

MEMORANDUM

TO: Programs Projects and Operations Subcommittee

FROM: Terry Schumacher, Land & Water Programs Coordinator

SUBJECT: Review and Recommendation on Modifications to District Policy 17.37 Small Flood Control and Water Quality Structure Program.

DATE: February 2, 2021

District Policy 17.37 – Small Flood Control Structure Program was adopted by the Board in February of 2000. In the last twenty-one years the District has cooperated with one landowner to construct a single structure under this program. The structure is located near 204th and State Street.

The Board approved amendments to District Policy 17.3 in December of 2020 which are related to the Papillion Creek Watershed 319 Water Quality Incentives. The proposed modifications of District Policy 17.37 are intended to advance the goal of improving water quality in the Papillion Creek Watershed as outlined in the 319 Watershed Plan. The 319 Watershed Plan includes two wet detention basins to be constructed in the Watershed.

The District signed an Inter-Governmental Agreement with the Nebraska Department of Environment and Energy (NDEE) in June of 2020. This agreement outlines the goals of the Papillion Creek 319 Watershed along with potential sources of funding for completion of water quality best management practices. NDEE will contribute 60% of the cost to implement these practices.

Management recommends that the Subcommittee recommend to the Board that the proposed modifications to District Policy 17.37 Small Flood Control and Water Quality Structure Program be approved.

17.37 District Programs - Small Flood Control and Water Quality Structure Program. The Small Flood Control and Water Quality Structure Program is an authorized program of the District to provide technical and financial assistance to landowners in the installation of small flood control and water quality structures within the Papillion Creek Watershed.

A. Criteria for Assistance:

1. The watershed for each structure shall be at least 500300 acres.
2. All projects shall be designed as high hazard flood control structures to contain the 100-year flood below the emergency spillway.
3. Projects under this program shall have a total project cost of less than \$2,500,000, such costs to include but are not limited to preliminary design, geotechnical investigations, final design and construction engineering, soils and materials testing and project construction- (“Project Costs”).
4. At least 75% of the applicant’s property in the watershed shall have adequate land treatment. Adequate land treatment shall be defined as having 5 tons per acre per year or less soil loss as determined by the Revised Universal Soil Loss Equation (RUSLE).
5. For structure sites involving more than one landowner, a joint application shall be submitted.
6. Projects must be in conformance with all local, state and federal laws.
7. Projects must meet the Guidelines of the District’s 319 Water Quality Management Plan and be eligible for funding under the Federal Section 319 programs.

B. District Responsibilities:

1. Administer the Small Flood Control and Water Quality Structure Program.
2. Management shall review and prioritize all applications annually.
3. The District shall contract with a consulting engineering firm for a preliminary and final design, geotechnical investigations and construction administration engineering services for the project.
4. The District shall select and retain a contractor ~~and administer a contract~~ for the construction of the project.
5. The District shall fund 75100% of the total Project Costs.
- 5.6. The District shall determine the necessary land rights (easements) for the project costs and shall have the necessary land rights appraised. The necessary land rights (easements) will be granted or acquired by the District. The District will contribute 50% of the appraised value of the land rights (easements) for the project.
- 6.7. Upon completion of the construction, the District will operate and maintain the structure.

C. Applicant Responsibilities:

1. Submit an application on a form provided by the District, ~~and,~~
 - a. ~~Submit a preliminary engineering design and report prepared by a qualified, licensed professional engineer; a USGS quadrangle map “level of design;” a field survey of the structure centerline; preliminary flood routings and earthwork computations; and, a preliminary cost estimate.~~
 - b. ~~Submit an adequate land treatment determination for the applicant’s property.~~
2. The applicant(s) shall ~~donate any~~provide needed land rights (easements) to the District for the project at a rate of 50% of the appraised value. The easement shall include the right of ingress and egress to survey, design, construct, operate and maintain the structure, the right to permanently and/or temporarily store flood waters behind the structure and the right to limit other uses.
3. The applicant(s) shall donate an easement over their adjoining property within the watershed guaranteeing the adequate land treatment will be maintained in perpetuity.
4. The applicant(s) shall ~~fund 25% of the total project costs, such funding to be placed in escrow prior to project construction~~establish and maintain permanent vegetative cover on a 50-foot strip of land adjacent to the permanent pool of the structure.
- ~~5. The applicant(s) shall establish and maintain permanent vegetative cover on a 100-foot strip of land adjacent to the permanent pool of the structure.~~
- ~~6.5.~~6.5. The total project cost may exceed \$2,500,000 if the applicant(s) pays for all costs exceeding that limit. The applicant(s) shall also agree to fund those project features that are beyond minimum standards for flood control structure design (e.g., a roadway on top of a dam).
- ~~7.6.~~7.6. The applicant(s) shall execute an agreement with the District incorporating these guidelines.

[February 10, 2000; February 11, 2021]