

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
APPROVAL OF PLAN NUMBER P-21397

BACKGROUND

1. On March 25, 2024, Kyle Liebig, on behalf of the Nebraska Public Power District, filed in the Department of Natural Resources (Department) an Application for Approval of Plans for Dams, Plan P-21397, and associated specifications (collectively "Plans").
2. The Plan, P-21397, is for the Removal of Spencer Dam, which is subject to the *Safety of Dams and Reservoirs Act (Act)*. The Dam is located in the Northwest 1/4 of Section 30, Township 33 North, Range 11 West of the 6th P.M. in Holt and Boyd Counties.
3. Per Henrik Forsling, P.E. (License No. E-19107) of AECOM, 7595 East Technology Way, Suite 200, Denver, Colorado 80237, prepared the Plans & specifications and is an Engineer as set forth in the *Act*.
4. Nebraska Public Power District, 1414 15th Street, PO Box 499, Columbus, Nebraska 68602, is the Dam Owner.
5. The Plans were examined by a registered professional engineer of the Department and it was found that upon completion of the project, Spencer Dam will have underwent Removal, will no longer be capable of impounding water, and will no longer be considered a Dam as defined by Neb. Rev. Stat. § 16-1611.
6. The Dam Owner completed an Environmental Assessment for the proposed work, in conjunction with the Federal Emergency Management Agency, which resulted in a Finding of No Significant Impact (FONSI) and is summarized in a "Record of Environmental Considerations (REC)" dated June 27, 2022.
7. The Department consulted with the Nebraska Game and Parks Commission as required by the Nebraska Nongame and Endangered Species Conservation Act. As a result of this consultation, the Nebraska Game and Parks Commission determined that the project "May Affect, but is Not Likely To Adversely Affect" any state-listed threatened or endangered species or their critical habitat as long as surveys and conservation conditions agreed to by the Nebraska Public Power District are implemented during the project to avoid adverse impacts to American burying beetle, northern long-eared bat, piping plover, interior least tern, and whooping crane.
8. The Department consulted with the Nebraska Department of Transportation because a highway bridge structure is located in the vicinity of and downstream of the proposed work. As a result of this consultation, the Department requested the Dam Owner and its Engineer re-evaluate their Sediment Transport Analysis for potential impacts the proposed Plans will have on stream sedimentation and degradation upstream and downstream of the Dam site. The Owner provided a response to the request stating, "[it's Engineer] does not recommend any modifications to the decommissioning of the existing facility as designed."

ORDER

IT IS HEREBY ORDERED the Application for Approval of Plans for Dams, Plan P-21397, and associated specifications are APPROVED subject to the following limitations and conditions:

1. This approval will remain in effect for purposes of Removal of the Dam until November 1, 2027.
2. The Dam Owner shall provide written notice to the Department at least ten days before Removal of the Dam is to begin. Notices must be in writing and addressed to the Chief Engineer of the Department's Dam Safety Division. Notices may be delivered to the Department by mail, facsimile, or electronic mail.
3. The Dam Owner must comply with the requirements of the Nebraska Nongame and Endangered Species Conservation Act. The Dam Owner shall implement agreed upon surveys and conservation conditions during the project to avoid adverse impacts to American burying beetle, northern long-eared bat, piping plover, interior least tern, and whooping crane.
4. 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 written approval prior to taking any action that changes the specifications or Plan P-21397.
5. Upon completion of the Removal of the Dam, the Owner shall file with the Department the enclosed "Construction Certification Form for Dams".

ADDITIONAL INFORMATION

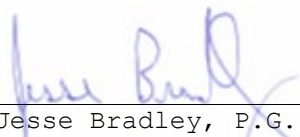
Failure to comply with all laws and regulations pertaining to any orders issued by the Director of the Department of Natural Resources may result in administrative penalty, criminal prosecution, or any combination thereof.

DEPARTMENT OF NATURAL RESOURCES



May 20, 2025

Tim Gokie, P.E., Chief Engineer, Dam Safety



May 20, 2025

Jesse Bradley, P.G., Interim Director

A copy of this approval was posted on the Department's website. Copies of this approval, Plan P-21397, and a "Construction Certification Form for Dams" were mailed on May 20, 2025, to Nebraska Public Power District, c/o Kyle Liebig, 1414 15th Street, PO Box 499, Columbus, Nebraska 68602. Copies of this approval and a "Construction Certification Form for Dams" were mailed to Per Henrik Forsling, P.E., AECOM, 7595 East Technology Way, Suite 200, Denver, Colorado 80237. Copies of this approval and Plan P-21397 were provided to the Department's field office in Ord, Nebraska.