

STATE OF NEBRASKA
DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT
APPROVAL OF PLAN NUMBER P-21650

BACKGROUND

1. On July 31, 2025, Tiffani Gerber, on behalf of the Nebraska Game and Parks Commission, filed in the Department of Water, Energy, and Environment (Department) an Application for Approval of Plans for Dams, plan P-21650, and associated specifications (collectively "plans").
2. The plan, P-21650, is for the removal of Carter P Johnson Dam, which is subject to the *Safety of Dams and Reservoirs Act*. The dam is located in the Northeast 1/4 of Section 10, Township 31 North, Range 53 West of the 6th P.M. in Sioux County.
3. Jacob T. Miriovsky, P.E. (License No. E-16127) of JEO Consulting Group, Inc., 1937 North Chestnut Street, Wahoo, Nebraska 68066, prepared the plans and is an Engineer as set for in the Act.
4. The Nebraska Game and Parks Commission, 2200 North 33rd Street, Lincoln, Nebraska 68503 owns the dam.
5. The plans were examined by a registered professional Engineer of the Department and it was found that upon completion of the project, Carter P Johnson Dam will have been removed, thus, no longer being capable of impounding water, and will no longer be considered a dam as defined by Neb. Rev. Stat. § 16-1611.
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 the following conditions are met:
 - a. All required tree removal for the project is completed outside of the maternity roosting season (May 15 to July 31) for the threatened northern long-eared bat.
 - b. Dredged material should not be placed in native short grass prairie areas or in prairie dog towns. If dredged material must be placed in such areas, then a survey for active swift fox dens must be conducted according to Nebraska Game and Parks Commission protocol.

ORDER

IT IS HEREBY ORDERED the Application for Approval of Plans for Dams, plan P-21650 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. Based on the Nebraska Game and Parks recommendation, the dam owner can meet the requirements of the act by completing all required tree removal for the project outside of the maternity roosting season (May 15 to July 31) for the northern long-eared bat and by not placing dredged material in native short grass prairie or in prairie dog towns. If dredged material must be placed in native short grass prairie or in prairie dog towns, a survey for active swift fox dens shall be conducted by a trained biologist according to current Nebraska Game and Parks Commission protocols. If an active den is found, work shall not proceed until consulting with the Nebraska Game and Parks Commission.
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-21650.
5. Upon completion of the removal of the dam, the dam 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 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



October 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-21650, and a "Construction Certification Form for Dams" were mailed on October 21, 2025, to the Nebraska Game and Parks Commission, c/o Tiffani Gerber, 2200 North 33rd Street, Lincoln, Nebraska 68503. Copies of this approval and a "Construction Certification Form for Dams" were mailed to Jacob T. Miriovsky, P.E., JEO Consulting Group, Inc., 1937 North Chestnut Street, Wahoo, Nebraska 68066. Copies of this approval, engineering review report, and plan P-21650 were provided to the Department's field office in Bridgeport, Nebraska.