

Memorandum

To: Projects, Programs, and Operations Subcommittee

From: John Zaugg, Field Representative

Date: September 5, 2024

RE: Nikolas Erosion and Sediment Control Complaint

The District received a Nebraska Erosion and Sediment Control Act complaint form from Michael Nikolas on February 20, 2024, at our Omaha Office.

On March 1, 2024, I met with Michael Nikolas at his property at 12115 N. 36th St. Mr. Nikolas and I inspected his property and looked at the gully erosion that he is experiencing. Erosion was noted but sediment damage was not present.

I explained to Mr. Nikolas that, per the District's Erosion and Sediment Control Program parameters, sediment damage must be present for the complaint to be applicable.

A letter was mailed to Mr. Nikolas on March 8th explaining my determination. The complaint and results of the investigation have been reviewed by District legal counsel to verify the recommendation as it pertains to the Nebraska Erosion and Sediment Control Act.

Staff recommends the Subcommittee recommend to the Board dismissal of this complaint due to the fact that this complaint is a non-violation of the District's Erosion and Sediment Control Program.



PAPIO
MISSOURI RIVER
NATURAL RESOURCES DISTRICT

March 8, 2024

Michael Nikelas
17534 Madison Street
Omaha NE 68135

Michael,

On March 1, 2024, I met with you on your property to evaluate the erosion that is occurring. After walking the area and witnessing the erosion, it appears that it is typical erosion from runoff that is originating from your adjacent neighbors. The location of your property is an urban/residential area that is under the jurisdiction of Douglas County and the City of Omaha.

The Erosion and Sediment Control Program applies to areas that are farmed and are in agricultural setting. This act would only apply if the adjacent farmer was using tillage practices that would exceed 5 tons per acre of sediment that would be causing damage to their downstream neighbor.

After the evaluation, it is my opinion that your situation would not fall under these criteria since it is in an urban setting and that there are no farming operations taking place.

John Zaugg
Field Representative
Papio-Missouri River NRD, Blair Field Office
1060 Wilbur Street Blair, NE 68008
(402)426-4782 ext. 105
john.zaugg@ne.nacdnet.net

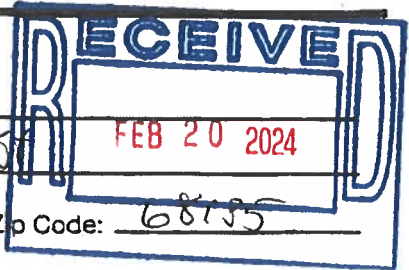
NEBRASKA EROSION AND SEDIMENT CONTROL ACT COMPLAINT FORM

Instructions

For District Use Only

Complete items 1 through 5 by printing in ink or typing the appropriate information.
 Photographs depicting location, nature, and extent of sediment damage or erosion and aerial photographs may also be submitted with this form.

Filed in the office of the
Papio NRD
 Natural Resources District
 12:05 at 12:05 p.m. on
Feb 20, 2024 T.T.
 COMPLAINT NO. _____



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

Name: Michael E. Nikolas
 Address: 17534 Madison St
 City: Omaha State: NE Zip Code: 68135
 Telephone Number: (402) 578-1151

2. Authority to file complaint. (Check one)

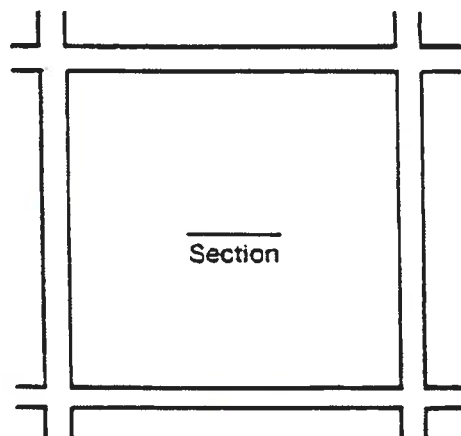
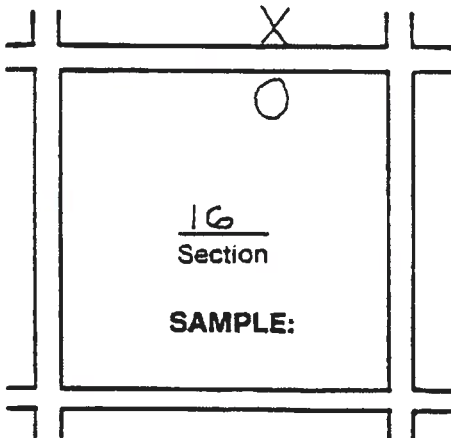
- Owner or operator of land being damaged by sediment.
- Authorized representative of a state agency or political subdivision whose roads or other public facilities are being damaged by sediment. (_____) identify
- Authorized representative of a state agency or political subdivision with responsibility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

3. Sediment damage. — 12115 N. 36th St. — See Attachment

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 CLUSTER
 Twp T.23.N Rge R.1.E

COUNTY _____
 Twp _____ Rge _____



B. Identify stream or lake whose quality is being impaired including location of upper and lower points of alleged impairment.

Powea Creek / Missouri River

C. 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.

12115 N. 36th St sits adjacent to Northwood Heights subdivision (see Terrace Rd). When this development was established in the 60s they directed their stormwater runoff onto my property in such a way that it created gully erosion and has destroyed a terrace on the south border of my property. When I purchased my property in 2000 I could walk on my side of the fence. Since that time erosion has grown at about 1 foot per year and now extends into the neighboring property by about 20 feet. There is one main point of gully erosion and two smaller points coming from the subdivision.

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

I have photographs going back to 2002.
Attachment enclosed shows points of Gully erosion.

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

Date: 2/19/24 Signature: M. Lee Nichols

Return to: _____ Natural Resources District

(Address)

De:
he

13115 N. 36th

X = points of Gully
Erosion

Lead Terrace Rd

Lead Terrace Plz

N 34th Ave

Copper Hollow Rd

Pickens Rd

