

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PLAN NUMBER P-21152

BACKGROUND

1. On February 8, 2023, Morgan Kulm, on behalf of Buffalo Ridge Estates, LLC filed in the Department of Natural Resources (Department) an Application for Approval of Plans for Dams, plan P-21152, and associated specifications.
2. The plan, P-21152, is for the reconstruction of Scholting Dam, which is subject to the *Safety of Dams and Reservoirs Act*. The dam is located in the Northeast 1/4 of Section 32, Township 13 North, Range 11 East of the 6th P.M. in Sarpy County.
3. Daniel E. Norman, P.E. of Civil Solutions, LLC, 16439 Briar Street, Omaha, Nebraska 68136, prepared the plans and specifications.
4. Buffalo Ridge Estates, LLC, 13501 Buffalo Road, Springfield, Nebraska 68059, owns 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-21152 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, 2024.
2. Prior to start of construction, the dam owner must provide sufficient documentary evidence to the Department allowing the temporary storage of flood water on adjacent properties not owned by the dam owner up to the top of dam elevation of 1111.50 (NAVD 88 Datum). Acceptable documentary evidence includes contracts, memoranda of agreements, or easements.
3. The owner of the dam shall provide written notice to the Department at least ten days before construction of the dam is to begin. Notices must be in writing and addressed to the Chief Engineer of the Department's Dam Safety Section. Notices may be delivered to the Department by mail, facsimile, or electronic mail.
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, the specifications, or plan P-21152.
  - 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. The dam owner is responsible for obtaining any necessary permits or approvals from Sarpy County for the construction of the roadway on top of the dam.
  6. 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



March 13, 2023

Thomas E. Riley, P.E., Director

A copy of this approval was posted on the Department's website. Copies of this approval, plan P-21152, and a "Construction Certification Form for Dams" were mailed on March 13, 2023, to Buffalo Ridge Estates, LLC, c/o Morgan Kulm, 13501 Buffalo Road, Springfield, Nebraska 68059. Copies of this approval and a "Construction Certification Form for Dams" were mailed to Daniel E. Norman, P.E., Civil Solutions, LLC, 16439 Briar Street, Omaha, Nebraska 68136. Copies of this approval, engineering review report, and plan P-21152 were provided to the Department's field office in Norfolk, Nebraska.