

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
APPROVAL OF PLAN NUMBER P-20855

BACKGROUND

1. On October 21, 2021, Kent Miller, on behalf of the Twin Platte Natural Resources District filed in the Department of Natural Resources (Department) an Application for Approval of Plans for Dams, plan P-20855, and associated specifications.
2. The plan, P-20855, is for the reconstruction of Brule Creek 1-A Dam, which is subject to the *Safety of Dams and Reservoirs Act*. The dam is located in the NE 1/4 of Section 9, Township 13 North, Range 40 West of the 6th P.M. in Keith County.
3. Robert J. Huzjak, P.E. of RJH Consultants, Inc., 9800 Mt. Pyramid Court, Suite 330, Englewood, Colorado 80122, prepared the plans and specifications.
4. The Twin Platte Natural Resources District, PO Box 1347, 111 South Dewey, North Platte, Nebraska 69103, 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 is "Not Likely to Adversely Affect" any state listed threatened or endangered species or their critical habitat as long as a survey is conducted to assure no active swift fox dens are present.

ORDER

IT IS HEREBY ORDERED the Application for Approval of Plans for Dams, plan P-20855 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, 2023.
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. Before construction begins, a survey for active swift fox dens must be conducted within 250 yards of the construction site by a trained biologist following current Nebraska Game and Parks Commission protocols. If an active den is found, work shall not proceed until consulting with the Nebraska Game and Parks Commission and implementing conservation measures to avoid impacts to the swift fox.

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-20266.
 - 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



January 31, 2022

Thomas E. Riley, P.E., Director

A copy of this approval was posted on the Department's website. Copies of this approval, plan P-20855, and a "Construction Certification Form for Dams" were mailed on January 31, 2022, to Kent Miller, Twin Platte Natural Resources District, PO Box 1347, 111 South Dewey, North Platte, Nebraska 69103. Copies of this approval and a "Construction Certification Form for Dams" were mailed to Robert J. Huzjak, P.E. of RJH Consultants, Inc., 9800 Mt. Pyramid Court, Suite 330, Englewood, Colorado 80122. Copies of this approval, engineering review report, and plan P-20855 were provided to the Department's field office in Bridgeport, Nebraska.