

LWVNE STATE CONVENTION

By Virginia Bigelow

The League of Women Voters of Nebraska held their state convention in Seward, NE, on Saturday, April 18th, at the Seward Civic Center.

The Civic Center itself is very interesting as it was given to the town of Seward in 1955, and added on to in 1977, by Jessie Langworthy. Mrs. Langworthy was a lifetime resident in the area and no tax dollars have been used to build or operate the center. The meeting facility is available without charge to various civic, educational and religious clubs or groups. It is a lovely building, easy to access and well equipped for any kind of program. If you are ever in the area, and need to present a special program of some sort, do look into using this facility.

The Budget was approved, and the agenda adopted. The Budget amounted to just over \$15,000. - for the budget year 2009 to 2010. There is a \$5,239 balance in the general account as of March 31, 2009. In addition there is over \$47,193. in the Education Fund.

Peggy Adair gave us an update on the League Priority Bills currently being considered by the Nebraska Legislature. The bill that was given the most time is LB 136 - which raises S-CHIP health insurance eligibility from 185 % to 200 % of the federal poverty guidelines. The bill also increases time of eligibility from 6 to 12 months before requiring re-application and eliminates monthly review of eligibility. The problem with the issue is that the bill does not provide for the money to support it. Please contact your individual State Senator to inform them that the funds are necessary for this important bill.

LB 370 requires Health & Human Services to apply for Medicaid waiver to provide for family planning services.

LB 376 provides for a tax credit for individuals caring for elder relatives. The bill has been postponed.

Education LB 67 - provides for tax credit for those contributing to private school tuition. League is opposed to this bill. It is still in committee.

LB 307 - prohibits a sentence of life in prison without possibility of parole for those under age 18 when they commit certain crimes. League supports this bill, and it is currently in the General File - under consideration.

LB 36 changes method of execution to lethal injection. League opposes this bill, and it is currently in committee.

About 15 other bills were mentioned in Peggy's report, but not discussed at this convention.

Past President of the Nebraska League Sandy Powell gave us a short summary of her duties on the Nomination committee - for the National League.

We broke into two groups to debate the question: Participation or Education: Should the League emphasize full participation in voting by citizens, or educated participation in voting by citizens. The final count was 17 favoring education first, and 12 favoring full participation first.

We then broke for lunch, and State Senator Greg Adams (of Seward) gave us a talk on his experiences as a first term Senator, and then took questions from the league members. He stated he has learned a lot this first year, and become much better informed on many issues. In response to a question about how Nebraska is one of only 6 states still operating in the black, he pointed out that the Nebraska legislature is forbidden - by law - to "run in the red". And in anticipation of an emergency a special fund has been set up to carry the state through "an emergency". Therefore, so far Nebraska is doing OK.

After Lunch we returned to the business of appointing a nomination committee, and passing the Gavel to the new state president, Laura Schneider of Hastings.

KRUSING THE CAPITOL

April 29, 2009

Restorative Justice

by Lowen Kruse

Could we focus on the victim of crime more than the offender? "Restorative Justice" (RJ) is a practical way of looking at wrong doing. Who has a need? What went wrong? Who can help?

A promising alternative that has great potential for bringing our country's incarceration statistics down is tested and available. While reducing crime and jail time, it would help to build community and could solidify public consensus on crime. Several states and nations have adopted RJ systems. Nebraska is not there yet, mostly because we have not been led to think out of the box. We do have "Diversion" to avoid court action for first time offenders, which has been very helpful in redirecting young lives and in reducing prison costs. This is different. A few nonprofit agencies apply the principles but the legal system does not and we have no supporting legislation.

Dr. Howard Zehr, the international guru on how to do it, reported in Nebraska symposiums that New Zealand has turned the criminal justice system there on its head, with results that reach into every community and the school systems. A young offender goes first to the RJ office. If that does not work, then the case goes to the court system.

So what is this? "Restorative" is simply an identifier. True justice is by definition restorative. What grabs ones' attention immediately is the RJ system puts the focus on the victim. Our system almost ignores victims in its focus on the offender. (We even talk offenders into thinking "NOT guilty," which fills our prisons with persons who do not feel guilty.) If teen offenders vandalize cars and homes in a four block area (actual case), offenders and victims and community members join in an extended problem-solving discussion, to agree on how to make that right for the victims, or to do what is possible.

Dr. Zehr: "Restorative justice is a response to crime that focuses on restoring the losses suffered by victims, holding offenders accountable for the harm they have caused, and building peace within communities."

Burglary and assault are the easier cases to describe. The process varies, but may lead to a serious discussion in which all are equal. The offender(s), the victim(s), the police, the school, and community members are placed in a circle. Only the one with the 'talking stick' may speak and the stick moves on to the next in line, as many times as needed. Offenders hear from victims about how it feels to be vandalized -- fears of leaving the house, bills unpaid, sudden desire to move, children kept inside instead of enjoying their yards. Whatever the fear or pain or loss, say it. The offenders describe what they did and how that felt. Parents, police, neighbors -- do the same.

Instead of imagining 'closure' in a system where the court eventually puts these two 'punks' away, victims meet the real teens, see they are not ten feet tall monsters, and are helped to "get rid of the boogeyman in the head." They are freed to leave the house and see the world in perspective. It may take months or years, but the offenders begin to clean up and to fix and pay for the damages, as determined by the victims and the neighbors, until realistic resolution is achieved. If no resolution, the incident goes to court. Obviously, life lost in murder will not be resolved.

This pastor was struck by the remarkable change in community which was documented. A community which does not do problem solving, but waits for the city to take action, remains weak. Problem solving builds strength. A community that has gone through this long, challenging process is more in focus and ready for members to be there for each other. It can be transformative.

Another powerful emotion which is ignored in classic criminal justice but is addressed here: shame and humiliation.

The shame of appearing weak: "weak" as a 'real man' would not be; "weak" and helpless as a few women are taught to be even as they resent it. The shame of a teen labeled as a felon -- forever.

The humiliation of family members who are afraid to have the teen go with them to church, where no one has wrestled with their problem. RJ replaces shame and humiliation with maturing responses to mistakes and impulsive behavior.

School discipline is also changed, big time. Our school discipline is based on the court system, with a principal as judge and jury. It could be a circle of those affected.

We live in a very punitive culture. Tit for tat. Serve your time. Restorative concepts are counter culture and so will take a while for public acceptance. We will find it has many values we have ignored. Citizens who were in a circle experience have said, reflecting on it, "Oh, that is what my parents did in our family." Tribal cultures of minorities recognize this as the ancient way of elders' wisdom. Restorative.

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Note on the side: The recent Tax Protests were planned to make political points and are not the material of serious talk. In that spirit, a friend proposed that anyone in a tax protest should take the day off from receiving any benefits of taxes. No roads or streets. No school. No mail. Nothing regulated, as planes, buses, trains, prescriptions. Really ought not to use any clean water or breathe. Certainly cannot visit a mall, where gangs could come in, Iraq style, with no police. Carry your own fire bucket. Worst of all, can not phone an official to complain about anything.

To be fair, their title refers to increased taxes, but most of their rhetoric labels all taxes evil. Not the way it is! The original Boston Tea Party was not against taxes, of course, but was against not being able to elect representatives to evaluate the needs and levy taxes.

A LOOK AT FLOOD CONTROL

by Bev Traub

Much news media attention has been given to flood problems in the nation most recently in Fargo, North Dakota, and in Cedar Rapids, Iowa. Locally, the Papio Creek Watershed has been identified as being at risk for flooding.

NRDS

Nebraska is divided into twenty-three Natural Resource Districts (NRDs) which have responsibility for soil and water conservation and protection. Omaha is in the Papio-Missouri River NRD which consists of Dakota, Thurston, Burt, Washington, Douglas, and Sarpy Counties.

PAPILLION CREEK WATERSHED PARTNERSHIP

Increased development has led to concerns about flooding and water quality issues in the area. In August, 2001, eight cities, Douglas and Sarpy Counties, and the Papio-Missouri NRD formed the Papillion Creek Partnership (through an Interlocal Cooperation Act Agreement) to address stormwater management in the Papillion Creek watershed including Clean Water Act mandates concerning water quality and flooding. The interlocal agreement was renewed in 2004 for a period of five years and is under consideration for renewal again.

LB160

This year Senator Gay of Papillion introduced LB160 in the Nebraska Unicameral for the purpose of allowing the Papio-Missouri NRD to issue bonds to pay for flood control measures. Bond payments would come from a one cent tax levy on each \$100. of taxable property in the district. The increased taxation funding is directed toward water quality enhancement, flood protection including dams, reservoirs, low-impact developments, flood plain buyouts, and levees. The bill is on the way to final reading in the Legislature. Similar legislation has been introduced for the past several years without success. Amendments have been added in this session in an effort to satisfy or neutralize opposition. Many see the primary intention of this bill is to fund the building of dams.

FLOOD CONTROL ALTERNATIVES

The Papillion Creek Watershed Partnership has presented a plan that proposes seven dams to be built in Sarpy and Douglas Counties with a possibility of a total of twenty-seven dams in the future. Proponents of the plan warn that floods are inevitable and that building the dams is the best way to avoid destruction and disaster. Opponents say that a more reasoned, cost effective and environmental way to manage stormwater runoff is best. The alternatives to dams include the adoption of sound stormwater policies such as no building in the flood plain, retaining 90% of all runoff from new development, retrofitting built-up areas with water retention practices and establishing zoning ordinances which would be far less costly, recognizes the importance of protecting our natural resources, and is environmentally sustainable. There was an editorial in the March 30, 2009 *Omaha World-Herald* which enumerated alternatives to building dams while noting the challenges of acceptance and implementation. The conclusion was that low-impact methods "must be supplementary to a judicious dam construction program."

A couple of the statements in the *World-Herald* editorial prompted a rebuttal from Marian Maas, Ph.D., Project Manager for the Papillion Creek Watershed Project (not to be confused with the Papillion Creek Watershed Partnership). The words in bold print are from the OWH editorial.

FLOOD-CONTROL ALTERNATIVES

Anticipating the deluge

By Marian Maas, Ph.D.

“As the Red River through Fargo, N.D., rises into what officials called “uncharted territory,” residents of the Omaha metropolitan area remain dry. So far, so good. The greatest flooding threat to life and property in Sarpy, Douglas and Washington Counties is the Papio Creek watershed.”

The Red River and the Papillion Creek are not comparable watersheds. To compare the two and to give the impression that the Papio could flood in a similar manner as seen in the Red River at Fargo, is a comparison made specifically for the purpose of creating fear in the reader and citizenry. There are many significant differences between the two watersheds and some of these differences are described in the next two paragraphs.

The entire Red River Basin involves two countries, 3 states and a province, and nearly 1000 relevant organizations which have some role or interest in flood plain management in the entire basin. The river is approximately 550 miles in length, and about 200 of those miles are in the North Red River Basin, the upstream portion above Fargo. This upper portion of the watershed upstream of Fargo covers 581 square miles. About 60 miles of the river upstream of Fargo meanders extensively, indicative of a non-straightened, un-channelized river, with constant bending back on itself and doglegs (Google Earth). The topography is flat and wide with little slope, thus the surface water spreads across the adjoining land surface when rains, snow melt or ice jams cause water levels to rise. The Red River Basin does not experience spring thaw uniformly, the upstream (southern end / upstream of Fargo) may be melting while the downstream (northern end) may still be frozen. The downstream reaches of the Red River may contain ice jams (and a frozen receiving lake), preventing water to flow through. These cause flooding upstream of the ice jams and/or a slow down of the retreat of floodwaters. **References:** North Dakota State University, website funded by US Army Corps of Engineers; and, *“Decision Support for Red River Basin Watershed & Floodplain Management: Issues and Opportunities for Sharing Data and Tools”* by Terry Birkenstock, U.S. Army Corps of Engineers, Mark Deutschman, Ph.D., Houston Engineering, and Robert Halliday, Saskatoon, SK, Canada.

In contrast, the Big Papillion Creek begins about 15 miles north of the Washington-Douglas County line, runs through Douglas County, and flows into the Missouri River about four miles south of

Bellevue. This distance is about 50 miles. The entire Papillion Creek Watershed is 402 square miles (**Reference:** HDR's *2004 Papillion Creek Watershed Study Report*), 179 square miles less and 150 miles shorter than the "upper" Red River watershed. The Papillion Creek has been straightened and channelized nearly its entire length. This means that the meanders have been removed and in many places the stream is a straight line. The topography is hilly and very little of the watershed is flat. There are no ice jams on the Papillion Creek. There is nothing blocking the flow of the water from the Papillion Creek into the Missouri River. And lastly, the quantity of water in the Papillion Creek is significantly less than is in the Red River, but in high water states, the water flows fast and at high rates - flushing through the system rapidly.

"It hasn't overflowed system-wide in recent years, but the worst is inevitable. The first question is when."

Indeed, the Papillion Creek has not overflowed system-wide in many, many years - not since the 1960's! This was prior to the practices and modifications that have since been established which protect the communities from flooding, have met FEMA guidelines, and have been effective in doing the job. Last week a member of the Papio-Missouri River Board of Directors' Finance, Expenditure & Legal Subcommittee indicated there had been no flooding of fields along a levee in the watershed, stating, "no complaints from the farmers, guess things must be getting better" (**Reference:** Papio-Missouri River Board of Directors' Subcommittee Meetings, April 7, 2009).

Let's examine some of the reasons why it hasn't overflowed in recent years: 1) The NRD, and perhaps the Corps of Engineers in the early years, straightened the Big Papillion and its tributaries. The West Papillion has had the most recent work. The curves and meanders are removed, trees and shrubs are bulldozed and removed, and the resulting stream is straight. 2) After straightening, the NRD widened and deepened the channels by digging out the dirt - creating channels which accommodate significantly greater volumes of water than the original natural streamways. 3) Flood control levees have been built along many of the tributaries. The NRD states it has "60 miles of levees and channel improvements" in the Papillion Creek watershed. **Reference:** www.nrd.org/nrd_guide/nrd_pages/Missouri; 4) The NRD, in this same reference, states it has put in nine flood control reservoirs in the watershed which have been "effective". Interestingly, it is worth noting that "full lakes" are not "flood control lakes". 5) Many private property owners have also contributed to practices that control runoff, especially field terraces and no-till farming practices. Terraces can be found on most hillside fields in Washington County, upstream of Omaha. These structures hold and infiltrate runoff, and reduce soil erosion. No-till farming keeps plant material in place, thereby allowing raindrops to soak-in rather than running off the field. The last few miles of Papio streambed and flood plain - in Sarpy County - are still agricultural and should never be developed beyond their current use.

Increasing levee heights and raising bridges were possible alternatives to building dams suggested by HDR/CDF (Conservation Design Forum, Chicago, IL) in their Phase IV *Papillion Creek Watershed Management Plan* (**Reference:** HDR). However, the NRD and the Papillion Creek Watershed Partnership did not select this alternative. This is a very common sense, FEMA-accepted, un-intrusive, and less costly alternative to dams, but obviously, these do not provide developments with lakeside views! However, this does not please developers who desire lakefront/view property - but it does the task.

The statement, "...but the worst is inevitable", can be said about almost anything. For example, it is inevitable that a student may fail a test, the tree planted in the front yard may succumb to frost or insects, and the soccer team may lose a game. Again, this phrase is to sensationalize the topic and place concern in the mind of the reader. It is an emotive, rather than a factual statement. As a scientist, my writing must be factual and free of emotional undertones. Practical logic says to "plan for the most likely case ... not the worst case." Planning for the worst case is cost prohibitive.

You, as a writer for a newspaper and thereby tasked as a purveyor of neutral/unbiased information, I would think you, too, would have similar requirements of your writing. I have found the OWH to be very biased in all of its articles, whether editorial or otherwise, when dealing with the Papio-Missouri River NRD's desire to build dams on the Papillion Creek system.

“The second question is whether the Papillion Creek Watershed Partnership, a coalition of local governments, can act ahead of the rising water to prevent disaster. The group proposes several small dams and other projects to quell the threat.”

The words “rising water” is another attempt to sensationalize. The Papillion Creek does indeed rise after heavy rains, but this choice of words causes an unfounded, undue level of concern for the reader.

To state that the Partnership “proposes several small dams and other projects to quell the threat” continues to reinforce the fear, but more importantly, considerably minimizes the Partnership's plan and misinforms the reader. Where did you get your information? To those of us who are familiar with the issues, it is apparent you have been given this statement. Have you looked at maps which show the dams and their reservoirs? With all due respect, “several” is extremely misleading! If the NRD gets its bonding authority, it will build up to 27 dams - this is hardly “several”, and **I request this misleading statement to be corrected**. Proposed reservoir sizes run from 12 to 215 acres. Many, in fact most, are large enough for recreational activities, and provide high priced private lakefront properties for developers who are pushing for all of this to happen. “Small” misrepresents the actual, finalized plans, and implies to the reader that these will be nothing but little ponds of water. I wish to also point out that those structures labeled by the NRD as “water quality basins”, are also dams with reservoirs and lakes, located upstream of the larger “structures”. And lastly, the NRD avoids using the terminology of what these “structures” really are - they are all DAMS and RESERVOIRS! Each and every one of these are a dam that blocks the free flowing stream, and causes a reservoir (“lake”) to flood the area behind the dam. **Remember, full lakes are not flood control structures.**

Aquatic biologists oppose dams or other obstacles across a flowing stream. Dams completely block the passage of fish, macroinvertebrates, and other aquatic organisms from reaching quieter upstream portions of the system. These upper stream reaches are needed for spawning and are often times the only segments which have better habitat, more nutrients, and fewer pollutants and contaminants. Dams block the free movement and mixing of populations which contributes to loss of genetic diversity and robustness. Over a period of time, fish lose their genetic vigor and eventually die out. (**Reference:** any ichthyology or limnology text book that addresses lotic systems and manmade impacts.)

Dams and lakes, therefore, contribute to fragmentation of fish, other aquatic populations, and terrestrial species that depend on the stream corridor for water, habitat and protection. Fragmentation is considered the leading cause of loss of species abundance and diversity by ecologists. Oftentimes a stream corridor is the only remaining connection for wildlife to reach other like-species' populations since agriculture and urban development now comprise the landscape. Wildlife travel along stream corridors to reach other wildlife refuges. A conference I attended March 27-28 in Nebraska City, *Leveraging USDA Conservation Dollars in Your State*, discussed the importance of maintaining and restoring these corridors in several sessions. Natural Resource Conservation Service professionals encouraged participants to utilize EQIP and WHIP farm program funding for reduction of fragmentation and establishment of wildlife corridors - **even to remove dams**. And the Navigation Ecosystem Restoration Program is for funding reconnection of the river with its floodplain.

In case you are wondering, or, have been told differently, yes, there are fish in the Papillion Creek (**Reference:** *Fishes of the Papillion Creek*, Masters Thesis, Luke Wallace, U.S. Army Corps of Engineers). I have personally seen and visited with people who fish the Papio, and have personally

seen large fish kills (many large, dead fish, either floating and/or on the stream bank, from environmental stresses). There are also deer, raccoon, opossum, bobcats, coyotes, badgers, snakes, snapping and box turtles, muskrats, ducks, Canada geese, great blue herons, wild turkey, songbirds, bees, butterflies, and other species, all which use the stream and its adjoining riparian areas. (**Reference:** personal field observations as Project Manager of the Papillion Creek Watershed Project, U.S. Environmental Protection Agency funded grant). Despite what you may have been told, there is more wildlife along the Papillion Creek stream system than around the existing urban reservoirs, such as Zorinsky Lake, Candlewood Lake, and Dam Site 13, which are surrounded by developments and isolated from open land. Even Wehrspann Lake, which has more natural area around it than the other reservoirs, is an isolated area. Surrounded by a woven wire fence and housing developments, it has little connection to any other natural area and, therefore, it too, fails to provide true habitat and connectivity for wildlife.

“Residents in parts of Washington and Douglas Counties in particular are eager to minimize dam construction; they are pressing for alternative flood-control projects. But the range of alternatives is both wider and narrower than it might seem.

In the broadest sense, alternatives to dam construction can be wetlands and flood plains, both of which slow floodwater, spread it over a wider area and protect downstream development. It's not likely that partnership officials would buy into re-creating wetlands and floodplains.”

Interesting! You imply that wetlands were here once before, but that officials and landowners wouldn't want them again. Iowa is looking into doing this very thing - recreating wetlands and clearing floodplains of buildings - as they strive to address the causes of last year's flooding of the Cedar and Iowa Rivers. Iowa is approaching the use of wetlands very seriously, and just completed a conference in Des Moines: *Wetlands: Reinvesting in Iowa's Natural Capital*, April 2-3. Its purpose was to learn more about the benefits of wetlands for flood prevention and water quality improvement. It was sponsored by a long list of a variety of sponsors, and its convening was for the very purpose of utilizing wetlands for flood control.

I spoke with Mr. David White, newly appointed national Director of the USDA Natural Resources Conservation Service, Washington DC at the conference in Nebraska City. When I told him about the Papio-Missouri River NRD's proposed plan to build up to 27 dams on the Papillion Creek, he replied, “the best thing to do is to buy out the floodplain”. This was in keeping with points made earlier in the conference: Buying out the floodplain is a very viable and reasonable approach. Interestingly, Mr. Mike Boyle, past mayor of Omaha, had recommended this very thing to the Natural Resources Committee at the hearing for LB160!

Public officials in Omaha are disappointingly 'behind the times'. Many other areas of the country have recognized the need to restore natural hydrological functions to their stream and river systems as part of their stormwater management programs. Milwaukee, Portland, Kansas City - even New York City - have major programs underway to significantly increase infiltration of rainfall and ordinances which require compliance. Major efforts are occurring to restore wetlands, change floodplains into green areas (parks, soccer fields, natural areas) through buyouts, establish Low Impact Development practices, install dry dams, and vastly improve the amount of pervious surfaces in downtowns and suburbs. Even the town of Clive, a small Des Moines suburb, has significantly discounted rain barrels for its citizens, and Lincoln, NE, obtained a NE Environmental Trust grant to establish 80 homeowner rain gardens and 10 school yard rain gardens - plus free rain garden workshops for the public. But, sadly, the City of Omaha has no such programs. The best that the City can do is to hold a couple of one-day conferences which cost \$100+ or \$400, admittedly aimed at the professional community and not the general public after being pressed about the high cost.

“Nor would landowners whose fields would flood periodically.”

Because of the rolling topography in the watershed, there are very few fields which would flood.

“Another expensive and land-hungry alternative is the floodway, an extensive green swath of undeveloped grasslands into which floodwater can be diverted. Winnipeg, Manitoba, is protected by a diversion riverbed for the now-flooding Red River.

Flood plain buyout would likely not be as expensive as purchasing prime farmland and building dams and reservoirs (and their maintenance). And as previously mentioned, buying out the floodplain and converting it to parks, sports fields, recreational areas, etc. is not such an outlandish alternative, and is being recognized elsewhere for its value. Your “land-hungry” adjective is fully intended to be emotive and create an immediate bias in the minds of most readers. Your referral to it as “undeveloped” clearly shows that it is the OWH's belief that every single inch of ground, even if it lies in a floodplain, should be developed. This is a cultural mind-set that is out-of-date and which fails to understand the true meaning of “quality of life” for a healthy, sustainable growth of urban areas.

“When flooding alternatives are discussed in the Omaha area, they are more likely to involve smaller projects, such as permeable paving, green roofs and rain gardens. These have limited effects.

No, this is not true. The Conservation Design Forum, Chicago, IL, subcontracted by HDR for the NRD, clearly stated in its report that LID would provide equivalent flood protection in the Papillion Creek watershed. In other words, the use of permeable paving, rain gardens, and the many other LID practices that can be installed by the homeowner, business, and city alike, would indeed provide as much flood protection as the 27+ dams and reservoirs. (Reference: Phase IV Report by HDR)

“Consider what would be required for success:

– Every unit of government that controls planning, zoning and building would have to enforce requirements for every new building, parking lot or structure. Each would have to keep rainwater runoff on-site; every new bit of pavement laid would have to be mitigated.”

Guess what? This is exactly what many cities are doing! Portland, OR, for example, requires each building site to control its runoff. Milwaukee has removed 37% of its residential stormwater runoff by having such requirements. Zoning laws which require property owners to control runoff, and which forbids building or elevating in the 100 year flood plain is exactly the route that is being taken by progressive communities, and will eventually be required everywhere by the US Environmental Protection Agency. It is only a matter of time.

The Douglas-Washington County Stormwater Policies, unanimously approved by both Boards of Commissioners/Supervisors, recommends these requirements. The NRD and the Papillion Creek Watershed Partnership do not have Policies that are as stringent as the Douglas and Washington Policies - and reflects the immense role which developers and builders play in the policy formation of these two entities. Developers sit on the Papillion Creek Watershed Partnership Committee, but no one from environmental groups or individual public citizens is invited to be a member.

And lastly, the word “mitigated” is usually used in context with wetland mitigation. Its customary use - with which most people in this area would identify - is applied to the requirement to re-establish two acres of wetlands when one acre is destroyed during development or ground alteration. This, unfortunately, is viewed as a headache by most developers in this area, and thus, its use in this editorial. The word was used for the purpose of creating an underlying dislike of the idea of LID itself, and LID as an alternative to dams and reservoirs. Once again, it was done to set a tone.

– “Porous or permeable pavement, which permits water to soak into the soil, can cost two or three times more than asphalt roads, and such pavement can be damaged by road salt and frost heave.”

Where did you get this information? Mr. Jereme Montgomery, Executive Director, NE Concrete and Aggregates Association, Lincoln, NE, would likely consider this a much too broad of a statement. He works with permeable concrete on a daily basis - he's a much more informed source than anyone from whom you obtained your information. There is also a permeable/porous concrete research institute at Iowa State University. Poured porous concrete is coming down in price, and further, opponents to permeable paving like to use the price of "pavers" (paving stones with corners which allow rainfall to soak through) when talking about the high cost of permeable paving. The pavers are more expensive than poured porous concrete.

Additionally, there is also permeable asphalt available, so your choice of words here reflects a limited state of knowledge in this area.

– "Rain gardens, containment ponds or similar constructions would be mandatory for every home or development; for example, a typical home needs up to 400 square feet of rain garden."

The Douglas-Washington County Stormwater Policies recommends for these LID practices to be implemented, and require for nearly all of the runoff from a newly developed home site to be controlled. Rain gardens, rain barrels and cisterns, porous concrete for patios, sidewalks, driveways, bioinfiltration cells, native vegetation rather than all-bluegrass lawns, trees and shrubs, and more - all have been found to improve water quality, to prevent flooding, and to add to the aesthetics of the landscape, the value of the home and neighborhood, the habitat for bees, birds, and butterflies, the replenishment of the groundwater, aquifer, and base flow of streams. What do you find about this that is not appealing? Is this not a more environmentally sound stewardship approach towards our streams and our rainwater?

Lastly, any rain garden, regardless of size, is better than none at all. To state that a typical home needs to have up to 400 square feet, is once again, scaring the reader. Rain gardens should be situated according to the soil type, the space available, and the lie of the ground. Even a small rain garden does some good. The reader shouldn't have been left with the idea that it has to be a specific size. (**Reference:** many sources for LID, rain gardens, porous paving, etc. are on the web)

"Those restrictions would have to be applied to new construction. Runoff from existing structures, roads, parking lots and similar impermeable surfaces would continue to add to flooding."

Runoff from existing structures, roads, parking lots and other built-up areas should be addressed with retrofitting. I imagine your sources didn't even mention retrofitting. This is an important aspect and should be included in any municipality's stormwater management plan. Porous pavement can replace impervious concrete, rain gardens can be inserted into most all lots in older neighborhoods, rain barrels fit nearly anywhere, replanting of trees in established neighborhoods and in street planters are possible - the list of things that can be done in existing neighborhoods and commercial sites is large. Schools, churches, hospital and university grounds can do much towards retrofitting. The will of local city governments and the NRD has to be there - and so far, it's not.

"A basic, if often misunderstood fact is that a flood plain is not a static thing. Every new or altered home or business, every new or repaved road or parking lot causes more water to rush into the stream system. Before development, much of that water soaked into the ground or was held by wetlands, forests or other natural vegetative or geologic features.

As a result, even the front-line defense against flooding isn't enough. Land-use planning, zoning and building codes can contribute substantially to flood prevention. But when the flood plain changes, it's nearly impossible for zoning and similar long-term programs to keep ahead of it."

You are quite correct in that land-use planning, zoning and building codes can contribute substantially to flood prevention. In fact these are vitally necessary. But you are incorrect that it is

nearly impossible for zoning or long-term programs to keep ahead of a flood plain change. I have worked for City government. Planning Departments of all municipalities and jurisdictions know exactly where new construction is planned or will be allowed to take place. Detailed planning goes out many years in advance. Engineers are on staff, and it is part of their responsibilities to determine hydrological impacts of present and future developments. They fully know what the status is, and whether certain development should or should not take place. The Planning Department should inform and educate the Zoning Commission and ensure that zoning stays ahead of any major changes. If this doesn't take place, then it is because the developers have enough power to control this, and the desire by the city to bring in more tax revenue facilitates inappropriate development of the flood plain.

“Then, too, it tends to be politically difficult for county boards or city councils to enforce strict regulations, given the desirability of residential and commercial growth in metro communities.”

What you really are wanting to say is: developers and builders want to make money from selling off creek-bottom land and “premium” lakeside and lakeview home sites, and the cities want the tax revenue from these new buildings, so they want the creek-bottom to be developed, too. Thus, it all boils down to making large profits - and no one wants to be hampered by any kind of floodplain building restrictions. This is a “business as usual” attitude and is reflective of a mentality that values development-at-all costs. The stream and the environment, and the taxpayer, continue to be the immense losers.

“If low-impact alternative methods are to contribute to flood control in the Papio Creek watershed, they must be widely accepted and implemented. And they must be considered supplementary to a judicious dam construction program. After all, what's being safeguarded is the future prosperity of the entire three county area.”

How can you say that the dams and reservoirs are needed for the future prosperity of the entire three county area? What is really needed is an understanding of how the LID approach with no building in the flood plain does far more for flood prevention in the city of Omaha itself, than will dams. Dams do not protect for water quality - HDR's own study admitted that the water quality value of dams ends after a mile downstream - and Omaha or Bellevue will not receive any value from the dams by a heavy rain storm directly over the cities. Additionally, attention towards a more healthy, restored stream, which touches so many neighborhoods in the Metro area, would add to the quality of life in the community. And, this approach not only enriches and improves our local community, but respects the taxpayer and acknowledges the judicial use of our taxpayer dollars. No mention is made in your editorial of the huge cost of the 27+ dams and reservoirs. I'm sure that your sources could provide you with those figures. During these difficult economic times, the insistence by the NRD to move forward with such a costly program which does nothing for reduction of stormwater runoff below the dams - which is all of Omaha - is irresponsible. LID and restriction of floodplain development can not be supplementary to any other program, and certainly not a dam construction program.

A pessimist is a person who is always right but doesn't get any enjoyment out of it, while an optimist, is one who imagines that the future is uncertain. It is a duty to be an optimist, because if you imagine that the future is uncertain, then you must do something about it.

Worry is like a rocking chair--it gives you something to do but it doesn't get you anywhere.

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LWVNE is sending some VOTERS out by email in order to save postage. Please answer the questions below and send them to the LWVNE office, 140 N. 8th Street, Suite 215, Lincoln, NE 68508 or <lwv-ne@inebraska.com>. It is important to have as many people as possible receiving the State VOTER by email. If you have already replied, you don't need to send your information again.

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