

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PLAN NUMBER P-21374

BACKGROUND

1. On January 23, 2024, Jolene Gubbels, on behalf of the Dakota County Highway Department, filed in the Department of Natural Resources (Department) an Application for Approval of Plans for Dams, plan P-21374, and associated specifications.
2. The plan, P-21374, is for modifications to the Odell Avenue roadway embankment in the Southwest 1/4 of Section 8, Township 27 North, Range 07 East of the 6th P.M. in Dakota County. At this location, the roadway embankment also serves as a dam. The dam, known as Simmon Road Dam or Pigeon Site 11, is subject to the *Safety of Dams and Reservoirs Act*.
3. Daniel S. Lightbody, P.E. of Olsson Inc., 601 P Street, Suite 200, Lincoln, Nebraska 68508 prepared the plans and specifications.
4. The Dakota County Highway Department, 1863 North Bluff Road, Hubbard, Nebraska 68741, owns the dam.
5. The plan was examined by a registered professional engineer of the Department and was found to be consistent with current standards.
6. The modifications to the dam shown in the plan will result in the roadway embankment no longer serving additional purposes commonly associated with dams, and as such, the roadway embankment will no longer be considered a dam as defined by Neb. Rev. Stat. § 46-1611.
7. 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 will not adversely impact 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.

ORDER

IT IS HEREBY ORDERED the Application for Approval of Plans for Dams, plan P-21374, and associated specifications are APPROVED subject to the following limitations and conditions:

1. This approval will remain in effect for the purpose of constructing the modifications until November 1, 2026.
2. The owner of a dam 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 owner must comply with the requirements of the Nebraska Nongame and Endangered Species Act. Based on the Nebraska Game and Parks Commission 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.
4. Upon completion of the modifications, the owner shall file with the Department the enclosed "Construction Certification Form for Dams".

ADDITIONAL INFORMATION

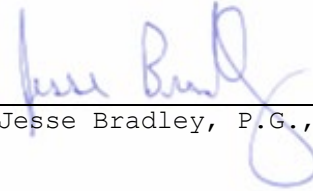
Failure to comply with all laws and regulations pertaining to any orders issued by the Director of the Department of Natural Resources may result in administrative penalty, criminal prosecution, or any combination thereof.

DEPARTMENT OF NATURAL RESOURCES



August 26, 2024

Tim Gokie, P.E., Chief Engineer, Dam Safety



August 26, 2024

Jesse Bradley, P.G., Interim Director

A copy of this approval was posted on the Department's website. Copies of this approval, plan P-21374, and a "Construction Certification Form for Dams" were mailed on August 26, 2024, to Dakota County Highway Department, c/o Jolene Gubbels, 1863 North Bluff Road, Hubbard, Nebraska 68741. Copies of this approval and a "Construction Certification Form for Dams" were mailed to Daniel S. Lightbody, P.E., Olsson Inc., 601 P Street, Suite 200, Lincoln, Nebraska 68508. Copies of this approval and plan P-21374 were provided to the Department's field office in Norfolk, Nebraska.