

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES  
APPROVAL OF PLAN NUMBER P-21131

BACKGROUND

1. On January 5, 2023, Douglas R. Frerichs, on behalf of Frerichs Farms, Inc. filed in the Department of Natural Resources (Department) an Application for Approval of Plans for Dams and plan P-21131.
2. The plan, P-21131, is for the removal of Frerichs Dam 1, an existing dam subject to the *Safety of Dams and Reservoirs Act*. The dam is located in the Northwest 1/4 of Section 19, Township 03 North, Range 15 West of the 6th P.M. in Franklin County.
3. The plan was prepared under the direction of Cecil Schriener, 1607 24 Road, Hildreth, Nebraska 68947.
4. Frerichs Farms, Inc., 1548 26 Road, Hildreth, Nebraska 68947, owns the dam.
5. P-21131 was examined by a registered professional engineer of the Department of Natural Resources and it was found that upon completion of the project, Frerichs Dam 1 will no longer be capable of impounding water and will no longer be considered a dam as defined by Neb. Rev. Stat. § 16-1611.
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 the project is not implemented during the spring (March 6 - April 29) or fall (October 9 - November 15) whooping crane migration periods; or if the project must occur during the spring (March 6 - April 29) or fall (October 9 - November 15) migration periods, as long as a whooping crane survey is conducted according to the Nebraska Game and Parks standard protocol.

ORDER

IT IS HEREBY ORDERED the Application for Approval of Plans for Dams and plan P-21131 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 the 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 Section. Notices may be delivered to the Department by mail, facsimile, or electronic mail.

3. All work for the project must be completed outside of whooping crane migration periods in the spring (March 6 - April 29) or fall (October 9 - November 15); or if the work must occur during the spring (March 6 - April 29) or fall (October 9 - November 15) migration periods, then a whooping crane survey must be conducted according to the Nebraska Game and Parks standard protocol.
4. The dam owner must comply with all relevant statutes. This includes, but is not limited to, assuming liability for all damages due to leakage, overflow or structural failure of the dam.
5. Upon completion of the removal of the dam, 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 6, 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-21131, and a "Construction Certification Form for Dams" were mailed on February 6, 2023, to Douglas R. Frerichs, Frerichs Farms, Inc., 1548 26 Road, Hildreth, Nebraska 68947. Copies of this approval and a "Construction Certification Form for Dams" were mailed to Cecil Schriener, 1607 24 Road, Hildreth, Nebraska 68947. Copies of this approval and plan P-21131 were provided to the Department's field office in Cambridge, Nebraska.