

MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager Report

DATE: October 5, 2007

FROM: John Winkler, General Manager

A. **INFORMATION/EDUCATION REPORT:** A copy of the I&E Report detailing Information and Education activities for the month of September, 2007, is attached for your review.

1. The Board will be briefed on the results of the P-MRNRD opinion survey by Joan Lucas of Leslie, Kline and Lucas at the October 11th Board meeting.
2. Christine Jacobsen will be updating the Board on P-MRNRD educational activities at the October 11th meeting.

B. **MISCELLANEOUS/PERSONNEL ITEMS:**

1. **Amanda Grint** has been hired as the District's Stormwater Engineer. Ms. Grint previously worked for Olsson and Associates. Her first day of employment will be November 5, 2007. We all look forward to welcoming Amanda to the P-MRRND team.
2. Staff member **Ryan Trapp**, formerly Lead Groundskeeper at Walnut Creek, has accepted a lateral transfer to Medium Equipment Operator at the O&M Headquarters. The transfer was effective October 2, 2007.

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 September, 2007. Please review this report and contact me if you have any questions.

D. **CURRENT AND ON-GOING PROJECTS – P-MRNRD LEGAL COUNSEL:** Attached is a copy of the current and on-going projects for District Legal Counsel, Paul Peters, as of September 17, 2007. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.

E. **LEGISLATIVE UPDATE:** Attached is a written report from Rich Lombardi and Julie Erickson regarding activities during the month of September, 2007.

F. **PAPILLION CREEK WATERSHED PARTNERSHIP REPORT:** Attached is the Papillion Creek Watershed Partnership Monthly Update for September, 2007. Please review and if you have any questions, contact me. The next Partnership meeting will be held on October 18, 2007 at 9:00 a.m. at the NRC.

G. **STRATEGIC PLANNING SESSION:** We have scheduled our Strategic Planning Session for Saturday, **December 8, 2007** at Mahoney State Park. The meeting will begin promptly at 9:00 a.m. and I am anticipating a completion time of early afternoon at 2:00 p.m., however, we can end the session as early or as late as we need to.

The agenda will be formulated over the next few months, therefore, if you have any specific items you would like the group to address please forward them to me.

As you are aware this is a very exciting time for the District and this planning session will be a great opportunity to lay out the future direction of the Papio NRD as we address a myriad of issues and continue to pursue our statutory missions.

If you have any questions or concerns please do not hesitate to contact me.

H. **WORKERS COMP LOSS CONTROL SURVEY RESULTS:** A loss control survey was conducted at the P-MRNRD on August 15, 2007 by Monty Hoyle, Zeigle Consulting Associates, Inc. I have attached a letter reporting the findings of the survey. The survey report states, "You have a pro-active formal safety program in place. Your safety efforts include regular maintenance of equipment, scheduled safety meetings and training of all employees." All District employees are to be commended for their efforts to maintain a safe working environment.

I. **P-MRNRD RECEIVES NATIONAL LAND PROTECTION AWARD:** Attached is a news release from the U.S. Fish and Wildlife Service announcing that the District received the National Land Protection Award on October 4th at the 20th Annual Natural Land Conservation Conference held in Denver, CO. Jim Becic, Environmental Coordinator accepted the award on behalf of the District. The District received the award for, "outstanding conservation work that resulted in wetland restoration and the donation of 2,000 acres to the U.S. Fish and Wildlife Service to establish Boyer Chute National Wildlife Refuge." It was also noted that, "The Papio-Missouri River District is unique and has demonstrated outstanding leadership in the conservation of the soil, water and wildlife resources along the Missouri River Corridor."

J. **NEWS CLIPS:**

- ✓ August 23, 2007, Hitchcock Co. News article – 'Friends of River' challenge legality of LB 701
- ✓ August 30, 2007, Grant Tribune-Sentinel article – URNRD to seek full 10-cent levy to guarantee bond repayment
- ✓ September 14, 2007, Blair Enterprise article – Water fight could be costly
- ✓ September 15, 2007, Omaha World Herald article – Papio-Missouri NRD cuts rate because of surplus
- ✓ September 16, 2007, Omaha World Herald article – Park cleanups precede celebration

- ✓ September 18, 2007, Omaha World Herald article – Counties draft alternative to dam plan. Douglas residents are invited to learn about a Douglas-Washington initiative that calls on landowners to control storm runoff.
- ✓ September 19, 2007, Omaha World Herald article – Annexation by Papillion won't hike Walnut Creek camp fees
- ✓ September 24, 2007, Omaha World Herald article – Heineman asks Kansas to be patient on water. Nebraska has made progress and is committed to fulfilling its obligations under the Republican River compact, he says.
- ✓ September 26, 2007, Omaha World Herald article – County may co-fund dam study. The Douglas County Board considers spending \$30,000 to join in a UNO study of how proposed dams would affect home values.
- ✓ September 28, 2007, Omaha World Herald article – NRD again seeks bond authority for dams.
- ✓ September 28, 2007, Omaha World Herald Public Pulse letter by John Larsen – Put an end to waste
- ✓ October 2, 2007, Blair Pilot-Tribune article – Legislative panels hear pros and cons of NRD bonding.
- ✓ October 3, 2007, Omaha World Herald article – Study may answer questions on dams.
- ✓ October 3, 2007, Omaha World Herald article – Sarpy's cleanup plan cheered. The county wants a former fertilizer plant location prepared for redevelopment and recreational uses.
- ✓ October 4, 2007, Omaha World Herald article – NRD receives award
- ✓ October 5, 2007, Papillion Times article – Walnut Creek Lake transferred to city
- ✓ October 5, 2007, Omaha World Herald editorial – The right plan. Missouri River would benefit from balanced approach under new legislation.

September 2007

Information & Education Report

Information

- ◇ Coordinated World-Herald Award to Keep Omaha Beautiful
- ◇ Planned Walnut Creek Transmission Event
- ◇ Annual Report Published In Omaha W-H
- ◇ Completed Opinion Survey coordination
- ◇ Published redesigned Papio Trails brochure and distributed to Bike shops.
- ◇ Worked with staff and IMS to produce a display for World O! Water
- ◇ Published SPECTRUM newsletter
- ◇ Began planning for Fall Home and Garden Show at Qwest Center

Education

- ☐ Participated in Planning Committee for 2007 World O! Water
 - Coordinated Children's Area
 - Arranged for Fantastic Fun River Run to be here
 - Coordinated NRD/Partnership booth
 - Worked with Park Staff to plan for parking, and additional site needs
 - Arranged for delivery of 800 trees to be given away at NRD booths
 - Held event on September 16—estimated 3000 in attendance
- ☐ Held PLT/WET Teacher workshop, trained 15 pre-service teachers
- ☐ Developed game for Water Quality Open, coordinated staffing of Papio-NRD booth
- ☐ Presented Wildlife CSI to Millard South Environmental Studies Class
- ☐ Delivered trees to Heron Haven for Open House
- ☐ Presented GPS programming to all 3 Bellevue Middle Schools
- ☐ Presented prairie and owl programs to St. Mary's School
- ☐ Coordinated Arbor Park Field Day funding
- ☐ Presented GPS program to Millard South Environmental Studies Class
- ☐ Met with Do/Sarpy County Extension on Rain Gardens
- ☐ Continued working on additions to LEP curriculum with writing team
- ☐ Continued planning for October Statewide I&E meeting in Nebraska City
- ☐ Printed and Mailed out "Cultivation" Teacher newsletter

September, 2007

[illegible]

Updated: September 17, 2007

Current and On-Going Projects P-MRNRD Legal Counsel

- ★ = Top Priority
- F = Future Work – No Assignment
- N = New Assignment
- O = Others Handling
- W = Work in Progress
- P = PFP's Portion Completed

- **Little Papio:** (Cleveland)
 - ★ Land transfer agreement w/Douglas County (N)
- **Big Papio :** (Cleveland)
- **West Branch** (Cleveland):
 - Land Exchange with Sarpy Co. (96th St.) (P)
- **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 settlement (W)
 - ★ Glasshoff and Horn levee easement (W)
- **Floodway Purchase Program** (Woodward):
 - Floodway Property purchase agreements as needed (F)
 - King Lake purchase agreement (F)
- **Trail Projects** (Bowen):
 - ★ Mopac Trail (Hwy 50 to Lied Bridge) – NEBCO purchase agreement; Educational Land & Funds condemnation; closings (W)
- **Missouri River Corridor Project** (Becic):
 - California Bend – Appeal District Court ruling on Wright's tenant (Arp) (W)
 - ★ Mo. River Trail – ROW closings (W)
 - ★ Missouri River Trail – Qwest Relocation Payment (N)

- **USDA P.L. 566 Projects, Silver Creek and Pigeon/Jones Watershed** (Puls/Cleveland):
 - Pigeon/Jones Creek Site Easements – as needed (F)
 - ★ Pigeon/Jones Site 15 Design Contract w/Olsson and Associates (N)
 - ★ Silver Creek Site Easements– as needed (Site #11 and #9 ROW) (W)
 - Release of Site S-7 Easement (W)
 - ★ S-31 – Handle Moore condemnation (W)
 - ★ S-32 Permits from City of Bellevue (N)
- **Papio Watershed Dam Sites** (Woodward/Petermann):
 - ★ Amend Omaha/Elkhorn Agreement for DS-13 (W)
- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):
- **Rural Water Projects:** (Sklenar)
- **Elkhorn River Public Access Sites** (Sklenar):
- **Other:**
 - Kennard Wastewater Interlocal Agreement (Woodward) (P)

October 8, 2007

TO: Mr. John Winkler, General Manager and Members of the Board of
Directors of the Papio-Missouri Natural Resources District

FROM: Richard A. Lombardi and Julie S. Erickson, Registered Lobbyists
American Communications Group, Inc.

RE: Legislative Update

Please excuse our absence from this month's meeting of the Board. I would like to report to the Board regarding our progress in our advocacy towards passage of legislation that will enable the Board to bond for future projects.

This past month has been extremely active one for both your lobbyists and your District staff.

We were honored to have had Legislative members from across our State to be your guests for the day on September 27th. Our feedback from Legislators and staff has been quite positive about the wonderful hospitality and information that was provided during their visits. All members of the Legislature's Natural Resources Committee minus Senator Wallman and numerous Legislative staff were your guests for the tour, lunch and hearing (like you're Board Meetings the hearing lasted five hours). Senator McGill and Urban Affairs Committee Senator Mike Friend attended the afternoon hearing.

Preparation for these events began several months ago when the interim study resolution was introduced by Senator Kopplin and discussions with Legislative Committee staff about logistics and information occurred. Prior to the tour and hearing staff of the District and Members of the Partnership discussed testimony and coordinated personnel to speak about the needs of the watershed. Subsequent interagency discussions took place between the District, DEQ, City of Omaha, and Legislative Staff to insure that a comprehensive look at the issue of the watershed, storm water, and water quality would be addressed.

The tour was an invaluable educational tool. Nothing is better than actually seeing the area that public policy is talking about. The Committee and staff really found the time they spent touring the District was very helpful. Those Board Members who attended the hearings witnessed first hand the significant change in the type of questions that were asked of testifiers. The impact was still quite evident during the Legislature's public hearing conducted the next day.

The major accomplishment of this activity is that we believe that the Legislature is quite serious about the intensity of the challenge that the watershed is facing. Although not clear on the solution, the Committee seems to share a concern about the urgency of this

issue and appears willing to do 'something'. We also had an opportunity to listen to the Committee's questions. We are assembling information that might further clarify the concerns of the Legislative Committee as well as reviewing our current legislation for changes that might accommodate some of the Committee's concerns.

We are currently in the individual follow up mode with the Legislature. The Natural Resources Committee will be the likely Committee whose jurisdiction it will be to wrestle with this issue. That is why it was so important to have most of the Committee visit the watershed. During the month of October we will be following up with members of the Committee as well as members of the partnership. It is imperative that all local legislators are communicated with via their local public officials to insure a seamless strategy of advocacy. There are two members of the Natural Resources Committee that have constituents in the District. The bulk of Legislators in the Papio-Missouri Natural Resources District are not represented on the Natural Resources Committee, therefore it is important to conduct parallel communications with the local elected Legislators.

We were pleased to have been joined during the tour, lunch and the hearing by the leadership of the State Department of Environmental Quality. The Department actually served as the convener for the tour and they have been extremely helpful in providing information to the Committee. The Department is a necessary partner for our success. We are fortunate that the Department has determined that this is an important process to assist.

The Natural Resources Committee heard two days of hearings on urban water issues. There appears to be a mutual appreciation that this challenge is as significant as last years' Republican River controversy. We have not reached a point of consensus on this issue and probably won't until well into the Session. However, the urgency is there and there is a willingness by a diverse group of Legislators to wrestle with this issue.

We wish to thank the Board Members who were able to attend part of the day. We want to thank the Papio-Missouri Natural Resources District staff for making this a successful month for Legislative visits.

MONTHLY UPDATE

SEPTEMBER 2007



The Partnership held a meeting on September 20, 2007 to discuss upcoming legislative hearings, the status of the Stage IV HDR study, public outreach being coordinated by IMS, and state stormwater grant funding. Full meeting minutes and other materials are updated regularly on the Partnership's new website: www.papiopartnership.org.

State Stormwater Legislation

Partnership members planned testimony and a tour for state legislators as part of the LR 94 hearing. LR 94 is intended to gather information on stormwater issues in the Papillion Creek Watershed, including the need for general obligation financing by the Papio-Missouri River NRD. The hearing for LR 94 was held on September 27, 2007 at 1:00 PM at the Natural Resources Center in Chalco Hills (8901 S. 154th Street). A tour before the hearing helped senators visualize stormwater problems and potential solutions. Representatives from Sarpy County, the City of Omaha, and the NRD all testified at the hearing.

On the following day, September 28, 2007, a hearing was held in Lincoln at the Capitol to receive testimony on LR 113. LR 113 is intended to gather information on state-wide stormwater issues, including enabling legislation for a stormwater utility fee. The Cities of Omaha and Ralston were present at the hearing and provided testimony.

Stage IV Technical Evaluation

HDR continued to evaluate different watershed scenarios using hydrologic modeling. This analysis is scheduled to be completed in October and results will be reviewed by the Partnership at its meeting on October 18, 2007.

Public Outreach and Involvement

Several Partnership entities were involved with the 2007 World O! Water Festival held at Chalco Hills on Sunday, September 16th. Partnership contributions help sponsor this

event and new information boards prepared by IMS were displayed at the Partnership's booth.



Several Partnership representatives volunteered their time on a beautiful Sunday afternoon to help inform over 3,000 kids and adults on issues facing the safety and management of our area's water! Educational events like the World O! Water Festival help communities in the watershed meet their stormwater permit requirements.

In October, Partnership members are planning to meet with several public interest groups and elected officials to explain the importance of the Partnership and its mission!

"Green Roof" Workshop scheduled in October

Using funds provided by LB 1226, Douglas County and the City of Omaha have lined up a "green roof" workshop to be held on October 25, 2007 at the Metropolitan Community College Fort Omaha Campus. Partnership members along with various other professionals are expected to attend this full-day workshop aimed at bringing national expertise and "green roof" examples to the Omaha area.



Zeigle Consulting Associates, Inc.

Safety Services To Insurers, Brokers & Industry

August 16, 2007

Ms. Pat Teer, Administrative Coordinator
Papio-Missouri River Natural Resources District
8901 S. 154th Street
Omaha, NE 68138-3621

RE: *Loss Control Survey*
Policy #5313578

Dear Ms. Teer:

A loss control survey was conducted at the administrative offices of Papio-Missouri River Natural Resources District in Omaha, NE on August 15, 2007. We completed the survey on behalf of AIG Consultants, Inc. as it relates to the Workers Compensation coverage underwritten by American International Companies. The purpose of the visit was to review your safety and loss prevention activities.

You have a pro-active formal safety program in place. Your safety efforts include regular maintenance of equipment, scheduled safety meetings and training of all employees.

A review of your loss records revealed that there have been two employee injuries to date in the 2007 calendar year. The injuries included a slip and fall bruise and a foreign object in the eye. Neither injury resulted in lost time.

I am pleased to report that no formal recommendations are being submitted at this time.

Additional resources to enhance loss prevention efforts are available through the AIG Risk Tool System. This web-based site can be accessed at www.aigswc.com. When accessing the Partners in Productivity website, have your policy close by so the following information can be entered:

- ☐ Policy Number
- ☐ Agent or Broker Number

"Our survey of your operations is for underwriting purposes and to assist you in your loss control activities. However, no responsibility is assumed for the discovery and elimination of hazards which could possibly cause accidents or damage at any facility that is inspected. Compliance with any submitted recommendations in no way guarantees the fulfillment of your obligations as may be required by any local, state or federal laws."



Papio-Missouri River Natural Resources District

To: *Ms Pat Teer, Administrative Coordinator*

Visit Date: *August 21, 2006*

Page: *2*

□ Issuing Company

This valuable service is only available to current policyholders and their brokers.

Should you have any questions regarding the survey, do not hesitate to contact Zeigle Consulting Associates, Inc. at (715) 743-3037. Thank you again for the time and assistance extended during my visit.

Sincerely,

Monty Hoyle
Safety Consultant

cc: Cindy Prouty
Virtual MGU, Inc.
391 Totten Pond Road
Waltham, MA 02451

NEWS RELEASE

**U.S. FISH AND WILDLIFE SERVICE
Mountain-Prairie Region
134 Union Boulevard
Lakewood, Colorado 80228**

For Immediate Release

Contact: Larry Klimek, 712-642-4121, ext 5401

Nebraska's Papio-Missouri River Natural Resource District Receives National Land Protection Award

U.S. Fish and Wildlife Service (Service) will present the National Land Protection Award to the Papio-Missouri River Natural Resource District (District) on October 4th at the 20th annual National Land Conservation Conference to be held at the Adams Mark Hotel in Denver, Colorado. Jim Becic, Environmental Coordinator will accept the award on behalf of the District.

The award was established in 2001 by the U. S. Fish and Wildlife Service's Division of Realty to recognize a private citizen, group, organization, corporation, or public agency and their employees or volunteers, for their significant contribution to land protection for fish and wildlife resources in partnership with the U.S. Fish and Wildlife Service.

"I'm pleased to recognize the District for their outstanding conservation work that resulted in wetland restoration and the donation of 2,000 acres to the Service to establish Boyer Chute National Wildlife Refuge near Omaha, Nebraska," said Eric Alvarez, Realty Division Chief, U.S. Fish and Wildlife Service. "This acreage, along with development of roads, trails, kiosks, fencing, fishing piers, and interpretive facilities has a value of \$6 million. In 2005, the District donated an additional 700 acres valued at more than \$1 million."

The Papio-Missouri River Natural Resources District is a local conservation agency in Nebraska with broad responsibilities to protect and enhance the state's natural resources. The District's mission is to wisely conserve, manage and enhance soil, water, wildlife, and forest resources for the good of all people residing within the District's boundaries. Much of the funding for the District's resource management programs and projects comes from property taxes collected in the area served by the District.

The Papio-Missouri River District is unique and has demonstrated outstanding leadership in the conservation of the soil, water, and wildlife resources along the Missouri River Corridor. Working in partnership with the Corps of Engineers, the District restored and renovated wetlands along the Missouri River that were previously lost due to Corps channelization for navigation. Their efforts have produced significant habitat

improvements for fish and wildlife and have provided public recreation benefits for present and future generations of Americans.

A \$6 million wetland renovation project completed by the District in 1996 returned more than 2,000 acres to riparian wetlands and native vegetation. As part of the project, the District developed recreation facilities including hiking trails, canoe launches, fishing access, and educational interpretation of the natural resources with input from the Service. The restoration of the 2½ mile long chute (old river channel) in conjunction with the Corps of Engineers, and the subsequent donation of the land and infrastructure to the Service marked the beginning of the Boyer Chute National Wildlife Refuge. In 2005, the District restored the Nathan's Lake property and donated an additional 700 acres to the Service for inclusion in the refuge.

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 97-million-acre National Wildlife Refuge System, which encompasses 548 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resources offices and 81 ecological services field stations. The agency enforces federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign and Native American tribal governments with their conservation efforts. It also oversees the Federal Assistance program, which distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.

- FWS -

For more information about the U.S. Fish and Wildlife Service,
visit our home page at <http://www.fws.gov>

08/23/2007



OBITUARY -2

Thursday, August 23, 2007

'Friends of River' challenge legality of LB701

A group of concerned property owners in the Republican River Basin of Nebraska are coming together to challenge the constitutionality of a recently adopted State law. A member of the group, Angus Garey, from McCook, said, "We believe that the Legislature has chosen a means of paying for a portion of the costs of funding water purchases by using an unconstitutional property tax." The focus of a proposed lawsuit will be, "to determine if the State of Nebraska is liable for paying for the water necessary to meet the Compact requirements rather than the tax payers of Southwest Nebraska."

In this session of the Legislature, **LB701** was passed and signed by

the Governor. This legislation authorizes a variety of measures to pay for the delivery of water the State of Nebraska owes Kansas under the Republican River Compact. The Compact was adopted by Colorado, Kansas, Nebraska and the United States government in the early 1940's and establishes the basis by which the Republican River water supply is divided or allocated between the three states. In adopting LB701, the Legislature specified that the Natural Resource Districts (NRD's) in the Republican River Basin were to issue bonds to pay for the water to be delivered to Kansas under the Compact. The NRD's will levy property taxes to pay for the bonds.

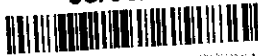
As noted in a press release issued by the NRD's on August 7th, 2007, "The sole purpose (emphasis in the original) of increasing in-stream water flows in the Republican River Basin (is) to make sure the needed amount of water is delivered to the State of Kansas." However, Article VIII, Section 1a of Nebraska's Constitution prohibits the State from levying a property tax for State purposes. Garey said, "By requiring NRD's to levy this tax for the sole purpose of complying with the State's obligation under the Compact, we believe that the State has violated its Constitution. We recognize the obligation to comply with the Compact the State signed in the 1940's and the settlement it negoti-

ated during earlier litigation. However, the State needs to meet its obligations legally and without taxing one region of the State."

The group has taken the name of, "FRIENDS OF the RIVER", and is soliciting funds to finance the legal challenge. Donations can be sent to the Amfirst Bank, 602 West B Street, McCook, NE. 69001 or to the law firm listed below. Angus Garey, Tom Kiplinger, and Claude Cappel can be contacted for further information.

The lawsuit has not yet been filed, but the group has selected the law firm of Knudsen, Berkheimer, Richardson & Endacott, LLP, 3800 VerMaas Place, Suite 200 in Lincoln, Nebraska.

08/30/2007



URNRD to seek full 10-cent levy to guarantee bond repayment

By Russ Pankonin
The Imperial Republican

The budget proposed by the Upper Republican Natural Resource District will seek the full 10 cents in levy allowed to pay off bonds for surface water purchase.

Next Tuesday, Sept. 4, the URNRD board will hold their annual budget hearing, beginning at 7:30 p.m., to consider the 2007-08 budget and additional levy for surface water purchases.

The authority to seek up to an additional levy of 10 cents per \$100 of valuation was granted under LB 701, passed this spring by the Legislature.

The bill also included provisions to charge an occupation tax of up to \$10 per irrigated acre in the Republican Basin. This fee would also be used to pay for surface water purchases.

The board is also expected to address the amount of per-acre fee to be assessed for this year's surface water purchases.

**Bonds A Factor In
Levy Request**
URNRD Board Member Tom

Terryberry of Imperial said Tuesday that factors in selling the bonds to pay for the surface water purchase affected the levy request.

He said the bond rating would be improved by showing that the bonds could be paid for entirely over a three-year period with the 10-cent levy over the same period.

During the formation of LB 701, the bonding firm had no history on rating a bond based on a per-acre occupation tax. As a result, a levy up to 10 cents was added on to the bill.

Without the levy authority backing the bond, the interest rate on the bonds would have likely been unaffordable, or made the project unbondable.

Terryberry said the board is looking at a per-acre fee of between \$5.50-6.50. This would generate enough money to pay for about two-thirds of the URNRD surface water commitment, with the balance coming from property tax levy.

Terryberry said in the future, once bond history is established on collecting the per-acre fee, the occupation fee can be used to fully fund surface water purchases.

However, with no history, the board had no choice but to level the full 10-cent levy, which if levied for three years, would pay the NRD's share of the bonds.

The URNRD is responsible for 44 percent of the approximately \$9 million paid this year to purchase surface water.

The property tax levy and per-acre fee will show on the tax statements that are due in 2008, half in May, half in September.

Other Agenda Items
The board will also hear an update on negotiations between the board's negotiation committee and Department of Natural Resources on a allocation for the next integrated management plan.

Whether the committee will be able to forward a recommendation to the board next week will depend on further negotiations between now and then.

The board's building committee will open bids for a proposed new building Friday. The committee will inform the board on the results of the bid opening and the board will likely discuss whether or not to proceed with the project.

Water fight could be costly

A fight over how the state should finance the costs of sending more Republican River water to Kansas could set



Capitol View

Ed Howard

the stage for a landmark decision by the Nebraska Supreme Court. Some folks from the southwest portion of the state are challenging the funding mechanism in LB701 because it relies on property tax rev-

enues.

The Nebraska Constitution prohibits the Legislature from using property taxes for state purposes.

The law orders the Natural Resources Districts located in the Republican River Basin to issue bonds to pay for water to be delivered to Kansas. Nebraska has for decades violated a compact that spells out how much Republican River water Nebraska is supposed to allow to pass through to Kansas.

The NRDs involved are "local government," and generally can regulate water usage

within their boundaries. The compact was violated by irrigators within their boundaries. So, should local property taxpayers bear a portion of payoff costs?

The state negotiated the compact. Should state government—and thus taxpayers statewide—put up the money from the general fund?

When you see headlines about this lawsuit in your local newspapers, read the stories. Your pocketbook is really at the heart of this case.

ED HOWARD is statehouse correspondent for the Nebraska Press Association. *Enterprise*

9-14-07

Papio-Missouri NRD cuts rate because of surplus

9-15-07
By NANCY GAARDER

WORLD-HERALD STAFF WRITER

With a budget that continues to place a heavy emphasis on building dams, the Papio-Missouri River Natural Resources District cut its property tax rate and slightly reduced the total amount of property tax revenue it will collect this year.

The NRD set the tax rate at 3.4848 cents per \$100 of valuation, down from 3.8444 cents per \$100 of valuation. *034848*

This means that the owner of a home valued at \$100,000, whose valuation did not change, will pay about \$34.85 in property taxes to the NRD, a decrease of about \$3.59.

Because the NRD is drawing heavily from a surplus of money, it also will allow its total property tax collections to dip slightly this year. Property taxes are expected to make up about

\$16.4 million of the \$44.2 million budget.

The district serves all or parts of seven counties along the Missouri River: Sarpy, Douglas, Washington, Dodge, Burt, Thurston and Dakota. The counties have seen an average increase in property valuation of 9.23 percent.

Among the notable items in this year's budget is \$9.38 million for flood control and storm water management in the Papillion Creek watershed, most of which will go toward design, land rights and construction of dams.

Also noteworthy is what isn't in the budget.

The NRD has deleted a \$1.25 million storm water detention fee. This was a proposed fee on new development that was to provide private sector funding for the dams. So far, the fee hasn't been implemented.

Park cleanups precede celebration

9-16-07
By RICK RUGGLES

WORLD-HERALD STAFF WRITER

An estimated 150 area residents Saturday plunged into the grungy task of cleaning litter from parks and the sides of creeks and lakes.

The cleanup, organized by Keep Omaha Beautiful Inc., led up to today's World O! Water festival at Wehrspann Lake, near 154th Street and Giles Road. The festival, which will include games, food and demonstrations, will be coordinated from the Papio-Missouri River Natural Resource District's headquarters at the lake. The event starts at noon and runs to 4 p.m.

The purpose of Saturday's cleanup and today's celebration is to promote an appreciation for pure water and litter-free natural places. Some people evidently have lacked that appreciation in the past. Volunteers at Levi Carter Park on Saturday recalled a cleanup two years ago in which they pulled a car, muffler, safe and toilet from the lake and park.

But the work to clean Levi Carter Park has paid off, said Kay Burrows of Carter Lake. They found only litter on Saturday, she said.

"We've lived all our lives down here, so this lake's real important to us," said Burrows, who participated with her husband, sister and niece.

Jeanne Eibes, president of the Carter Lake Preservation Society, said Levi Carter Park and



RUDY SMITH/THE WORLD-HERALD

Carter Lake residents Melinda DuBay and Mark Eibes are just part of the litter-collection crew working at Carter Lake on Saturday. About 150 people labored to clean up green spaces ahead of today's water festival at Wehrspann Lake.

Carter Lake are important resources. They are what people see first when they drive out of Eppley Airfield.

Eibes pulled something from the side of the lake and it dangled from her hand. "What do you think that is?" she asked her team of litter-gatherers.

"Chicken bone," responded Merl Harder.

The 20-member Levi Carter Park group placed garbage into at least 25 trash bags.

Other such efforts took place at Fontenelle Park, Standing Bear Lake, Lake Zorinsky and Benson Park.

Kendra Sullivan, program director for Keep Omaha Beautiful, said about 150 people participated in the cleanup Saturday. Sullivan's organization provided bags, gloves and tools.

The festival today will be overseen by Keep Omaha Beautiful and other organizations that are dedicated to preserving natural

resources and promoting outdoor recreation. That includes the National Park Service, the Nebraska Game and Parks Commission, the Henry Doorly Zoo and Lauritzen Gardens.

Sullivan said the first 500 attendees today will receive lunch free. Among the activities will be canoe rides, kids' science experiments, animal shows, nature hikes and programs on water quality.

Counties draft alternative to dam plan

9-18-07

■ Douglas residents are invited to learn about a Douglas-Washington initiative that calls on landowners to control storm runoff.

By JUDITH NYGREN

WORLD-HERALD STAFF WRITER

Douglas County will make its case tonight that individuals can do more than nearly 30 dams could do to keep storm water from polluting the area's natural waterways.

The county opposes what it calls an expensive and ineffective plan to construct as many as 29 dams to clean up waterways and comply with the federal Clean Water Act. Instead, it advocates using low-impact development to contain storm water

close to where it originates, whether that's a house, a mall or a new subdivision.

Douglas County has worked with neighboring Washington County to devise a 13-page draft that it hopes the public will embrace as the best method for controlling runoff. The draft will be presented at 7 p.m. tonight at Douglas County West Middle School, 800 N. Front St., Waterloo.

The draft was written as an alternative to the dams proposed by the Papio-Missouri River Natural Resources District. Both

counties have criticized the dams as too costly — to taxpayers and displaced landowners. Douglas County Board members also have argued that the dams' placement in less developed areas would do little to prevent urban runoff from making its way to rivers and streams.

Mary Ann Borgeson, chairwoman of the Douglas County Board, said Douglas and Washington Counties aren't proposing anything that "is off the wall, wacky... or never been looked at before." The ideas have worked for communities across the country, she said.

The key idea the two counties want to convey: Storm water management begins at the lot level, where owners of homes and businesses can take steps to

reduce the amount of water — and pollutants — running off their property.

Some measures are relatively simple: Rather than pitch the drain pipe of a gutter toward the driveway so it runs into the street, direct water into the ground. Or create a "rain garden," where water naturally flows to a depressed area in the yard, allowing it to collect and feed plants.

Others involve more of an investment, including using water-permeable materials for paving driveways and sidewalks.

It's important that citizens understand "what they can do to help with runoff in their daily life," Borgeson said. "Right now, all people know about is the dams.... There is another way to look at this."

Annexation by Papillion won't hike Walnut Creek camp fees

9-19-07

By JENNIFER PALMER

WORLD-HERALD STAFF WRITER

Camping fees will not increase at Walnut Creek Recreation Area after the City of Papillion takes control of it.

Papillion is scheduled to assume control of the recreation area, at Schram Road and South 96th Street, on Oct. 1. A judge last week allowed the city to proceed with annexing the area, although the annexation of other areas has been put on hold.

The area is currently overseen by the Papio-Missouri River Natural Resources District, which collects the fees.

Camping will remain \$14 per night. Waste disposal for people not staying overnight will continue to cost \$3.

The city estimates that \$65,000 will be collected in the 2007-2008 fiscal year. Mayor James Blinn said upkeep costs will probably exceed that.

Heineman asks Kansas to be patient on water

Nebraska has made progress and is committed to fulfilling its obligations under the Republican River compact, he says.

9/24/07

By David Hendee

WORLD-HERALD STAFF WRITER

KEARNEY, Neb. — Gov. Dave Heineman appealed to Kansas on Monday to hold off seeking legal sanctions against Nebraska for the state's overuse of Republican River water.

"Be a good neighbor," Heineman said. "Work with us, not against us. We are making progress."

Heineman said Nebraska's estimated water deficit to Kansas for the five-year period of 2003 through 2007 will be close to 117,000 acre feet. That compares with a shortage estimated in January at about 200,000 acre feet.

The new, lower estimate results in part from a wet year and cutbacks in irrigation by farmers in the Republican basin. An equivalent amount of water would cover nearly 183 square miles a foot deep.

The lower deficit represents significant progress for Nebraska, Heineman told state natural resources district directors in Kearney for their annual conference.

Nebraska has used more than its legal share of Republican River water each year since 2002, when the state settled a U.S. Supreme Court case with Kansas and Colorado. The three states signed a compact to share the water in 1943.

Kansas Attorney General Paul Morrison warned last month that Nebraska's strategy of goodfaith efforts and tighter restrictions on irrigators wasn't enough in the struggle over sharing Republican River water.

He pledged to take legal action against Nebraska before the end of the year.

Heineman said in Kearney that Nebraska is committed to fulfilling its obligations under the three-state compact.

Data collected by the Nebraska Department of Natural Resources indicate that even after Kansas receives its full share for 2007, Nebraska could have a surplus of about 19,000 acre-feet of Republican water, Heineman said.

But ensuring continued compliance probably will require additional reductions in the amount of underground water consumed by crops, Heineman said.

"I realize this means that there are still difficult decisions ahead for our Republican River NRDs when it comes to future water allocations," he said.

Still, the governor said, new NRD plans aimed at integrating water management across Nebraska's portion of the basin mean there is a good chance the state's overall use of water won't exceed its allocated supply in 2008.

"Our goal is to meet our target next year and then work to ensure we meet that goal every year thereafter," he said.

The state and the three main Republican basin NRDs are trying a new tactic to not overuse water.

The NRDs are working on a new plan for managing groundwater pumped for irrigation while maintaining adequate Republican River levels. The plan would allow the districts to set rules and regulations designed to keep Nebraska in compliance with the three-state compact.

In the past, for example, the Nebraska Department of Natural Resources had to approve pumping limits and other regulations.

The new arrangement maintains the NRDs' local control, but it also requires that their policies work, said Jasper Fanning, general manager of the Upper Republican NRD at Imperial. Ann Bleed, director of the Department of Natural Resources, said the agency is now less interested in specific regulations than it is in NRDs' meeting goals to keep the state in compliance.

"It gives responsibility and flexibility to the districts and gives the state assurance they they'll get there," Bleed said. "If they don't, the state will step in (with rules and regulations)."

County may co-fund dam study

9-26-07

By JUDITH NYGREN
WORLD-HERALD STAFF WRITER

The Douglas County Board considers spending \$30,000 to join in a UNO study of how proposed dams would affect home values.

The Douglas County Board, an opponent of a plan to build as many as 29 dams, is considering spending \$30,000 on a study that some commissioners say could save taxpayers millions in ill-spent dollars.

Commissioners are considering becoming partners on a study rejected just three months ago by the Papio-Missouri River Natural Resources District.

The NRD decided not to support the analysis after a few of its members raised concerns that the findings could undermine plans to spend up to \$380 million on dams in the Omaha metro area.

That possibility is exactly why Douglas County needs to get involved in the study by University of Nebraska at Omaha

researchers, said Commissioner Clare Duda. Taxpayers deserve to know if they are being asked to subsidize dams that benefit developers more than the public, he said.

They also need to know the cost and benefit of pursuing low-impact water-containing development, the county's alternative proposal to dams, Duda

said.

Douglas County has been a vocal opponent of the dams, arguing that the NRD's plan is an excessively costly form of flood control and does nothing to clean up area waterways as required by federal law. Commissioners last week agreed to oppose any state legislation that would give the NRD bonding authority to

fund the dams.

On Tuesday, they listened as UNO professor Steven Shultz outlined his plan to study the impact that dams — and alternatively, low-impact development — could have on the local real estate market. The University of Nebraska Water Center is providing \$10,000 for the research. Douglas County will decide next week whether to provide the remaining \$30,000.

Preliminary analysis by the
See Dams; Page 2

Dams: Lake views add value to homes

Continued from Page 1

UNO Real Estate Research Center indicates that homes with a view of Zornitsky Lake are worth about \$43,000 more than surrounding homes with no view. Views of Standing Bear Lake add an average value of \$19,000 to a home.

Shultz said UNO plans to expand its analysis to determine if views of smaller lakes add similar values to homes. The center also will try to determine if the \$500 that builders would pay for each residential lot near the proposed dam sites is enough. Some waterfront projects have cost developers considerably more, costing taxpayers little to nothing, Shultz said.

Shultz said open spaces created to collect storm water in low-impact development hasn't always led to higher property values, as some proponents have claimed. The key to maximizing the value of low-impact development might be the size of the

needed to make low-impact development more appealing to developers and home buyers.

Commissioner Kyle Hutchings challenged the value of the study. Common sense is enough to determine that developers will benefit from the creation of more waterfront land, he said.

He also noted that the study isn't even done and some commissioners already hope to use it to prove dam supporters wrong. He asked what the county would do if its \$30,000 pays for a study that indicates dams are economically beneficial.

"Are we going to say, 'Let's do it?'"

NRD again seeks bond authority for dams

BY NANCY GAARDER
WORLD-HERALD
STAFF WRITER

that need.

Those dams are among the 29 that the district and local governments have proposed building at a cost of \$282.5 million.

Marlin Petermann, assistant general manager for the NRD, said five of those dams currently are priorities: a 215-acre reservoir near 180th and Ida Streets; a 47-acre reservoir near 168th Street and Military Avenue; a 75-acre reservoir near 144th Street and Highway 36; an 88-acre reservoir near 126th Street and Cornhusker Road; and a sediment control basin upstream of Lake Zorinsky.

The NRD has lobbied the
See Dams: Page 2

Dam construction could accelerate, and property taxes may increase if the Papio-Missouri River Natural Resources District is successful in its continuing effort to receive bonding authority from the Legislature.

In testimony Thursday before a joint meeting of the Legislature's Natural Resources and Urban Affairs Committees, NRD General Manager John Winkler said the district faces about \$80 million in dam construction needs over the next three to five years. Development pressure, he said, is driving

Dams: Papio NRD again seeks debt latitude

Continued from Page 1

Legislature in past years for bonding authority, which is the right to incur substantial long-term debt. Winkler told the legislators that the district needs to be able to incur debt to get the work done. A "pay as you go" approach won't work, he said.

If it needs extra money to pay off the debt, Winkler said, the NRD could raise taxes about another penny. That would bring in \$4 million, which coupled with a previous one-cent increase, would give the district a total of \$8 million annually to pay off the bonds.

Some of the senators on the panel questioned the need to give the NRD bonding authority. After all, they said, other local governments that would benefit from the dams could use their authority to incur long-term debt.

Omaha, for example, has unused taxing authority, said Sen. Deb Fischer of Valentine.

Marty Grate, environmental services manager for the City of Omaha, said the dams would provide the joint benefit of reducing pollutants in urban runoff and controlling flooding. The city, he said, supports bonding authority for the NRD.

Douglas and Washington Counties oppose the dam construction plan and bonding authority for the NRD. They are working on a competing plan they say will cost less.

Several people testified in opposition to the dams and NRD bonding authority.

Omaha resident Mike Ryan said the dams won't address flooding that could occur when heavy rain falls directly over Omaha because the dams are all outside the urban area. Heavy rains upstream could be dealt with through conservation measures that developers install with

each project, rather than building larger dams, he said.

Jerry Slusky, a real estate attorney, said the dams are needed to protect the substantial amounts of property at risk of flooding. In the area he represents, 144th Street from F to L Streets, about \$200 million worth of property is at risk, he said.

Fischer also raised concerns about eminent domain.

What, she asked those testifying, would prevent the NRD from paying farmers one price for land through the condemnation process, then selling some of that land later as lakeside property at a higher price?

Put an end to waste

I hope I speak for thousands who are sick of little-known public officials trying to spend tax dollars to construct dams to create lakes for developers to build expensive homes around and then not let the public use the lakes.

9-28-07 The Papio watershed hasn't had a major flood since the 1960s. The only flood that I can remember causing loss of life wasn't even in the Papio watershed. So I think what we are doing here is simply validating the existence of an NRD board that no longer has a purpose.

It is time for all of us to stand up and tell these boards that we want to keep our tax money. Let the developers build the old-fashioned way, by raising the money and building a dam if they want a lake. They should accept the reality that precautions put in place in the past are sufficient for the future.

John Larsen, Omaha

Legislative panels hear pros and cons of NRD bonding

Pilot-Tribune
By Jim Brazda
Reporter

10-2-07

The Legislature's Natural Resources and Urban Affairs committees held a public hearing Thursday afternoon at the Papio-Missouri Rivers Natural Resource District's office building in Sarpy County to discuss the use of bonding by the multi-jurisdictional entity to build dams in Douglas and Washington counties.

Around 60 people were present at the hearing to speak both in favor and opposed to the idea of giving the P-MRNRD authority to levy bonds to pay for long-term financing.

John Winkler, general manager of the P-MRNRD, said the Papio Creek watershed is expected to be built-out in the next 30 to 50 years. The need for bonding, Winkler said, is urgent so the work on proposed dams in Washington and Douglas counties can begin before

rapid development in the Omaha metro area causes a larger problem.

"We've got a small window of opportunity to act," Winkler said.

The solution would be a combination of low impact development, water quality basins, reservoirs and flood plain buyout, all of which would require a large amount of money, he said.

The NRD needs to be able to bond and incur long-term debt to accomplish a holistic, watershed-based approach to stormwater management, he said. An estimated \$80 million for dam construction is needed in the next three to five years, he said.

"All we are asking for are the tools necessary," Winkler said. "I don't feel a pay-as-you-go approach will finance this."

There are two issues at work here. One is the P-

SEE NRD PAGE 5A

Continued

NRD: Locals speak out against bonding authority

FROM PAGE 1

MRNRD's mission to reduce the risk of flooding in the watershed, and the other is regulations from the Federal Clean Water Act which mandates local governments formulate a plan to reduce the quantity and improve the quality of stormwater runoff.

Mike Ryan, a member of the Douglas and Washington county stormwater committee said dams do more harm than good, and the mandating low impact development and best management practices would be the best way to decrease the flooding risk in the Papillion Creek Watershed.

Dams built on the fringes of Omaha would not help clean or lessen runoff from rainfall that occurs within the city limits, Ryan said.

Low impact development (LID) and best management practices (BMPs) are what the Environmental Protection Agency recommends be implemented to stop the rain where it falls, and allow it to filter through the soil to replenish aquifers, he said.

The senators were unsure if LID and BMPs would be enough to solve water quality and runoff issues facing the area, and did not like the idea of mandating property owners to install things like rain gardens, rain barrels and infiltration pools.

"While you're probably right, we have a lot bigger problem that can't be fixed by low impact development," said Sen. Michael Friend from Omaha.

Sen. Deb Fischer of Valentine said she did not like state mandates, and asked who would be responsible for paying to retrofit established properties to include BMPs. If it is a basin-wide problem, Fischer said, it should be up to taxpayers in the entire basin to pay for the solution.

Sen. Mark Christensen of Imperial said while he thought LID was a great idea, it should be incorporated as part of a long-term plan which could also include dams.

Cities in other parts of the country, such as Kansas City, have incorporated many elements of LID without the need for bonding, Ryan said.

Washington County resident Pam Daly spoke in opposition to bonding authority for the NRD. Changes in Douglas County's stormwater management policies, and anticipated changes in Washington County will drastically reduce the amount of runoff. These changes are not reflected in HDR's study of the watershed, which invalidates the numbers the engineering company used to determine the flood threat, she said.

"You're talking about money, we don't even know if it's needed," Daly said.

Douglas County resident, Shawn Melotz, said taxpayers and landowners should not have to pay for damage caused by developers by their disregard for natural resources and failure to incorporate responsible stormwater plans in their developments.

Washington County Board Chairman, Harlo Wilcox, said the county has made great strides to reduce the flood threats at no cost to taxpayers. If the stormwater policies formulated in the joint Douglas-Washington county stormwater committee, already adopted by Douglas County, are adopted and enforced in Washington County, Wilcox said he believed there would not be a need for dams.

NRD

"We don't have a big runoff of water that's causing a problem in Washington County," Wilcox said.

Lyle Christiansen, a senior partner at HDR, said HDR's study of the two Washington County dams sites has nothing to do with the federal mandate, but that water quality and quantity are inherently linked.

A suitable solution for the Papillion Creek Watershed would probably need to include both reservoirs and BMPs. Best management practices alone would be unable to handle larger storms, such as a 100-year storm, he said.

Christiansen also said that five of the dams already built by the NRD and Army Corps of Engineers in the metro area, as well as the streams passing through the city, are listed by the Nebraska Department of Environmental Quality as impaired due to excessive silt and bacteria.

Marty Grate, environmental services manager for the City of Omaha, said the city supports bonding authority for the P-MRNRD as the most appropriate agency to implement a regional plan to satisfy federal clean water regulations. Omaha believes both reservoirs and LID are needed as part of a whole-watershed plan to control the quality and quantity of runoff. Bonding authority for the NRD is part of the overall plan to accomplish these goals, Grate said.

Friend asked why the cities in the watershed, who already have bonding authority, could not levy bonds to pay for the project. He described bonding as a tool governments use to "hide the fact we're going to go gouge somebody."

"Nobody's ever convinced me the bonding authority and taxing authority already in place isn't enough to take care of this," Friend said.

John Fullenkamp, an Omaha attorney representing some in the development community, said many developers are sensitive to the clean water act and already implement LIDs. Mandating them across the board however, ends up adding to the cost of developments and houses, pricing people out of the market.

Fischer said she was uneasy about the combination of bonding authority and eminent domain by the NRD and suggested the state could limit what the NRD could do with land leftover after the dams were done.

The public hearing was one part in the study authorized last year by LR 94 in the Legislature. Upon conclusion of the study, the committee will make a report of its findings and a recommendation to the Legislature this year.

Study may answer questions on dams

10-3-07

By JUDITH NYGREN

WORLD-HERALD STAFF WRITER

Despite the possibility that it could end up financing an argument for building the very dams it opposes, the Douglas County Board voted Tuesday to spend \$30,000 on a real estate study.

Board member Clare Duda led the effort to fund the study by University of Nebraska at Omaha researchers. The University of Nebraska Water Center also is providing \$10,000 for the study.

Duda argued that no matter the findings, the research will be helpful.

If the study concludes that dams are a bad investment, the county will be in a stronger position to argue for alternative methods of cleaning up waterways and controlling floodwaters, he said.

If the study finds that dams are a good idea but developers need to pay more for waterfront land, the public needs to know that, he said.

The study also will analyze the flood damage estimates that the Papio-Missouri River Natural Resources District is using to justify its proposal to build up to 29 dams in the Omaha metropolitan area. Duda said he thinks the district is overestimating the property damage, but he wants to take more than his hunch to the public.

The NRD has proposed spending up to \$380 million to build up to 29 dams in the metro area.

Kyle Hutchings was the lone County Board member to vote against spending the money. He argued that the study would be of little value in persuading the district to drop its dam plans.

The NRD decided earlier this year not to support the UNO study after a few of its board members raised concerns that the findings could undermine its plans to build the dams.

Last week, UNO professor Steven Shultz took his study proposal to Douglas County.

Among the things the study will look at: the impact that dams and, alternatively, low-impact development, could have on the local real estate market and the value of land with waterfront views alongside homes with no view.

Sarpy's cleanup plan cheered

■ The county wants a former fertilizer plant location prepared for redevelopment and recreational uses.

10-3-07

BY JOE DEJKA

WORLD-HERALD STAFF WRITER

Allies are lining up behind Sarpy County's effort to clean up and redevelop a former fertilizer plant.

Agencies and citizens groups

Letters of support have come from Omaha's Back to the River coalition, Sarpy County Economic Development Corporation, Nebraska Game and Parks Commission and the Papio-Missouri River Natural Resources District.

The letters will be submitted with the Sarpy County Board's application for a \$200,000 grant from the Environmental Protection Agency's Brownfields Program. Begun in 1995, the program provides federal money to

say cleaning up contaminated land and groundwater at the 954-acre PCS Nitrogen site near Bellevue would protect a fragile ecosystem at the confluence of the Missouri and Platte Rivers and create opportunities for recreation and economic development.

assess contaminated sites.

In 1998, the City of Omaha got a \$200,000 Brownfields grant to help clean up its riverfront, where heavy industrial activity reigned for more than 100 years.

The fertilizer plant, east of La Platte, operated for more than 40 years. PCS Nitrogen took over the plant when it acquired Arcadian Corp. in 1997. The company closed the plant in 1999.

State officials have said, however, that they do not think the contamination at the site poses a risk to public health.

See Sarpy: Page 2

ronmental Quality did a preliminary inspection of the site.

An ammonia fertilizer release in the 1970s had contaminated the groundwater. Between 1954 and 1978, the plant disposed of its waste — including waste oil, construction debris, trash and paint sludge — in an open, unlined landfill.

State officials have said, however, that they do not think the contamination at the site poses a risk to public health.

See Sarpy: Page 2

Sarpy: County's grant request has plenty of backers

Continued from Page 1

Sarpy County Administrator Mark Wayne said the county has no ownership interest in the property. He said an assessment would give PCS Nitrogen, and potential buyers, a good idea of the cleanup costs necessary to make the site viable for development.

In a support letter, Toby Churchill, executive director of the Sarpy County Economic Development Corporation, said the site is the only one in the county with an industrial railroad track.

It is a great site for energy-intensive industries, Churchill

said, because it has an Omaha Public Power District substation and a Northern Natural Gas distribution point.

It has 21 water wells, and is half a mile from the Omaha sewer plant.

It is also near a new U.S. Highway 34 bridge planned over the Missouri River south of Offutt Air Force Base.

In his letter, NRD General Manager John Winkler said the district identified the river confluence as a high priority for habitat restoration as early as 1989.

The area has significance for

the breeding population of the endangered pallid sturgeon, potential for connecting to existing levee-top trails and for recreation such as hiking, bird watching and fishing, he said.

A public hearing on the grant application is scheduled for 5 p.m. Tuesday at the Sarpy County Courthouse.

In a cover letter to its application, the Sarpy County Board draws a link between the site and the journey of American explorers Lewis and Clark. The application quotes the journals of expedition members, who described the confluence with its "great

many willow islands and sand bars" and "high handsome prairies about the river."

"The site of these 'high handsome prairies' is now tarnished by the fertilizer plant, the board says in its letter.

The letter says that one-third of the site could be developed for industrial manufacturing, and the remaining river flood plain used for wetlands and native grasses.

In the long term, it states, the Army Corps of Engineers is interested in moving inland the levees that about the two rivers to provide greater flood protection.

NRD receives award

The Papio-Missouri River Natural Resources District will receive the National Land Protection Award today in Denver.

The NRD won for its work in wetlands restoration and the donation of 2,000 acres to the wildlife service to establish Boyer-Chute National Wildlife Refuge near Omaha.

W-H
10-4-07

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Walnut Creek Lake transferred to city

By CORIE RUSSELL
TIMES MANAGING EDITOR

10-4-07

Walnut Creek Lake and Recreation Area became a City of Papillion park on Monday, switching hands from the Natural Resources District.

The Natural Resources District opened the park, located near Schram Road and 96th Street, to the public in 1999. The transfer from NRD to the city has been in discussion for the past two or three years, and plans were made official last year, said Papillion Mayor James Blinn.

"It's a good chance to have a cooperative effort with another government entity," Blinn said.

City staff will maintain the area, Blinn said, adding that he does not know at this time exactly how much maintenance and staff salary will cost the city. The NRD will maintain responsibility for inspection of the dam, he said.

The city does not have plans at this time to make any substantial changes to the area, Blinn said.

"It's not something we have any sweeping changes for," he said. "We're happy with the way it is."

The annexation of the park will allow the city itself to respond to any problems in that area, although Blinn said complaints have been extremely minimal in the past.

"I think it's a great opportunity for the City of Papillion," Blinn said. "We hope to expand the usage and the number of activities (to the people who) take advantage of this park."

A mock deed was presented to Blinn by Jim Thompson, NRD board chairman, at the transfer ceremony on Monday that took place on the west side of the lake.

Alice Major, originally Schram, attended the ceremony Monday and said she hopes the city will keep the park up to its high standards.

The Papillion-La Vista South High School show choir opened the ceremony, and Jim Flowers, sportsman and WOWT-TV chief meteorologist, was the emcee.



Photo by Corie Russell
Kellen Kluch, 10, plays in the sand at Walnut Creek Lake and Recreation area during the transfer ceremony on Monday.

Walnut Creek was built by the NRD primarily for Papillion Creek watershed flood prevention. The park, however, has hundreds of thousands of visitors each year and is considered one of the best fishing lakes in the state, according to the Nebraska Game and Parks Commission. Initial construction of the flood control reservoir and park cost \$7 million and was funded by the NRD and the Nebraska Natural Resources Commission through the commission's Resources Development Fund. Federal grants administered by the Nebraska Game and Parks Commission and the Nebraska Department of Environmental Quality were also used. A volunteer Clean Lakes Council was formed before the lake was built and continues to protect the area.

Information provided by the City of Papillion and the Papio-Missouri River Natural Resources District

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

Omaha World-Herald

JOHN GOTTSCHALK, *Publisher*

LARRY KING, *Executive Editor* GEITNER SIMMONS, *Editorial Page Editor*

MIKE REILLY, *Managing Editor*

The right plan

Only a prompt presidential signature is needed to cement a hard-won consensus that the Missouri River cannot be managed to the benefit of one cause — be it flood control, barge traffic, recreation or species recovery — at the expense of the others.

The latest rewrite of the Water Resources Development Act, which authorizes federal aid to water projects around the nation, has been sent to the White House. Among a half-dozen projects of interest to Nebraskans is an eight-state plan directing the U.S. Army Corps of Engineers to carefully balance competing interests in managing the Missouri River's water level.

Flood control and barge navigation have been at the top of the corps' priorities for years, as directed by federal law. Several years of tussles over the state of three endangered species were capped in 2004, when U.S. District Judge Paul Magnuson said the corps must also account for recreational and environmental interests in controlling releases from upper Missouri dams as far south as Gavins Point, on the Nebraska-

Missouri River would benefit from balanced approach under new legislation.

South Dakota line.

Members of the House of Representatives commendably agreed to the Senate's insertion of the eight-state plan. The plan is

intended to balance the myriad of interests along the river.

Among other things, the corps is to restore ecosystems for the least tern, piping plover and pallid sturgeon and manipulate the Missouri's level to maximize nesting habitats. A regional committee linking government agencies and interest groups will provide further input.

Other projects benefiting Nebraska include assistance in restoring the troubled Republican River basin, including eradication of plants that suck up water meant for Kansas. Further funding also would be authorized for ongoing projects such as the Antelope Valley Project in Lincoln, the Western Sarpy and Clear Creek home-raising projects in the Platte River flood plain and the construction of Lake Wanhoo near Wahoo.

The bill's priorities for Missouri River management will go far in lessening regional disagreements. President Bush should sign the bill.