

February 25, 2000

Mr. Jay Maher  
Central Nebraska Public Power and Irrigation District  
POB 740  
Holdrege, Ne. 68949

Dear Mr. Maher:

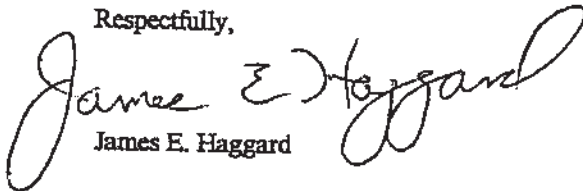
My name is Jim Haggard and I live on the South side of Lake McConaughy and I am President of Makochimni Subdivision. I have enjoyed the Lake for more than 35 years.

Your proposal for 30 to 40 percent of Big Mac's shoreline being designated for "daytime use" is a decision I first heard about at the eagle viewing meeting. I have camped on our lake for 35 years and the enjoyment for me and my family was the great beaches we offer at Lake Mac.

We are currently attracting the family atmosphere and our visitors are increasing annually. This was our goal and it is working extremely well. Why would you want to destroy the very reason people come to Big Mac? This just doesn't make sense.

I am asking you to reconsider your decision and not destroy what the lake represents. I feel before any decision is made you need the input from the public and all who use the lake.

Respectfully,

  
James E. Haggard

X-Sender: jmaher.cnppid@mail.cnppid.com  
Date: Mon, 21 Feb 2000 13:26:59 -0600  
To: LUMINA1950@aol.com  
From: Jay Maher <jmaher@cnppid.com>  
Subject: Re: Lake Mac  
Cc: fvetter@cnppid.com  
X-Script: \\filterscript.mml  
X-DomainScript: cnppid.com\\script.mml  
X-UserScript: cnppid.com\fvetter\script.mml

Steve,

Thank you for writing to get answers to your questions regarding shoreline management .

Central is required by its' Federal Energy Regulatory Commission license to develop and implement a Shoreline Management Plan for all of its' lands within the FERC boundary. Essential to this process is the need to consider all of the resources and all of the many uses of the Project and balance those uses. One means that we employ to manage our shorelines is to lease those lands to the Nebraska Game and Parks Commission. Where the NGPC intensively manages our Project lands, their rules and regulations will dictate the uses. One of these areas is the Martin Bay area which you mentioned. We have no plans to alter the management or use of those areas unless their are endangered species conflicts in the area.

There are areas on the south side of the lake which may see a change in use because of endangered species or other resource conflict issues. In most cases it is likely that these areas will constitute only a very small percentage of the available shoreline. Unfortunately there are those, some with influence, who for protection of their own interests, are promoting misinformation and fear of the shoreline management plan. Their fears, while perhaps real to them, are not based upon the reality of the process. We have conducted a number of public meetings over the past six months and

the public will have the opportunity to comment and provide input once again when a draft of the plan is available (probably May). Another round of public meetings will follow the release of the draft.

I appreciate your seeking the answers to your questions.

At 10:16 AM 2/21/00 EST, you wrote:

>Hello, My name is Steve Madden and I live in Denver. We keep hearing rumors  
>about parts of Lake Mac beach area being closed to camping. We camp a lot in  
>Martin Bay and across Martin Bay on the island when the water is down lower.  
>Could you please fill me in on there rumors we keep hearing about closing of  
>certain parts of the lake beach area to camping? Thank you very much

-  
Steve

>Madden

>

Jeremiah L. Maher

Environmental Resources Manager

Central Nebraska Public Power and Irrigation District

415 Lincoln Street, PO Box 740, Holdrege, NE 68949

P: 308.995.8601

F: 308.995.6935

C: 308.995.0496

From: LUMINA1950@aol.com  
Date: Mon, 21 Feb 2000 10:16:38 EST  
Subject: Lake Mac  
To: jmaher@cnppid.com  
X-Mailer: AOL 5.0 for Windows sub 44  
X-DomainScript: cnppid.com\\script.mml  
X-Script: \\filterscript.mml  
X-UserScript: cnppid.com\\jmaher\\script.mml

Hello, My name is Steve Madden and I live in Denver. We keep hearing rumors about parts of Lake Mac beach area being closed to camping. We camp a lot in Martin Bay and across Martin Bay on the island when the water is down lower. Could you please fill me in on there rumors we keep hearing about closing of certain parts of the lake beach area to camping? Thank you very much - Steve Madden

February 16, 2000

Jay Maher,  
PO Box 740  
Holdrege NE 68949-0740

Dear Mr. Maher,

I am writing in regards to the article in Monday, Feb. 14, 2000 Keith County News. It is concerning CNPPID plans to restrict a large percent (40%) of Lake McConaughy shoreline to "day use only". The article states that CNPPID is being pressured to submit a plan to FERC that protects all "uses" at Lake McConaughy. It is my understanding that in order for Central to gain relicensing it must submit a Land and Shoreline Management Plan for FERC approval. What was in place prior to this? Is the present situation not serving the majority of peoples concerned.

Another question is... why beach closures? How would CNPPID benefit from this? How would FERC benefit from this? How would an exclusive the group of Lake McConaughy Association members be empowered to support or oppose this proposal. What about the public?

I was born and raised in Keith County, my grandfather Arch Harris ranched a portion of the valley where the lake sits today. My family ranched surrounding areas of the lake for the last 70 years. I now reside in Fort Collins, Colorado. I am probably considered somewhat of a bastard child with such close ties to this community while residing in Colorado, but my heart and sole is in Kieth County. I spend most of my summer at Van's at Lakeview. My family often camps west of there on the public beaches. I would be personally devastated if any of those beaches closed. It is a wonderful environment for my kids. We enjoy fishing and boating. I have never experienced any problems with residents or tourists. The game wardens are always present. Things are not out of control!

I strongly agree with the Big Mac Sports Club that the present regulations are adequate to protect the health and safety of the public and the enviroment. It would be unfortunate to lose these beaches to please "someone" through layers of bureaucracy. Please enlighten me as to why this is on anybody's agenda!

Patti Harris Clark  
30 Circle Drive  
Fort Collins, Co-80524  
(970) 221-23690  
FlatJo@aol.com



From: "Jana Lanka" <jlanka@lakemac.net>  
To: <jmaher@cnppid.com>  
Subject: Big Mac Sports Club opposition to CNPPID's proposed shoreline management  
Date: Thu, 10 Feb 2000 19:50:34 -0700  
X-MSMail-Priority: Normal  
X-Mailer: Microsoft Outlook Express 4.72.3110.1  
X-MimeOLE: Produced By Microsoft MimeOLE V4.72.3110.3  
X-DomainScript: cnppid.com\\script.mml  
X-Script: \\filterscript.mml  
X-UserScript: cnppid.com\jmaher\script.mml

Dear Mr. Maher,

The Big Mac Sports Club has formed a committee to study Central Nebraska Public Power and Irrigation District's proposed Lands and Shoreline Management Plan. We intend to formally comment on the plan after it is submitted to the Federal Energy Regulatory Committee. There are two issues in the current plan that concern us. They are the restrictions on overnight camping and the restrictions on vehicular beach traffic. Sports club members attending C.N.P.P.I.D.'s informational meeting held on January 17th at the eagle viewing facility were not convinced by the explanations given for the need for restrictions on either camping or vehicle traffic. We believe a more likely reason for the proposed restrictions relate to the difficulties C.N.P.P.I.D. has had with several residential developers on the south side of the lake where C.N.P.P.I.D. has eroded private property.

We would like copies of maps of the lake which show proposed restrictions on camping and vehicular beach traffic. Files from C.N.P.P.I.D.'s PowerPoint presentation and hard copy maps would be appreciated if available.

We plan to encourage our members to also comment on the plan. We hope to solicit comments from Colorado campers at upcoming events in the Denver metro area. We intend to use space on a web site which has been offered to us to bring attention to these issues. We have had two offers to provide web scripting services and intend to accept both.

Sincerely,

Rod Lanka  
Big Mac Sports Club  
508 East 6th Street  
Ogallala, NE 69153  
(308) 284-8340

From: "John J De Tuerk, Jr." <jjdetjr@megavision.com>  
To: <jmaher@cnppid.com>  
Subject: Fw: Lake Mac Land Plan - Public Input  
Date: Wed, 26 Jan 2000 07:25:29 -0700  
X-MSMail-Priority: Normal  
X-Mailer: Microsoft Outlook Express 5.00.2919.6600  
X-MimeOLE: Produced By Microsoft MimeOLE V5.00.2919.6600  
X-DomainScript: cnppid.com\script.mml  
X-Script: \filterscript.mml  
X-UserScript: cnppid.com\jmaher\script.mml

----- Original Message -----

From: "David Schallert" <dschallert@oasys-isc.com>  
To: <jjdetjr@megavision.com>  
Sent: Tuesday, January 25, 2000 6:51 PM  
Subject: Lake Mac Land Plan - Public Input

> Dear Mr. DeTuerk,  
>  
> I've attached a letter I wrote to both you and Jay Maher. Since your  
> mailing address was not included in the Keith County News article, I've  
> attached the letter to this e-mail in Word format. I've also sent the  
> letter via regular mail to Mr. Maher.  
>  
> Please let me know if you have trouble opening or reading the attached  
> document.  
>  
> Sincerely,  
> Dave Schallert  
> Littleton, CO

January 25, 2000

Attn: Jay Maher and John DeTuerk  
Central Nebraska Public Power & Irrigation District  
P.O. Box 740  
Holdrege, NE 68949-0740

RE: Lake McConaughy Land and Shoreline Management Plan  
and Recreation Use Report – Public Input

Dear Mr. Maher and Mr. DeTuerk,

I am writing you to provide some personal input regarding the Land and Shoreline Management Plan and Recreation Use Report that CNPP&ID is to produce with regards to Lake McConaughy.

In October of 1998, I was the first person to contract with Bayside Investments/Realty in purchasing a 1-acre lot on the south shore of Lake McConaughy in the new Bayside Country Estates development where I intend to build my primary residence within the next year. I was also the first to close on that land purchase in October of 1999 with the undesired distinction of having helped set the "market value" price of surrounding land in Bayside Country Estates at a relatively high \$\$\$ figure. However, my belief in what Bayside is trying to do and the work they have put into the project convinced me that they would succeed and that they would have the overall support of the community on this very positive development project.

I currently live in Littleton, Colorado which is a suburb of Denver. I'm 40 years old and run my own computer consulting business. I very much want to leave Colorado and move to Ogallala and build my house on the land I now own on Lake McConaughy in the Bayside Country Estates development. I wish to emphasize that my house on Lake McConaughy would be my primary residence, not a second home or vacation home. In addition to tax revenue that would be generated from the property, there is also the revenue that would be derived from my moving my computer business from Colorado to Nebraska. There is also a very real probability (should my business plan come to fruition) that I will open a retail business in Ogallala or around Lake McConaughy that would add employment opportunities to the community and that would generate revenues and enhance the daily lives of tourists and residents alike.

I tell you all this as a preface to my request that you not allow overnight camping, hunting, and vehicle traffic on Lake McConaughy on the shoreline that borders the Bayside Country Estates development on the south shore.

As a subscriber to the Keith County News, I was disturbed by comments I read that were made by Mr. DeTuerk to the effect that:

- "Camping restrictions should be minimized."
- Mr. DeTuerk said he didn't want the "public to get trampled" by restrictions.
- "It is not good policy to restrict camping on the south side (of the lake)."

As you might imagine, I have big concerns with such sweeping statements and my arguments in favor of restrictions in the area I intend to live in are as follows:

1. Bayside Country Estates is a planned upscale community whose lots range in price from \$45,000 an acre to over \$110,000 an acre. The lots are almost all sold out, indicating a demand for such land and such a lifestyle. When houses are built on the land, the overall value of each lot will reach between \$200,000 and \$500,000 each. Doesn't it make sense to restrict overnight camping on shoreline areas that will be (literally) right below the bedrooms of the residences of some of these new houses? People that are moving to this development are non-agricultural upper-middle class middle-aged working folks or retirees, often moving from bigger cities (like myself) who are contributing members of the community and who bring with them not only real \$\$\$ with which to spend and invest in the community, but who also are (for the most part) not transient.

I ask you, which group of people represent the greatest asset to Ogallala and the community? If people are allowed to camp overnight just outside the boundaries of my property and who can (with little effort) have access to my house and surrounding property simply by climbing a fence from the shoreline to private land, why would I choose to endure this situation and worry about what might happen to my property or my family as a result of campers getting a little crazy and deciding to do something destructive or that disturbs the peace?

2. While it is obvious that I have a vested interest in restrictions to camping on the beach/shore that borders the Bayside Country Estates development, I am NOT asking that the shoreline be made private or even that day-use be restricted. I bought land in Bayside Country Estates with the understanding from Bayside Realty (and please correct me if I'm wrong) that CNPP&ID basically "owns" the actual beach and shoreline all around the lake and that I (as a lakefront property owner) own the land up to the beach and whatever land is needed for erosion control (e.g., similar to an easement). With this understanding, I am aware that day use of the beach and shore bordering my property is a very real possibility and I accepted that knowingly when I bought the land. However, allowing people to actually drive on the shoreline, hunt, and/or camp overnight below my property/house (along with all of the resulting likely disturbance) doesn't make sense. I can't imagine that you (as individuals) would like people camping out in your front yard in the name of not wanting to restrict camping on public property...like the sidewalk out in front of your homes.

3. There is no doubt that the tourist trade must be encouraged and enhanced at Lake McConaughy. However, the length of the shoreline that borders the Bayside Country Estates development can't possibly be more than 1500-2000' long. Would vehicle and camping restrictions on such a small length of the total south shoreline really be such a compromise?

Tourists, boaters, drivers, hunters, and campers would still have miles and miles of shoreline on which to make merry and have fun. Homeowners such as myself have nowhere else to go. We can't pack up our homes and move down the lake to another area like campers can. We can't leave when unruly and drunk tourists choose to settle-in directly below our property for an all-night party on the beach.

When all the campers and tourists have left, the homeowners of Bayside Country Estates will be living in Ogallala and Keith County for most (if not all) of the year, spending money, making investments in new businesses, helping Ogallala to be less dependent on agricultural income, being friends and neighbors, and building a community to be proud of and in which to feel safe.

I'm asking you to please consider imposing beach and shoreline camping, hunting, and vehicle restrictions to the south shore of Lake McConaughy where Bayside Country Estates is being built. It is a relatively small area of shore that would be affected. There would still be plenty of non-residential shoreline area available for non-restricted use. Bayside residents wouldn't have to be concerned about potential problems with the transient and tourist populations on the lake with regards to camping, hunting, and vehicle traffic.

In short, everybody wins. Thank you for your time and consideration.

Sincerely,

David Schallert  
President – Group Pragmatechs, Inc. dba/OASYS Information Systems Consulting  
5225 S. Youngfield Ct. – Suite 370  
Littleton, CO 80127-6250  
303-904-1368  
[dschallert@oasys-isc.com](mailto:dschallert@oasys-isc.com)

From: "John J De Tuerk, Jr." <jjdetjr@megavision.com>  
To: <jmaher@cnppid.com>  
Subject: Fw: Lake McConaughy Land And Shoreline Management Plan  
Date: Wed, 26 Jan 2000 07:27:02 -0700  
X-MSMail-Priority: Normal  
X-Mailer: Microsoft Outlook Express 5.00.2919.6600  
X-MimeOLE: Produced By Microsoft MimeOLE V5.00.2919.6600  
X-DomainScript: cnppid.com\\script.mml  
X-Script: \\filterscript.mml  
X-UserScript: cnppid.com\jmaher\script.mml

----- Original Message -----

From: John J De Tuerk, Jr.  
To: David Schallert  
Sent: Tuesday, January 25, 2000 11:26 PM  
Subject: Lake McConaughy Land And Shoreline Management Plan

Dear Mr. Schallert:

I have Word 6.0 on the machine which I use for internet access so although the text of your letter is fine the formatting was a different matter.

I would like to thank you for your comments regarding Central's Land and Shoreline Management Plan proposal. Although I'm sure Jay agrees with your logic, I don't. I have had a lakefront cabin on McConaughy or over 10 years (K-1 cabin area), so I am aware of the downside to public access in front of residential areas. After 10 years I still believe that the public should have the right to use and enjoy public property without undue restrictions being placed on that right.

Nebraska has far too little public recreational property to allow the privileged ( or as you put it "the contributing members of the community") to dictate its use. Overnight camping and vehicular traffic have been allowed in front of private residences fronting on District property since the lake was first filled. I don't consider the District property to be the "front yard" of any private property owner or lease holder.

I believe placing undue restrictions on public recreational lands send the wrong message to the public. I find offensive your suggestion that the recreational public is inherently destructive and disrespectful of the private property rights of others. I shall continue to oppose what I perceive to be restrictions to the publics' right to fully use and enjoy public property.

Sincerely,

John De Tuerk  
Member of the Board of Directors of The Central Nebraska Public Power and  
Irrigation District

From: "John J De Tuerk, Jr." <jjdetjr@megavision.com>  
To: <jmaher@cnppid.com>  
Subject: Fw: Thoughts on Lake McConaughy's Use  
Date: Wed, 26 Jan 2000 08:00:52 -0700  
X-MSMail-Priority: Normal  
X-Mailer: Microsoft Outlook Express 5.00.2919.6600  
X-MimeOLE: Produced By Microsoft MimeOLE V5.00.2919.6600  
X-DomainScript: cnppid.com\script.mml  
X-Script: \filterscript.mml  
X-UserScript: cnppid.com\jmaher\script.mml

----- Original Message -----

From: "Zerbs, Stephen T (Steve)" <zerbs@lucent.com>  
To: "'John DeTuerk'" <jjdetjr@megavision.com>  
Sent: Monday, January 24, 2000 9:22 AM  
Subject: FW: Thoughts on Lake McConaughy's Use

>

>

>> -----

>> From: Zerbs, Stephen T (Steve)  
>> Sent: Monday, January 24, 2000 10:19 AM  
>> To: 'John DeTuerk'  
>> Subject: Thoughts on Lake McConaughy's Use

>>

>> Dear Mr. DeTurek,

>>

>> I am writing to convey my thoughts on Lake McConaughy's use. I have  
seen

>> an article in the Keith County News regarding the public hearing. I  
have

>> not seen the Land and Shoreline Management Plan and Recreation Use  
Report.

>>

>> My wife and I purchased land on the south side of the lake. We plan to  
>> retire there. We use the lake on our summer vacations for fishing and  
>> picnicking, primarily along the south side of the lake.

>>

>> When we move there, I plan to so some pheasant hunting. Our land  
borders

>> CNPPID's land on two sides. My bad knee doesn't permit me to do the

>> strenuous walking that I did when I was younger. I truly hope that

CNPPID

>> plans to continue to permit public hunting in the fall and winter.

>>

>> Our land is near an old road to the lake. I was planning on using my  
>> tractor to launch my boat. I hope that will still be permitted when we  
>> move there.

>>

>> Thanks for your time,

>>

>> Steve Zerbs

>> 12308 Westridge Road

>> Gretna, Nebraska 68028

>> (402) 691-3767 (work)

<<

From: "John J De Tuerk, Jr." <jjdetjr@megavision.com>  
To: <jmaher@cnppid.com>  
Subject: Fw: Shoreland management plan  
Date: Wed, 26 Jan 2000 08:01:22 -0700  
X-MSMail-Priority: Normal  
X-Mailer: Microsoft Outlook Express 5.00.2919.6600  
X-MimeOLE: Produced By Microsoft MimeOLE V5.00.2919.6600  
X-DomainScript: cnppid.com\\script.mml  
X-Script: \\filterscript.mml  
X-UserScript: cnppid.com\jmaher\script.mml

----- Original Message -----

From: "Zerbs, Stephen T (Steve)" <zerbs@lucent.com>  
To: "'John DeTuerk'" <jjdetjr@megavision.com>  
Sent: Tuesday, January 25, 2000 9:49 AM  
Subject: Shoreland management plan

> Deam Mr De Turek, Jr,  
>  
> Thank you for responding to my concerns on the use of Lake McConaughy. I  
> would like to respond with two thoughts.  
>  
> The first is, I can understand the safety need to restrict hunting within  
> 200 yards of an inhabited dwelling. What I would not like to see is  
hunting  
> restricted on the whole south side of the lake. The land I own is further  
> west than any of the current planned developments. Specifically, it is  
> located in the North half of Section 20, Township 15, Range 40 west. It  
is  
> not unusual to restrict parcels of land from public hunting due to  
> dwellings. For example, Osage Public Hunting by Tecumseh, and Branched  
Oak  
> west of Lincoln has buildings on the hunting grounds that have signs  
posted  
> within 200 yards. I do not think there should be an arbitrary ban on  
> hunting on the whole south side. I am in the process of ordering trees  
from  
> the Nebraska Nursery for planting this spring. The intent is to provide a  
> wind break and some protection for the wild life. Upland game hunting is  
> very precious to me. The summer season on Lake McConaughy is basically,  
> Memorial Day to Labor Day. That's slightly over three months.  
Restrictions  
> should not be made that make the surrounding area useful for 1/4 of the  
> year.  
>

> The second view I have is the public's use of the shoreline. Lake  
> McConaughy draws over 600,000 visitors a year. That is big business for  
the  
> businesses along the lake and surrounding towns in Keith and Garden  
County.  
> If visitors are compressed into "permitted" areas on the beach, then the  
> crowding will most likely cause friction due to the undesired closeness of  
> camps. It may cause more incidents like the uprising of a few years ago.  
> Eventually, less visitors will come to the lake and result in an  
economical  
> loss for the area.  
>  
> For the last 15 years, my family and friends have used the beach. It has  
> always been the same area, which is directly in front of Bayside's new  
golf  
> course. We camped about 1/2 of those years and picnicked the remaining  
> years. It was a beautiful isolated spot. It would be a shame for park  
> visitors not to be able to enjoy certain parts of the beach.  
>  
> When water is high, some parts of the beach cannot be accessed via roads.  
> It is necessary to drive (or sometimes walk) on the beach to get to a  
> specific spot. I am not in favor of restricting vehicles from the beach  
in  
> front of developments as it actually restricts folks from other parts of  
the  
> beach. I am concerned that restricting vehicles and camping will lead to  
> further restrictions such as parking a boat on the shore in front of a  
> development. Over the many years of boating on Lake McConaughy, there has  
> been several times that we have had to get off the lake quickly due to  
> winds. The "any port in a storm" certainly applies whether it's day or  
> night.  
>  
> I understand people wanting to live around the lake. But in conjunction  
> with that, there is a need for families to pursue the enjoyment of the  
beach  
> and water in the summer, and the fall and winter activities like hunting  
or  
> eagle watching. I think the CNPPID has done a great job with Lake  
> McConaughy. I hope that they can continue to keep everyone's interest in  
> the future.  
>  
> Sincerely,  
>  
> Steve Zerbs  
> 12308 Westridge Road  
> Gretna, Nebraska 68028  
>

From: "John J De Tuerk, Jr." <jjdetjr@megavision.com>  
To: <jmaher@cnppid.com>  
Subject: Fw: Lake McConaughy Land And Shoreline Management Plan  
Date: Wed, 26 Jan 2000 08:00:16 -0700  
X-MSMail-Priority: Normal  
X-Mailer: Microsoft Outlook Express 5.00.2919.6600  
X-MimeOLE: Produced By Microsoft MimeOLE V5.00.2919.6600  
X-DomainScript: cnppid.com\script.mml  
X-Script: \filterscript.mml  
X-UserScript: cnppid.com\jmaher\script.mml

----- Original Message -----

**From:** David Schallert  
**To:** John J De Tuerk, Jr.  
**Sent:** Wednesday, January 26, 2000 1:19 AM  
**Subject:** Re: Lake McConaughy Land And Shoreline Management Plan

Dear Mr. De Tuerk,

First let me say, I appreciate your reply.

It appears that you have twisted and badly misinterpreted my concerns on lakeshore usage. Your emotional and somewhat hostile reply leaves no doubt in my mind that you missed most of my points and really didn't want public input, as you already have your mind made up on this matter.

I don't consider myself one of the "privileged" as you arrogantly term me without knowing a thing about me. Nowhere in my letter did I use that term...you came up with it on your own. It is quite unprofessional of you as a public board member official to turn a public comment letter into a personal issue. I've worked damn hard to get where I am today and save enough to live in a decent house and support myself...which is more than a lot of people can say these days. If that is your term for "privileged", I'm guilty as charged. The terms that come to my mind are "ambitious", "open-minded", and "entrepreneurial", maybe even "successful." Wouldn't want any of THOSE people living in Ogallala or by the lake...and heaven forbid they should want peace and quiet at night.

I don't propose to "dictate" to others. Ironically (and hypocritically), only you can do that as one of those setting the rules. I was offering arguments to try and balance the rights of public access to public property with that of private landowners bordering the public property. Your apparent contempt for me as a private property owner is baffling considering I would actually LIVE there as opposed to tourists who spend a few days and get the heck out of town. You write of the "public's right to fully use and enjoy public property." What about a person's right to fully use and enjoy their PRIVATE property? Reason dictates that both can be accommodated. Homeowners can't choose on a daily basis where to put their house on the lake to sleep for the night. Campers can. Failing to see the difference is a choice to ignore the facts. It appears you believe private landowners should "take it or leave it" and not be considered in decisions regarding shoreline use. Last time I checked the Nebraska tax codes, it was evident that private property owners pay a hefty chunk of \$\$\$ in taxes to also have access to "public lands" and to pay the wages of public officials who are supposed to do their best to balance the needs of public and private entities. As a current property owner on the lake, I am both the "public" you so vociferously defend and also a Nebraska and Keith County taxpayer. I don't find asking people to not camp overnight below your house to be unreasonable...especially when all existing public day-usage access rights wouldn't be affected.

As for "contributing to the community", it wasn't meant to imply that others don't contribute. Contributing to a community includes being active in community events, making donations of both time and money, sponsoring Little League teams, adding to the economy by working and possibly employing others, etc. I would think that most folks in a town would welcome others who would like to help build businesses in that town and add to the overall depth of the types of businesses in

the area to make it less dependent on only specific types of industries. Wanting to have a house in an area that is safe and somewhat private is not an unnatural nor unreasonable request....far from it. Just because you have lived on the lake for 10 years and evidently don't mind people camping out in your front yard doesn't mean my views are any less valid.

I want you to know that I recognize the vast majority of folks who enjoy the lake and public facilities are good people who care about others and have a good time without being jerks. Contrary to what you might think, I am one of those people. But for you to even suggest that the "recreational public" are all saints who always take into consideration the interests of others when having their fun is ludicrous...and you know it.

Finally, as for you being "offended" by anything in my letter, that is entirely your issue and your reaction. There was nothing in my letter for a reasonable person engaged in a debate or presentation of views to be offended about. Despite the condescending tone of your reply, I would like to thank you for at least reading what I sent you and pretending that "public input" was important. Considering you already have your mind made up on this issue, I don't understand why you even bothered.

Thank you for welcoming me into the Ogallala/Lake McConaughy/Keith County community. I look forward to meeting you in the near future.

Sincerely,

Dave Schallert  
Littleton, CO

January 25, 2000

Attn: Jay Maher and John DeTuerk  
Central Nebraska Public Power & Irrigation District  
P.O. Box 740  
Holdrege, NE 68949-0740

RE: Lake McConaughy Land and Shoreline Management Plan  
and Recreation Use Report – Public Input

Dear Mr. Maher and Mr. DeTuerk,

I am writing you to provide some personal input regarding the Land and Shoreline Management Plan and Recreation Use Report that CNPP&ID is to produce with regards to Lake McConaughy.

In October of 1998, I was the first person to contract with Bayside Investments/Realty in purchasing a 1-acre lot on the south shore of Lake McConaughy in the new Bayside Country Estates development where I intend to build my primary residence within the next year. I was also the first to close on that land purchase in October of 1999 with the undesired distinction of having helped set the "market value" price of surrounding land in Bayside Country Estates at a relatively high \$\$\$ figure. However, my belief in what Bayside is trying to do and the work they have put into the project convinced me that they would succeed and that they would have the overall support of the community on this very positive development project.

I currently live in Littleton, Colorado which is a suburb of Denver. I'm 40 years old and run my own computer consulting business. I very much want to leave Colorado and move to Ogallala and build my house on the land I now own on Lake McConaughy in the Bayside Country Estates development. I wish to emphasize that my house on Lake McConaughy would be my primary residence, not a second home or vacation home. In addition to tax revenue that would be generated from the property, there is also the revenue that would be derived from my moving my computer business from Colorado to Nebraska. There is also a very real probability (should my business plan come to fruition) that I will open a retail business in Ogallala or around Lake McConaughy that would add employment opportunities to the community and that would generate revenues and enhance the daily lives of tourists and residents alike.

I tell you all this as a preface to my request that you not allow overnight camping, hunting, and vehicle traffic on Lake McConaughy on the shoreline that borders the Bayside Country Estates development on the south shore.

As a subscriber to the Keith County News, I was disturbed by comments I read that were made by Mr. DeTuerk to the effect that:

- "Camping restrictions should be minimized."
- Mr. DeTuerk said he didn't want the "public to get trampled" by restrictions.
- "It is not good policy to restrict camping on the south side (of the lake)."

As you might imagine, I have big concerns with such sweeping statements and my arguments in favor of restrictions in the area I intend to live in are as follows:

1. Bayside Country Estates is a planned upscale community whose lots range in price from \$45,000 an acre to over \$110,000 an acre. The lots are almost all sold out, indicating a demand for such land and such a lifestyle. When houses are built on the land, the overall value of each lot will reach between \$200,000 and \$500,000 each. Doesn't it make sense to restrict overnight camping on shoreline areas that will be (literally) right below the bedrooms of the residences of some of these new houses? People that are moving to this development are non-agricultural upper-middle class middle-aged working folks or retirees, often moving from bigger cities (like myself) who are contributing members of the community and who bring with them not only real \$\$\$ with which to spend and invest in the community, but who also are (for the most part) not transient.

I ask you, which group of people represent the greatest asset to Ogallala and the community? If people are allowed to camp overnight just outside the boundaries of my property and who can (with little effort) have access to my house and surrounding property simply by climbing a fence from the shoreline to private land, why would I choose to endure this situation and worry about what might happen to my property or my family as a result of campers getting a little crazy and deciding to do something destructive or that disturbs the peace?

2. While it is obvious that I have a vested interest in restrictions to camping on the beach/shore that borders the Bayside Country Estates development, I am NOT asking that the shoreline be made private or even that day-use be restricted. I bought land in Bayside Country Estates with the understanding from Bayside Realty (and please correct me if I'm wrong) that CNPP&ID basically "owns" the actual beach and shoreline all around the lake and that I (as a lakefront property owner) own the land up to the beach and whatever land is needed for erosion control (e.g., similar to an easement). With this understanding, I am aware that day use of the beach and shore bordering my property is a very real possibility and I accepted that knowingly when I bought the land. However, allowing people to actually drive on the shoreline, hunt, and/or camp overnight below my property/house (along with all of the resulting likely disturbance) doesn't make sense. I can't imagine that you (as individuals) would like people camping out in your front yard in the name of not wanting to restrict camping on public property...like the sidewalk out in front of your homes.

3. There is no doubt that the tourist trade must be encouraged and enhanced at Lake McConaughy. However, the length of the shoreline that borders the Bayside Country Estates development can't possibly be more than 1500-2000' long. Would vehicle and camping restrictions on such a small length of the total south shoreline really be such a compromise?

Tourists, boaters, drivers, hunters, and campers would still have miles and miles of shoreline on which to make merry and have fun. Homeowners such as myself have nowhere else to go. We can't pack up our homes and move down the lake to another area like campers can. We can't leave when unruly and drunk tourists choose to settle-in directly below our property for an all-night party on the beach.

When all the campers and tourists have left, the homeowners of Bayside Country Estates will be living in Ogallala and Keith County for most (if not all) of the year, spending money, making investments in new businesses, helping Ogallala to be less dependent on agricultural income, being friends and neighbors, and building a community to be proud of and in which to feel safe.

By asking you to please consider imposing beach and shoreline camping, hunting, and vehicle restrictions to the south shore of Lake McConaughy where Bayside Country Estates is being built. It is a relatively small area of shore that would be affected. There would still be plenty of non-residential shoreline area available for non-restricted use. Bayside residents wouldn't have to be concerned about potential problems with the transient and tourist populations on the lake with regards to camping, hunting, and vehicle traffic.

In short, everybody wins. Thank you for your time and consideration.

Sincerely,



David Schallert  
President – Group Pragmatechs, Inc. dba/OASYS Information Systems Consulting  
5225 S. Youngfield Ct. – Suite 370  
Littleton, CO 80127-6250  
303-904-1368  
[dschallert@oasys-isc.com](mailto:dschallert@oasys-isc.com)

STEVE WINDRUM, P.C.

ATTORNEY AT LAW  
P.O. Box 327 415 9th Street  
Gothenburg, Nebraska 69138-0827  
(308) 537-2321

Office Hours  
8:30-12:00, 1:00-5:00  
Mon.-Tues.-Thurs.-Fri.  
8:30-12:00 Wed.

Steve Windrum

January 10, 2000

Mr. Frank C. Vetter  
c/o Central Nebraska Public Power & Irrigation District  
415 Lincoln  
Holdrege, NE 68949

RE: Federal Energy Regulatory Commission license  
Land and shoreline management plan

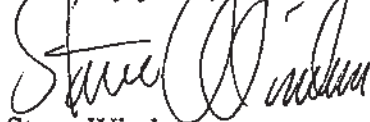
Dear Mr. Vetter:

I write herein on behalf of Jeffrey Lake Development, Incorporated, who has employed me to follow up on the captioned matter from the standpoint of the interests of this entity, together with the sublessees at Jeffrey. I have received your letter dated December 20, 1999, wherein it is provided by way of notice contained in that document for "meetings" to be held on January 13<sup>th</sup>, 17<sup>th</sup>, and 18<sup>th</sup>, at three different locations, respecting the shoreline management plan.

Jeffrey Lake Development, Incorporated, makes formal request and claim that part and parcel of said plan is the incorporation of terms and provisions whereby the north end of Jeffrey Lake would be dredged to a sufficient depth to allow typical boat travel in that area, at the expense of Central.

We will follow the matter closely as it makes its way through the regulatory and administrative process.

Cordially yours,



Steve Windrum

SW/lh

pc: Mr. Bob Mann

**Dr. Charles M. Olsen**  
**15003 NW 72<sup>nd</sup> St.**  
**Parkville, MO 64152**  
**816-891-8186**

December 21, 1999

Jay Maher  
Frank Vetter  
Central NPPID  
P.O. Box 740  
Holdrege, NE 68949-0740

Dear Jay and Frank,

Thanks for the latest update from Central regarding input from Cabin owners.

I attended the August 3 meeting Lexington but cannot attend any of the January meetings. So I would like to add a note to the concerns list re Erosion and Shoreline Stabilization. I thought my concern was covered in the Lexington meeting but do not see it in the record.

I would add: Concern over high water levels, especially when the ice is coming off the lake and heaves onto the shore. Better management of water level at critical times like that would help. Generally high water is responsible for the damages to the shoreline, necessitating repair expenditures by cabin owners.

Thanks for adding this to the list. The process you are engaging is a good one and should go a long way to build a sense of community spirit and ownership of this asset.

Sincerely,



Charles M. Olsen  
East Shore #34

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D. C. 20426

Project No. 1417-Nebraska  
Kingsley Dam Project  
Central Nebraska Public Power and  
Irrigation District

Mr. Steve Windrum  
Attorney  
P.O. Box 327  
Gothenburg, NE 69183-0327

OCT 07 1999


Dear Mr. Windrum:

Thank you for your letter dated September 14, 1999. You ask what procedures Central Nebraska Public Power and Irrigation District (Central) and the Commission must take to ensure public comments are considered when Central files its shoreline management plan (SMP) for Commission approval.

As mentioned in your letter, Central plans a series of public meetings to obtain comments during the development of its SMP. Central must consider all comments and explain its rationale for not adopting any comments in its SMP filed for Commission approval. The Commission will issue notices in local newspapers and the federal register to alert the public and resource agencies when the SMP is filed. You will be able to file comments and/or a motion to intervene on the SMP pursuant to these notices. Finally, we will prepare a draft environmental assessment (EA) for the SMP and issue the draft EA for public comment as well. You will have another chance at that time to provide comments on the SMP and on Commission staff's recommendations in our draft EA.

To ensure you receive the Commission's notices regarding the SMP, we have added your name to the mailing list for this project. If you want to use the internet to view documents for this project directly, visit the Commission's Records and Information Management System (RIMS) at our internet address: [www.ferc.fed.us/online/rims.htm](http://www.ferc.fed.us/online/rims.htm). Call (202) 208- 2222 for assistance.

I hope we have answered all of your questions. If you have any other questions, please call Steve Hocking at (202) 219-2656.

Sincerely,  
  
John E. Estep  
Chief  
Land Resources Section

August 18, 1999

Mr. Frank Vetter  
Central Nebraska Public Power  
& Irrigation District  
P. O. Box 740  
Holdrege, NE 68949-0740

RE: Johnson Lake

Dear Frank:

I am responding to the invitation extended at the hearing August 3rd at Kirk's for input regarding the future management of shoreline and water recreation at Johnson Lake. Our family has leased property from the District since 1959. We are located at the end of Mallard Beach Section 5 and 6. Our cottage fronts shoreline on Mallard Bay, the lake and the channel between the two bodies of water.

My concern and the remaining contents of this letter rests with the safety of boaters, operators of jet skis and those who water ski and ride tubes or similar craft being towed behind a boat. Through the years there has been an ever increasing activity of watercraft passing through the "channel." For the most part, those owning cottages fronting on the Mallard Bay abide by the "no wake" sign posted on the dike which protects the entrance to the bay and which creates the "channel" between the lake and Mallard Bay. It takes "newcomers" awhile to be aware of the importance of slow speed. Area notices to the lot owners and neighbors usually are adequate to enforce the rules. We do have one resident who is notorious in disregarding the rule of "no wake." Most offenders are "sightseers" to the area or guests of cottage owners who have failed to communicate the rules and the reason for them to their guests. Jet ski operators are the major offenders and I do not look forward to the day a major accident occurs at the mouth of the "channel" entrance to Johnson Lake.

No-wake speed seldom is maintained and certainly the 5 mile per hour limit is regularly exceeded by jet ski operators in the "channel" between Johnson Lake and Mallard Bay. The channel is not 30 feet wide and therefore those operators are in violation of Nebraska Administrative Code Title 163-Nebraska Game and Parks Commission (Chapter 3) Boating Regulations, Pilot Rules and Navigation 004 Section 004.03 and 012 Section 012.24. I am primarily concerned for the health and well-being of people recreating at Johnson Lake. I am also concerned about the risk of damage to property and the erosion

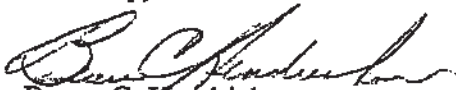
these violators of speed cause to the "dike" and shoreline for which we as leasees are held responsible. A year ago a sign was installed at the entrance to the bay from the channel. It has been helpful. We need two additional signs--one posted on the end of the dike which boaters can read as they enter the "channel" and one on my property at the opposite end of the "channel" that boaters leaving the bay can read. I believe it would also be important to install a solar reflector or similar device at the end of the dike for identification of this obstacle for night boaters. Finally, I asked the District to maintain the dike by keeping it mowed and tree shoots cut so that visibility of vessels entering and leaving the bay through the channel as well as cross traffic on the lake at the mouth of the channel entrance is not obscured.

I am also concerned about the activity of jet skis near the shoreline of Johnson Lake. Some drivers near the edge of recklessness in their search for thrills and challenges. I join many people who have a concern about jet skis being operated so close to shore. There is also an aesthetic and health concern in that the noise level is an extremely high intensity and very annoying to those wanting to be outside and carry on conversations.

Section 37-1265 of the State Boat Act permits the District to make formal application after public notice to the Game and Parks Commission for special rules and regulations and Section 37-1266 authorizes the Commission to make special rules and regulations. I would like to have you study the importance of requiring jet skis activity no closer than 200 yards from the shoreline around Johnson Lake and to restrict jet ski activity on the lake to alternate days of the week.

Legislative Bill 176 which will become law next year reflects the concern that citizens across the state have for the safety of those operating personal watercraft as well as those exposed to their presence on the lakes of Nebraska. However, this law does not address individual needs peculiar to each body of water. It appears that state statutes do permit the "District" to request specific regulations and the "Commission" has the authority to approve and enforce these regulations. As we anticipate increased activity by more people on Johnson Lake--addressing these problems will help to reduce the risk of serious and costly accidents in the future.

Sincerely,



Bruce C. Hendrickson

P. O. Box 765

Holdrege, NE 68949

Bob and Artie Hobbs

3103 12th Avenue  
Kearney, NE 68845

Telephone 308-237-5198  
e-mail: bahobbs@nebi.com

July 22, 1999

Mr. Frank Vetter  
Central Nebraska Public Power and Irrigation  
P O Box 740  
Holdrege, NE 68949-0740

Dear Frank:

I have your letter regarding the information meetings in August. None of the dates fit my schedule, so I am submitting three items that are of concern to us in the Plum Creek area.

1. Boaters, and specifically personal water craft, are not adhering to the 30' area rule between water craft. From my observation, I do not think that these are 'residents' of Plum Creek but rather guests of residents or day users of the area. I do not have a suggestion as to control of this problem, however, there must be one.
2. Several large trees and limbs have floated down the canal into Plum Creek and are mired in the shallow areas creating a hazard. Can Central clear out these trees for us?
3. The concrete pilings from the previous bridge continue to create a recreation hazard. I presume that Central has done some study on removal, cost etc. I think these should be; (a) removed, or (b) imploded to the bottom of the canal. Can you help us on this matter? I would think that our contract with Central would provide for this expense. It might be that the lease holders would be willing to share the expense with Central and pay a small assessment for their removal.

Thanks for the invitation to attend. I hope your meetings are successful and we can get some affirmative action on the items outlined above.

Sincerely



Bob Hobbs