert Fox, Albino Boa Constrictor, and Alligator. Wild Encounters, along with NRD Education Specialist, Christine Jacobsen, gives many programs to schools, other youth and adult groups throughout the year. Wild Encounters will also be our partner at the Omaha Boat Sports and Travel Show in February.

B. **MISCELLANEOUS/PERSONNEL ITEMS**:

1. **Penny Burch**, District Secretary, attended a training class on Microsoft Excel 2003 Level 3 from 1Staff Training and Development. A copy of a Penny's memo regarding this class is attached.
2. **Gerry Bowen**, Natural Resources Planner, attended the 18th American Trails Symposium on October 19-22, 2006 in Davenport, IA. A memo detailing the highlights of the symposium is attached.

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 October, 2006. 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 October 16, 2006. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.

E. **UPDATE ON PAPIO DS 13**: As agreed, the District has received payment from Dial Realty Corporation, SID #521, in the amount of \$1,035,000 for their contribution toward the construction of Dam Site 13. Construction of the dam was completed within budget and excavation work to grade the reservoir pool was accomplished by early October.

F. FLOODPLAIN MAPPING UPDATE:

Updating of floodplain maps by the Federal Emergency Management Agency (FEMA) throughout the District has been progressing. Floodplain mapping and zoning is a flood damage reduction measure with the safety and security of individuals and property in mind. These updates include the conversion of the old paper maps in Douglas and Sarpy County to digital and the update of the Platte River floodplain, both of which became effective in December 2005. In response to public concern over the accuracy of these maps, the District and representatives from Congressional offices are keeping additional federal funding to perform more detailed floodplain mapping, especially in the metro area.

Ongoing updates to floodplain maps also include the restudy of the West Papillion Creek Watershed. This detailed study of over 50 miles of creeks began in January of 2004 and has recently passed FEMA's internal review and comment. FEMA will now prepare the Preliminary Flood Insurance Rate Maps and Study for public review and appeal. The preparation of these maps will likely take 3 to 4 months before they are available for public input to FEMA.

In the meantime, the floodplain maps produced as result of this study are much more accurate and do reflect increases in flooding since the last study in the 1970s. This means floodplain elevations are higher and more restrictive along most of the creeks. In order to prevent homes or developments from being built unsafely, the updated floodplain maps should be used by both the NRD and the communities as "best available data." The NRD will be providing the latest floodplain maps and data for the West Papillion Creek and Tributaries to each of the community's floodplain managers and will be utilizing this new information when commenting to those communities on development in or near the floodplain. A copy of the draft maps will be included in a packet of material for each Board member at the November 16th Board meeting. They will not be available for public distribution, but can be viewed at either the community's or NRD office.

- G. **PAPIO DS 1 AND 3c PUBLIC MEETING, DECEMBER 5, 2006:** Information that was reviewed last week by the DS 1 and 3C Study Steering Committee and will be presented at a public involvement meeting on Tuesday, December 5, 2006 will be included in a packet of material for each Board Member at the November 16th Board meeting. The information summarizes results from the initial phase of the study, which included defining the flooding problem. And screening of alternatives. The public meeting will be held at the new Bennington High School (168th and Bennington Road) beginning with an open house and information stations at 5:00 p.m. and a general presentation at 7:00 p.m. followed by an open-mike question and answer session. All Board Members are strongly encouraged to attend.

- H. **MISSOURI RIVER PEDESTRIAN BRIDGE GROUNDBREAKING:** Seven Directors attended the Missouri River Pedestrian Bridge Groundbreaking held along the Omaha Riverfront on Thursday, October 26th. Completion of construction is slated for fall of 2008.

I. **NEWS CLIPS:**

- ✓ September 20, 2006, Mitchell, NE Weekly article, NPNRD opts for three cent increase.
- ✓ September 29, 2006, Norfolk Daily News article, Logan mulls water buy from Fremont.
- ✓ October 6, 2006, Council Bluffs Nonpareil editorial, Resourceful – Consolidation of refuge oversight a smart move.
- ✓ October 10, 2006, Omaha World Herald – Midlands Voices, Platte River compact would protect state, written by State Senator Ed Schrock.
- ✓ October 10, 2006, Omaha World Herald article – Despite flooding, no dam. A Gretna neighborhood won't get relief soon because dams' funding is driven by developers' plans.
- ✓ October 11, 2006, Omaha World Herald article – Developers drive dam funding. A neighborhood with flooding problems finds itself low on the priority list.
- ✓ October 12, 2006, Lincoln Journal Star article – Lower Platte South NRD candidate forum is set.
- ✓ October 12, 2006, Omaha World Herald article – Full cost of boat ramp may fall on consultant.
- ✓ October 12, 2006, Omaha World Herald article – Concerns raised over pick to lead Papio NRD. John Winkler was recommended by a developer's affiliate and some see a conflict of interest.
- ✓ October 12, 2006, Omaha World Herald Public Pulse Letters:
 - Poor Qualifications?
 - Don't blame NRD
 - Unethical code
- ✓ October 13, 2006, Omaha World Herald article – Debt issue next hurdle facing dams. The NRD will ask the Legislature to approve long-term financing authority – a requested that has been rejected previously.
- ✓ October 14, 2006, Omaha World Herald article – Debt question next hurdle facing dam plan. The NRD will seek legislative approval for long-term financing authority.
- ✓ October 14, 2006, Omaha World Herald editorial – Skate parks derailed. But reversal of past rulings by Nebraska Supreme Court may render all recreation on public lands legally risky.
- ✓ October 14, 2006, Omaha World Herald article – NRD: Study planned for subdivision. Forest Run residents show the board a video of flooding problems that turn a tiny creek into a 200-foot-wide stream.
- ✓ October 15, 2006, Omaha World Herald article – Rec sites too great a risk? Winning a lawsuit over an injury on public property, especially government-owned recreational areas, had been extremely difficult since a 1981 court ruling. But that wall of protection was knocked out by a recent Nebraska Supreme Court ruling.
- ✓ October 16, 2006, Omaha World Herald Public Pulse letters:
 - NRDs and dams
 - 'Urban' runoff
- ✓ October 17, 2006, Douglas County Post-Gazette article – Papio-Missouri River NRD board hires new District general manager.
- ✓ October 18, 2006, Omaha World Herald article – A smoother ride ahead on Zorinsky Lake trail.
- ✓ October 18, 2006, Omaha World Herald article – Panel backs Platte River habitat plan.

- ✓ October 18, 2006, Lincoln Journal Star article – Finalists picked for Environmental Trust job. Committee selects five to vie for post of executive director.
- ✓ October 19, 2006, Omaha World Herald article – Irrigators to hear Kansas' side.
- ✓ October 19, 2006, Omaha World Herald editorial – Put away the shotguns. May Nebraskans never emulate Coloradoans who threaten the enforcers of shutdown of farm wells.
- ✓ October 20, 2006, Omaha World Herald article – NRD agrees on director's salary.
- ✓ October 20, 2006, Omaha World Herald article – NRD candidates both make an issue of integrity.
- ✓ October 23, 2006, Omaha World Herald Public Pulse letters:
 - New mission statement
 - Vote out incumbents
- ✓ October 23, 2006, Omaha World Herald article – Missouri River bridge moves toward reality this week.
- ✓ October 26, 2006, Lincoln Journal Star article – More wetlands getting state protection. Area includes habitat for U.S. endangered Salt Creek tiger beetle and saltwort, a state endangered plan.
- ✓ October 27, 2006, Omaha World Herald article – Dream bridge nearer reality. Pedestrian span's completion 2 years off.
- ✓ October 31, 2006, Douglas County Post Gazette article – Mallard Lake subdivision near Valley aimed for fall 2007.
- ✓ November 4, 2006, Omaha World Herald editorial – Four for NRD. Board would do well with Fowler, Lutz, Thompson and John Conley.
- ✓ November 6, 2006, Omaha World Herald editorial – A long ballot. 'Midterm' vote is major task in Midlands. State, county, congressional races abound.
- ✓ November 6, 2006, Omaha World Herald editorial – May the birds be grateful.
- ✓ November 6, 2006, Omaha World Herald article – Another dam plan may be in works. NRD's idea disliked by two counties.
- ✓ November 7, 2006, Omaha World Herald article – Counties team up on dam plan. Douglas, Washington Counties dislike NRD proposal.
- ✓ November 12, 2006, Omaha World Herald editorial – An unavoidable task. Federal requirements necessitate regional vision on dams.

/pt/GM Reports/2006/November

October 2006

Information & Education Report

Information

- ◇ Updated web site pages
- ◇ Continued work on new Chalco Hills Exhibit
- ◇ Began work on Winter SPECTRUM
- ◇ Set up and arranged staffing for the Omaha Home and Garden Show
- ◇ Continued consultation on the PCWP
- ◇ Notified media of Keystone Trail temporary closure

Education

- ☐ Presented Bird Banding program to Millard South Environmental Studies Class
- ☐ Presented Nature Hike to Millard South Environmental Studies Class
- ☐ Facilitated one day training for Omaha North Students on various aspects of Natural Resources
- ☐ Presented Geocaching to Mission Middle School, and Logan Middle School (3 programs)
- ☐ Met with Ken Finch regarding 'Green Hearts' and NRD programming
- ☐ Met with ESU#3 regarding transfer of materials for Water Works
- ☐ Hosted Statewide NRD I&E staff Meeting
 - Presented 'Last Child in the Woods' program
 - Arranged for a program and hike at Fontenelle Forest
 - Worked with I&E staff on agenda/accommodations
- ☐ Continued facilitation 'Last Child in the Woods' discussion group
- ☐ Assisted with Wildlife Learning Encounters programming at Benson West Elementary (NRD Adopt-A-School)
- ☐ Worked with Wildlife Learning Encounters to assure their presence at Fall Home and Garden Show
- ☐ Arranged for Caterer and NRD Staff at Summit Lake Field Day
- ☐ Started advertising for Spring 2007 I&E internship
- ☐ Updated LRIP cover
- ☐ Updated, Printed, Mailed teacher newsletter 'Cultivation' to district schools

MEMORANDUM

TO: File and Pat Teer

FROM: Penny Burch

SUBJECT: Excel Level 3 – 1Staff training

DATE: October 18, 2006

The writer attended Microsoft Excel 2003 Level 3 training on October 18, 2006. Highlights of the lessons are below:

- Lesson one, Creating macros – using macros for speed in repetitive entries in documents, tables, lists is going to be very helpful to me, The instructor showed us ways to build a macro that are so simple, click and paste. I have used macros in Microsoft Word for some time now. This lesson also showed how to modify default settings for workbook set up. Learned to add to the menu bar, commands and organize toolbars.
- Lesson two, learned how to protect files, since Trent does a wonderful job of this with shared and unshared files, our filing system in the office works great. In this lesson I learned tracking methods to locate changes to workbooks – something I find could be useful in spreadsheets that contain lists from PW, MC, DS, (e.g. mass mailing addresses) for making labels. Learned how to merge workbooks, this could come in handy some day, as I keep a set of lists as do project managers, and when changes are made by all parties, we could merge the workbooks, track the changes, and save the changes.
- Lesson three, Auditing Worksheets, learned Trace Cell Precedents and Dependents, and to locate formula errors (e.g. useful in timesheets, when lost formulas happen), by clicking on View:Toolbar:Formula Auditing.
- Lesson four, learned to perform “what-if Analysis” using charts and tables, also, made PivotTable Reports from existing worksheets.
- Lesson five, Working with Multiple Workbooks, learned how to create a workspace by opening all the files you want to include in the workbook –by clicking Window:Arrange:vertical:OK, all workbooks are shown in view (Tiled). Learned to consolidate and/or link parts of tables in cells to other tables cells in different workbooks by copying and pasting.
- Lesson 6, Importing and Exporting Data – Learned that it is better to export Word documents to Excel than it is for Excel data to Word, too many lines and boxes.
- Lesson 7, Structuring XML (eXtensible Markup Language) Workbooks, we imported, added and exported XML data , this information was interesting to know and might be something I would like to learn more about in the future. Not sure how to get it to apply to our office in my duties however.

The book is at my desk and is simple to follow if anyone wants to use it as a guide.

Memo to File

Subject: 18th American Trails Symposium, Davenport, Iowa (October 19-22, 2006)

Date: October 23, 2006

By: Gerry Bowen

The writer attended the 18th American Trails Symposium in Davenport, Iowa October 19-22, 2006. There were many break-out sessions on a wide variety of trails-related topics. The following summarizes some of sessions attended.

1. The keynote address was given by Mr. Gil Penalosa, former Parks administrator for Bogota, Columbia. His presentation centered on EARTH (Environment, Activity, Recreation, Transportation, & Health). In Bogota, he instated a program whereby on Sundays and holidays, some of the major streets were closed to cars, forcing people to walk, bike, or use public transportation. Currently, over 1.5 million participate. He emphasized that trails connect people and neighborhoods, regardless of economic circumstance, and that quality of life is becoming very important in economic competitiveness in attracting new jobs to an area.
2. Ray Irvin (Indiana DNR) discussed plans to utilize railroad corridors for economic development by transporting drinking water, wastewater, and natural resources, while developing trails at the same time. Trails could be financed through license fees to utilize the corridor. This also promotes the regional approach in all activities.
3. Several speakers discussed the economic development associated with trails. In Glentress, England, a trail revitalized an old mining town through tourism (over 450,000 visitors per year). Human-powered recreation produces approximately \$29.5 billion nationally each year.
4. Back-to-the River, Inc. received a national award for Art on the Trails for the art wall and Lewis and Clark commemoration icons.

October, 2006

1

Updated: October 16, 2006

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)
 - Update as needed Easements (6) for Drainage Project North of Maple (W)
- **Big Papio:** (Cleveland)
- **West Branch** (Cleveland):
 - Land Exchange with Sarpy Co. (96th St.) (P)
 - UPRR Bridge (Boyer/Young ROW) Bill of Sale and Temporary Easement (W)
- **Western Sarpy Dike** (Cleveland):
 - Bundy ROW preparation (potentially modify ROW/offer) (N)
 - Amended drainage ditch easements on Hickey (First National Property) (P)
 - Hansen ROW Condemnation (W)
 - Glasshoff levee easement (W)
- **Floodway Purchase Program** (Woodward):
 - Floodway Property Purchase Agreements as needed (F)
- **Trail Projects** (Bowen):
 - Western Douglas County Trail – Ehrhart Griffin professional services contract (P)
 - ⊛ Mopac Trail – Purchase Agreements and easements (W)
- **Missouri River Corridor Project** (Becic):
 - California Bend – Appeal District Court ruling on Wright's tenant (Arp) (W)
 - ⊛ Mo. River Trail – Purchase Agreements and easements (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 (F)
 - Release of Site S-7 Easement (W)
 - ★ S-27 Interlocal Agreement with SIDs on Dam Rehab/Trail Replacement (W)
- **Papio Watershed Dam Sites** (Woodward/Petermann):
 - Dam Site 19 agreement (F)
 - ★ Shadow Lake ROW Closing (P)
 - ★ DS-13 NDOR easement agreement (W)
 - ★ Amend Omaha/Elkhorn Agreement for DS-13 (N)
- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):
 - Amended Interlocal Agreement (F)
- **Rural Water Projects:** (Sklenar)
 - ★ Pospichal Construction Claims Settlement on WCRW #2 (N)
- **Elkhorn River Public Access Sites** (Sklenar):
- **Other:**
 - ★ Arlington Wastewater Interlocal Agreement (Bowen) (P)

INDEX
WEDNESDAY WEEKLY
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NPNRD opts for three cent increase

The North Platte Natural Resources District board of directors has opted to take advantage of a one-time levy override to help cover costs of complying with state mandated ground water regulations.

During the annual Budget and Final Tax Request hearings held Thursday (Sept. 14) night, the NRD board voted to increase the district's total levy by three cents to .078297 for Fiscal Year 2007. NPNRD General Manager Ron Cacek explained that due to special provisions made by the state legislature in LB1226, the state's natural resources districts have only one year to increase their tax levies by three cents. The additional revenue must be used for costs associated with programs and conservation practices needed to comply with the state's new water law, LB962.

Districts statewide that are required to return their ground water use to 1997 levels, such as those in the overappropriated Platte River Basin, are beginning to incur additional expenses as they implement programs including irrigated acre retirement, special Conservation Reserve Enhancement Program (CREP) incentives, invasive species removal and other efforts. Through the LB1226 provision, such districts are allowed to raise their levies an additional three cents in 2007, two cents in 2008 and 2009.

"Basically, they put the taxing authority back onto the local districts," Cacek said of the state's legislative decision.

In August the NRD's budget subcommittee con-

ducted a line-item review of the district's proposed FY-07 budget. After adjustments, the group made a recommendation to include \$800,000 for the additional taxing levy allowed by LB1226. The district's total 2006-2007 property tax request is \$2,136,713.30. Last year's levy was .054684. The three-cents represent a 41 percent increase. The district's maximum allowed levy is 8.5 cents per \$100 valuation.

"I really don't like doing it, but it is a one time deal and considering our situation, I feel like this is the right thing to do," board chairman John Maser said of the increase. "It wasn't our first choosing, but the state enacted the law that allowed us to raise and use the money."

Cacek said the additional revenue will be used specifically for more irrigated acre retirement programs throughout the district and studies and incentives needed to comply with LB962 and the pending Platte River Recovery Implementation Program.

Such programs that the district has already committed to include a study with the U.S. Geological Survey of the district's canals to determine leakage rates and locations and a feasibility study with Natural Resources Conservation Service for using existing dams in the district to augment flows into the North Platte River. Cacek said such studies may result in intentional recharge projects which will help maintain western Nebraska ground water aquifers and improve the base flows of the North Platte River.

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Logan mulls water buy from Fremont

By GREG WEES

gwees@norfolkdailynews.com

The Logan East Rural Water System is considering a plan to buy water from the City of Fremont to supply rural households.

Water towers near Oakland, Fontanelle and Scribner furnish water to the towns of Herman and Winslow, and farms in the eastern part of the Lower Elkhorn Natural Resources District, the system's sponsor. But an alternate source of water source is being sought as a backup.

During the NRD board meeting Thursday in Norfolk, Ron Dierking, chairman of the water system advisory board from Scribner, said a study indicated it would cost about \$2 million to buy water from Fremont.

"We'd drop off the bottom part of the district and use Fremont," he said. "Fremont wants to sell the water."

Drilling another well was considered because the area has an inadequate aquifer, he said.

The water system couldn't fund the project by itself but would need financial assistance because of the high cost, he said in asking the NRD to consider that in its future

planning.

Stan Staab, NRD manager, said the district would look at different funding sources.

The water system has about 1,100 water meters and serves more than 4,000 people.

In other action, the board:

- Voted to continue with acquisition of land by negotiations or eminent domain for the \$6.7 million Leigh Dam project. A lake and 473-acre park will be built next to the Colfax County fairgrounds at Leigh.

- Approved \$25,000 in improvements to build a camping area for people who bring horses to ride at the Willow Creek State Recreation Area near Pierce. The Nebraska Game and Parks Commission will construct 10 pens for the horse camp, which will have water and electrical service. The board also applied for a \$150,000 grant from the Game and Parks Commission's recreational trails program to complete the trail around Willow Creek Lake.

- Accepted the \$3,240 bid from Jensen Construction Co. of Stanton to clean up tree and concrete rubble along the Cowboy Trail extension along the Elkhorn River west of Tah-zouka Park.

- Certified the property tax requirement of \$2.59 million for the fiscal 2006-2007 budget and set the levy at .035 cents per \$100 of assessed property valuation. That compares with the current budget of \$2.46 million and levy of .036 cents.

- Approved cost sharing with producers approved for Environmental Quality Incentive Program (EQIP) funds on practices in the NRD's conservation cost-share program, up to the percentage used by the NRD.

OCT - 6 2006

Universal Information Services, Inc.

**THE DAILY
NONPAREIL**

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Our Position: Consolidation of
refuge oversight a smart move

In the greater scope of things, one can figuratively stand in the Boyer Chute National Wildlife Refuge and fire a spitwad skyward that will land somewhere in the nearby DeSoto National Wildlife Refuge. While the two federally managed facilities are, in actuality, somewhat farther apart, their proximity would suggest to most that they might easily be managed as a single entity.

That, we're pleased to note, is precisely what the U.S. Fish and Wildlife Service is planning.

Boyer Chute National Wildlife Refuge is located 3 miles east of Fort Calhoun, Neb., and 8 miles north of Omaha. The refuge boundary includes land in both Nebraska and Iowa along the Missouri River. DeSoto National Wildlife Refuge is located 5 miles west of Missouri Valley and 5 miles east of Blair, Neb. The refuge also includes land in both Nebraska and Iowa along the Missouri River.

The U.S. Fish and Wildlife Service has announced that the management and administration of the two wildlife facilities would be combined "in order to increase management efficiencies at both refuges."

Regional oversight of Boyer Chute NWR will shift from the U.S. Fish & Wildlife Service's Mountain-Prairie Regional Office in Denver, Colo., to its Midwest Regional Office at Fort Snelling, Minn. DeSoto NWR is managed by the Midwest Region.

DeSoto National Wildlife Refuge Manager Larry Klimek, who will supervise both refuges, emphasized that the changes are mostly internal to the U.S. Fish and Wildlife Service and will have little, if any, effect on the visiting public. And why would they?

Staff members currently on-site at Boyer Chute National Wildlife Refuge staff will remain at their current location, and the refuge will remain open to compatible wildlife-dependent public uses.

"This effort will allow us to apply our collective resources on the most important habitat and public use projects on both refuges," Klimek said.

To which we would say: It's about time.

Midlands Voices

Platte River compact would protect state

BY ED SCHROCK

The writer, of Elm Creek, Neb., represents District 38 in the Nebraska Legislature. He chairs the body's Natural Resources Committee.

A Sept. 10 World-Herald editorial urged Gov. Dave Heineman to sign the three-state Platte River agreement. I agree.

This agreement would give Nebraska a seat at the table in determining the state's use of the Platte River. Without the agreement, Nebraska may be forced to provide more than its share of not only water but costs as well.

The first phase of the agreement would provide a 13-year plan for study on the Platte in all three states. This would give us the opportunity to accurately estimate and determine costs over a long period of time.

The cooperative agreement would provide benefits to species that need to be protected under the Endangered Species Act and would ensure that all three states (Colorado, Nebraska and Wyoming) share in the costs. It also would remove the possibility that individual farmers, whose use of water reduces flows in the Platte River, would have to negotiate with the U.S. Fish and Wildlife Service about how to overcome adverse effects to the species that are protected by the federal Endangered Species Act.

Perhaps one of the most important provisions of the plan is that any state, including Nebraska, could opt out of the program at any time if it finds the provisions too harmful to the state. This provision exists without any requirement of payment to any of the remaining parties to the agreement, since it is not a compact between the states.

In a Sept. 17 editorial, The World-Herald said that "irrigators two years ago fought Legislative Bill 962." I disagree with that assertion because it ignores that the Water Policy Task Force was fully behind the passage of LB 962.

Twenty members of the Water Policy Task Force are there to represent surface-water and groundwater irrigators. Three other members are from differing agricultural groups, and five additional members are from differing natural resources districts. This means that more than one-half of the task force's membership is comprised of individuals who have a direct relationship with irrigated agriculture. A blanket statement

that irrigators fought LB 962 is unfair to the majority of irrigators in Nebraska.

The two negative votes on passage of LB 962 were cast by urban senators. LB 962 takes a proactive approach to managing Nebraska's water. It has a goal of making all river basins sustainable now and in the future. Sustainability simply means that the supply of water is equal to the demand.

In those areas of the state that have been declared over-appropriated or fully appropriated (including the Platte River upstream of Columbus), there is a need to reduce consumptive use to bring those areas into balance.

Purchasing or retiring irrigated acres is only one option. Additional reductions may come from crop rotations, development of strains of crops that consume less water, removal of trees and other vegetation from the river and implementation of other options. We as a state need to examine all of the options and look for a combination that provides the relief we need without bankrupting either the state or the farmers.

Irrigated agriculture is the backbone of Nebraska's economy, and irrigators have done their best to provide food for Nebraskans as well as the nation in the most economical and practical way. Farmers are business people as well as environmental stewards and have looked for ways to grow more with less.

There are several options that farmers are pursuing:

■ Farmers have enlisted the University of Nebraska to develop drought-resistant hybrid corn that ultimately uses less water for growth.

■ Farmers have asked irrigation equipment manufacturers for assistance, and, for the first time, irrigation equipment manufacturers have joined forces to develop a program to measure the amount of water that can be saved by converting existing high-pressure irrigation systems to low-pressure irrigation systems.

There has always been an assumption that a low-pressure irrigation system uses less water than a high-pressure system. But there has not been any hard data to prove it.

■ Farmers also have used conservation methods to improve water use.

Despite flooding, no dam

■ A Gretna neighborhood won't get relief soon because dams' funding is driven by developers' plans.

10/10/86

BY NANCY GAARDER

WORLD HERALD STAFF WRITER

It's not a pretty ditch. But then, this isn't about landscaping.

Day after day, John McQueney heads out to his backyard to dig away at the rivulet running through his subdivision. With kids sometimes in tow, this has become a family project.

But it's not family time that sends McQueney outside. It's fear.

For his kids. The neighbors' kids. His house. The neighbors' homes.

Heavy rains this summer transformed the trickle of water that typically runs through Forest Run subdivision near Gretna into a 200-foot-wide lake on the move. Water swirled around the McQueney's trampoline, through a neighbor's workshop and — what frightens residents most — around electric utility boxes.

All that kept the water from reaching the McQueney's home this summer was a small berm, about 15 feet from the back door.

Twenty-nine dams have been proposed as part of a storm water plan for the Omaha metro area — including one to help solve Forest Run's problem.

But this neighborhood, which is clamoring for its dam, will remain out of luck for the foreseeable future.

The reason?

Decisions on where the Papio-Missouri River Natural Resources District spends money on the proposed dams are being driven by where developers are likely to move next.

Not imminent risk of flooding at a neighborhood such as Forest Run. Nor the need to protect water quality at Cunningham Lake, where seven proposed dams would protect the \$3 million taxpayers are spending to rehabilitate the lake.

Flooding and water quality are the reasons the Papio-NRD says it and other local governments need to undertake an aggressive dam-building effort. The current, 29-dam plan would cost nearly \$300 million.

The NRD is scheduled to vote Thursday on a set of policies endorsing the dam plan. The 29-dam plan exceeds the NRD's financial resources, which is why the policies include a provision that the Legislature allow the NRD to go into long-term debt.

And while the NRD has not formally prioritized the 29 dams, it already has budgeted for some and not others.

This year's budget allocates \$5 million toward five dams: one



Liza McQueney, 9, helps her father, John McQueney, dig in their backyard last week. They were trying to direct the flow of excess water in their subdivision. Behind them is Alice McQueney, 4. Their neighborhood won't be getting a dam soon.

SHAWN QUAIL/ANDER THE WORLD HERALD

near 168th and Fort Streets, two near Bennington, one near Papillion and a small one upstream of Zorinsky Lake. Together, the five dams are expected to cost \$65 million to complete, most of which would be funded by the NRD.

In the absence of a publicly debated set of priorities, how did the NRD select those five for initial funding?

Marlin Petermann, acting head of the Papio NRD, said the district is selecting sites based on "developer and community interest." He emphasizes that the proposal involves 12 governmental organizations throughout the metro area.

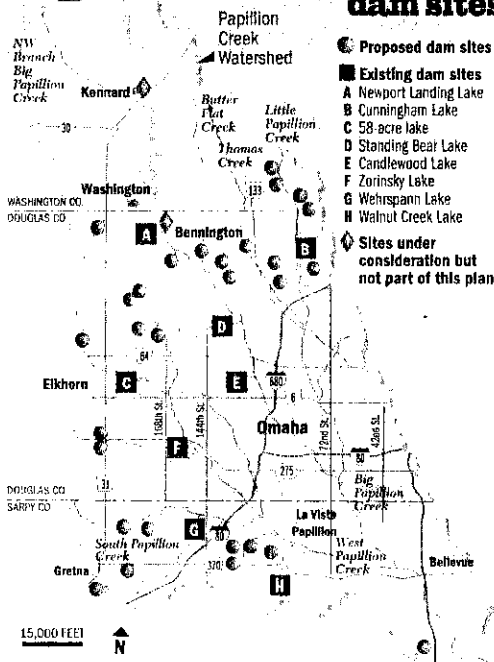
Three of the five new dams would fall within Omaha and Bennington's zoning jurisdictions.

But Bennington Mayor C.C. "Skip" Wolff said his community has not asked the NRD to build a dam.

And in Omaha, City Planning Director Steve Jensen said the

See Dams: Page 2

Papio-Missouri River NRD's dam sites



SOURCE: Papio-Missouri River Natural Resources District

THE WORLD HERALD

Continued

Dams:

NRD plans Thursday vote

Continued from Page 1

city is waiting to meet with NRD officials to set priorities for which dams should be built first. The city has delayed signing an agreement with the NRD until those discussions take place.

Petermann said "community interest" is manifested when a city zones an area as available for development.

Developer interest is based on sites where the NRD has learned that developers want to build. If the NRD doesn't buy the lake sites first, developers will buy the land and convert it to subdivisions, eliminating the opportunity for a lake in the future, Petermann said.

Petermann said the proposed dam east of Bennington was included in the NRD's budget because the Dial Land Development Corp. had bought some of the land where the lake would be built. The district had to buy that land from Dial or risk losing the opportunity to build the lake, Petermann said.

Likewise, developers are interested in the land where the Zorinsky- and Papillion-area lakes would be put, Petermann said.

Petermann's view is shared by several board members, including John Conley.

"The developers put pressure on us," Conley said. "We have a choice. We can build flood control, or we can let them put houses in valleys where the flood-control structures might go."

Bob Horgan of Horgan Development Co. is among developers likely to partner with the NRD on a dam. He said the NRD is taking the best approach to deciding where to spend its money. The alternative is to tell property owners that one day their land will become a lake and, until then, they can't develop it.

In essence, the NRD "would have condemned your land for no money," he said. "How comfortable would you feel about that?"

But according to Petermann, the 29-dam plan won't include a provision requiring that specific parcels of land be set aside for dams. Instead, the plan would map likely sites as a way of encouraging all parties to work together. As development nears a specific dam site, a joint decision would be made whether to go forward with that dam.

Horgan said developers' help is needed because these dams involve complex land negotiations. Furthermore, developers will help underwrite the costs of the lakes, which ultimately will save taxpayers money, he said.

One problem with the situation in McQueney's Forest Run neighborhood is that the owner of the designated dam site, Gretna Mayor Tim Gilligan, isn't eager to sell the land.

Gilligan said he had "sentimental and financial" reasons to hold onto the land. His grandfather farmed it, he said, and the family earns income from it.

Gretna is the state's fastest-growing community, and Gilligan said he recognizes that someday he may be forced to sell to the NRD.

Petermann provided other reasons that the Forest Run dam isn't being funded. The NRD, he said, wasn't aware how serious the problem was when it established its budget this spring.

But residents have a 2005 e-mail that indicates the district was aware of the problem.

Petermann subsequently said a more accurate explanation is that Forest Run didn't get funding this year because there isn't development pressure on the proposed dam site.

Furthermore, he said, flooding in Forest Run is a local problem. About 24 properties are in the path of flooding, and Wehrspann Lake is downstream of Forest Run. It would catch floodwater and protect the greater metro area.

The bottom line is that the NRD needs to get started on the 29-dam plan now, Petermann said. If the NRD board votes this week to put the dam policies in place, then the district can begin focusing on the details that would address such concerns as those in Forest Run.

"Look at the other side," Petermann said. "What happens if you don't start? Then you've got nothing."

So for now, McQueney digs.

Developers drive dam funding

■ A neighborhood with flooding problems finds itself low on the priority list.

10-11-06

BY NANCY GAARDER
WORLD-HERALD STAFF WRITER

It isn't a pretty ditch. But then, this isn't about landscaping.

Day after day, John McQueney heads to his backyard to dig away at the rivulet running through his subdivision. With kids sometimes in tow, this has become a family project.

But it isn't family time that sends McQueney outside. It's fear.

For his kids. The neighbors' kids. His house. The neighbors' houses.

Heavy rains this summer transformed the trickle of water that typically runs through Forest Run subdivision near Gretna into a 200-foot-wide

lake on the move. Water swirled around the McQueney's trampoline, through a neighbor's workshop and — what frightens residents most — around electric utility boxes.

Twenty-nine dams have been proposed as part of a storm water plan for the Omaha metro area — including one to help solve Forest Run's problem.

But this neighborhood, which is clamoring for its dam, is out of luck for the foreseeable future.

The reason?

Decisions on where the Papio-Missouri River Natural Resources District spends money on the proposed dams
See Dams: Page 2



SHAWNEQUA LINDER
THE WORLD-HERALD

Liza McQueney, 9, helps her father, John McQueney, redirect water in their yard. Behind them is Alice McQueney, 4. Their area won't get a dam soon.

Dams: Plan for 29 exceeds resources

Continued from Page 1

are being driven by where developers are likely to move next.

Not imminent risk of flooding in a neighborhood such as Forest Run. Nor the need to protect water quality at Cunningham Lake, where seven proposed dams would protect the \$3 million that taxpayers are spending to rehabilitate the lake.

Flooding and water quality are the reasons the Papio district says it and other local governments need to undertake an aggressive dam-building effort. The current 29-dam plan would cost nearly \$300 million.

The district's board is scheduled to vote Thursday on a set of policies endorsing the dam plan. The 29-dam plan exceeds the district's financial resources, which is why the policies include a provision that the Legislature allow the district to go into long-term debt.

And while the district has not formally prioritized the 29 dams, it has budgeted for some and not others.

This year's budget allocates \$5 million toward five dams: one near 168th and Fort Streets, two near Bennington, one near Papillion and a small one upstream from Zorinsky Lake. Together, the five dams are expected to cost \$65 million to complete, most of which would be funded by the district.

In the absence of a publicly debated set of priorities, how did the district select those five for initial funding?

Marlin Petermann, acting head of the Papio district, said the district is selecting sites based on "developer and community interest." He emphasized that the proposal in-

Making policy

A divided NRD board committee Tuesday night recommended that the full board on Thursday approve the policies that would endorse the 29-dam plan.

NRD managers recently drafted changes to reflect concerns raised by board member Rich Tesar. Tesar wants developers to shoulder more of the cost. But he said the version presented Tuesday was so watered down that he couldn't support it.

Board Chairman Jim Thompson encouraged his colleagues to support the policies and reassured them that changes could be made later.

volves 12 governmental organizations throughout the metro area.

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Lower Platte South NRD candidate forum is set

Candidates for the Lower Platte South Natural Resources District Board of Directors will participate in a election forum sponsored by The Friends of Wilderness Park and The Bluestem Sierra Club.

The event will be 7 p.m. Tuesday in the Lefler Middle School library, 1100 S. 48th St. The public is invited to attend and ask questions.

A natural resources district has taxation authority and is responsible for management, development and protection of the soil and water resources found in that district.

Nebraska has 23 NRDs. No other state has such a system for managing its natural resources.

The Lower Platte South NRD includes all or portions of Butler, Cass, Lancaster, Saunders and Seward counties. There are 21 directors on the board.

In the coming general election, there are four contested races, including one for the at-large seat on the board.

Journal Staff
10-12-06

Full cost of boat ramp may fall on consultant

10-12-06

BY NANCY GAARDER

WORLD-HERALD STAFF WRITER

A board committee for the Papio-Missouri River Natural Resources District wants a consultant to pay the full cost of fixing a failed boat ramp on the Elkhorn River.

The river washed out the ramp, off West Maple Road near Waterloo, within weeks after construction was completed, according to the district. The district is building several boat ramps on the river to improve boating in the Omaha metro area.

A board committee Tuesday rejected management's proposal that the district split the \$22,490 cost of repairs with BCDM, the firm that designed the ramp. Acting general manager Marlin Petermann said divvying up the costs takes

into account the added value of the new design, which goes beyond the earlier version.

Dave Ciaccio of BCDM said he didn't know why the earlier version failed but said he is confident the new design will work. The new one will be steeper and includes additional protection from the river's current.

Ramps similar to the earlier version have held up successfully on the St. Croix River in Minnesota and the Platte River in Nebraska, Ciaccio said. The company went with the design, he said, because it was a "low-cost" solution to the district's needs.

Board member Rich Tesar was not persuaded.

"At some point, this board has to say 'no,'" Tesar said. "It was poorly designed."

Concerns raised over pick to lead Papio NRD

■ John Winkler was recommended by a developer's affiliate, and some see a conflict of interest.

10-12-06

By NANCY GAARDER
WORLD-HERALD STAFF WRITER

The finalist for general manager of the Papio NRD came recommended for the job by an affiliate of the company that is developing projects at NRD dam sites.

That connection has raised concerns among opponents of the NRD's ambitious proposal to build 29 dams in the Omaha metropolitan area.

The board of the Papio-Missouri River Natural Resources District will vote tonight on whether to hire John Winkler as general manager. Winkler currently is Plattsmouth city administrator and Cass County economic development director.

A board committee selected Winkler over four other finalists.

Two of those candidates have extensive experience in natural resources management: Marlin Petermann, longtime assistant general manager at the Papio NRD, and John Miyoshi, general manager at the Lower Platte North NRD. Thirty-six people applied for the job.

Winkler's application for the Papio-Missouri position includes a letter of reference from David A. Wehner, president of Dial Resources LLC. Winkler also received recommendations from former Omaha Mayor Hal Daub and Bob Scott of 3S Investments in Independence, Mo.

Dial Resources was formed under the umbrella of the Dial Cos. Two other Dial operating companies are developing projects at NRD dam sites.

Dial Realty has worked with the NRD to build a lake at 192nd Street and West Dodge Road, and Dial Land Management Co. is building an assisted-living facility next to a proposed NRD lake east of Bennington.

Winkler said people should not interpret a letter of reference from Dial as reflecting any predisposition on his part.

"I'm beholden to no one except the board and the constituents of the district," he said. "I have two bosses: the board and the taxpayers of the district. I'm not going to be looking out for one particular group over another."

Continued from Page 1

Opponents of the NRD dam building initiative say Winkler's relationship with developers raises a red flag.

"There's a conflict of interest there," said Jennifer Andersen, whose Washington County farm is threatened by the district's plans for dams.

"The NRD is falling further and further away from preserving our natural resources," she said, "and instead is getting their hands mixed up in economic development."

Wehner said trying to draw a connection between his letter of reference and the dam building initiative is "spinning a web that isn't there."

Dial Resources is a separate entity from the other Dial companies, he said, and has had no involvement in the dams. Dial Resources was formed this year to find business partners for various Dial projects.

Winkler said he has no opinion on the dam and storm water initiative. Coming up to speed on the issue, he said, will be a top priority.

Papio NRD board member Rick Kolowski, who led the selection committee, said Wink-

ler's strengths are leadership, management and political acumen. Expertise on natural resources issues, he said, can be provided by the staff.

Winkler, 40, has experience in the type of public-private partnerships that form the basis for the dam plan.

In Plattsmouth, the city is working with another group of developers to build a marina and a commercial, residential and recreation complex along the Missouri River next to Schilling Wildlife Area.

Winkler for a short time led a political action committee at Mutual of Omaha. He also was legislative liaison for a mental health and substance abuse or-

ganization. Winkler worked as a professional mediator for almost 15 years.

In his letter, Wehner said he has known Winkler for only four months but came to regard him as a "leader and seasoned professional who clearly understands his business, knowing how to work with diverse groups of people for the common good."

Committee member Rich Tesar, who supports dams but has been one of the most ardent critics of the current proposal, said Winkler will bring an independent mind to the table.

"I perceive him that way," Tesar said. "If I didn't, I wouldn't have voted for him."

See Finalist: Page 2

Poor qualifications?

Jennifer Andersen's suggestion (Oct. 5 Pulse) was right on. She wrote that John Winkler might be better suited working for the Greater Omaha Chamber of Commerce than with the Papio-Missouri River Natural Resources District as its new general manager.

The NRD board likes Winkler's "energy and creativity," yet it appears that he has zero qualifications in water quality or natural resources.

An Oct. 6 news story, "Plattsmouth losing city administrator," cited praise for a man whose "forte was economic development." The last thing we need is another Steve Oltmans-type manager getting "creative" with dam-building projects that only benefit developers at taxpayers' expense.

Although the NRD board hasn't yet voted to hire Winkler, it sounds like a done deal.

Linda Ryan, Omaha

Don't blame NRD

Judging by the tone of recent World-Herald articles and Public Pulse letters, one could get the feeling that the Papio NRD's plans are just for the benefit of real-estate developers. The NRD is simply establishing a plan to deal with Omaha's continuing development.

Don't all government entities and businesses have plans as part of their ability to function in the long run? Urban sprawl isn't desirable, but don't blame the NRD. Put the blame where it belongs — on city and county planning boards.

The NRD is reacting to the current reality of land use and what a reasonable expectation of the future holds.

Bill Kline, Omaha

Unethical code

I think many observers of natural resources districts across the state would say "amen" to Ron Milner's comments in an Oct. 5 news story about the secrecy, arrogance and intolerance of public input that he claims are characteristic of the Upper Republican NRD board, of which he was a member.

The Dam People, a citizens group opposed to the Leigh dam project, have witnessed firsthand this same type of arrogance and secrecy, plus the use of intimidation (bully tactics) and even deception, during the past seven years in our dealings with certain Lower Elkhorn NRD officials.

Like Mr. Milner, we, too, are angered and frustrated by this seemingly commonplace unethical code of conduct. It must be stopped. The command-and-control methodology of the NRD, in which prevailing pub-

lic sentiments are blatantly and totally disregarded, needs to be replaced with a code of conduct that is more constituent-responsive and landowner-taxpayer friendly.

Many kudos to those like Ron Milner who have the courage to segregate themselves from this unethical network called "Nebraska's unique NRD system" and to publicly stand up for what's right. Our condolences go to the Upper Republican district. Sounds like folks there lost one fine director.

Shawn Heitz, Leigh, Neb.

Debt issue next hurdle facing dams

■ The NRD will ask the Legislature to approve long-term financing authority—a request that has been rejected previously.

By NANCY GAARDER
WORLD-HERALD STAFF WRITER

Now that the Papio-Missouri River Natural Resources District board has endorsed building up to 29 dams in the Omaha metropolitan area, it will head to the Nebraska Legislature seeking authority to go into long-term debt.

Marlin Petermann, acting general manager of the NRD, said debt financing is essential to underwriting the cost of the dams, which could be as much as \$282.5 million.

If the NRD is unsuccessful in the Legislature, as it has been the past two years, Petermann said property taxes could rise, the number of dams could be cut or developers could be asked to pay a larger share. Other sources of funding also would be sought.

Petermann has reason for hope. Most Omaha area governments — with the notable exception of Douglas County — have endorsed giving the NRD such authority; term limits will change the makeup of the Legislature; and the NRD will send what it hopes is a more palatable bill to Lincoln.

"We hope we have a better shot," Petermann said today. "We see this as necessary so we won't have to raise taxes."

Getting developers to accept higher fees or, in some cases, fewer dams could be a tough sell.

"I think the development community would object to paying more," said Bob Doyle, an attorney for developers. Doyle was among those who worked with local governments to draft the policies.

New NRD chief

Who: John G. Winkler, age 40

New Job:

General manager, Papio-Missouri River Natural Resources District

Approved:

Thursday night by Papio NRD board

Previous job: Plattsmouth city administrator and Cass County economic development director



Under the compromise hammered out between developers and government officials, builders are supposed to pay one-third of the cost through a fee on new development — \$500 per residential lot, for example.

In exchange, developers are relieved of building hundreds of smaller ponds. One purpose of the lakes and ponds is to trap urban water pollution, thus meeting federal Clean Water Act requirements. The lakes provide the added benefit of greater flood control.

If local governments can't afford the lakes, it's not clear what would happen. They should not expect developers to instead start building the small ponds, Doyle said.

The NRD board approved the dam and storm water policies on

See Dams: Page 2

MAIN NEWS

Dams: Debt authority to be sought

Continued from Page 1
a 7-3 vote Thursday.

Voting in favor were John Conley, Fred Conley, Jim Thompson, Tim Fowler, Rich Jansen, Rick Kolowski and John Schwabe. Voting against were Dorothy Lanphier, Dick Connealy and Rich Tesar.

"We need to address (flooding), and we'd be negligent if we didn't," John Conley said before the meeting. "It's late in coming."

Lanphier said the district was making a mistake.

"This route is probably the most expensive storm water plan that we could put together," she said. "I would wager there is not another one like this in the United States."

Shawn Melotz, a Douglas County resident and accountant who opposes the dams, said she believes taxes will increase.

The NRD already has increased its property tax rate by a cent to help fund these and other Omaha area dams. The district is spending the equivalent of half this year's property tax revenue on dam construction in the Omaha metropolitan area.

The district has not done a cost-benefit analysis, nor has it prioritized the dams, although it has begun spending money on some and not others. If all the dams were built, they would control runoff from about 17 percent of the Papillion Creek watershed.

The NRD has concluded that, in a worst-case scenario, peak flows in the West Papillion Creek have increased by 24 percent since the 1970s because of urbanization.

If all the dams scheduled for the West Papio were built, they might reduce those flows back to 1970s levels, or even further.

The dams are part of a larger plan that involves other metro-area governments and is intended to bring uniformity to storm runoff controls across city and county lines. The new storm water policies more tightly control erosion created by construction and limit, to a certain extent, how close a development can be to a creek.

The dams are a less costly way of meeting the federal Clean Water Act, Mike

McMeekin, president of Lamp Rynearson & Associates, told the NRD. McMeekin was among those who helped develop the policies.

Additionally, the lakes would improve the aesthetics of the area and provide recreational opportunities, McMeekin said.

Developers would be allowed to build around all of the lakes, although thus far, the policies don't spell out how much public land would surround the lakes.

Eight of the 12 affected governments have approved the policies, including Omaha and Sarpy County. Governments that have yet to vote include Bennington, Elkhorn and Gretna.

Douglas County Board members have rejected the policies.

Petermann said he doesn't believe the NRD will wait on the Legislature before taking the next step, which is signing an agreement with local governments that commits it to moving forward. The agreement is necessary for local governments to institute the new fee and send the money to the NRD.

Debt question next hurdle facing dam plan

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Omaha World-Herald

JOHN GOTTSCHALK, Publisher

LARRY KING, Executive Editor GEITNER SIMMONS, Editorial Page Editor

MIKE REILLY, Managing Editor

SATURDAY, OCTOBER 14, 2006

Skate parks derailed

Young skaters and skateboarders have learned constructive lessons about citizenship in successfully planting skate parks from Scottsbluff to Omaha in recent years.

Now another civics lesson is at hand, courtesy of the Nebraska Supreme Court. A new legal ruling might not only eliminate publicly owned skate parks but also significantly alter the state's cultural landscape.

In the ruling, the court said that governments can more easily be held liable for recreational accidents on their land. The decision reversed 25 years of previous high court rulings. And it has local leaders wondering if they can risk permitting any recreational activity on their land.

Nebraskans, therefore, now need to answer two vital questions:

■ Are they as taxpayers willing to risk offering public recreation if someone, somehow, might be hurt?

■ Conversely, ought they as individuals be so insistent in averting all risks that their local culture is left destitute, unable to help entice young people to stay as adults?

North Platte, Fremont and Hastings were among the first cities to shut down skate parks after the Supreme Court decision. The court case arose from Fur Trade Days in Chadron in 2002, when a woman stepped in a hole on the Dawes County Courthouse lawn and broke her ankle. Several surgeries later, she sued the county.

Lower courts said the state Recreation Liability Act and Supreme Court rulings dating to 1981 required her to show "willful or malicious failure to act" to prevail.

But on Sept. 29, in his final Supreme Court opinion, former Chief Justice John Hendry said the state law, passed in 1965, protected private individuals who opened their property for recreation. That statute said nothing about public landowners, which lost protection under a 1969 law, he wrote.

Hendry posited an incident in which part of the State Capitol's outer façade crumbles, injuring both schoolchildren on a tour and a person planning to testify at a hearing. If previous courts were right, he said, the testifier on public business could collect damages;

But reversal of past rulings by Nebraska Supreme Court may render all recreation on public lands legally risky.

the children's parents might not.

Hendry's reasoning is unfortunately sound. But had the Supreme Court expressed it in the 1980s, cities likely never would have permitted skate parks to spread, notes Lynn Rex, executive director of the League of Nebraska Municipalities.

It's a shame. Youths who accepted adult challenges to develop the parks as an alternative to disruptive street and sidewalk skating learned how to research an idea, build coalitions and work with government for beneficial change.

But a tragic accident Thursday night illustrates the dangers: An 18-year-old Omahan using Council Bluffs' skate park did a backflip on in-line skates and hit his head on a rail, suffering critical injuries.

The League of Municipalities' self-insurance pool, Rex said, will meet next week on whether to cover skate parks despite the Supreme Court ruling. Nonetheless, higher premiums most likely are in store, even for privately insured cities.

But what about pools, water parks and ballfields? Must playground equipment be pulled? Can a city block off a street for an art show? Allow a parade? In fact, can any state or local agency afford to permit recreation of any kind?

Some skating fans might deem this overreaction. The owner of a Fremont skate shop told the Fremont Tribune: "No one who skates is going to sue for being hurt. We all get hurt. That's part of it."

Ah, on that, all would agree. But as Lisa Marvel of Hastings, who helped her skateboarding son successfully push for the skate park there, said in a World-Herald interview this week: "What they don't get is that some parents will want to blame someone for what happened to their child."

Rex says her group may ask the Legislature to restore the protection the high court ruling took away. Lawmakers indeed should give the idea thorough scrutiny when they convene in January.

When they do, the young people who helped win the skate parks to begin with should be involved. It's not just about skate parks now, though. It's about the atmosphere of the state they grew up in, the one where one hopes they will stay.

NRD: Study planned for subdivision

■ Forest Run residents show the board a video of flooding problems that turn a tiny creek into a 200-foot-wide stream.

By NANCY GAARDER
WORLD-HERALD STAFF WRITER

Residents of the flood-prone Forest Run subdivision near Gretna may be getting some help.

The Papio-Missouri River Natural Resources District will study flooding problems that turn a tiny creek in the neighborhood into a more than 200-foot-wide stream after heavy rains.

"If we had a 7-inch rain up there, some poor kid running out in his backyard would get washed away," board member Rich Tesar said after he inspected the area Thursday with fellow board member Rich Jansen.

The neighborhood's flooding would be eased by one of the dams in a 29-dam proposal the NRD board has endorsed. But for a variety of reasons, other dams in the plan have taken precedence, even though those would not address immediate flooding problems.

At Thursday night's board meeting, Marlin Petermann, NRD acting general manager, said the district would study

Inside

Debt financing is the next hurdle for the NRD's dam plan. **Page 3B**

whether something could be done quicker. Board members viewed video filmed by residents that showed floodwaters swirling around a trampoline and an outbuilding.

"If you saw the video, you definitely saw how bad it was," Tesar said. "If we had seen this video (earlier), it probably would have been a priority."

Forest Run residents said they have been trying to get help from various government agencies for the past couple of years.

Resident Cathy McQueney said she is relieved the NRD is showing interest.

"I hope things can get sorted out," she said. "There is no easy solution."

McQueney's husband, John, this summer began digging away at the creek so it could carry more water.

He's taking nothing for granted, she said. He's still digging.

MIDLANDS

SATURDAY, OCTOBER 14, 2006 3B

Debt question next hurdle facing dam plan

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By NANCY GAARDER
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If local governments can't afford the lakes, it isn't clear what would happen.

They should not expect developers to instead start building the small ponds, Doyle said.

Shawn Melotz, a Douglas County resident and accountant who opposes the dams, said she believes taxes will increase.

The district already has increased its property tax rate by

a cent to help fund these and other Omaha-area dams. The district is spending the equivalent of half this year's property tax revenue on dam construction in the Omaha metropolitan area.

The dams are part of a larger plan that involves other metro-area governments and is intended to bring uniformity to storm runoff controls across city and county lines. Eight of the 12 affected governments have approved the policies, including Omaha and Sarpy County. Governments that have yet to vote include Bennington, Elkhorn and Gretna.

Douglas County Board members have rejected the policies.

Rec sites too great a risk?

SUNRISE EDITION
SUNDAY, OCTOBER 15, 2006



Nick Baldwin practices stunts Friday at Roberts Park, 78th and Cass Streets. The Omaha skate park could join those in Norfolk, Fremont and North Platte that have closed recently in light of new concerns about a city's liabilities over parks and recreational activities.

LAURA INNS/THE WORLD-HERALD

Winning a lawsuit over an injury on public property, especially government-owned recreational areas, had been extremely difficult since a 1981 court ruling. But that wall of protection was knocked out by a recent Nebraska Supreme Court ruling.

By MAHALIA ASANAENY
AND C. DAVID KOTOK
WORLD-HERALD STAFF WRITERS

A court ruling over a woman's broken ankle has prompted a sudden shutdown of skate parks in at least three Nebraska cities and worries across the state about taxpayer liability for injuries suffered on public land.

All types of parks and recreational activities could be curtailed because of a Sept. 29 Nebraska Supreme Court ruling that reversed 25 years of state law protecting governments from lawsuits.

Norfolk, Fremont and North Platte have closed their skate parks in the past two weeks. Omaha and Lincoln officials say they may be forced to close their skate parks as well and fear the impact could extend to BMX dirt bike tracks, sledding hills and

playground slides.

Cities, counties, natural resources districts and the Nebraska Game and Parks Commission say the ruling makes them vulnerable to large court awards for injuries suffered at public recreation areas.

The high court ruled in the case of a woman who broke an ankle when she tripped on a county courthouse lawn while carrying plates from a picnic table to a trash can.

She sued, seeking damages from Dawes County for failing to fill a hole or level the ground around the courthouse. Her case wound its way to the state's highest court.

Winning a lawsuit in such a case had been extremely difficult since a 1981 court ruling that provided a wall of protection for government-owned recreational areas.

That protection evaporated

when the high court concluded in the Dawes County case that the Recreation Liability Act no longer applied to public property. The law was originally intended to shield private landowners who open up their land for recreation for free, and that protection continues.

Without the special protection, insurance on some city-owned skate parks has been canceled.

Skate parks and BMX dirt bike tracks are seen as particularly risky and difficult to defend if someone is injured and sues.

But skate parks could be only the beginning as greater vulnerability to high-dollar judgments could force changes or closings at swimming pools, playgrounds and ballfields. The result is that cities, in particular, feel vulnerable to lawsuits.

"It will have a profound impact on cities," said Lynn Rex, execu-

tive director of the League of Nebraska Municipalities.

"If skateboard parks close in Nebraska, kids will go on the street more and more," Rex said.

State Sen. Mike Flood of Norfolk said the decision hit home when Miracle Skate Park was ordered closed. The Norfolk skate park got its name because few thought the determined door-to-door fund-raising effort by children would succeed.

Flood, who says he would join legislative efforts to put the old protection into state law, worried that the decision could have far-ranging implications, including jeopardizing Columbus' new water park with its slides and waterfalls.

"This decision is another lawyers-full-employment act," said Lincoln City Attorney Dana Roper.

No one knows how much more

See Skate: Page 5

Skate: Ruling may also affect pools, playgrounds

Continued from Page 1

susceptible to large court judgments Nebraska government entities will be, Roper said. "But we know the bar has been lowered or is basically gone."

The reason it was so hard to win a case in the past was that anyone suing because of an injury at a recreation area had to prove the owner was guilty of "willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity."

In isolated cases, people have successfully met that test.

Earlier this year, the City of Omaha was found to be 75 percent responsible for the paralysis that Rachel Connelly suffered when she and her sister slid into recently planted trees in Memorial Park in a 2000 sledding accident.

The key to the case was testimony from a former city parks employee that he had warned that the trees should be removed because they presented a danger to sledders.

The judge ruled that the city "knowingly created an unreasonable risk of harm to persons sledding in Memorial Park."

With the high court's ruling, the revised standards mean the person suing need show only simple negligence, meaning the failure to use reasonable care.

In the assessment of risky activities, skateboarding is the most extreme, said Omaha Deputy City Attorney Tom Mumgaard. Cities have to decide how much risk they are willing to take.

That risk was brought home recently with two accidents in the Omaha area.

D.J. Epperson, 13, of Papillion died last weekend of head injuries he suffered in a skateboard accident on a Bellevue street. On Thursday, Tony Byers, 18, of Omaha suffered a severe brain injury from an accident while in-line skating at the Council Bluffs skate park.

Public skate parks and swimming pools in Iowa, unlike Nebraska, are protected from lawsuits by state law.

Many of Nebraska's smaller cities that use insurance through the League of Nebraska Municipalities were advised recently that skate parks would no longer be covered because of the ruling.

"At this time, a full exclusion for skateboard parks applies comparable to the exclusions for bungee jumping," the league's risk manager told Nebraska towns.

The league plans to discuss the issue this week and whether it can restore insurance coverage for skate parks, Rex said.

The league also advised the towns that they need to be more aggressive in inspecting recreational equipment in parks and must quickly make needed repairs.

Omaha and Lincoln, which rely on tax dollars to pay any claims, are taking more time to assess just how far they have to go in restricting activities. "We don't want a knee-jerk reaction," Omaha City Attorney Paul Kratz said.

But Kratz did not rule out going beyond closing the skate park to shutting down the popular slides in the Gene Leahy Mall and other park activities.

"This decision will have a negative impact on recreational activities that occur on public property in the city," he said.

Roger Kuhn, assistant director of the State Game and Parks Commission, said the court case "sends ripples through our entire industry."

"In any recreational activity, there is a certain amount of risk," Kuhn said. "Obviously, this creates a concern we need to look at."

A new state law to provide greater liability protection for recreational activities is far from automatic, said Flood, a member of the Legislature's Judiciary Committee.

The Legislature has been reluctant in recent years to put additional limits on the ability of injured Nebraskans to seek damages in court.

NRDs and dams

As a former Natural Resources District board member and a retired farmer, I can attest to the tendency of many board members who are not associated with agriculture to become enamored with building dams. Even though building most of these large structures is justified as flood control, most of them turn out to be recreational projects in the real world.

All of us who own real estate in Nebraska help build these expensive dams with our property taxes. As long as NRD boards are elected mostly on the basis of population, that is unlikely to change. In districts that include Omaha and Lincoln, the majority of urban members will tend to hire general managers who have the same mind-set.

I'm not suggesting no large dams. We need recreational facilities, too, and a lot of NRD tax dollars originate in urban areas. But \$282 million? Just half of that would build a lot of small dams and terraces that also would generate a lot of flood control as well as keeping tons of soil on the farms, where it belongs.

Mike Meierhenry, Lincoln

'Urban' runoff

When someone makes public comments about people, she had better have the facts right. Otherwise, she looks foolish.

In her Sept. 28 letter, Betty Mohr badmouthed Papio-Missouri River NRD Chairman Jim Thompson for his statements in a Sept. 26 news story about the dam proposal. She wrote, "Any intelligent person can recognize that (northern rural) dams cannot control runoff occurring inside the Omaha city limits."

I think any intelligent person who read the article would see that Thompson was talking about runoff in the "urban" area that stretches for miles beyond the Omaha city limits. Recently, we've seen the Papio's central Omaha creek beds full almost to the brim with water that fell largely to the north of the city limits.

A large share of the pesticides that the Clean Water Act mandates for limitation in runoff waters comes from agricultural land outside the city limits as well.

I've known Jim Thompson for more than 15 years. He is one of the finest, most forward-thinking public servants I've ever known. Voters in his subdistrict should re-elect him for another term of four years of unpaid aggravation. That is what it often amounts to.

David A. Wilken, Omaha

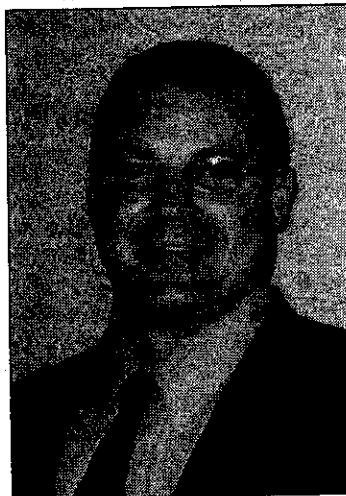
Papio-Missouri River NRD Board hires new District general manager

² John G. Winkler is the unanimous choice of the Papio-Missouri River NRD Board to serve as General Manager of the Natural Resources District. The selection was made at the Board's October 12, 2006 meeting.

"Mr. Winkler has the potential to bring a wide range of public/private experiences to the General Manager's position," said Jim Thompson, NRD Board Chair.

³ Winkler is currently serving as the City Administrator/Economic Development Director for the City of Plattsmouth and Cass County Nebraska.² He possesses more than 11 years of experience managing and administering public operations and organizations with a focus on enhancing operational performance and the administration of personnel and public finances.³

In that position he has managed over 65 staff members and eight departments as well as the administration of an 11 million dollar bud-



John Winkler has been hired as the NRD general manager.

get for the funding of public programs and projects.

"I am honored and humbled to get this opportunity to lead a talented NRD staff," said Winkler. "The Dis-

trict has many challenges and great opportunities to affect the quality of life of its 600,000 citizens."

Winkler is originally from the northwest Omaha area and completed his undergraduate work at the University of Nebraska at Omaha.² He also completed a Master's Degree in Louisiana in Public Administration and has had intensive training in the areas of mediation and negotiation.³

Governed by an elected Board of Directors, the Natural Resources District has varied, multi-purpose projects for flood control, ground and surface water quality, soil erosion, wildlife habitat enhancement, outdoor recreation, domestic water supply and tree planting. The District's area includes all of Sarpy, Douglas, Washington and Dakota Counties, plus the eastern half of Burt and Thurston Counties. The NRD Headquarters is at Chalco Hills Recreation Area southwest of Omaha. Field offices are in Blair, Tekamah, Walthill and Dakota City.³

A smoother ride ahead on Zorinsky Lake trail

10-18-06
By KAREN SLOAN

WORLD-HERALD STAFF WRITER

Cyclists at Zorinsky Lake should be riding on a smooth surface by the end of the year.

Omaha Parks Director Steve Scarpello said trail improvements at the park are slated to be complete by then.

The City Council on Tuesday approved a \$177,240 bid to lay new asphalt over 3½ of the trail's seven miles.

An additional mile of the trail is being resurfaced with concrete because it is often used by park maintenance vehicles. Concrete typically holds up better than asphalt, Scarpello said. The concrete work is a separate phase of the project and is not included in the bid approved Tuesday by the council.

The sections of the trail that aren't being resurfaced will be patched, Scarpello said.

The trail, which gets more foot and bicycle traffic than any other in the city, is showing wear and tear.

Larry McGee lives nearby,

and walks portions of the trail about twice a week. He said problems at the park go beyond cracked pavement.

"The problem is that there is no maintenance, period," he said. "There's mowing and trash pickup, and that's about it."

Scarpello said the Parks Department is doing a good job maintaining the park, given that the department has faced significant budget cuts since 2001.

The resurfacing is in addition to improvements that the department is undertaking to make the trail safer.

Several cyclists have been injured after slipping on the trail's wooden bridges. In addition to putting up more safety signs and trimming nearby foliage, the city will straighten out curves at the approaches to two particularly problematic bridges, Scarpello said.

Work on one of the bridge approaches is already under way. Scarpello announced plans Tuesday for the trail realignment near the second bridge, on the southeast side of the park.

Panel backs Platte River habitat plan

10-18-06
By DAVID HENDEE
WORLD-HERALD STAFF WRITER

KEARNEY, Neb. — After nearly a decade of negotiations and debate, Nebraska's participation in a controversial Platte River habitat program is up to Gov. Dave Heineman.

Voting 18-3 Tuesday, an advisory council recommended that Heineman agree to implement the program to manage the Platte to benefit four threatened or endangered species in Nebraska.

"That sends a strong message," Heineman said of the vote. "These people understand the complexities and the difficulties."

The Platte River program is the result of negotiations involving Nebraska, Colorado, Wyoming and the federal government since 1997, when all signed an agreement to restore habitat.



ON OMAHA.COM
See how each member of the council voted.

The program Heineman is considering would enhance habitat for the whooping crane, interior least tern, piping plover and pallid sturgeon. The federal Endangered Species Act protects all four.

Heineman attended most of the advisory council's meeting Tuesday and asked each member whether he should commit the state to the multimillion-dollar program.

He questioned whether the state has responsibility to pay for the impact of the 500,000 irrigated acres added in the Platte basin since 1997. Nebraska had promised either to stop adding irrigated acres in the basin or to compensate for their impact on depleting water in the river.

"We have very limited financial resources. We have to prioritize where we spend," Heineman told Gary Lindstrom of Wilcox, a groundwater irrigator and member of the advisory council.

"Do we take money from local school districts, or the university's budget, or Medicaid? These are choices the governor and Legislature make. But where is the priority? Is it higher than the education of our children?" Heineman asked.

In an interview, Heineman said he doubts that new taxes would be added to raise the estimated \$54 million to \$102 million that would be required to implement the costs of the interstate agreement and a related state water law.

Opponents fear the program could force the shutdown of thousands of irrigation wells — or otherwise hobble irrigated

agriculture — across much of the Platte valley in an effort to restore more flowing water to the river.

Irrigators Dave Thom of Juniata and Larry Reynolds of Lexington argued that the cost of the program shouldn't be borne by groundwater pumpers alone. All Nebraskans have benefited from the billions of dollars irrigated agriculture puts into the state's economy, they said.

"My answer is no, governor," Thom said. "This program will devastate the economy of Nebraska."

"Everybody is in this together," Reynolds said. "I don't care if you're in Lincoln or Omaha."

Stephen Mossman of Lincoln supported the proposal. "The program... comes down to the devil you know versus the devil you don't know," he said.

The possibility that Nebraska

farmers could face individual federal reviews of how their operations affect endangered species would be unacceptable, Mossman said.

Heineman has said he will make a decision before Election Day, Nov. 7. He said he is awaiting a decision from the attorney general on whether Nebraska can easily withdraw from the agreement at any time.

"I want to know if there's an easy exit," he said, should the program prove too expensive or unworkable for Nebraska.

He also said he wants to be convinced that agriculture, the state's largest industry, is protected and that Nebraska's economy will not be harmed.

Heineman, who has said he was leaning toward signing the agreement, said it will be a tough decision.

"There's no way you can please everybody in the state," he said.

Finalists picked for Environmental Trust job

Committee selects five to vie for post of executive director.

10-18-06
BY ALGIS J. LAUKAITIS
Lincoln Journal Star

A search committee has selected five finalists for the position of executive director of the Nebraska Environmental Trust.

"There were a lot of very qualified individuals who applied for this position," said Trust Board Chairwoman Gloria Erickson of Holdrege.

Erickson said the seven-member committee chose finalists who had "a good mix" of business administrative skills and a natural resources background "since this job is very diverse."

The finalists were chosen by consensus Oct. 10 and interviewed Friday and Monday. Fifty-four people applied for the position af-

ter longtime Executive Director Mary Harding resigned in July. Her annual salary was \$81,355.

Harding held the position for 12 years and was the trust's only director. Her resignation was precipitated by personnel problems. Harding and the trust board signed a separation agreement that paid her \$10,000 and a favorable recommendation letter from the board chairman.

In exchange, Harding agreed not to pursue legal action against the trust, which awards \$10 million annually in grants to environmental, natural resource and conservation projects across the state. The money comes from lottery proceeds.

The five finalists are:

■ Lisa Beethe of Elk Creek, who is interim executive director of the trust. She has been with the trust since 1999.

■ Mark Brohman of Lincoln, chief of administration for the Ne-

braska Game and Parks Commission.

■ Jody Gittins of Wahoo, legal counsel of the Legislature's Natural Resources Committee.

■ Dennis Grams of Lincoln, consultant in government affairs and business development with Olsson Associates. He was former director of the Nebraska Department of Environmental Control from 1984 to 1991. He also has served as regional director for the U.S. Environmental Protection Agency.

■ John Thorburn of Holdrege, general manager of the Tri-Basin Natural Resources District based in Holdrege.

The search committee will announce a finalist next week, Erickson said, and forward that recommendation to the trust board.

The board's next meeting is Nov. 13 in York.

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

Irrigators to hear Kansas' side

10-19-06
BY DAVID HENDEE

WORLD-HERALD STAFF WRITER

Anxious Nebraska irrigators hope to learn tonight if Kansas is preparing for battle or détente over the Republican River.

Whether their anxiety level goes up or down will depend in part on what they hear from David Barfield, a Kansas Ag Department official who handles interstate water matters.

Barfield said Wednesday that Kansas has noticed Nebraska's efforts to comply with a three-state Republican River compact.

"But that action apparently is short of what is necessary," he said.

Barfield is scheduled to address a public forum in Imperial, Neb., on Kansas' views of the status of the Republican River compact settlement.

The settlement requires Nebraska and Colorado to provide Kansas with its legal share of water in the Republican River. Nebraska, however, has used more than its share for three consecutive years.

Barfield's presentation is set for 7:30 p.m. MDT at the Imperial Inn, on the northeast edge of Imperial. If more than 200 people turn out, the forum will move to the high school gym.

Roger Harmon, an Imperial irrigator who invited the Kansas to Nebraska, said he and hundreds of others have one key question for Barfield:

"What is it going to take to make you happy, or to keep this situation out of the courts?"

Their concern is real.

"If some federal magistrate was to rule that 50 percent, or 30 percent, or some percent of our wells had to shut down . . . well, that would be devastating to agriculture and to the rural communities out here," Harmon said Wednesday.

At issue is Nebraska's compliance with an out-of-court settlement reached four years ago in a U.S. Supreme Court case. Kansas sued Nebraska in 1998, say-

ing the proliferation of groundwater irrigation wells in Nebraska's stretch of the Republican robbed water that should have flowed into Kansas.

A 1943 compact allocated 49 percent of the river water to Nebraska, 40 percent to Kansas and 11 percent to Colorado.

The Nebraska Department of Natural Resources reported last summer that the state exceeded its 2005 allocation by 42,000 acre-feet, pushing the three-year total to 104,000 acre-feet.

The first accounting of Nebraska's compliance occurs next summer.

Barfield said Nebraska and Colorado both seem to have "substantially overused" their allocations of the river water.

He said his presentation would include the history of the

compact, the lawsuit and the settlement. He said he wants Nebraskans to understand the Kansas side of the issue.

"This drought is impacting Kansas, too, and the water we're being shorted is having an impact on us," he said.

W-H
10-18-06

Put away the shotguns

Whatever the future result of Nebraska's ground-water-surface water irrigation dispute, one hopes Nebraskans will conduct themselves better after it's settled than some of their counterparts in Colorado have in theirs.

When Nebraska's southwest neighbor fought over the impact of groundwater irrigation on the South Platte River, the Colorado Supreme Court sided with the ditch irrigators and cities who often hold senior water rights.

That meant the State of Colorado could order wells turned off if their impact on groundwater levels caused river levels to drop too low. This May, state officials did just that, shutting down 440 wells that served 30,000 acres in three counties in northeast Colorado.

Some farmers apparently ignored the order, however. Other farmers, unhappy that neighbors were cheating, hired private investigators to gather data on some 50 "dry" farm fields that shouldn't have been so lush or were wet when they shouldn't have been.

State Engineer Hal Simpson now is looking at the evidence. And a couple of farmers have threatened to shoot public or private snoopers. "We shoot every other trespasser," one farmer said of one private eye, "and he'd be the second one."

That's not to say every sprinkler system in question was operating illegally; one farmer said he feeds his sprinklers from a small lake on his land.

It should be noted, however, that

**May Nebraskans
never emulate
Coloradoans
who threaten
the enforcers
of shutdown
of farm wells.**

Colorado lawmakers gave well-pumpers three years after their high court's 2002 decision to develop a plan to replace their water supplies. When they failed, the Associated Press reported, the state issued the shutdown order.

The painful ramifications of shutting off water to productive farmland (the acres in question produced wheat, corn, sugar beets and melons) cannot be doubted. Nebraska likely will face similar challenges on this side of the border.

But compromises are inevitable when so many players want water — ditch irrigators, well irrigators, cities, environmentalists — and there is less water to go around. Nebraskans should promise themselves that their solution, still being refined, won't be greeted with threats from behind the barrel of a shotgun, as farmers and ranchers did in times gone by.

+

NRD agrees on director's salary

The Papio-Missouri River Natural Resources District board has signed an agreement to pay John Winkler, a newcomer to natural resources management, essentially the same salary as the NRD's previous general manager, Steve Oltmans.

Winkler will earn \$110,000 a year. Oltmans earned \$105,000, plus \$5,000 in deferred compensation that Winkler will not be receiving.

Board Chairman Jim Thompson, who negotiated the contract, said he is looking forward to Winkler's scheduled Dec. 1 start date.

Winkler will receive a vehicle and any benefits due to other NRD employees. His contract stipulates a cost-of-living increase each July, the first one taking place July 1.

Winkler, 40, has been Plattsmouth city administrator since 2001 and executive director of the Cass County Economic Development Council since April 2005. He said those positions paid a total of \$87,000.

Between now and Dec. 1, Winkler plans to educate himself on NRD issues and meet with staff. — Nancy Gaarder

W-H 10-10-06

NRD candidates both make an issue of integrity

By NANCY GAARDNER
WORLD-HERALD STAFF WRITER

This year's election for the Papio-Missouri River Natural Resources District board features a race in which both candidates played a role in the events that led to the firing of the district's former general manager, Steve Oltmans.

The candidates also differ substantially on policy, ranging from dam construction to whether the NRD needs more financial oversight.

Barb Nichols, the challenger, is a former board member whose longtime relationship with Oltmans led to his undoing.

In the ensuing investigation, Oltmans' expense account became an issue — he had billed the district for an average of almost four meals a week.

As board treasurer, John Conley was responsible for overseeing Oltmans' expense records.

Nichols says more oversight of district spending is needed, while Conley says sufficient safeguards are in place.

Conley said the race should focus on the candidates' integrity.

Nichols has a history of shoplifting — she has five misdemeanor theft convictions dating to 1984 — which she attributes to hard financial times.

Earlier this year, she was convicted of a 2005 theft at a local grocery store. Nichols said she was taking supplies she needed to clean a storage shed.

She said the fact that she is running for the NRD board in the face of such negative publicity is evidence of her commitment to the district that she served from 2001 through 2004. Her former relationship with Oltmans, she said, has not been the basis for running for the board.

Conley said the repeated theft offenses reflect on Nichols' ability to serve.

"It comes back to the issue of integrity," he said.

He cited a 2000 news account in which Nichols said she had turned her life around. "That certainly has not occurred," he said, pointing out that two of her convictions have come since then.

Nichols said she's willing to go head-to-head with Conley on questions of integrity. Nichols

said the thefts do not affect her service to the NRD, while Conley, she said, has impeded public discussion of controversial issues.

She said Conley and board Chairman Jim Thompson have prohibited discussion by the board or the public of the written agreement that would commit the district to carrying out the policies on dam construction.

Conley said he and Thompson have concluded that parliamentary rules prevent the board from talking about issues that aren't on the agenda. The written agreement that would execute the dam policies is separate from the policies themselves, he said.

Conley and Thompson support the dams.

Opponents of the dams say the board and public should be allowed a full discussion of the pending legal obligation that will be created by the written agreement, something that Conley said is premature.

Conley is seeking his third term in midtown Omaha's Subdistrict 4, and this is the first time he faces an opponent.

After Nichols lost her bid for re-election in 2004 in a neighboring subdistrict, she moved into Conley's district so that she could run again.

As board treasurer, Conley reviewed and signed each of Oltmans' monthly expense statements.

It was Oltmans' spending that formed the basis of much of the investigation that followed the public revelations of his affair with Nichols.

The board brought in an attorney and State Auditor Kate Witek to investigate Oltmans' relationship with Nichols and his expense account.

Conley defended Oltmans' spending. He said there were only a few instances where Oltmans' records were incomplete.

Records reviewed by The World-Herald showed Oltmans was reimbursed for about \$21,000 in meals from 2002 through 2005, averaging nearly



Conley



Nichols

four meals a week.

Many of the meals were meetings with other agencies and with service clubs, both appropriate business expenses, Conley said.

During 2004, which the newspaper examined in greater detail, Oltmans did not list names for 22 of the 50 meals that he indicated were with board members.

Nichols was listed as present at about 30 of the nearly 600 meals that Oltmans recorded from 2002 through 2004. At almost 20 of the meals, she appears to have been the sole guest. During that time, she was a board member.

Nichols said she and Oltmans talked often about district business. She said she didn't pay attention to how he billed the meals.

"Steve made over \$100,000," she said. "He didn't have to use the NRD to take care of me."

Nichols said the NRD should make public the audit done by Witek's office.

"I'm not afraid of it," Nichols said. "I don't think Steve had anything to hide. ... There's nothing about the NRD that should be a secret."

Conley said the audit report wasn't released because the board regarded it as a personnel issue.

"I don't feel it needs to be made public," he said. "If there was anything in there that was critical of the NRD per se, it should have been made public, but these are personnel matters."

Conley characterized Witek's findings as "minor" and said the significant suggestions have been adopted by the board.

Witek said that by law her office cannot not release the report but that typically the audited agency makes it public. It's unusual, she said, for an agency to withhold an audit.

Nichols said she "most defi-

nately" supports board member Dorothy Lamphier's unsuccessful efforts to establish an audit committee to work with the district's outside auditors to more aggressively control spending practices.

Conley was among the board

members who defeated that effort. He said the board's financial committee serves the same purpose.

"The majority of the board members don't feel this is needed," Conley said.

New mission statement

After reading several news stories in The World-Herald recently, I have come to a conclusion that the Papio-Missouri River Natural Resources District's new mission statement should be: "The mission of Papio-Missouri River Nebraska Recreation and Development (NRD) is to wisely consume, manage and deplete our constituents' money and land for the good of the developers within the district's boundaries."

Mike R. Nelson, Omaha

Vote out incumbents

David A. Wilken states (Oct. 16 Pulse) that Betty Mohr's comments in the Sept. 28 Pulse about the Papio-Missouri River NRD's dam proposal were incorrect. We respectfully disagree.

Mr. Wilken must not have attended any NRD meetings chaired by Director Jim Thompson. We feel Mr. Thompson conducts NRD board meetings arrogantly and acts rudely toward the public and other board members. When the public is not allowed to speak at NRD meetings, we don't think Mr. Thompson is being a "forward-thinking" public servant, as Mr. Wilken said.

We believe that voters in all Papio-Missouri River NRD subdistricts should vote out their incumbents. Let's get people on the board who will listen to what "we, the people" want.

Tim Dreessen, Bennington, Neb.

Mike Larimore, Bennington, Neb.

W-H 10-23-06

Missouri River bridge moves toward reality this week

10-23-06

By C. DAVID KOTOK
WORLD-HERALD STAFF WRITER

Construction workers and a crane will arrive this week along the Missouri River to begin building the pedestrian bridge linking Omaha and Council Bluffs.

"We are ready to start work," said Omaha Parks Director Steve Scarpello.

The work will ceremonially begin Thursday at 9 a.m. when Omaha Mayor Mike Fahey, Council Bluffs Mayor Tom Hanafan and other dignitaries

gather for the official groundbreaking. The ceremony will take place on the Nebraska side of the river between the National Parks Service building and Riverfront Place.

Construction of the \$22 million bridge is expected to take two years and be completed in the fall of 2008.

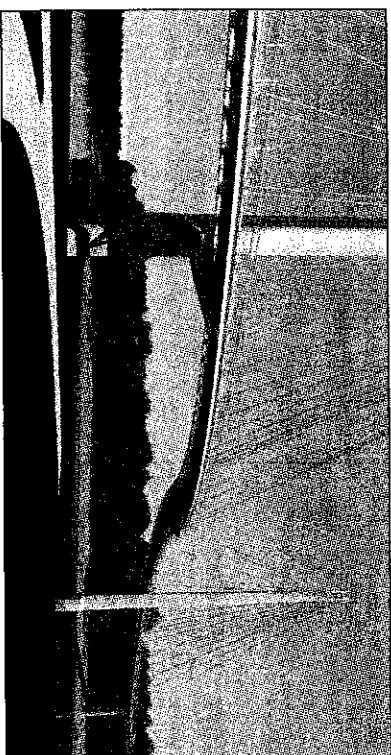
The project won final approval this spring but has been awaiting design and environmental approvals from various federal agencies.

The bridge, designed by HNTB Corp. of Kansas City,

Mo., will stretch 3,000 feet from the Nebraska bank to the levee on the Bluffs side. The span will be suspended from cables attached to twin 200-foot towers. It will be the first bridge of its kind in the region.

One dignitary who won't be able to attend is former Sen. Bob Kerrey, D-Neb., who won \$19 million in federal funds for the project.

Scarpello said Kerrey, president of the New School University in New York, is unable to attend the groundbreaking.



HNTB CORP.
Groundbreaking is Thursday on the Omaha-Council Bluffs footbridge.

More wetlands getting state protection

Area includes habitat for U.S. endangered Salt Creek tiger beetle and saltwort, a state endangered plant.

BY JOE DUGGAN
Lincoln Journal Star

Another property used by two endangered species north of Lincoln will remain protected because of action Wednesday by the Nebraska Game and Parks Commission.

The commissioners, meeting at Fort Robinson State Park in extreme northwest Nebraska, approved a three-way deal to acquire

100 acres of rare saline wetlands about seven miles north of Lincoln, said Kirk Nelson, assistant director of the commission.

The property provides habitat for the federally endangered Salt Creek tiger beetle and a state endangered plant called the saltwort.

The property has an assessed value of nearly \$337,000. It is owned by the Nature Conservancy, a private conservation group. Because of the complexities of federal grants, the two parties needed to involve the Lower Platte South Natural Resources District to seal the deal.

The Nature Conservancy paid about \$180,000 for the property about six years ago, said Bruce Sackett, administrator of the com-

mission's realty and environmental services division. The group's policy requires it to sell land at its cost.

The commission, however, planned to use an endangered species grant from the U.S. Fish and Wildlife Service to buy the land. Federal rules prohibit grant funds to pay for land at more or less than its assessed value.

So the Lower Platte South NRD will buy the land at the Nature Conservancy's cost and sell it to the Game and Parks Commission for full value. The NRD board already has voted to spend profits from the sale to acquire additional saline wetlands in the area.

The federal grant also requires a 25 percent state match, which will come from a gift to the commis-

sion, Sackett said.

The property connects with 156 acres of commission-owned land called the Little Salt Creek Wildlife Management Area. Both properties will be managed for the endangered species and other plants and wildlife, but they also will be open to public hunting and wildlife viewing.

The Salt Creek tiger beetle is possibly North America's rarest insect. Its populations fluctuate between 100 and 500 annually, very low numbers for an insect.

The tiger beetle's decline followed the loss of saline wetlands to urban and agricultural development in and around Lincoln.

Reach Joe Duggan at 473-7239 or jduggan@journalstar.com.

WIDELANDS

SECTION

"I'm looking forward to looking out the window at that bridge all lit up. That's my dream."

Karla Ewert, vice president of communications for the Greater Omaha Chamber of Commerce and riverfront condo owner

Dream bridge nearer reality



Moore leads high school bands from Omaha and Council Bluffs at Thursday's groundbreaking for the pedestrian bridge linking the two cities. He is conductor at Jefferson High in the Bluffs; he also was conducting the Omaha Central band.



At the groundbreaking, Karla Ewert checks the view from her new condominium, which is under construction.

Pedestrian span's completion 2 years off

By C. DAVID KOTOK

WORLD-HERALD STAFF WRITER

Karla Ewert stood on the balcony of her fifth-floor Riverfront Place condo and checked out the view she will have of the new pedestrian bridge linking Omaha and Council Bluffs across the Missouri River.

Thursday, the span across the river moved a step closer to reality for Ewert as Omaha Mayor Mike Fahey and Council Bluffs Mayor Tom Hanafan ceremonially turned over the first shovels of dirt on the \$22 million bridge.

"I'm looking forward to looking out the window at that bridge all lit up," Ewert said. "That's my dream."

Ewert, vice president of communications

for the Greater Omaha Chamber of Commerce, will move into her high-rise condo on the Omaha side of the river in December, along with other new residents. She will have to wait nearly two more years before the bridge will be completed.

But Chris Brown, one of the bridge designers, said the construction will be fascinating as the twin 200-foot spires, or pylons, rise — one from the Nebraska bank and one from the river.

Although the onset of winter may seem like an odd time to begin a major construction project, it is perfect for this project, said Scott Gammon of APAC-Kansas, the lead construction company.

See Bridge: Page 2

Continued

Bridge: Two mayors see span as unifying element

Continued from Page 1

The river flow slows and the water is low this time of year. Gammon said the foundation for the pylon in the river must be sunk into the riverbed before March, when the water rises.

Fahey and Hanafan stressed that the bridge would bring long-promised unity to the two river cities. That unity was emphasized as the hands from Omaha Central High School and Council Bluffs Thomas Jefferson High School performed together.

Fahey read from an 1868 letter from early Omahan Joseph Barker, who wrote a series of letters to his family in England. He wrote of sitting on the hill where Central now stands and gazing east at the lights of Omaha and Council Bluffs and envisioning one city.

The six years of starts and stops on the pedestrian bridge

at times seemed like the 138 years since Barker's letter, Fahey said.

"It wasn't easy," Fahey said, but in two years, the ribbon should be cut.

"This is an opportunity to make this metro area a great place," Hanafan said. "This is a great opportunity for all of us."

The prospect of the fully lit, twin-spire bridge punctuating the riverfront is one of the reasons Ewert said she was attracted to Riverfront Place.

The 36 condos in the tower and 16 town houses were designed to maximize views of the pedestrian bridge, said Ben Proctor, sales manager of Riverfront Place.

Proctor said all but two of the condos and two of the town houses have been sold. Sales of condos in a second tower are likely to begin in January, he said.

At the Council Bluffs end of

the bridge, a park is planned along the riverbank.

Some of the onlookers at the ceremony came to the riverfront on two wheels.

Sean Weide was among those on bicycles who view the bridge as a critical link between paths in Omaha and Council Bluffs. "For us, this is an important safety aspect," said Weide, a member of Team Kaos, a bicycle racing team.

To cross from Nebraska to Iowa bike paths, Weide said, cyclists are forced to take either the Veterans Memorial Bridge or the Interstate 680 Mormon Bridge.

"This will make 50 miles of trails accessible without ever getting into a car," Weide said.

Group raising funds to enhance bridge

Donations are being accepted

by a group that intends to provide lighting and landscaping enhancements on both sides of the Missouri River pedestrian bridge.

Back to the River Inc. is seeking to match an Iowa West challenge grant of \$500,000 for the construction of access to the trails. The group has also been instrumental in helping to raise the \$22 million needed for construction of the bridge.

Checks made out Back to the River Inc. may be sent to P.O. Box 3802, Omaha, NE 68103-0802. Donations also can be made online at www.backtotheriver.org.

Back to the River Inc. works for recreational and environmental quality on both sides of a 64-mile stretch of the Missouri River from Mondamin, Iowa, and Herman, Neb., to the mouth of the Platte River.

— Kevin Cole

Mallard Lake subdivision near Valley aimed for fall 2007

Post-Gazette
by Mary Lou Rodgers 10-31-06

A new Dial lakefront development near Valley has cleared the first hurdles and is expected to be under construction in fall 2007.

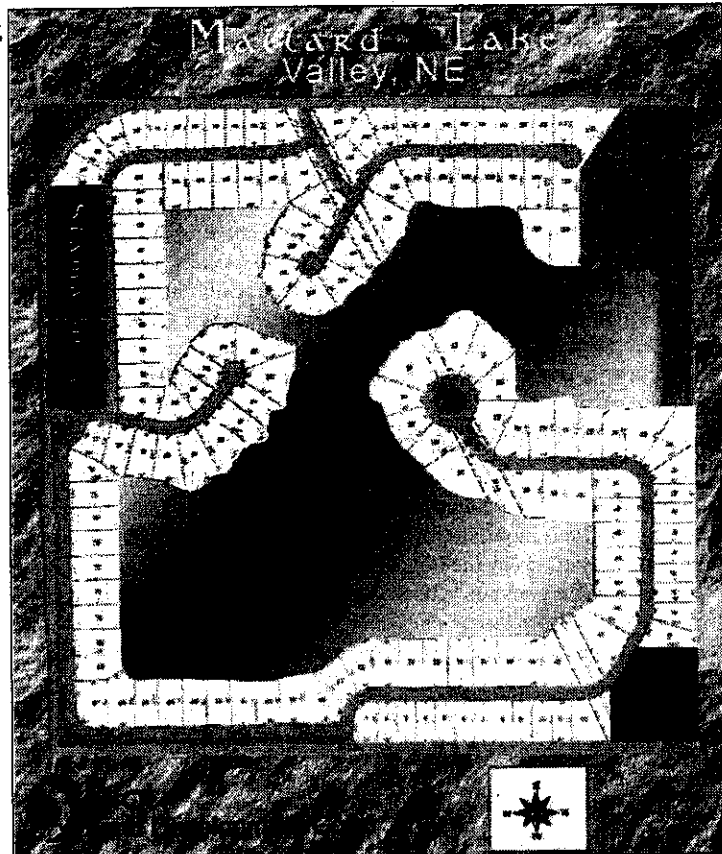
Mallard Lake, being developed by Mark Mancuso of Dial Land Development Company, will have 100 lakefront single family residential lots, and other 40 or 50 not on the lake. Dial optioned 106 acres from Don Rogert of Mallard Sand & Gravel and another 35 acres from Eugene and Grace Fehlhaber. Both purchases were contingent on approval from the City of Valley for Tax Increment Financing (TIF).

TIF status gives the developer 15 years to develop an area before full taxes are drawn. The site must first be declared blighted and go through several steps with the Valley Planning and Zoning Commission, the Community Development Agency (CDA), and the Valley City Council.

At the October 10 meeting of the Council, one of the final steps was taken. A public hearing on the redevelopment plan was held and the Council passed a resolution approving the plan.

Mancuso presented preliminary design to the Council earlier, and he plans to submit a final plat by the end of the year. He expects to close on the land in early spring. Mallard Sand & Gravel will dredge according to their plat by April 2007, and then grading will be done and streets and sewers installed. Building should begin in fall 2007.

The Mallard Lake site is located on the southern edge of Maple



Mallard Lake, south of Maple between 264th and 270th near Valley, is a Dial Land Development project with a construction goal of fall 2007. It will have 100 lakefront homes and another 40 or 50 with access to the 66-acre lake. (Preliminary design)

bounded by 264th and 270th Streets. It will feature a 66-acre lake. Homes with walkout basements on the lake will be in the \$400,000-450,000 range, Mancuso said. Those on the lake without walkout basements will run from \$350,000-375,000, and the non-lakefront homes will be

from \$250,000-275,000. Some of those may be villas.

"Even though the housing market is down now, there's still a lot of interest in lakefront lots," Mancuso said. "I think we'll be able to sell to builders and that it will be an excellent project for Dial."

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JOHN GOTTSCHALK, Publisher

LARRY KING, Executive Editor GEITNER SIMMONS, Editorial Page Editor

MIKE REILLY, Managing Editor

Four for NRD

The Papio-Missouri River Natural Resources District is facing a challenging future as it struggles to reconcile the need for additional flood-control dams in Douglas and Washington Counties with strong residential objections. Three incumbents and one newcomer would help keep the NRD moving ahead.

The proposed 30-year dam project could cost as much as \$300 million if it is all completed. That is unlikely. NRD board members will have to pick and choose which projects are absolutely necessary, which will contribute more to flood control and which are affordable.

Voters would serve themselves well if they elected John Conley in Subdistrict 4, Jim Thompson in Subdistrict 6, Tim Fowler in Subdistrict 8 and Patrick Lutz in Subdistrict 10. Neither candidate in Subdistrict 2 reaches the threshold needed for an excellent board member.

Conley, a retired engineer, is a big-picture thinker who has a grasp of the entire Papio Creek system, which flood-control measures are necessary and what, realistically, the NRD can accomplish. He is a stabilizing influence on the board.

Thompson, the current board president, has a broad understanding of both the NRD and its mission and a good understanding of the

**Board would
do well
with Fowler,
Lutz, Thompson
and John Conley.**

long-term dam project. He is good-natured and conciliatory and works for consensus on the board.

Fowler, a fiscal conservative who scrutinizes the NRD's budget closely, is among the board members who frowns on the use of eminent domain for NRD projects. He believes the next few years are an important time in the Papio watershed: The NRD's decisions will have an impact on Omaha's growth and prosperity for years to come. He is correct, and he would contribute much to those decisions.

Lutz, a lawyer, is chairman of his sanitary improvement district. He is solidly grounded in natural resources and has interned with the NRD, where his work was respected. He is farsighted and wants the agency to anticipate the heavy growth that is likely in the Omaha area. Flood protection, he notes, will be crucial.

The NRD board hasn't communicated the facts behind its decisions well to the community; opponents of the dam project seem to feel disrespected and ignored. To help build a successful, long-term project, board members need to focus more on consensus-building in the community.

Voters would do well to re-elect **John Conley, Jim Thompson and Tim Fowler** and elect **Patrick Lutz**.

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A long ballot

The finish line of the 2006 election, when Midlanders choose most of their state and local officeholders, is finally upon us. (Mercifully, perhaps, given all the nasty ads.)

Polls will be open Tuesday from 8 a.m. to 8 p.m. CST (7 a.m. to 7 p.m. MST) in Nebraska. In Iowa, they open at 7 a.m. and close at 9 p.m.

Iowans are guaranteed a new governor, and Nebraskans will elect at least 20 new state senators as legislative term limits kick in.

Here's a recap of The World-Herald's recommendations:

■ **Nebraska governor** — **Dave Heineman**. He has proved his mettle in his two years in the job after Gov. Mike Johanns went to Washington.

■ **Iowa governor** — **Jim Nussle**. The outgoing congressman offers a needed corrective after eight years of increasingly activist government under Gov. Tom Vilsack.

■ **U.S. Senate, Nebraska** — **Ben Nelson**, who deserves a second term for his performance in Washington despite his choice to jointly wallow with his opponent in the toxic sludge of negative advertising.

■ **U.S. House, Nebraska** — **Jeff Fortenberry**, 1st District; **Lee Terry**, 2nd District; **Scott Kleeb**, 3rd District.

■ **Nebraska constitutional officers** — **John Gale**, secretary of state; **Kate Witek**, state auditor.

■ **Public Service Commission, District 3** — **Matt Connealy**.

■ **State Board of Education** — **Patricia Timm**, District 5; **Fred Meyer**, District 6; **Kandy Imes**, District 7; **Joe Higgins**, District 8.

■ **University of Nebraska Board of Regents** — **Jim Nagengast**, District 4; **Jim McClurg**, District 5; **Carol Russell**, District 8.

■ **Nebraska Legislature** — **Dave Pankonin**, District 2; **Pete Pirsch**, District 4; **John Nelson**, District 6; **Marc Kraft**, District 8; **Mike Friend**, District 10; **Jean Stothert**, District 12; **Tim Gay**, District 14; **Kent Rogert**, District 16; **Mick Mines**, District 18; **Brad Ashford**, District 20; **Greg Adams**, District 24; **Steve Guttar**, District 26; **Bob Swanson**, District 28; **Tony Ojeda**,

'Midterm' vote is major task in Midlands. State, county, congressional races abound.

District 30; **Ron Schwab**, District 32; **Greg Senkbile**, District 34; **John Wightman**, District 36; **Wayne Garrison**, District 38; **Cap Dierks**, District 40; **Tom Hansen**, District 42; **Mark Christensen**, District 44; **Danielle Nantkes**, District 46; **John Harms**, District 48.

■ **Initiatives and referenda** — **NO** on Initiative 421, which would authorize video keno; **RETAIN** on Referendum 422, on the future of the 2005 school district merger law (Legislative Bill 126); **NO** on Initiative 423, which would impose a constitutional lid on state government spending growth.

■ **Constitutional amendments** — **YES** on all six: Proposed Amendment No. 1 (permit cities and counties to issue revenue bonds to develop property for nonprofit use), No. 2 (broaden options for investment of public endowment funds), No. 3 (increase share of state lottery profits used for gambling addiction programs), No. 4 (allow parole and probation offices to be supervised by either the judicial or executive branches), No. 5 (create endowment for early childhood programs) and No. 6 (revise constitutional provisions allowing tax-increment financing).

■ **Douglas County offices** — **Kathleen McCallister**, county commissioner, District 2; **Roger Morrissey**, county assessor; **Don Kleine**, county attorney; **John Friend**, clerk of the district court; **John Ewing**, county treasurer.

■ **Metropolitan Community College Board of Governors** — **Gary Kiel**, District 4; **Steve Grabowski**, District 5; **Paul Anderson**, at large.

■ **Papio-Missouri River Natural Resources District board** — **John Conley**, Subdistrict 4; **Jim Thompson**, Subdistrict 6; **Tim Fowler**, Subdistrict 8; **Patrick Lutz**, Subdistrict 10.

■ **Metropolitan Utilities District board** — **Dave Friend**, **Amy Lindsay**.

■ **Bellevue mayor** — **Ed Babbitt**.

■ **Papillion-La Vista school bond issue** — **YES** to \$40 million plan to build two new elementary schools and update other facilities.

W-H
H-6-06

May the birds be grateful

Will the Platte River sport more whooping cranes, least terns and piping plovers in 10 years, when Nebraskans are scheduled to debate whether to stick with the just-signed Platte River Recovery Implementation Program?

No one knows. What cannot be doubted is the authority of the federal government in insisting that measures to restore central Platte habitat be tried. That change will inflict economic pain on Nebraska no matter what.

Better that Nebraska's burden be shared with Colorado and Wyoming, the upstream Platte basin states. This plan does that. Gov. Dave Heineman was wise to sign.

He did so despite a deep-seated suspicion among some Nebraskans of environmentalist claims that the whoopers, terns and plovers both can and should thrive again.

Like it or not, though, Washington has made it painfully clear that the Endangered Species Act effectively gives the three species the Platte's most senior water right.

It has taken stubborn persistence by three Nebraska governors to draw in the two upstream states and to convince federal officials that the Platte ought to be managed for humans, too.

It is uncertain how much of a difference the projected pulse flows from Lake McConaughy, riverbed cleanups and other projects will make. But if the plan works, Nebraska could enjoy more ecotourism in the central Platte. If the plan fails, the state will have a case against prolonging the deal beyond its 13-year first stage (which excuses Nebraska from any cash outlays for its projects).

Groundwater irrigators likely are right that Nebraska's economy will suffer from shutting down irrigation wells in the Platte basin. But without the plan, Nebraska would

face other water-related costs. Specifically, the economic cost of satisfying the bird police would shift to the counties that benefit from Panhandle irrigation ditches (some of which could be shut down) or Big Mac (which could be befouled by fresh federal red tape).

The claims by such users on Platte water greatly predate those of the irrigators targeted in the three-state plan — who sank their wells after Nebraska told its partners in 1997 it would make up for new depletions.

Nebraskans will closely watch this plan's federal partners. The U.S. Fish and Wildlife Service has been a much better neighbor than it was in the 1990s. Should that change, Nebraska can quit early.

Nebraskans cherish their environment, but they will want proof that this plan helps the birds. (Just last year, for example, a federal judge voiced skepticism, in another Platte case, about basing river policy on where one wishes the birds were.)

One hopes open-mindedness will be reciprocated by Uncle Sam if the birds don't hold up their end.

+ ***** +

Another dam plan may be in works

11-6-06

NRD's idea disliked by two counties

'Not as many as 29'

By CHRIS OLSON

WORLD-HERALD STAFF WRITER

Douglas and Washington Counties don't like a plan to build up to 29 dams in the metropolitan Omaha area, so the two counties may come up with a plan of their own.

As the two counties work on their own proposal, officials from the counties also intend to fight funding in the Nebraska Legislature for the Papio-Missouri River Natural Resources District's \$282.5 million dam-building plan.

Washington County Board Chairman Duane Wilcox appeared before the Douglas County Board last week to propose the partnership.

"We don't see why the richest farm land in the area should be under water," Wilcox said.

Douglas County Board members responded with interest, and the two counties intend to

See Dams: Page 2

Dams: Counties seek partners

Continued from Page 1

form a committee this month.

Committee members could include Douglas County Board members Clare Duda, Mary Ann Borgeson and Chris Rodgers and Chief Administrative Officer Kathleen Kelley, as well as private sector representatives. Washington County is still considering who would serve on the committee, Wilcox said.

Duda said the intent is to look at solutions other than the NRD proposal for local governments to be partners with developers to build dams in Douglas, Sarpy and Washington Counties.

"I'm not saying we won't consider dams," Duda said. "Some dams may be necessary for flood control, but not as many as 29."

The NRD says building the dams would help control water pollution and lessen flooding that could occur as rural areas urbanize. Under federal law, metro area governments must have written plans addressing storm water runoff.

Earlier this year, the Washington County Board voted to prohibit the NRD from flooding affected county roads, effectively blocking the dams planned in that county for now.

Douglas and Washington County officials say their water plan would govern areas in their jurisdiction. That would be rural parts of the counties outside the jurisdiction of any city, as well as any city that signed onto the two counties' plan.

The Elkhorn and Bennington City Councils and Douglas County Board have rejected the NRD plan.

If the counties' plan were in place, the NRD plan then would cover most of Sarpy County, Ralston, Omaha and the three miles around Omaha.

Nothing prevents more than one plan from being developed to cover water issues in the metropolitan area, said Donna Garden, a supervisor with the Nebraska Department of Environmental Qual-

ity. She said each plan must be approved by the department.

She also said dams aren't the only possibility to address water issues. Other options include many more smaller ponds, shallow grassy ditches, landscaping that absorbs a lot of water and public education.

Duda and Wilcox said the two counties don't see their project as an effort to sabotage the NRD plan.

But Marlin Petermann, acting general manager of the Papio-Missouri River NRD, said having two water plans is impractical.

Even though only one or two of the NRD's proposed dams in Douglas County would be affected, he still hopes a compromise could be worked out.

"Water doesn't observe political boundaries," Petermann said. "We would surely need to get together to see how both plans could join together for the common area."

Reaching a compromise isn't out of the question, Duda said. At the same time, he hopes that other local governments join the new Douglas-Washington group.

"All possibilities are still on the table at this time," he said.

Both counties plan to actively oppose the NRD's plan to pay for the proposed dams.

Two-thirds of the money would come from the NRD, which wants to have the ability to issue bonds to take on long-term debt.

The NRD will ask the Legislature for that authority next year, but Duda said Washington and Douglas Counties will lobby against that.

The rest of the money is supposed to come from a new fee paid by developers. The developers would be spared the costs of providing additional water controls and would benefit from the new homes and commercial development around the newly formed lakes.

Duda said the counties may decide to use the new developer fee to fund their own plan, rather than turn the money over to the NRD project.

Counties team up on dam plan

Douglas, Washington Counties dislike NRD proposal

11-07-06

By CHRIS OLSON
WORLD-HERALD STAFF WRITER

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Dams: Counties seek local government partners

Continued from Page 1

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the new homes and commercial development around the newly formed lakes.

Duda said the counties may decide to use the new developer fee to fund their own plan, rather than turn the money over to the NRD project.

Builders wouldn't be pleased if the new fees were diverted for a plan that didn't include the construction of dams, said Omaha attorney Bob Doyle, who represents a local group of builders and developers.

"We can't help what Douglas and Washington Counties do, but the dams are the best way to control flooding and pollution," Doyle said. "Another plan is a mistake."

11-12-06 DWH

An unavoidable task

The anger and noise surrounding a proposal to build up to 29 flood-control and water-quality dams in the Omaha metropolitan area seem to have overwhelmed both sense and open-mindedness. It's time to slow down and look at the facts.

First, the Papio-Missouri River Natural Resources District, which is carrying the ball on the project, didn't originate it. Nor is the district responsible for compliance with the national Clean Water Act regarding stormwater management.

Larger cities, towns and counties must have a management plan; it's a federal requirement. In the Omaha area, rather than each community and county working alone, nine cities, two counties and the NRD created a partnership to do a comprehensive plan. That cooperative group was established in 2001. The idea was that a broader-based solution could be cheaper to design and implement.

The NRD became involved because its jurisdiction crosses county lines. Officials also saw an opportunity to beef up flood control while the communities fulfilled water-quality requirements.

The dam project, therefore, is not the NRD's plan. It is the partnership's plan. The partnership includes both Douglas and Sarpy Counties (Washington County declined to participate, officials said) as well as Omaha and other communities such as Bellevue, Papillion and La Vista. While smaller Gretna and Bennington are not required to obtain stormwater permits, they also joined the coalition.

Members of the partnership decided to try for one watershed-wide permit that also would include Washington County. Considering the complexity of the issue, this effort is a striking example of governmental cooperation.

Technical and governmental representatives worked on the plan, which was agreed upon by the partners and submitted to the federal government in 2003. In 2005, federal officials said the area had three years to begin implementing the plan before the permit had to be renewed. Public meetings to solicit ideas and comments were held during the process. Few people came.

The partnership's plan is not final. It is conceptual and flexible. Attention often is directed to the suggestion that 29 dams be built at a cost approaching \$300 million. But the number, the cost and the possible lo-

Federal requirements necessitate regional vision on dams.

cations suggested by the proposal are not set.

Marlin Petermann of the NRD said that the number and location of dams or other flood-control structures depend on the future course of urban growth. And in any case, he said, it's likely that construction would be spread over four decades.

The whole Papio watershed probably will be developed — houses, businesses, industries — in 35 or 40 years, Petermann said. By acting quickly, the partnership, through the NRD, can buy vacant land on which to put dams and similar structures in a cost-effective way.

The NRD has money built into its budget to cover about \$200 million of dam work or other structures over 40 years. The plan requires developers to kick in \$100 million. Developers of subdivisions where dams would be built were brought into the process to help pay the costs of flood control because their subdivisions will benefit from it.

Developers, of course, could be required by each local government to build their own smaller retention ponds to handle runoff. But after construction is through and time passes, the city or county typically must maintain those ponds — an expensive ongoing proposition. The NRD would maintain the dam system.

Douglas County officials have said they want to back out of the partnership, and Washington County leaders are angry at the NRD. While those groups and any others involved in the partnership can devise their own plans, the Clean Water Act's mandate must be fulfilled — at whatever cost if they pull out of the larger group.

* * *

What is most vitally needed here is a complete understanding of the facts and ramifications of the plan. Then the governments involved, all of them, should honestly work toward a compromise. Petermann said his agency is ready and willing.

Flood control and water quality are of paramount importance to the future of the entire metropolitan area, which includes both Sarpy and Washington Counties. Elected officials across the area have a fundamental obligation to devise and implement a plan to protect homes and businesses at a reasonable cost to taxpayers.

Rededication to the partnership and a willingness to compromise would serve the metropolitan area best. Elected officials need to be up to that crucial task.