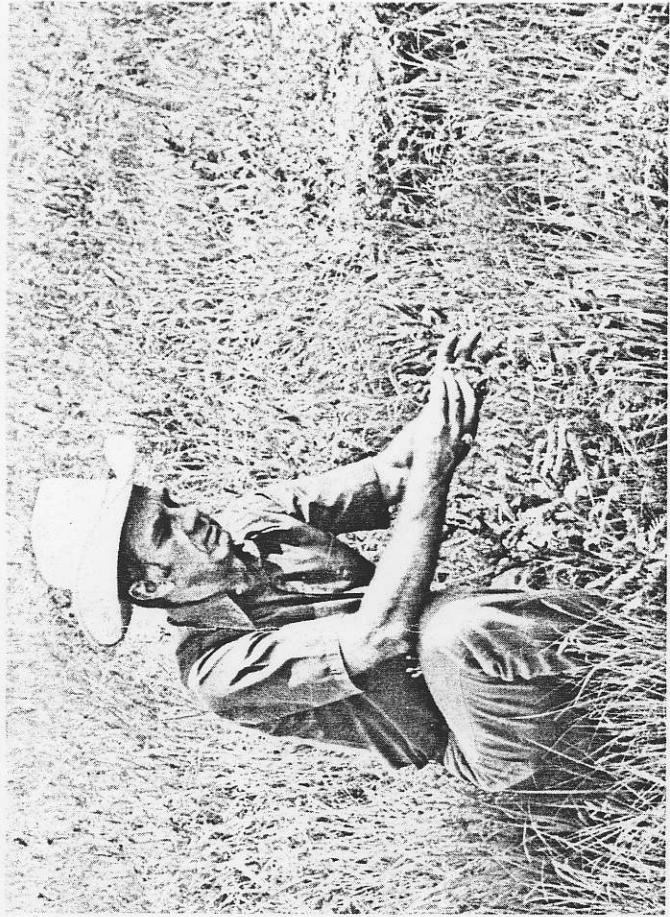


## Nine Mile

Imagine: You're finally headed out of town in the late afternoon of a warm autumn day. It's been a bit muggy downtown, so you're anxious to get out in the open country. You pass the last of the rows of identical houses, a few fields of corn and milo, and then go through - hurriedly - the place where the old bomb storage bunkers are, an ever-present paradox. And there she is. The rust and wine-colored blanket stands out abruptly from the surrounding pale yellow countryside - a sign of the Real Thing. This is Nine Mile Prairie in all her splendor - the wind blowing waves across her, reminding you of so many literary passages describing the ancient Sea of Grass. Next thing you know you plunge in, wading through a path that is actually more like a swaying tunnel, the grasses blowing around above your head. Then, looking down, you come across a clump of beautiful blue downy gentian. And another and another. As you come to the top of a rise there's an open spot - a glacial boulder left here thousands of years ago, where you can sit and view all of Nine Mile's 230 vibrant acres. To the west the sun is setting; to the east you can see the state's capitol building just six miles away.

If there was any way I could actually recapture the total experience at Nine Mile that day, I'd package it up and send it along with this Journal as a holiday bonus. However, I won't lament over this impossibility too much because, thanks to folks like Naomi Brill, Ty Harrison, and Ernie Rousek, the prairie has an excellent chance of being there in coming years for generations of us to experience firsthand. Just as I did that wonderful afternoon.

As was explained in the last *Prairie/Plains Journal* (see Ernie Rousek's "Spring at Nine Mile," pp 14-15), Nine Mile Prairie was a fenced buffer area around a bomb storage depot for the U.S. Air Force Base at Lincoln from 1940-1968. Since the base has been inactivated, the property has been assigned to the City of Lincoln Airport Authority. The Wachiska Audubon Society, especially Ernie Rousek, has led the effort to ensure permanent protection for Nine Mile. As anyone who has ever worked for the preservation of a natural area knows, there is a lot of time, frustration, and politics involved in the process. In light of this summer's breakthroughs for Nine Mile, we thought it would be appropriate to have its case history recorded. Again, we turned to Ernie himself, and he obliged by writing the following account.



Lincoln Star photo by Randy Hampton

Ernest Rousek on Nine Mile Prairie, his labor of love.

## The Process of Preserving a Prairie

Some efforts were made to preserve Nine Mile Prairie in the 1960's, but nothing came of them. In February, 1979 the Wachiska Audubon Society signed an agreement with the Lincoln Airport Authority to lease this prairie for \$20 an acre, the money coming from the sale of the hay. This leasing was done in order to give us control of the management of the prairie while we tried to figure out how to permanently protect it and make it more available for University research and field trips as well as limited use by the public. An adjoining 320 acres owned by the Airport Authority was badly mismanaged and overgrazing had nearly ruined it.

After the lease was signed I began talking with different members of the Airport Board as well as Director Rolland Harr and Airport Attorney Chauncey Barney, about the desirability of permanently preserving the prairie and if they were willing to sell it for this purpose. Dr. Ty Harrison of UN-L helped a great deal at this point by furnishing to the members of the Airport Board considerable material dealing with the research work conducted by the University since the 1920's and why the prairie should be preserved. All five members of the Board agreed with the preservation concept and explained that the Airport Authority purchased this land as

an investment in 1968 when the Federal Government declared it as excess property no longer needed to serve as a buffer area around the 100 acre bomb storage area. The Airport Board agreed that the prairie could be sold, but since it was in the flight pattern of the Lincoln Airport, the buyer would have to agree to an aircraft noise easement and not construct any residential buildings there.

In view of the restrictions, I suggested a purchase price of \$268 an acre, this being the amount the Airport Authority paid per acre for the entire 640 acres, which included the 100 acre bomb storage area with eighteen bunkers and eight above ground buildings. These structures had all been leased out for storage and were an excellent source of revenue for the Airport Authority, creating an income of about 10 times as much per acre than the \$20 per acre prairie lease. My reasoning was that if broken down by area, the amount they paid for the bunker area was much greater than the average \$268 per acre and the amount they paid for the prairie area was much less than the \$268 per acre, so my offer was not unreasonable. I anticipated that if the sale was agreeable, National Audubon would hold title to it. Audubon Regional Director Ron Klataske indicated that of the \$61,000 purchase price, Audubon would make a no-interest loan of \$30,000. Additional funding would be sought from The Nature Conservancy, as well as various foundations.

The Airport Board had an appraisal made of Nine Mile Prairie in 1979 and this was \$1500 an acre. This appraisal was based on land which had no building restrictions on it. My \$268 offer was rejected by the Airport Board as being too low.

During my consultations with the Airport Board, I discovered that they would be willing to sell the prairie for preservation purposes at less than appraised value, except that Attorney Barney kept saying that to lower the price even for this purpose was the same as making a donation, which was illegal for a Nebraska governmental entity according to the Nebraska constitution. Donations cannot be made to railroads or private corporations and since Audubon was a private corporation, the price could not be lowered.

Ty Harrison and several others met with former Governor Robert Crosby, an attorney, to see what could be done. He suggested having a law passed which would make this prairie preservation sale an exception. Working with Crosby and Senator Sieck, we came out with LB58 in the 1981 legislative session. Mr. Crosby donated his time in working out the technical aspects of this bill, which was much appreciated. I made quite a number of phone and personal calls on both Crosby and Senator Sieck in working out this bill. I then contacted about 20 people to appear at the legislative hearing to testify in favor of LB58.

This bill was passed by the Legislature with only one dissenting vote. I then tried to get an opinion from the State Attorney General as to whether LB58 was constitutional. This can be done only after a bill is passed. His opinion was inconclusive. Airport Attorney Barney claimed LB58 was not constitutional and it appeared that we would have to go to court to find out for certain. About this time it was felt that we could get around the constitutional problem by having another State institution purchase the prairie and get title to it. That institution would be the University of Nebraska. This proposal was made to individual members of the

Airport Board and it seemed quite acceptable to them. A couple of them were all for the prairie being preserved but were apprehensive about public criticism for "giving away the store." My rebuttal was that even if the purchase price was lowered substantially, they could invest it in the money market and make several times as much per year as they were presently making from leasing the prairie out. Furthermore, they could assure the public that a great piece of irreplaceable Nebraska heritage would be preserved.

Last April, following a considerable amount of publicity in the newspapers about Nine Mile, I met with two members of the Airport Authority Board. I was very surprised and pleased that a price of \$600 per acre was offered for the prairie, quite a reduction from their last appraisal of \$1250 per acre. I said that this was a much better price and that I would contact the University about this sale offer.

After I talked with Chancellor Massengale, Vice Chancellor Roy Arnold, and University Attorney Richard Wood a number of times, the Regents approved the idea of a purchase option for the prairie. Meanwhile, the Airport Authority Board became concerned about Chancellor Massengale indicating that he was not for any purchase option which did not permit any building on the Nine Mile Prairie. Their concern was that we supposedly wanted to protect the prairie yet we were willing to have the University tear up the prairie and put up a bunch of buildings, which was not the case. However, it is possible that some storage building or nature interpretive building might some day be constructed. The day before the monthly Airport Board meeting I took one of the Board members, who was questioning this building situation, on a tour of Nine Mile Prairie. His wife also went along. My purpose was to show him that there are about 25 acres of land there which had been cultivated a number of years ago and that one or more buildings could be put there without disturbing any of the native prairie. I was also certain that since the University had been using this prairie for research and field trips since the 1920's, the last thing they wanted to do was to destroy any of the original prairie by putting buildings on it. Both the Board member and his wife were impressed with the prairie - especially with the purple prairieclover which was in full bloom. None of the Board members had ever been on Nine Mile.

That afternoon I contacted Chancellor Massengale's secretary (the Chancellor was out at a meeting), and left a message stating that it was of utmost importance for him to write a letter saying that any building on Nine Mile Prairie was to be in conjunction with the usage of the prairie, and that copies of the letter should be delivered that afternoon to the three Board members who would be holding their meeting the following morning. This letter was to relieve any anxiety they had about the University picking up this land at half price and then destroying the prairie for expansion of the UN-L campus. Fortunately, Chancellor Massengale returned to his office in time to have Attorney Wood write the letter incorporating my statement, and the letters were delivered to the Airport Board members yet that afternoon.

Ty Harrison, Tim Knott, and I attended the Airport Board meeting the next day where Ty and I were called upon for comments. Attorney Barney, as usual, opposed the sale of the land for \$600, saying it should be auctioned off to the highest bidder — but he serves only in an advisory capacity. Board member Don Geis made the motion to sell the prairie to UN-L for \$600 per acre, and all three members present voted for the motion.

It will now be up to the University foundation to raise the funds.

Ty has tried to get us to change our minds on selling the land to the University. I have told him we can't do that. Last night, when we were talking about the sale, he said "I think you guys are right." I told him that we can't do that because the University is not going to pay us anything for the land. He said "I know, but if we sell it to the University, we'll get more money than if we sell it to someone else." I told him that we can't do that because the University is not going to pay us anything for the land. He said "I know, but if we sell it to the University, we'll get more money than if we sell it to someone else."

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