

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PLAN NUMBER 18933

BACKGROUND

1. On May 7, 2014, the City of Hartington filed in the Department of Natural Resources (Department) an Application for Approval of Plans for Dams, plan P-18933, and associated specifications.
2. The plan, P-18933, is for Hartington Dam, a proposed dam subject to the *Safety of Dams and Reservoirs Act*. The dam will be located in the SE1/4 of Section 35, Township 31 North, Range 1 East of the 6<sup>th</sup> P.M. in Cedar County.
3. Michael W. Placke, P.E., and Travis A. Figard, P.E., of Olsson Associates, 601 P Street, Lincoln, Nebraska 68508, prepared the plans and specifications.
4. The City of Hartington, 107 West State Street, P.O. Box 427, Hartington, Nebraska 68739-0427, will own the dam.
5. The plans and specifications were examined by a Registered Professional Engineer of the Department and were found to be consistent with current standards.
6. Following consultation with the Nebraska Game and Parks Commission, the Department finds the project will have "No Effect" on any state listed threatened or endangered species or their critical habitat.

ORDER

IT IS HEREBY ORDERED the Application for Approval of Plans for Dams, plan P-18933 and associated specifications are APPROVED subject to the following limitations and conditions:

1. This approval will remain in effect for purposes of construction until November 1, 2016.
2. The dam owner must comply with all relevant statutes. This includes, but is not limited to, the following:
  - A. Notify the Department of any change in ownership or address.
  - B. Receive approval prior to taking any action that changes the storage capacity of the reservoir, the specifications, or plan P-18933.
  - C. Construct, operate and maintain the structure in accordance with *Neb. Rev. Stat. § 46-241* and the *Safety of Dams and Reservoirs Act*, §§ 46-1601 to 46-1670.
  - D. Assume liability for all damages due to leakage, overflow or structural failure of the dam.

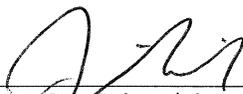
3. Upon completion of the construction, the owner shall file with the Department the enclosed "Construction Certification Form for Dams." Following receipt of this form, an approval to operate will be issued by the Department if it determines that the dam is safe to impound within the limitations outlined in this approval.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to any orders issued by the Director of the Department of Natural Resources may result in administrative penalty, criminal prosecution, or any combination thereof.

DEPARTMENT OF NATURAL RESOURCES

January 28, 2015

  
James C. Schneider Ph.D.  
Acting Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this approval may request a contested case hearing in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure* 454 *Neb. Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4<sup>th</sup> Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the Approval and be accompanied by a filing fee of \$10.

A copy of this approval was posted on the Department's website. Copies of this approval, plan P-18933, and a "Construction Certification Form for Dams" were mailed on January 28, 2015, to the City of Hartington, 107 West State Street, P.O. Box 427, Hartington, Nebraska 68739-0427. Copies of this approval and a "Construction Certification Form for Dams" were mailed to Travis A. Figard, P.E., Olsson Associates, 601 P Street, Lincoln, Nebraska 68508. Copies of this approval, engineering review report, and plan P-18933 were provided to the Department's field office in Norfolk, Nebraska.