

MEMORANDUM

TO: Programs, Projects, and Operations Subcommittee

FROM: Justin Novak, Field Representative

SUBJECT: Probable Violation of Erosion and Sediment Control Rules and Regulations

DATE: October 3, 2019

A complaint has been submitted by John Erickson (3052 Golden Eagle Circle Blair, NE Section 30-Township 17N-Range 12E) against Todd Cornwell (Farm 5350 Tract 780, 19.4 acres) for excessive sediment being deposited on his property. Mr. Cornwell was notified of the complaint, and a field review was completed on September 5, 2019 with Mr. Cornwell, Justin Novak (NRD), Terry Schumacher (NRD), Andy Bohnenkamp (NRCS), and Ryan Johnson (NRCS), Mr. Erickson was not at the meeting.

Upon inspection there is evidence of sediment damage that has occurred on Mr. Erickson's property, around the outbuilding and pool deck area. This is attributed to an ephemeral gully that has developed on Mr. Cornwell's property just above Mr. Erickson's home. The NRCS has determined that the annual soil loss due to ephemeral fully erosion is 6.0 tons/acre and per the District's Erosion & Sediment Rules & Regulations ("Rules"), the allowable soil loss needs to be below 5.0 tons/acre. This will require Mr. Cornwell to develop a conservation plan on the farm to be below the threshold 5.0 tons/acre.

The farm is currently being cropped and has a corn/soybean rotation. District staff are working with NRCS for solutions that meet allowable limits for soil loss and fit Mr. Cornwell's farming operation.

Under the District's Rules, there are 4 options that the Committee can take action upon:

- A) If the staff and committee determine that no violation of these rules and regulations has occurred, it shall recommend and the Board may approve dismissal of the complaint. The complainant shall be given the opportunity to appear before the entire Board before the Board acts on the recommendation.
- B) If the committee determines that a farm unit conservation plan previously approved by the District is being implemented and maintained in strict conformance with a conservation agreement including the land subject to the complaint, it shall recommend and the Board may approve dismissal of the complaint.
- C) If the committee determines that the land which is identified in the complaint is being used for non-agricultural purposes, and is under an erosion and sediment control plan that has been approved by the District, is in conformance with any NPDES (National Pollution Discharge Elimination System) permit issued by the Nebraska Department of Environmental Quality (NDEQ), or any political subdivision of the state designated by NDEQ to issue such permits, it shall recommend and the Board may approve dismissal of the complaint.
- D) If the committee determines that a probable violation of these rules and regulations has occurred, it shall proceed in accordance with Rule 12.

Management recommends that the Subcommittee recommends to the Board that the District find Mr. Cornwell to be in probable violation of the District's Erosion & Sediment Rules & Regulations.



October 1, 2019

1060 Wilbur St.
Blair, NE
68008-2302
(402) 426-2625

Mr. & Mrs. Cornwell,

An Erosion & Sediment complaint has been submitted to the District by John Erickson (3052 Golden Eagle Circle Blair, NE Section 30-Township 17N-Range 12E) against Todd Cornwell (Farm 5350 Tract 780, 19.4 acres) for excessive sediment being deposited on his property. Mr. Cornwell was notified of the complaint, and a field review was completed on September 5, 2019 with Mr. Cornwell, Justin Novak (NRD), Terry Schumacher (NRD), Andy Bohnenkamp (NRCS), and Ryan Johnson (NRCS), Mr. Erickson was not at the meeting.

Upon inspection there is evidence of sediment damage that has occurred on Mr. Erickson's property, around the outbuilding and pool deck area. This is attributed to an ephemeral gully that has developed on Mr. Cornwell's property just above Mr. Erickson's home. The NRCS has determined that the annual soil loss due to Ephemeral Gully Erosion is 6.0 tons/acre and per the rules of the Erosion & Sediment Act, the allowable soil loss needs to be below 5.0 tons/acre. This will require Mr. Cornwell to develop a conservation plan on the farm to be below the threshold of 5.0 tons/acre.

This information will be presented to the Programs, Projects and Operations Subcommittee on October 8, 2019 @ 6:30 p.m., you are welcome to attend (see attached memo). It will then be determined by the PPO Subcommittee if Mr. Cornwell is in probable violation of the District's Erosion & Sediment Rules & Regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Novak", with a long horizontal flourish extending to the right.

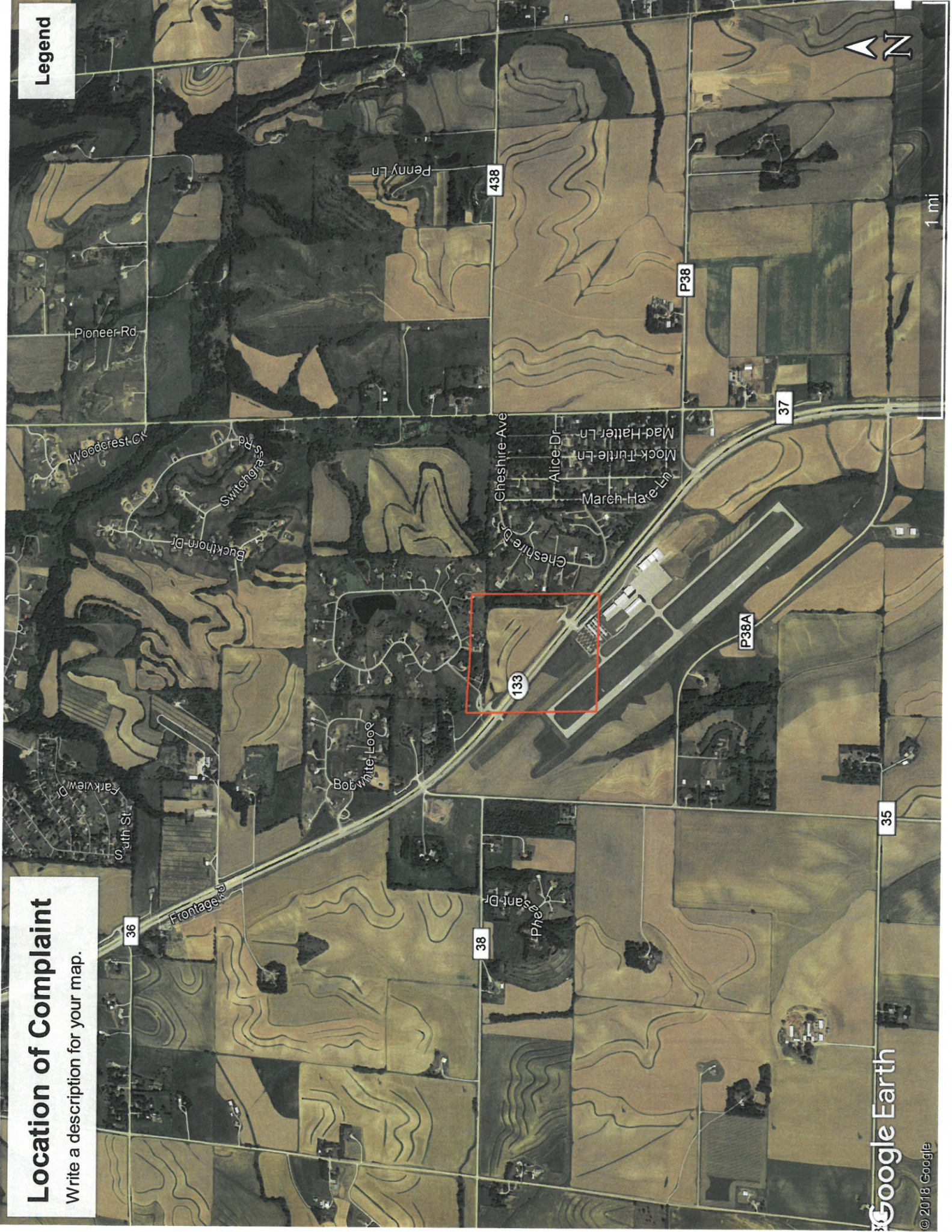
Justin Novak
Field Representative
402-616-0969

CC: John Erickson

Location of Complaint

Write a description for your map.

Legend



2012

Write a description for your map.

Legend



Google Earth

100 ft

2016

Write a description for your map.

Legend

Google Earth

100 ft



2018

Write a description for your map.

Legend

Google Earth

100 ft

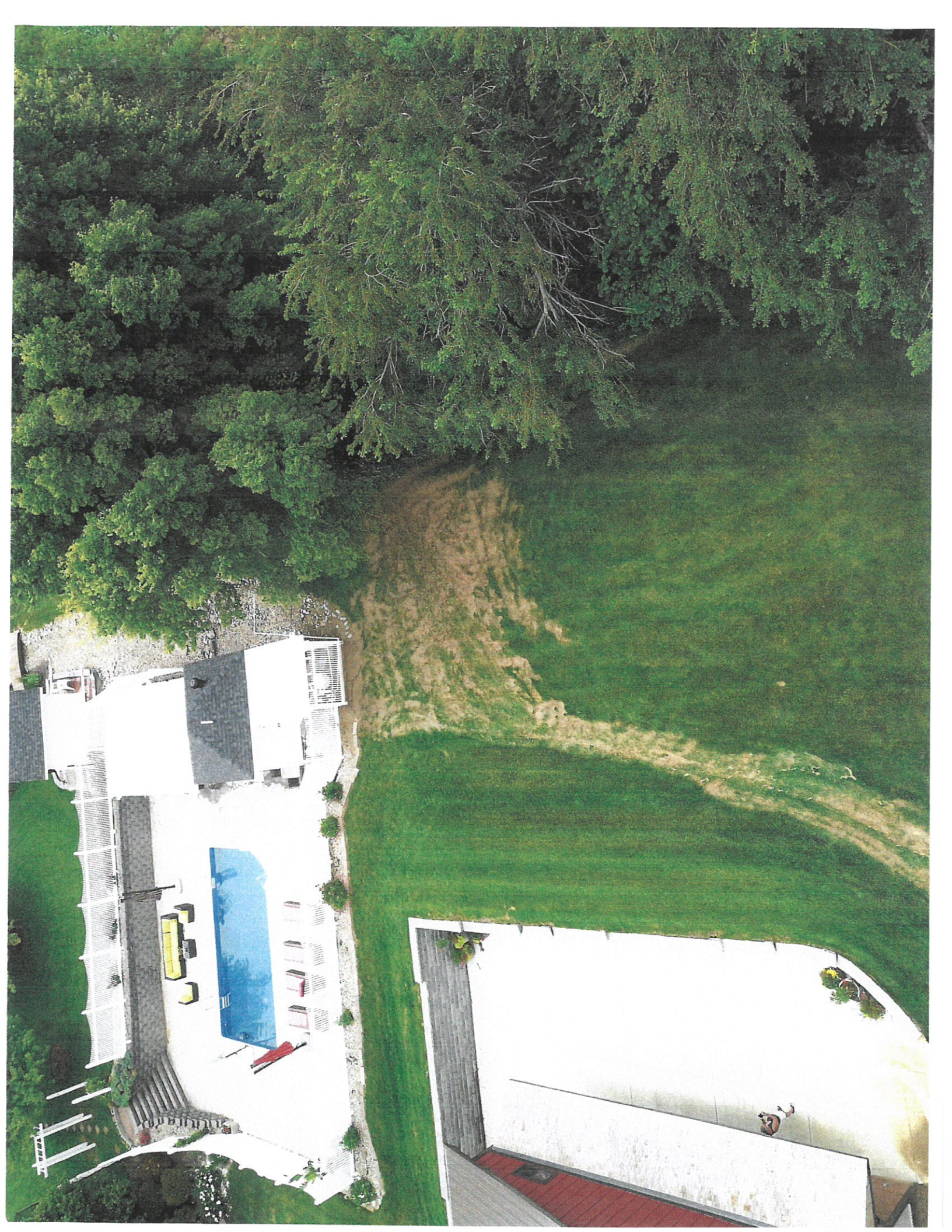






EXTERIOR AND
INTERIOR AND
DECK, KITCHEN, BATH, AND
BEDROOMS











NEBRASKA EROSION AND SEDIMENT CONTROL ACT COMPLAINT FORM

Instructions

Complete items 1 through 5 by printing in ink or typing the appropriation information.

Photographs depicting location, nature, and extent of sediment damage or erosion and aerial photographs may also be submitted with this form.

For District Use Only

Filed in the office of the

Blair

Natural Resources District

At 12:45 a.m./p.m. on

August 28, 2019.

COMPLAINT NO. W-1-19

1. Name and address of the person filing this complaint.

Name: JOHN ERICKSON
 Address: 3052 GOLDEN EAGLE CIRCLE
 City: BLAIR State: NE Zip Code: 68008
 Telephone Number: (402) 203-0408 Cell phone: (402) 203-0408
 Email: johnerickson54@yahoo.com

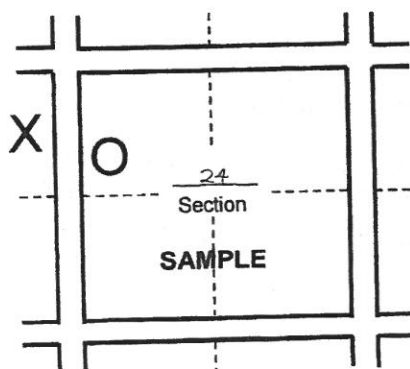
2. Person filing complaint. (Check one)

- ☒ Owner or operator of land being damaged by sediment.
- ☐ Authorized representative of a state agency or political subdivision whose roads or other public facilities are being damaged by sediment. (_____) identify
- ☐ Authorized representative of a state agency or political subdivision with responsibility for water quality maintenance. (_____) identify
- ☐ Authorized staff member or other agency of the natural resources district.

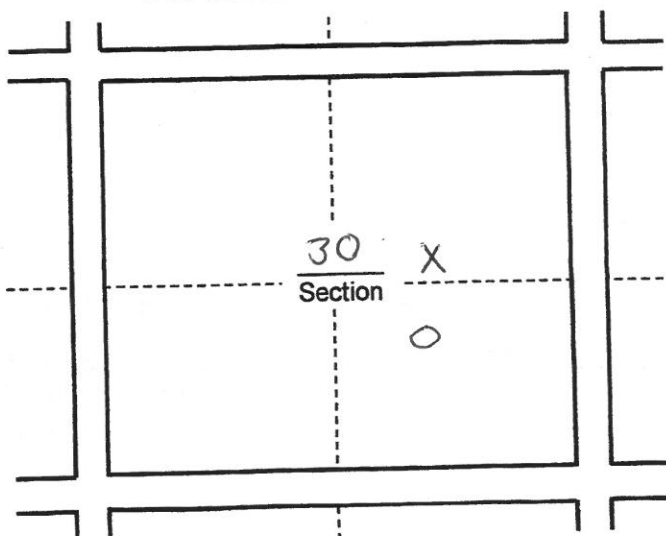
3. Sediment damage.

- A. Location of the land or facility being damaged by excessive erosion (X) and the land believed to be the source of the sediment damage (O).

COUNTY Stanton
 Twp 24 N Rge 2 E



COUNTY WASHINGTON
 Twp 17 N Rge 12 E



TO PROTECT MY BUILDING FROM FURTHER DAMAGE
I REMOVED TONS OF SILT FROM OUR BUILDING BACK
PATIO V/A SHOVEL AND BUCKETS. VISITED ON SITE WITH
ADJACENT LANDOWNER TO SEE WHAT HE COULD DO.

↑ MY TIME SPENT TO DATE - ON THIS ISSUE = 10 HRS.
MY RATE = \$450 / HR.
TOTAL LOSS = \$4,500
TO DATE

- B. Description of the nature and extent of the sediment damage or water quality impairment. Include description of physical effects and any economic losses which have occurred.
- SILT DEPOSITS FROM AN ADJACENT FIELD TO OUR PROPERTY
HAS RENDERED OUR PREVIOUSLY ESTABLISHED DRAINAGEWAYS
USELESS. THE DRAINAGEWAYS HAVE FILLED WITH SILT
CAUSING ~~CONT~~ CONTINUED SILT DEPOSITS ENCROACHING
ON OUR POOL EQUIPMENT AND SHOP BUILDING. THE
SILT HAS KILLED OUR GRASS. FURTHER SILT HAS
DEPOSITED TO AROUND 8" DEEP AT OUR SHOP BUILDING.
AND HAS FOULED OUR LANDSCAPE STONE IN THE AREA.
- C. Identify stream or lake whose quality is being impaired including location of upper and lower points of
alleged impairment.

THE UPPER RETENTION POND OWNED BY EAGLE
VIEW.

4. Dates(s) the sediment damage or water quality impairment occurred or was observed.

MAY, 27, 28, 29, JUNE 3, 18, 19, 23, 2019

5. I certify that the information contained in this complaint is, to the best of my knowledge and belief, true and accurate.

Date: 8/20/2019

Signature: 

Return to: PAPIO-MISSOURI RIVER Natural Resources District
1060 WILBUR STREET
BLAIR, NE 68008

(Address)