

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PLAN NUMBER P-21360

BACKGROUND

1. On December 26, 2023, Frank Lechtenberg filed in the Department of Natural Resources (Department) an Application for Approval of Plans for Dams, plan P-21360, and associated specifications.
2. The plan, P-21360, is for the reconstruction of the Lechtenberg Lampman Dam, which is subject to the *Safety of Dams and Reservoirs Act*. The dam is located in the SW 1/4 of Section 19, Township 34 North, Range 12 West of the 6th P.M. in Boyd County.
3. Jacob C. Robison, P.E. of Twin Oaks Consulting, LLC, 62451 Highway 62, Elk Creek, Nebraska, 68348, prepared the plans and specifications.
4. Darlene D. Lechtenberg Trustee and Frank & Lisa Lechtenberg, 48606 903<sup>rd</sup> Road, Butte, Nebraska 68722, and Rose M. Roby Trust (Debra Roby, Linda Roby, Co-Trustees), Linda M. Roby, Co-Trustee, 3001 W 30<sup>th</sup> Court, Lawrence, Kansas 66047, own 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. 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 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 (June 1 to July 31) for the threatened northern long-eared bat and all construction activities will be completed outside of the spring (March 6 - April 29) and fall (October 9 - November 15) whooping crane migration periods.

ORDER

IT IS HEREBY ORDERED the Application for Approval of Plans for Dams, plan P-21360 and associated specifications are APPROVED subject to the following limitations and conditions:

1. This approval will remain in effect for purposes of construction until October 9, 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 owner must comply with the requirements of the Nebraska Nongame and Endangered Species 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 (June 1 to July 31) for the northern long-eared bat, and all construction activities will be completed outside of the spring (March 6 - April 29) and fall (October 9 - November 15) whooping crane migration periods.
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-21360.
  - 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 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



May 3, 2024

Thomas E. Riley, P.E., Director

A copy of this approval was posted on the Department's website. Copies of this approval, plan P-21360, and a "Construction Certification Form for Dams" were mailed on May 3, 2024, to Darlene D. Lechtenberg Trustee and Frank & Lisa Lechtenberg, 48606 903<sup>rd</sup> Road, Butte, Nebraska 68722, and Rose M. Roby Trust (Debra Roby, Linda Roby, Co-Trustees), c/o Linda M. Roby, Co-Trustee, 3001 W 30<sup>th</sup> Court, Lawrence, Kansas 66047. Copies of this approval and a "Construction Certification Form for Dams" were mailed to Jacob C. Robison, P.E., Twin Oaks Consulting, LLC, 62451 Highway 62, Elk Creek, Nebraska 68348. Copies of this approval, engineering review report, and plan P-21360 were provided to the Department's field office in Ord, Nebraska.