

STATE OF NEBRASKA
DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT
APPROVAL OF PLAN NUMBER P-21631

BACKGROUND

1. On June 24, 2025, Michael McCullough filed in the Department of Water, Energy, and Environment (Department) an Application for Approval of Plans for Dams and plan P-21631.
2. The plan, P-21631, is for the reconstruction of the Van Pelt Dam, which is subject to the *Safety of Dams and Reservoirs Act*. The dam is located in the Northeast 1/4 of Section 18, Township 07 North, Range 08 East of the 6th P.M. in Lancaster County.
3. Frank J. Doland, P.E. of Alfred Benesch & Company, 825 M Street, Suite 100, Lincoln, Nebraska 68508, prepared the plans.
4. Michael McCullough, 11305 Olive Creek Road, Hickman, Nebraska 68372, owns the dam.
5. The plans were examined by a registered professional engineer of the Department and were found to be consistent with current standards.
6. 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 all required tree removal for the project is completed outside of the maternity roosting period (May 15 to July 31) for the threatened northern long-eared bat.

ORDER

IT IS HEREBY ORDERED the Application for Approval of Plans for Dams and plan P-21631 are APPROVED subject to the following limitations and conditions:

1. This approval will remain in effect for purposes of construction until November 1, 2027.
2. The dam owner shall provide written notice to the Department at least ten days before construction at 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. Based on the Nebraska Game and Parks recommendation, the owner can meet the requirements of the act by completing all required tree removal for the project outside of the maternity roosting period (May 15 to July 31) for the northern long-eared bat.

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 storage capacity of the reservoir or plan P-21631.
 - 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.
5. Upon completion of the construction, the dam 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 Chief Water Officer of the Department of Water, Energy, and Environment may result in administrative penalty, criminal prosecution, or any combination thereof.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



August 21, 2025

Matthew T. Manning, PE, JD
Chief Water Officer

A copy of this approval was posted on the Department's website. Copies of this approval, plan P-21631, and a "Construction Certification Form for Dams" were mailed on August 21, 2025, to Michael McCullough, 11305 Olive Creek Road, Hickman, Nebraska 68372. Copies of this approval and a "Construction Certification Form for Dams" were mailed to Frank J. Doland, P.E. of Alfred Benesch & Company, 825 M Street, Suite 100, Lincoln, Nebraska 68508. Copies of this approval, engineering review report, and plan P-21631 were provided to the Department's field office in Lincoln, Nebraska.