

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PLAN NUMBER P-21160

BACKGROUND

1. On February 27, 2023, Cory Vandenberg, on behalf of Big Bass Acres LLC, filed in the Department of Natural Resources (Department) an Application for Approval of Plans for Dams and plan P-21160.
2. The plan, P-21160, is for the modification of Siffring Dam, which is subject to the *Safety of Dams and Reservoirs Act*. The dam is located in the Southeast 1/4 of Section 10, Township 15 North, Range 2 East of the 6<sup>th</sup> P.M. in Butler County.
3. Big Bass Acres LLC, 1446 North 9<sup>th</sup> Street, David City, Nebraska 68632, owns the dam.
4. The plans were examined by a registered professional engineer of the Department and it was found that upon completion of the project, Siffring Dam will be less than 25 feet in height and have a maximum storage capacity less than 50 acre-feet. Therefore, Siffring Dam will no longer be considered a dam as defined by Neb. Rev. Stat. 46-1611.
5. The Department consulted with the Nebraska Game and Parks Commission as required by the Nebraska Nongame and Endangered Species Act. As a result of this consultation, the Nebraska Game and Parks Commission determined the project will have "No Effect" on 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 (April 1 to November 1) for the threatened northern long-eared bat.

ORDER

IT IS HEREBY ORDERED the Application for Approval of Plans for Dams and plan P-21160 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. The owner of a 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.
3. The dam owner must comply with the requirements of the Nebraska Nongame and Endangered Species Act. All required tree removal for the project must be completed between November 2 and March 31, outside of the maternity roosting period for the threatened northern long-eared bat.

4. The dam owner must comply with all relevant statutes. This includes, but is not limited to, assume liability for all damages due to leakage, overflow or structural failure of the dam.
5. Upon completion of the construction, 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



April 3, 2023

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Thomas E. Riley, P.E., Director

A copy of this approval was posted on the Department's website. Copies of this approval, plan P-21160, and a "Construction Certification Form for Dams" were mailed on April 3, 2023, to Big Bass Acres LLC, c/o Cory Vandenberg, 1446 North 9<sup>th</sup> Street, David City, Nebraska 68632. Copies of this approval, and plan P-21160 were provided to the Department's field office in Lincoln, Nebraska.