

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PLAN NUMBER P-21544

BACKGROUND

1. On November 22, 2024, Kyle Hauschild, on behalf of the Nemaha Natural Resources District filed in the Department of Natural Resources (Department) an Application for Approval of Plans for Dams, plan P-21544, and associated specifications.
2. The plan, P-21544, is for modifications to Upper Big Nemaha 7-A, which is subject to the *Safety of Dams and Reservoirs Act*. The dam is located in the Southwest 1/4 of Section 27, Township 6 North, Range 8 East of the 6th P.M. in Gage County.
3. Michael K. Sotak, P.E. of Houston Engineering, Inc., 12702 Westport Parkway, Suite 300, Omaha, Nebraska 68138 prepared the plans and specifications.
4. The Nemaha Natural Resources District, 62161 Highway 136, Tecumseh, Nebraska 68450 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. 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 all required tree removal for the project is completed outside the active season (March 15 to November 15) for the northern long-eared bat.

ORDER

IT IS HEREBY ORDERED the Application for Approval of Plans for Dams, plan P-21544 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, 2026.
2. The owner of the dam shall provide written notice to the Department at least ten days before construction at 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 Conservation 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 the active season (March 15 to November 15) for the northern long-eared bat.
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, plan P-10283, or plan P-21544.
 - 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".

ADDITIONAL INFORMATION

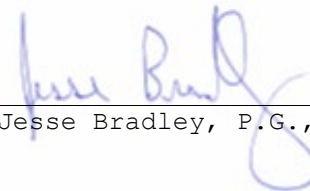
Failure to comply with all laws and regulations pertaining to any orders issued by the Director of the Department of Natural Resources may result in administrative penalty, criminal prosecution, or any combination thereof.

DEPARTMENT OF NATURAL RESOURCES



February 10, 2025

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



February 10, 2025

Jesse Bradley, P.G., Interim Director

A copy of this approval was posted on the Department's website. Copies of this approval, plan P-21544, and a "Construction Certification Form for Dams" were mailed on February 10, 2025, to Nemaha Natural Resources District, c/o Kyle Hauschild, 62161 Highway 136, Tecumseh, Nebraska 68450. Copies of this approval and a "Construction Certification Form for Dams" were mailed to Michael K. Sotak, P.E., Houston Engineering, Inc., 12702 Westport Parkway, Suite 300, Omaha, Nebraska 68138. Copies of this approval, engineering review report, and plan P-21544 were provided to the Department's field office in Lincoln, Nebraska.