



**Papio-Missouri River
Natural Resources District
Public Hearing
on the Erosion and Sediment Control Program
Rules and Regulations**

**August 11, 2016
7:00 p.m.**

AGENDA

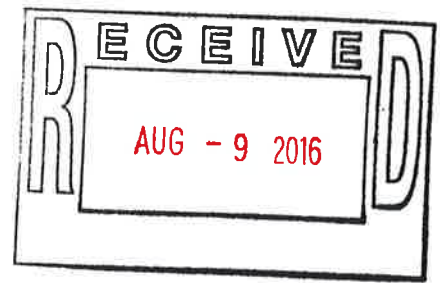
1. Hearing Called to Order – Chairperson Dave Klug
2. Appointment of Hearing Officer – General Manager, John Winkler
3. Evidence of Proof of Publication of Hearing Notice
4. Explanation of the Purpose of the Hearing – Steve Grasz
5. Identification of Exhibits
6. Discussion of the Erosion and Sediment Control Program Rules and Regulations
– Terry Schumacher
7. Receive Testimony and Statements
8. Reception of Exhibits
9. Hearing Adjournment

**Papio-Missouri River
Natural Resources District
Public Hearing
on the Erosion and Sediment Control Program
Rules and Regulations**

**August 11, 2016
(As a part of the Board of Directors Meeting)**

List of Exhibits

- | | |
|-------------------|--|
| Exhibit 1 | Agenda |
| Exhibit 2 | Notice of Public Hearing <ul style="list-style-type: none">• Omaha World-Herald, July 23, 2016• Omaha World-Herald, July 30, 2016• Omaha World-Herald, August 4, 2016• Omaha World-Herald, August 6, 2016 |
| Exhibit 3 | Explanation of Purpose of Hearing |
| Exhibit 4 | Memo to the Board of Directors |
| Exhibit 5 | Amended District Erosion and Sediment Control Program Rules and Regulations |
| Exhibit 6 | Nebraska Statutes (Sections 2-4601 to 2-4613) Erosion and Sediment Control Act |
| Exhibit 7 | Nebraska Department of Natural Resources letter of recommendation dated August 1, 2016 and the June 27, 2016 Nebraska Natural Resources Commission meeting minutes |
| Exhibit 8 | |
| Exhibit 9 | |
| Exhibit 10 | |



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NOTICE OF RULEMAKING HEARING

Please take notice that on August 11, 2016 at 7:00 P.M., the Board of Directors of the Papio-Missouri River Natural Resources District will hold a public hearing on the District's Erosion and Sediment Control Program Rules and Regulations. Such hearing will be held at the principal offices of the District at 8901 South 154th Street, Omaha, Nebraska 68138-3621.

At the hearing, the District shall explain the nature and necessity of the changes to the District's Erosion and Sediment Control Program Rules and Regulations. The District shall hear and consider any objections from any person.

Copies of the District's Erosion and Sediment Control Program Rules and Regulations are available online at http://www.papiornd.org/wp-content/uploads/policiesAndManuals_appendix_1.pdf and at the principal offices of the District at 8901 South 154th Street, Omaha, Nebraska 68138-3621.

Proof of publication

AFFIDAVIT

State of Nebraska, County of Douglas, ss:

Anita Cousin-Hardrick, being duly sworn, deposes and says that he/she is an employee of The Omaha World-Herald, a legal daily newspaper printed and published in the county of Douglas and State of Nebraska, and of general circulation in the Counties of Douglas, and Sarpy and State of Nebraska, and that the attached printed notice was published for three consecutive weeks in the said newspaper the first insertion having been on July 23, 2016 and, thereafter on July 30, 2016 and August 6, 2016 and that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge. The Omaha World-Herald has an average circulation of 118,247 Daily and 144,202 Sunday, in 2016.

(Signed) Anita Cousin-Hardrick Title: Account Executive

Subscribed in my presence and sworn to before me this 8th day of August 2016.

Sara G. Findley
Notary Public

Printer's Fee \$ _____
Affidavit _____
Paid By _____



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(Signed) Anita Cousin-Hardrick Title: Account Executive

Subscribed in my presence and sworn to before me this 1st day of August, 2016.

Sara G Findley
Notary Public



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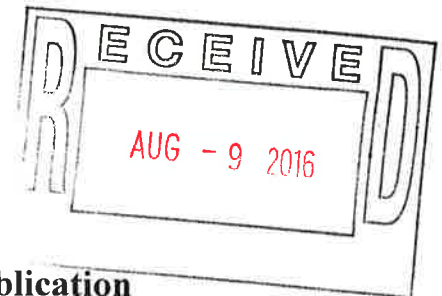
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Copies of the District's Erosion and Sediment Control Program Rules and Regulations are available online at http://www.papionrd.org/wp-content/uploads/policiesAndManuals_appendix_L.pdf and at the principal offices of the District at 8901 South 154th Street, Omaha, Nebraska 68138-3621.



Proof of publication

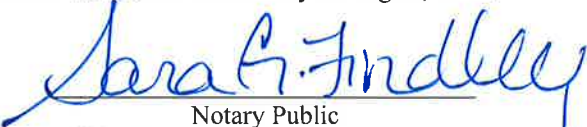
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Notary Public



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Copies of the District's Erosion and Sediment Control Program Rules and Regulations are available online at http://www.papionrd.org/wp-content/uploads/policiesAndManuals_appendix_I.pdf and at the principal offices of the District at 8901 South 154th Street, Omaha, Nebraska 68138-3621.



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**Papio-Missouri River
Natural Resources
District
Notice of Public
Meetings**

Notice is hereby given of the following Papio Missouri River Natural Resources District meeting(s) which will be held at the Natural Resources Center, 8901 S. 154th Street, Omaha, NE, unless otherwise indicated:

1. Executive Subcommittee Meeting, August 9, 2016, at 5:00 p.m.
2. Ad Hoc Consultant Subcommittee for the Little Papio Channel Stabilization Project, August 9, 2016, at 6:30 p.m.
3. Programs, Projects and Operations Subcommittee Meeting, August 9, 2016, (immediately following Ad Hoc)
4. Finance, Expenditure and Legal Subcommittee Meeting, August 9, 2016, (immediately following PPO)
5. Board of Directors Meeting, August 11, 2016, at 7:00 p.m. (Public Hearing on the District's Erosion and Sediment Control Program Rules & Regulations and Public Comment & Input on the P-MRNRD FY 2017 Budget will be held as a part of the meeting).

An agenda for such meeting(s) shall be kept continually current and shall be available for public inspection at the District's principal office during

Proof of publication

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(Signed) Anita Cousin-Hardrick Title: Account Executive

Subscribed in my presence and sworn to before me this 4th day of August, 2016.

Sara G. Findley
Notary Public
GENERAL NOTARY - State of Nebraska
SARA G FINDLEY
My Comm. Exp. May 27, 2019

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An agenda for such meeting(s) shall be kept continually current and shall be available for public inspection at the District's principal office during normal business hours.

EROSION AND SEDIMENT CONTROL PROGRAM RULES AND REGULATIONS
PUBLIC HEARING, AUGUST 11, 2016

EXPLANATION OF PURPOSE

This hearing is being conducted pursuant to Neb. Rev. Stat. section 2-4607 to receive input from the public on proposed changes to the Erosion and Sediment Control Act regulations of the Pappio-Missouri River NRD. These amendments reflect changes enacted by the Nebraska Legislature in 2015. Among the changes is the elimination of the 90% cost share requirement and strengthening of the authority of the NRDs to issue cease and desist orders.

The purpose of the rules is to provide an orderly method for implementing the Act to provide for the conservation and preservation of the land and water resources of the District by reducing damage from wind and water erosion and sediment.

MEMORANDUM

TO: P-MRNRD Board of Directors

FROM: Terry Schumacher, Land & Water Programs Coordinator

SUBJECT: Amended District Erosion and Sediment Control Program Rules and Regulations

DATE: August 4, 2016

In 1986 the State of Nebraska Legislature adopted the Erosion and Sediment Control Act. It provided for NRDs to adopt rules and regulations to administer and enforce the Act through a complaint system filed by landowners damaged by sediment deposits from agricultural or other land disturbing activity on an adjoining property. The Act and the District's Program were amended in 1995 to add an NRD 90% cost share requirement for installing required corrective measures. In 2015, at the urging of the NRDs, the Nebraska Legislature passed a bill that made additional amendments to this Act.

The three major changes contained in the 2015 Erosion and Sediment Control Act amendment were:

1. Eliminating the 90% NRD cost share requirement.
2. Adding a definition for Ephemeral erosion.
3. Strengthening the NRD's authority to issue Cease and Desist Orders.

Since passage of the bill in 2015, Department of Natural Resources staff and an NRD Manager's working group have been working on an amended set of NRD Rules and Regulations and recommended changes to the State & NRD Erosion and Sediment Control Programs to meet the requirements of the new legislation. The purpose of this effort was to provide consistency in the programs across the state. A number of updates and modifications were made to the NRD Rules and Regulations, beyond the major ones listed above, so a complete new template for a wholesale change to the Program was developed and recommended for adoption by each District.

The Nebraska Natural Resources Commission adopted the State Program at their meeting on June 27, 2016. The attached P-MRNRD Erosion and Sediment Control Program being proposed for adoption by the Board follows the template provided by the NRD Manager's working group. The Commission was provided and also approved the District's Program Rules and Regulations at their June meeting.

Revision of the District's Rules and Regulations requires a public hearing. A public hearing will be held at the Board Meeting on August 11, 2016.

Management recommends that the proposed Papio-Missouri River NRD's Erosion and Sediment Control Program Rules and Regulations be adopted and incorporated in the District's Policy Manual as Appendix I.

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT
EROSION AND SEDIMENT CONTROL PROGRAM
RULES AND REGULATIONS

Adopted by the Board of Directors

August 11, 2016

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**PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT
RULES AND REGULATIONS FOR IMPLEMENTING
EROSION AND SEDIMENT CONTROL ACT**

1. AUTHORITY

These rules and regulations are adopted pursuant to the authority granted in Section 2-4605, R.R.S. 1948, as amended.

2. PURPOSE

The purpose of these rules and regulations is to provide an orderly method for implementing the Erosion and Sediment Control Act, sections 2-4601 et. seq. R.R.S. 1943, as amended to provide for the conservation and preservation of the land, water and other resources of the District, and to thereby:

- (a) reduce damages caused from wind erosion,
- (b) reduce storm water runoff and the danger of flooding,
- (c) reduce sediment damage to lands within the District,
- (d) reduce non-point pollution from sedimentation and related pollutants
- (e) preserve the value of land and its productive capability for present and future generations, and
- (f) safeguard the health, safety and welfare of the District's citizens,

3. APPLICABILITY

These rules and regulations apply to all lands within the District except to those lands which lie within the respective jurisdiction of a county or municipality which has adopted and is implementing erosion and sediment control regulations in substantial conformance with the state erosion and sediment control program. Some non-agricultural land-disturbing activities are also excluded and are identified in Rule 4, Section (i), subsections (2), (3), (4) and (5).

4. DEFINITIONS

- (a) **Alleged violator** means the owner of record and the operator, if any, of land which is the subject of a complaint filed in accordance with Rule 8.
- (b) **Board** means the Board of Directors of the Papio-Missouri River Natural Resources District.
- (c) **Committee** means the Programs, Projects, and Operations Subcommittee of the Papio-Missouri River Natural Resources District,
- (d) **Conservation agreement** means an agreement between the owner and operator, if any, of a farm unit and the District in which the owner and operator, if any, agrees to implement all or a portion of a farm unit conservation plan or erosion and sediment control plan. The agreement shall include a schedule for implementation and may be conditioned on the District or other public entity furnishing technical, planning or financial assistance in the establishment of the soil and water conservation or erosion and sediment control practices necessary to implement the plan or portion of the plan.

- (e) **District** means the Papio-Missouri River Natural Resources District.
- (f) **Excess erosion** means the occurrence of erosion in excess of the applicable soil-loss tolerance level which causes or contributes to an accumulation of sediment upon the lands of any other person to the detriment or damage of such other person.
- (g) **Farm unit conservation plan** means a plan jointly developed by the owner and, if appropriate, the operator of a farm unit and the District. Such plan shall be based on the determined conservation needs of the farm unit and identification of practices which may be expected to prevent soil loss by erosion to the applicable soil-loss tolerance level. The plan may also, if practicable, identify alternative practices by which such objective may be attained.
- (h) **Erosion and Sediment Control Plan** means a plan, developed for a parcel of land used for non-agricultural purposes, which identifies the permanent or temporary practices which may be expected to either prevent sediment from leaving that parcel or prevent soil loss / erosion from that parcel in excess of the applicable soil-loss tolerance level.
- (i) **Non-agricultural land-disturbing activity** means a land change including, but not limited to, tilling, clearing, grading, excavating, transporting, or filling land which may result in soil erosion from wind or water and the movement of sediment and sediment-related pollutants into the waters of the state or onto lands in the state, but shall not include:
 - (1) Activities related directly to the production of agricultural, horticultural or silvicultural crops, including, but not limited to, tilling, planting, or harvesting of such crops;
 - (2) Installation of aboveground public utility lines and connections, fence posts, sign posts, telephone poles, electric poles, and other kinds of posts or poles;
 - (3) Emergency work to protect life or property; and
 - (4) Activities related to the construction of housing, industrial, and commercial developments on sites under two acres in size; and
 - (5) Activities related to the operation, construction, or maintenance of industrial or commercial public power district or public power and irrigation district facilities or sites when such activity is conducted pursuant to state or federal law or is part of the operational plan for such facility or site.
- (j) **Sediment damage** means:
 - (1) the economic or physical damage to the land or other property of one person resulting from the deposition of sediment, by water or wind, or soil eroded from the lands of another person;
 - (2) the degradation of water quality and/or the reduced beneficial use of the water in the stream or lake involved resulting from soil sedimentation or the deposition of chemical laden sediments. For the purpose of this program, chemicals shall include, but is not limited to, any agricultural, municipal, or industrial chemicals or waste deposited on the soil.

Physical effects to land or property which are relatively short term in nature and which cause no economic damage and no lasting physical damage shall not constitute sediment damage for the purpose of these rules and regulations.

(k) Soil-loss tolerance level means the maximum amount of soil loss due to erosion by wind or water, expressed in terms of tons per acre per year, which is determined to be acceptable in accordance with the Erosion and Sediment Control Act. Soil loss from water erosion may include:

- (1)** sheet and rill erosion which includes relatively uniform soil loss across the entire field slope which may leave small channels located at regular intervals across the slope and
- (2)** ephemeral gully erosion which occurs in well-defined depressions or natural drainageways where concentrated overland flow results in the convergence of rills forming deeper and wider channels.

(l) T value means the average annual tons per acre soil loss that a given soil may experience and still maintain its productivity over an extended period of time.

5. SOIL-LOSS TOLERANCE LEVEL

USDA Soil Survey data provides values of soil loss tolerance (T) for various soil series across the District and are described as Soil-Loss Tolerance Levels in the NRCS TECHNICAL GUIDES. These soil-loss tolerance levels for the soils of the District have been adopted by the Board and are attached hereto as Appendix A. Each soil series listed may contain one or more soil mapping units-referred to in Rule 10. The permitted soil-loss tolerance levels for particular lands may not exceed the T value noted in Appendix A.

6. ADMINISTRATION

(a) The Board delegates the responsibility for administering these rules and regulations to the District manager except to the extent Board action is specifically required by these rules and regulations or by law. The following duties shall be performed by or under the direction of the District manager.

(1) Keep an accurate record of all complaints received, investigations made, and other official actions.

(2) Investigate all complaints made in writing to the District office relating to the application of these rules and regulations and report in writing all alleged violations to the Board.

(3) Monitor compliance with all approved farm unit conservation plans, erosion and sediment control plans, and administrative orders issued by the Board.

(b) Except to the extent jurisdiction has been assumed by a municipality or county in accordance with section 2-4606, and after a written and signed complaint has been made, the District manager and such staff as he or she shall designate shall have the following powers and responsibilities:

(1) At any reasonable time, after notice to the owner and operator, if any, to enter upon any public or private lands within the area affected by these rules and regulations for the purpose of investigating complaints and to make inspections to determine compliance. The owner, operator, if any, and any other necessary technical personnel and representatives of the District may accompany the inspector.

(2) Upon reasonable cause, to report to the Board any violations of any administrative order issued by the Board pursuant to Section 2-4608, R.R.S. 1943, as amended, and these rules and regulations,

- (3) At the direction of the Board, and in accordance with Rule 13 (e) and 18, to commence any legal proceedings necessary to enforce these rules and regulations and any order issued pursuant to them.

7. VIOLATION

A violation of these rules and regulations exists if:

- (a) sediment damage is occurring;
- (b) average annual soil losses on the land which is the source of that sediment are exceeding the soil-loss tolerance level adopted in rule 5;
- (c) the activity causing the soil loss is not an exempted non-agricultural land-disturbing activity (Rule 4(i) (2) to (5)); and
- (d) the land which is the source of the damage is not in strict compliance with a conservation agreement approved by the District,

8. COMPLAINT

A complaint alleging that soil erosion is occurring in excess of the soil loss tolerance level or that sediment damage is occurring, may be filed in the District office by:

- (a) any owner or operator of land damaged by sediment,
- (b) any authorized representative of a state agency or political subdivision whose roads or other public facilities are being damaged by sediment,
- (c) any authorized representative of a state agency or political subdivision with responsibility for water quality maintenance if it is alleged that the soil erosion complained of is adversely affecting water quality, or
- (d) any District staff member, or other person authorized by the Board to file complaints.

Complaints shall be made in writing and signed on a form provided by the Director of Department of Natural Resources.

The flow chart for handling a complaint is found in Appendix C.

9. INVESTIGATION OF COMPLAINT

Upon receipt of a properly filed complaint, a representative of the District shall notify the alleged violator within ten (10) days that a complaint has been filed and that an investigation will be initiated to determine whether a violation of these rules and regulations has occurred. The investigation shall take place as soon as possible after the complaint has been filed and notice given. The alleged violator shall be given an opportunity to accompany the person conducting the investigation.

If a farm unit conservation plan or erosion and sediment control 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, the complaint shall be dismissed. The alleged violator, complainant, and Board shall be notified.

Upon completion of the investigation, the investigator shall file a report of his or her findings with the Committee and shall provide copies to the alleged violator and the complainant. The report shall include:

- (a) the location and estimated acreage involved in the alleged violation;

- (b) the investigator's conclusions concerning the existence of any sediment damage and a description of the location and nature of any sediment damage identified; and
- (c) the location of land(s) which the investigator concludes are the source of the sediment, the nature of the land use on such lands, and the estimated average annual soil losses from such land(s).

The investigator may utilize the services of professional staff, consultants, or technicians of other state or federal agencies, if necessary.

10. DETERMINATION OF SOIL LOSS

Soil losses shall be determined by using the applicable portions of the then current version of the United States Department of Agriculture, Natural Resources Conservation Service Field Office Technical Guide to estimate the average annual sheet and rill erosion, ephemeral erosion or wind erosion.

The soil losses normally will be calculated on a soil survey mapping unit basis. If it is determined that soil loss in excess of the applicable soil loss tolerance level is occurring in the portion of one or more mapping units under the ownership and control of the alleged violator, they may not be averaged with other non-violating units for the purpose of determining overall soil loss.

If it is determined that the sediment damage complained of is resulting from erosion from a land parcel smaller than the soil mapping unit, the soil loss equation in the Field Office Tech. Guide may be applied to such smaller portion only if such portion is two acres or greater.

The cover and crop management factor, "C", used in calculating erosion may incorporate a cropping history of up to five years. Crop rotation patterns longer than five years but not more than ten years may be used for the purpose of planning future compliance with soil loss tolerance levels but exceeding the limits may not be planned for more than two consecutive years. Soil losses from irrigation and gully erosion may also be determined by using acceptable scientific procedures and may, if deemed appropriate by the Board, be added to soil losses for sheet and rill, ephemeral and wind erosion. Soil losses from streambank erosion shall not be calculated and these rules and regulations are not applicable to this type of erosion. Application of the soil loss equation formulas will be made by someone whose qualifications to make such determinations can be supported in court.

11. COMMITTEE AND BOARD ACTION ON COMPLAINT

The committee shall assist the District staff in administering these rules and regulations and make determinations as to whether a probable violation of these rules and regulations has or has not occurred. Such determination shall be based upon the investigator's report completed pursuant to Rule 9 and an on-site inspection by the committee, if warranted. The committee may also request that both the alleged violator and the complainant appear before them to discuss the complaint. The committee shall report its findings to the Board, the alleged violator and the complainant with a recommendation of further action as follows:

- (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.

12. NOTICE OF VIOLATION

If the committee determines that a probable violation of these rules and regulations has occurred, the alleged violator shall be informed of its findings by letter delivered in person or sent by registered or certified mail. The letter shall specify the options available to the alleged violator, including:

- (a) The alleged violator shall be given an opportunity to contact the District within ten days after receipt of notice concerning the development of a plan and schedule for eliminating excess erosion and sedimentation from the land that generated the complaint. If appropriate at this time, alternative practices for inclusion in a plan may be suggested. Information on cost-share programs and an indication of whether cost-share money is available may also be supplied.
- (b) The alleged violator shall be given an opportunity to contest the committee's findings at a regularly scheduled Board meeting or, if desired, a Board hearing to be held no sooner than fifteen days after receipt of notice. Notice of the date shall be given. The alleged violator may request a formal public hearing within ten (10) days of receipt of notice. The District's rules for formal adjudicatory hearings shall govern the conduct of all such hearings.
- (c) The alleged violator shall be further notified that if he or she does not respond to the notice and does not appear at the Board meeting for which notice was given, the Board shall proceed in accordance with Rule 15 in his or her absence to make a final determination on the complaint and issue an administrative order if the Board concludes that a violation has occurred.

13. DEVELOPMENT AND APPROVAL OF PLAN FOR COMPLIANCE

- (a) If the alleged violator contacts the District pursuant to Rule 12 (a) and indicates a desire to jointly develop either a farm unit conservation plan or an erosion and sediment control plan for eliminating excess erosion on or sedimentation from the land that generated the complaint, Board action on the complaint shall be delayed until further action is taken by the committee pursuant to (b) or (d) of this Rule. The District manager and the alleged violator shall promptly secure the assistance of the Natural Resources Conservation

Service (NRCS) or such other professional resource planners as are deemed necessary to assist in preparation of such a plan and shall attempt to prepare a mutually acceptable

plan in accordance with the NRCS Field Office Technical Guide. Any plan developed in accordance with this section shall identify, as applicable, the soil and water conservation practice(s) or erosion and sediment control practice(s) to be applied or utilized and shall be accompanied by a proposed conservation agreement setting forth a schedule for compliance.

- (b) Any plan developed by the alleged violator and the District manager shall be presented to the committee. If the committee agrees to the proposed plan and to the accompanying conservation agreement, the Board may thereafter approve such plan and agreement. The complainant shall be notified of such action and shall be provided copies of the approved plan and conservation agreement. In considering the schedule for compliance contained within the conservation agreement, the Board may approve a longer time for compliance than would be permissible if an order were issued pursuant to Rule 15, but shall not do so without consideration of the nature and extent of any additional sediment damages the complainant is likely to suffer until the plan has been fully implemented.
- (c) Strict conformance with a plan and agreement approved pursuant to this Rule shall be deemed compliance with these rules and regulations for the lands which are subject to the agreement.
- (d) If no mutually acceptable plan and conservation agreement have been prepared by the alleged violator and the District manager within an acceptable time period or if the committee concludes at any time that progress is not being made and is no longer likely on preparation of such a plan, the complaint shall be again referred to the Board and the alleged violator shall be so notified in person or by registered or certified mail and shall be given the information and option described in Rule 12(b). For purposes of this rule, acceptable time period shall mean (1) 90 days for alleged violations involving agricultural, horticultural, or silvicultural activities and (2) 15 days for alleged violations involving a non-agricultural land-disturbing activity.
- (e) Following refusal of a landowner to discontinuing an activity causing erosion which constitutes a violation in Rule 7, and to establish a plan and schedule for eliminating excess erosion pursuant to these rules, and if the immediate discontinuance of such activity is necessary to reduce or eliminate damage to neighboring property, the District may petition the District court for an order to the owner and, if appropriate, the operator, to immediately cease and desist such activity until excess erosion can be brought into conformance with the soil-loss tolerance level or sediment resulting from excess erosion is prevented from leaving the property.

14. PRACTICES

Practices designed to reduce or control soil erosion and/or sediment damage may be approved in developing a plan under Rule 13 and may be required by the District in an administrative order pursuant to Rule 15.

- (a) Soil and water conservation practices, applicable only to land used for agricultural, horticultural, or silvicultural purposes, may include:
 - (1) permanent practices, such as the planting of perennial grasses, legumes, shrubs, or

trees, the establishment of grassed waterways, the construction of terraces, grade control structures, tile outlets, and other practices approved by the District.

(2) temporary soil and water conservation practices, such as the planting of annual or biennial crops, use of strip-cropping, contour planting, conservation tillage or residue management system, and other cultural practices approved by the District.

The District shall maintain a complete list of approved permanent and temporary soil and water conservation practices as part of its local erosion and sediment control program. See Appendix B.

- (b)** Erosion and sediment control practices, which are applicable to activities other than agricultural, horticultural, or silvicultural activities, may include:
- (1) the construction or installation and maintenance of permanent structures or devices necessary to carry to a suitable outlet away from any building site, any commercial or industrial development or any publicly or privately owned recreational or service facility not served by a central storm sewer system, any water which would otherwise cause erosion in excess of the applicable soil-loss tolerance level and which does not carry or constitute sewage or industrial or other waste to a suitable outlet away from any development or facility not served by a central storm sewer system;
 - (2) the use of temporary devices or structures, temporary seeding, mulching (including fiber mats, plastic, straw), diversions, silt fences, sediment traps or other measures adequate either to prevent erosion in excess of the applicable soil loss tolerable levels or to prevent excessive downstream sedimentation from land which is the site of or is directly affected by any non-agricultural land-disturbing activity; or
 - (3) the establishment and maintenance of vegetation upon the right-of-way of any completed portion of any public street, road, highway or the construction or installation thereon of permanent structures or devices or other measures adequate to prevent erosion on the right-of-way in excess of the applicable soil-loss tolerance level.

The District shall maintain a complete list of approved erosion and sediment control practices as part of its local erosion and sediment control program. See Appendix B.

15. ADMINISTRATIVE ORDER

If, after Board consideration of the complaint at a meeting or hearing for which the alleged violator has been given notice in accordance with Rule 12, the Board finds that sediment damage has occurred, that average annual erosion on the land which is the source of the damage is occurring in excess of the applicable soil-loss tolerance level(s), and that a conservation plan or erosion and sediment control plan has not been developed nor is being implemented according to a conservation agreement, it shall issue an administrative order to the violator stating:

- a) the date of the order,
- b) the identity of the source of the violation and its location;
- c) the authority of the Board to issue such order;
- d) the specific findings, including (i) the estimated average annual soil loss and the extent to which erosion exceeds the applicable soil-loss tolerance level and, (ii) the nature of the sediment damage or water quality impairment resulting from such excessive erosion;
- e) if desired by the Board, the alternative soil and water conservation practices or erosion

and sediment control practices required to bring the land into conformance with these rules and regulations. When the erosion is the result of agricultural, horticultural, or

silvicultural activities, the soil and water conservation practices required shall be those necessary to bring the land into conformance with the applicable soil-loss tolerance level. Where the erosion complained of is the result of a non-agricultural land-disturbing activity, the Board may authorize the violator to either bring the land into conformance with applicable soil loss tolerance level or to prevent sediment resulting from excessive erosion from leaving the land;

- f) any requirements concerning the operation, utilization, or maintenance of the alternative practices identified;
- g) the deadlines for commencing and completing work necessary to comply with this order.
 - a. The time for initiating work needed to establish the necessary soil and water conservation practices shall not exceed six months after service or mailing of the order to the violator and shall be completed no later than one year after service or mailing of the order to the violator unless and extension has been granted upon a showing of good cause
 - b. A reasonable time for initiating work needed to establish erosion and sediment control practices for nonagricultural land-disturbing activities shall not exceed five days after service or mailing of the order. Temporary practices shall be completed not longer than fifteen days after service or mailing of the order and permanent practices shall be completed no longer than forty-five (45) days after service or mailing of the order unless an extension has been granted upon a showing of good cause. An extension shall only be granted after review and affirmative action of the Board.
- (h) the action to be taken by the Board if the violator does not comply.

A copy of the dismissal or administrative order shall be delivered to the owner and to the operator, if any, of the land in question by personal service or certified or registered mail.

16. COST-SHARE ASSISTANCE

To prevent excess erosion and sediment from leaving the land due to any agricultural or nonagricultural land-disturbing activity, cost-share assistance may be available from the District. Such assistance, if available, may be used for any erosion or sediment control practice. The lack of available cost-sharing assistance does not offset the requirement that the owner and, if appropriate, the operator of such land comply with the terms of an approved plan of compliance or an administrative order.

17. SUPPLEMENTAL ORDERS

The Board may issue supplemental orders, as necessary, to extend the time of compliance with an administrative order if, in its judgment, the failure to commence or complete work as required by the administrative order is due to factors beyond the control of the person to whom the order is directed and the person can be relied upon to commence and complete the necessary work at the earliest possible time.

18. NON-COMPLIANCE

Subject to any limitations imposed by the Board, the District manager may cause the District to commence legal proceedings by filing a petition in the name of the District in the District court in which a majority of the land is located requesting a court order requiring immediate compliance with the administrative order or any supplemental order issued previously, if he or she has reasonable cause to believe after inspection that an administrative order issued previously by the Board is not being complied with because:

- (1) the work necessary to comply with the order is not commenced on or before the date specified in the order or in any supplemental orders;
- (2) the work is not being performed with due diligence, is not satisfactorily completed by the date specified in the order, or is not being operated, utilized, or maintained in accordance with requirements set forth in the order;
- (3) the work is not of a type or quantity specified by the District, and when completed, it will not or does not reduce soil loss to within the applicable soil-loss tolerance level for the identified land or, in the case of non-agricultural land-disturbing activity, will not or does not prevent sediment resulting from excessive erosion from leaving the land involved, or
- (4) the person to whom the order is directed informs the District that he or she does not intend to comply.

APPENDIX A

Soil Loss Tolerance Values (T-Factors) For Burt County

| Map Unit Symbol | Map Unit Name | Dominant Component | T-Factor |
|------------------------|--|---------------------------|-----------------|
| 2105 | Carr silt loam, occasionally flooded | Carr | 4 |
| 3545 | Hobbs silt loam, channeled, 0 to 2 percent slopes, frequently flooded | Hobbs | 5 |
| 3617 | Solomon silty clay, occasionally flooded | Solomon | 5 |
| 3642 | Kezan silt loam, occasionally flooded | Kezan | 5 |
| 3643 | Kezan-Kennebec silt loams, drained, occasionally flooded | Kennebec | 5 |
| 3952 | Fillmore silt loam, frequently ponded | Fillmore | 3 |
| 6324 | Coleridge silty clay loam, 0 to 2 percent slopes, occasionally flooded | Coleridge | 5 |
| 6401 | Calco silty clay loam, occasionally flooded | Calco | 5 |
| 6403 | Calco silty clay loam, wet, occasionally flooded | Calco | 5 |
| 6505 | Belfore silty clay loam, terrace, 0 to 2 percent slopes | Belfore | 5 |
| 6545 | Moody silty clay loam, terrace, 0 to 2 percent slopes | Moody | 5 |
| 6603 | Alcester silty clay loam, 2 to 6 percent slopes | Alcester | 5 |
| 6628 | Belfore silty clay loam, 0 to 2 percent slopes | Belfore | 5 |
| 6687 | Crofton silt loam, 6 to 11 percent slopes, eroded | Crofton | 5 |
| 6750 | Nora silt loam, 11 to 17 percent slopes, eroded | Nora | 5 |
| 6756 | Nora silt loam, 6 to 11 percent slopes, eroded | Nora | 5 |
| 6758 | Nora silty clay loam, 11 to 17 percent slopes | Nora | 5 |
| 6767 | Nora silty clay loam, 6 to 11 percent slopes | Nora | 5 |
| 6808 | Moody silty clay loam, 0 to 2 percent slopes | Moody | 5 |
| 6811 | Moody silty clay loam, 2 to 6 percent slopes | Moody | 5 |
| 6812 | Moody silty clay loam, 2 to 6 percent slopes, eroded | Moody | 5 |
| 6813 | Moody silty clay loam, 6 to 11 percent slopes | Moody | 5 |
| 6814 | Moody silty clay loam, 6 to 11 percent slopes, eroded | Moody | 5 |
| 6860 | Crofton silt loam, 8 to 17 percent slopes, eroded | Crofton | 5 |
| 7050 | Kennebec silt loam, occasionally flooded | Kennebec | 5 |
| 7099 | Zook silty clay loam, 0 to 2 percent slopes, occasionally flooded | Zook | 5 |
| 7153 | Kennebec silt loam, rarely flooded | Kennebec | 5 |
| 7219 | Burchard clay loam, 11 to 17 percent slopes, eroded | Burchard | 5 |
| 7228 | Burchard clay loam, 6 to 11 percent slopes, eroded | Burchard | 5 |
| 7266 | Burchard-Steinauer clay loams, 11 to 17 percent slopes, eroded | Burchard | 5 |
| 7612 | Steinauer clay loam, 11 to 30 percent slopes, eroded | Steinauer | 5 |
| 7618 | Steinauer soils, 11 to 30 percent slopes | Steinauer | 5 |
| 7703 | Grable silt loam, occasionally flooded | Grable | 3 |
| 7710 | Albaton silty clay, occasionally flooded | Albaton | 5 |
| 7711 | Albaton silty clay, frequently flooded | Albaton | 5 |
| 7715 | Holly Springs silty clay loam, occasionally flooded | Holly Springs | 4 |
| 7728 | Blencoe silty clay loam, rarely flooded | Blencoe | 5 |
| 7729 | Blencoe silty clay, rarely flooded | Blencoe | 5 |
| 7741 | Haynie silt loam, occasionally flooded | Haynie | 5 |
| 7744 | Haynie silt loam, rarely flooded | Haynie | 5 |
| 7747 | Udorthents silt loam, channeled, occasionally flooded | Udorthents | 5 |
| 7748 | Haynie variant silt loam, rarely flooded | Haynie variant | 4 |
| 7758 | Modale silt loam, occasionally flooded | Modale | 4 |
| 7765 | Blyburg silt loam, rarely flooded | Blyburg | 5 |
| 7770 | Colo silty clay loam, occasionally flooded | Colo | 5 |
| 7771 | Colo silt loam, overwash, occasionally flooded | Colo | 5 |
| 7781 | Forney silty clay, rarely flooded | Forney | 5 |
| 7791 | Luton silty clay, rarely flooded | Luton | 5 |
| 7800 | Owego silty clay, occasionally flooded | Owego | 5 |
| 7802 | Percival silty clay, occasionally flooded | Percival | 2 |
| 7808 | Salix silty clay loam, rarely flooded | Salix | 5 |
| 7820 | Wathena fine sandy loam, occasionally flooded | Wathena | 5 |
| 7826 | Woodbury silty clay, occasionally flooded | Woodbury | 5 |
| 7849 | Sarpy fine sand, 0 to 6 percent slopes, occasionally flooded | Sarpy | 5 |
| 7857 | Sarpy-Grable variant complex, occasionally flooded | Sarpy | 5 |
| 7867 | Nodaway silt loam, channeled, frequently flooded | Nodaway | 5 |
| 7874 | Omadi silt loam, rarely flooded | Omadi | 5 |
| 7880 | Onawa silty clay, occasionally flooded | Onawa | 5 |
| 7891 | Zook silt loam, overwash, 0 to 2 percent slopes, occasionally flooded | Zook | 5 |
| 8000 | Boone-Rock outcrop complex, 20 to 60 percent slopes | Boone | 3 |

APPENDIX A

Soil Loss Tolerance Values (T-Factors) For Burt County

| Map Unit Symbol | Map Unit Name | Dominant Component | T-Factor |
|-----------------|---|---------------------|----------|
| 8005 | Ida silt loam, 11 to 17 percent slopes | Ida | 5 |
| 8006 | Ida silt loam, 11 to 17 percent slopes, eroded | Ida | 5 |
| 8007 | Ida silt loam, 17 to 30 percent slopes | Ida | 5 |
| 8008 | Ida silt loam, 17 to 30 percent slopes, eroded | Ida | 5 |
| 8009 | Ida silt loam, 30 to 60 percent slopes | Ida | 5 |
| 8010 | Ida silt loam, 6 to 11 percent slopes, eroded | Ida | 5 |
| 8016 | Marshall silty clay loam, dry, 0 to 2 percent slopes | Marshall | 5 |
| 8019 | Marshall silty clay loam, 2 to 6 percent slopes | Marshall | 5 |
| 8020 | Marshall silty clay loam, 2 to 6 percent slopes, eroded | Marshall | 5 |
| 8027 | Marshall silty clay loam, terrace, 0 to 2 percent slopes | Marshall | 5 |
| 8032 | Marshall-Pohocco silty clay loams, 6 to 11 percent slopes, eroded | Marshall | 5 |
| 8070 | Monona silt loam, 11 to 17 percent slopes | Monona | 5 |
| 8073 | Monona silt loam, 17 to 30 percent slopes | Monona | 5 |
| 8078 | Monona silt loam, 6 to 11 percent slopes | Monona | 5 |
| 8079 | Monona silt loam, 6 to 11 percent slopes, eroded | Monona | 5 |
| 8083 | Monona silt loam, terrace, 0 to 2 percent slopes | Monona | 5 |
| 8097 | Monona-Pohocco complex, 6 to 11 percent slopes, eroded | Monona | 5 |
| 8108 | Napier-Nodaway-Gullied land complex, 0 to 60 percent slopes | Napier | 5 |
| 8114 | Pohocco silt loam, 11 to 17 percent slopes, eroded | Pohocco | 5 |
| 8118 | Pohocco silt loam, 6 to 11 percent slopes, eroded | Pohocco | 5 |
| 8136 | Pohocco-Ida complex, 11 to 17 percent slopes, eroded | Pohocco | 5 |
| 8142 | Pohocco-Monona complex, 11 to 17 percent slopes, eroded | Pohocco | 5 |
| 9971 | Arents, earthen dam | Arents, earthen dam | |
| 9983 | Gravel pit | Pits | |
| 9986 | Miscellaneous water, sewage lagoon | Miscellaneous water | |
| 9999 | Water | Water | |

APPENDIX A

Soil Loss Tolerance Values (T-Factors) For Dakota County

| Map Unit Symbol | Map Unit Name | Dominant Component | T-Factor |
|-----------------|--|--------------------|----------|
| 3322 | Sansarc-Nora complex, 11 to 30 percent slopes | Sansarc | 2 |
| 3518 | Lamo silty clay loam, 0 to 2 percent slopes, occasionally flooded | Lamo | 5 |
| 3553 | Hobbs silt loam, 0 to 2 percent slopes, frequently flooded, cool | Hobbs | 5 |
| 6300 | Aowa silt loam, occasionally flooded | Aowa | 5 |
| 6308 | Barney fine sandy loam, occasionally flooded | Barney | 5 |
| 6400 | Calco silt loam, overwash, occasionally flooded | Calco | 5 |
| 6401 | Calco silty clay loam, occasionally flooded | Calco | 5 |
| 6601 | Alcester silty clay loam, 6 to 11 percent slopes | Alcester | 5 |
| 6603 | Alcester silty clay loam, 2 to 6 percent slopes | Alcester | 5 |
| 6681 | Crofton silt loam, 17 to 30 percent slopes, eroded | Crofton | 5 |
| 6685 | Crofton silt loam, 2 to 6 percent slopes, eroded | Crofton | 5 |
| 6686 | Crofton silt loam, 30 to 60 percent slopes | Crofton | 5 |
| 6687 | Crofton silt loam, 6 to 11 percent slopes, eroded | Crofton | 5 |
| 6749 | Nora silt loam, 11 to 17 percent slopes | Nora | 5 |
| 6750 | Nora silt loam, 11 to 17 percent slopes, eroded | Nora | 5 |
| 6751 | Nora silt loam, 17 to 30 percent slopes | Nora | 5 |
| 6753 | Nora silt loam, 2 to 6 percent slopes | Nora | 5 |
| 6754 | Nora silt loam, 2 to 6 percent slopes, eroded | Nora | 5 |
| 6756 | Nora silt loam, 6 to 11 percent slopes, eroded | Nora | 5 |
| 6767 | Nora silty clay loam, 6 to 11 percent slopes | Nora | 5 |
| 6769 | Nora-Alcester silt loams, 11 to 17 percent slopes | Nora | 5 |
| 6811 | Moody silty clay loam, 2 to 6 percent slopes | Moody | 5 |
| 6813 | Moody silty clay loam, 6 to 11 percent slopes | Moody | 5 |
| 6814 | Moody silty clay loam, 6 to 11 percent slopes, eroded | Moody | 5 |
| 6823 | Moody-Nora silty clay loams, 11 to 17 percent slopes | Moody | 5 |
| 6860 | Crofton silt loam, 8 to 17 percent slopes, eroded | Crofton | 5 |
| 7053 | Kennebec silt loam, overwash, occasionally flooded | Kennebec | 5 |
| 7083 | Sarpy loamy fine sand, occasionally flooded | Sarpy | 5 |
| 7153 | Kennebec silt loam, rarely flooded | Kennebec | 5 |
| 7219 | Burchard clay loam, 11 to 17 percent slopes, eroded | Burchard | 5 |
| 7230 | Alcester silty clay loam, 0 to 2 percent slopes | Alcester | 5 |
| 7704 | Grable very fine sandy loam, occasionally flooded | Grable | 3 |
| 7705 | Grable very fine sandy loam, rarely flooded | Grable | 3 |
| 7710 | Albaton silty clay, occasionally flooded | Albaton | 5 |
| 7711 | Albaton silty clay, frequently flooded | Albaton | 5 |
| 7713 | Albaton silty clay loam, occasionally flooded | Albaton | 5 |
| 7722 | Blake silty clay loam, occasionally flooded | Blake | 5 |
| 7729 | Blencoe silty clay, rarely flooded | Blencoe | 5 |
| 7741 | Haynie silt loam, occasionally flooded | Haynie | 5 |
| 7744 | Haynie silt loam, rarely flooded | Haynie | 5 |
| 7758 | Modale silt loam, occasionally flooded | Modale | 4 |
| 7765 | Blyburg silt loam, rarely flooded | Blyburg | 5 |
| 7766 | Blyburg silt loam, 2 to 6 percent slopes, rarely flooded | Blyburg | 5 |
| 7767 | Blyburg silty clay loam, rarely flooded | Blyburg | 5 |
| 7768 | Blyburg silty clay, overwash, rarely flooded | Blyburg | 5 |
| 7780 | Forney silt loam, overwash, rarely flooded | Forney | 3 |
| 7781 | Forney silty clay, rarely flooded | Forney | 5 |
| 7782 | Forney soils, swales, rarely flooded | Forney | 5 |
| 7792 | Luton silty clay, thin surface, rarely flooded | Luton | 5 |
| 7800 | Owego silty clay, occasionally flooded | Owego | 5 |
| 7802 | Percival silty clay, occasionally flooded | Percival | 3 |
| 7825 | Waubonsie very fine sandy loam, loamy substratum, occasionally flooded | Waubonsie | 4 |
| 7850 | Sarpy fine sand, 3 to 11 percent slopes | Sarpy | 5 |
| 7855 | Sarpy silty clay, overwash, occasionally flooded | Sarpy | 5 |
| 7874 | Omadi silt loam, rarely flooded | Omadi | 5 |
| 7880 | Onawa silty clay, occasionally flooded | Onawa | 5 |
| 8006 | Ida silt loam, 11 to 17 percent slopes, eroded | Ida | 5 |
| 8007 | Ida silt loam, 17 to 30 percent slopes | Ida | 5 |
| 8008 | Ida silt loam, 17 to 30 percent slopes, eroded | Ida | 5 |
| 8011 | Ida soils, 30 to 60 percent slopes | Ida | 5 |
| 8070 | Monona silt loam, 11 to 17 percent slopes | Monona | 5 |
| 8073 | Monona silt loam, 17 to 30 percent slopes | Monona | 5 |
| 8078 | Monona silt loam, 6 to 11 percent slopes | Monona | 5 |
| 8106 | Napier silt loam, 11 to 17 percent slopes | Napier | 5 |

APPENDIX A

Soil Loss Tolerance Values (T-Factors) For Dakota County

| Map Unit Symbol | Map Unit Name | Dominant Component | T-Factor |
|-----------------|---|---------------------|----------|
| 8107 | Napier-Gullied land complex, 2 to 11 percent slopes | Ida | 5 |
| 9900 | Fluvaquents, frequently flooded | Fluvaquents | 5 |
| 9931 | Gullied land-Ida complex, 30 to 60 percent slopes | Ida | 5 |
| 9970 | Aquolls | Aquolls | 5 |
| 9976 | Borrow pit | Pits | |
| 9986 | Miscellaneous water, sewage lagoon | Miscellaneous water | |
| 9999 | Water | Water | |

APPENDIX A

Soil Loss Tolerance Values (T-Factors) For Douglas County

| Map Unit Symbol | Map Unit Name | Dominant Component | T-Factor |
|-----------------|---|--------------------|----------|
| 2106 | Carr-Ticonic-Scroll complex, occasionally flooded | Carr | 4 |
| 2341 | Inavale loamy fine sand, hummocky, rarely flooded | Inavale | 5 |
| 3537 | Gibbon silty clay loam, occasionally flooded | Gibbon | 5 |
| 3643 | Kezan-Kennebec silt loams, drained, occasionally flooded | Kennebec | 5 |
| 6324 | Coleridge silty clay loam, 0 to 2 percent slopes, occasionally flooded | Coleridge | 5 |
| 6382 | Saltine-Gibbon silty clay loams, occasionally flooded | Saltine | 5 |
| 6452 | Clamo-Zook-Kezan silty clay loams, occasionally flooded | Clamo | 5 |
| 6460 | Inglewood-Novina complex, occasionally flooded | Inglewood | 5 |
| 7050 | Kennebec silt loam, occasionally flooded | Kennebec | 5 |
| 7061 | Muscotah silty clay loam, occasionally flooded | Muscotah | 5 |
| 7210 | Burchard-Contrary-Steinauer complex, 7 to 16 percent slopes | Burchard | 5 |
| 7234 | Judson silty clay loam, 2 to 6 percent slopes | Judson | 5 |
| 7235 | Judson-Nodaway channeled-Contrary complex, 3 to 10 percent slopes | Judson | 5 |
| 7741 | Haynie silt loam, occasionally flooded | Haynie | 5 |
| 7787 | Luton silty clay, occasionally flooded | Luton | 5 |
| 7812 | Smithland-Kenridge silty clay loams, occasionally flooded | Kenridge | 5 |
| 7815 | Ticonic-Sarpy-Carr complex, occasionally flooded | Ticonic | 5 |
| 7862 | Nishna silty clay loam, occasionally flooded | Nishna | 5 |
| 7880 | Onawa silty clay, occasionally flooded | Onawa | 5 |
| 8012 | Ida-Pohocco-Monona silt loams, 11 to 30 percent slopes | Ida | 5 |
| 8016 | Marshall silty clay loam, dry, 0 to 2 percent slopes | Marshall | 5 |
| 8035 | Marshall-Contrary silty clay loams, 2 to 7 percent slopes | Marshall | 5 |
| 8041 | Melia silty clay loam, 0 to 2 percent slopes | Melia | 5 |
| 8100 | Monona-Pohocco-Ida silt loams, 17 to 33 percent slopes | Monona | 5 |
| 8136 | Pohocco-Ida complex, 11 to 17 percent slopes, eroded | Pohocco | 5 |
| 8138 | Pohocco-Ida-Monona complex, 6 to 17 percent slopes | Pohocco | 5 |
| 8140 | Pohocco-Judson silt loams, 11 to 40 percent slopes | Pohocco | 5 |
| 8143 | Pohocco-Monona silt loams, 11 to 54 percent slopes | Pohocco | 5 |
| 8153 | Contrary-Marshall silty clay loams, 6 to 11 percent slopes | Contrary | 5 |
| 8155 | Contrary-Monona silty clay loams, 6 to 11 percent slopes | Contrary | 5 |
| 8157 | Contrary-Monona-Ida complex, 6 to 17 percent slopes | Contrary | 5 |
| 8403 | Alda loam, occasionally flooded | Alda | 3 |
| 8408 | Alda-Platte complex, occasionally flooded | Alda | 3 |
| 8409 | Alda-Platte fine sandy loams, occasionally flooded | Alda | 3 |
| 8410 | Alda-Platte-Lex complex, occasionally flooded | Alda | 3 |
| 8442 | Cass-Novina complex, occasionally flooded | Cass | 4 |
| 8443 | Cass-Wann fine sandy loams, occasionally flooded | Cass | 4 |
| 8468 | Gibbon loamy sand, overwash, 0 to 2 percent slopes, occasionally flooded | Gibbon | 3 |
| 8480 | Gibbon-Wann complex, occasionally flooded | Gibbon | 5 |
| 8485 | Gilliam-Eudora silt loams, occasionally flooded | Gilliam | 5 |
| 8486 | Gilliam-Onawa complex, occasionally flooded | Gilliam | 5 |
| 8510 | Lex-Platte complex, occasionally flooded | Lex | 3 |
| 8532 | Novina-Gibbon complex, occasionally flooded | Novina | 5 |
| 8560 | Platte and Alda soils, frequently flooded | Platte | 2 |
| 8566 | Platte, Inglewood, and Barney soils, frequently flooded | Platte | 2 |
| 8569 | Platte-Barney complex, channeled, frequently flooded | Platte | 2 |
| 8574 | Platte-Inavale complex, channeled, occasionally flooded | Platte | 2 |
| 8594 | Wann-Caruso-Ingelwood complex, occasionally flooded | Wann | 4 |
| 9700 | Udarents-Urban land complex, 1 to 14 percent slopes | Udarents | 5 |
| 9701 | Udarents-Urban land complex, footslope, 0 to 10 percent slopes | Udarents | 5 |
| 9702 | Udarents-Urban land complex, summit, 0 to 8 percent slopes | Udarents | 5 |
| 9706 | Udorthents-Urban land-Pohocco complex, 0 to 39 percent slopes | Udorthents | 5 |
| 9711 | Urban land-Udarents complex, 0 to 16 percent slopes | Urban land | |
| 9712 | Urban land-Udarents-Udorthents complex, 0 to 23 percent slopes | Urban land | |
| 9713 | Urban land-Udorthents complex, 0 to 10 percent slopes, occasionally flooded | Urban land | |
| 9714 | Urban land-Udorthents complex, 0 to 14 percent slopes | Urban land | |
| 9715 | Urban land-Udorthents complex, drainageway, 0 to 8 percent slopes, occasionally flooded | Urban land | |
| 9716 | Urban land-Udorthents complex, footslope, 0 to 11 percent slopes | Urban land | |
| 9717 | Urban land-Udorthents complex, summit, 0 to 8 percent slopes | Urban land | |
| 9718 | Urban land-Udorthents-Judson complex, 0 to 11 percent slopes | Urban land | |
| 9719 | Urban land-Udorthents-Marshall complex, 0 to 9 percent slopes | Urban land | |
| 9720 | Urban land-Udorthents-Pohocco complex, 0 to 16 percent slopes | Urban land | |
| 9901 | Fluvaquents sandy and Aquolls silty, frequently flooded | Fluvaquents, sandy | 5 |
| 9967 | Sanitary landfill | Sanitary landfill | |
| 9971 | Arents, earthen dam | Arents | |
| 9983 | Gravel pit | Pits | |
| 9986 | Miscellaneous water, sewage lagoon | Water | |
| 9999 | Water | Water | |

APPENDIX A

Soil Loss Tolerance Values (T-Factors) For Sarpy County

| Map Unit Symbol | Map Unit Name | Dominant Component | T-Factor |
|-----------------|---|--------------------|----------|
| 2106 | Carr-Ticonic-Scroll complex, occasionally flooded | Carr | 4 |
| 3537 | Gibbon silty clay loam, occasionally flooded | Gibbon | 5 |
| 4113 | Hedville, Sogn, and Contrary soils, 12 to 75 percent slopes | Hedville | 1 |
| 6452 | Clamo-Zook-Kezan silty clay loams, occasionally flooded | Clamo | 5 |
| 6460 | Inglewood-Novina complex, occasionally flooded | Inglewood | 5 |
| 7050 | Kennebec silt loam, occasionally flooded | Kennebec | 5 |
| 7061 | Muscotah silty clay loam, occasionally flooded | Muscotah | 5 |
| 7210 | Burchard-Contrary-Steinauer complex, 7 to 16 percent slopes | Burchard | 5 |
| 7234 | Judson silty clay loam, 2 to 6 percent slopes | Judson | 5 |
| 7235 | Judson-Nodaway channeled-Contrary complex, 3 to 10 percent slopes | Judson | 5 |
| 7275 | Dickinson-Monona complex, 6 to 20 percent slopes | Dickinson | 3 |
| 7741 | Haynie silt loam, occasionally flooded | Haynie | 5 |
| 7810 | Scroll-Perceval complex, occasionally flooded | Scroll | 2 |
| 7812 | Smithland-Kenridge silty clay loams, occasionally flooded | Kenridge | 5 |
| 7815 | Ticonic-Sarpy-Carr complex, occasionally flooded | Ticonic | 5 |
| 7862 | Nishna silty clay loam, occasionally flooded | Nishna | 5 |
| 7880 | Onawa silty clay, occasionally flooded | Onawa | 5 |
| 7886 | Onawa-Lossing silty clays, occasionally flooded | Onawa | 5 |
| 8012 | Ida-Pohocco-Monona silt loams, 11 to 30 percent slopes | Ida | 5 |
| 8035 | Marshall-Contrary silty clay loams, 2 to 7 percent slopes | Marshall | 5 |
| 8040 | Melia silt loam, 0 to 2 percent slopes | Melia | 5 |
| 8041 | Melia silty clay loam, 0 to 2 percent slopes | Melia | 5 |
| 8100 | Monona-Pohocco-Ida silt loams, 17 to 33 percent slopes | Monona | 5 |
| 8138 | Pohocco-Ida-Monona complex, 6 to 17 percent slopes | Pohocco | 5 |
| 8140 | Pohocco-Judson silt loams, 11 to 40 percent slopes | Pohocco | 5 |
| 8143 | Pohocco-Monona silt loams, 11 to 54 percent slopes | Pohocco | 5 |
| 8153 | Contrary-Marshall silty clay loams, 6 to 11 percent slopes | Contrary | 5 |
| 8155 | Contrary-Monona silty clay loams, 6 to 11 percent slopes | Contrary | 5 |
| 8157 | Contrary-Monona-Ida complex, 6 to 17 percent slopes | Contrary | 5 |
| 8408 | Alda-Platte complex, occasionally flooded | Alda | 3 |
| 8410 | Alda-Platte-Lex complex, occasionally flooded | Alda | 3 |
| 8442 | Cass-Novina complex, occasionally flooded | Cass | 4 |
| 8443 | Cass-Wann fine sandy loams, occasionally flooded | Cass | 4 |
| 8468 | Gibbon loamy sand, overwash, 0 to 2 percent slopes, occasionally flooded | Gibbon | 3 |
| 8480 | Gibbon-Wann complex, occasionally flooded | Gibbon | 5 |
| 8486 | Gilliam-Onawa complex, occasionally flooded | Gilliam | 5 |
| 8510 | Lex-Platte complex, occasionally flooded | Lex | 3 |
| 8532 | Novina-Gibbon complex, occasionally flooded | Novina | 5 |
| 8560 | Platte and Alda soils, frequently flooded | Platte | 2 |
| 8566 | Platte, Inglewood, and Barney soils, frequently flooded | Platte | 2 |
| 8594 | Wann-Caruso-Inglewood complex, occasionally flooded | Wann | 4 |
| 9700 | Udarents-Urban land complex, 1 to 14 percent slopes | Udarents | 5 |
| 9701 | Udarents-Urban land complex, footslope, 0 to 10 percent slopes | Udarents | 5 |
| 9702 | Udarents-Urban land complex, summit, 0 to 8 percent slopes | Udarents | 5 |
| 9706 | Udorthents-Urban land-Pohocco complex, 0 to 39 percent slopes | Udorthents | 5 |
| 9711 | Urban land-Udarents complex, 0 to 16 percent slopes | Urban land | |
| 9713 | Urban land-Udorthents complex, 0 to 10 percent slopes, occasionally flooded | Urban land | |
| 9715 | Urban land-Udorthents complex, drainageway, 0 to 8 percent slopes, occasionally flooded | Urban land | |
| 9718 | Urban land-Udorthents-Judson complex, 0 to 11 percent slopes | Urban land | |
| 9719 | Urban land-Udorthents-Marshall complex, 0 to 9 percent slopes | Urban land | |
| 9720 | Urban land-Udorthents-Pohocco complex, 0 to 16 percent slopes | Urban land | |
| 9907 | Fluvaquents, silty, frequently flooded and Tieville soils, rarely flooded | Fluvaquents, silty | 5 |
| 9967 | Sanitary landfill | Sanitary landfill | |
| 9971 | Arents, earthen dam | Arents | |
| 9975 | Mine or quarry | Mine or quarry | |
| 9983 | Gravel pit | Pits | |
| 9986 | Miscellaneous water, sewage lagoon | Water | |
| 9999 | Water | Water | |

APPENDIX A

Soil Loss Tolerance Values (T-Factors) For Thurston County

| Map Unit Symbol | Map Unit Name | Dominant Component | T-Factor |
|------------------------|--|---------------------------|-----------------|
| 3514 | Lamo silt loam, overwash, 0 to 2 percent slopes, occasionally flooded | Lamo | 5 |
| 3518 | Lamo silty clay loam, 0 to 2 percent slopes, occasionally flooded | Lamo | 5 |
| 3545 | Hobbs silt loam, channeled, 0 to 2 percent slopes, frequently flooded | Hobbs | 5 |
| 3553 | Hobbs silt loam, 0 to 2 percent slopes, frequently flooded, cool | Hobbs | 5 |
| 6324 | Coleridge silty clay loam, 0 to 2 percent slopes, occasionally flooded | Coleridge | 5 |
| 6400 | Calco silt loam, overwash, occasionally flooded | Calco | 5 |
| 6401 | Calco silty clay loam, occasionally flooded | Calco | 5 |
| 6603 | Alcester silty clay loam, 2 to 6 percent slopes | Alcester | 5 |
| 6628 | Belfore silty clay loam, 0 to 2 percent slopes | Belfore | 5 |
| 6629 | Belfore-Moody silty clay loams, 0 to 1 percent slopes | Belfore | 5 |
| 6630 | Belfore-Moody silty clay loams, 1 to 3 percent slopes | Belfore | 5 |
| 6681 | Crofton silt loam, 17 to 30 percent slopes, eroded | Crofton | 5 |
| 6685 | Crofton silt loam, 2 to 6 percent slopes, eroded | Crofton | 5 |
| 6687 | Crofton silt loam, 6 to 11 percent slopes, eroded | Crofton | 5 |
| 6703 | Thurman loamy fine sand, 2 to 6 percent slopes | Thurman | 5 |
| 6706 | Thurman loamy fine sand, 6 to 11 percent slopes | Thurman | 5 |
| 6749 | Nora silt loam, 11 to 17 percent slopes | Nora | 5 |
| 6750 | Nora silt loam, 11 to 17 percent slopes, eroded | Nora | 5 |
| 6751 | Nora silt loam, 17 to 30 percent slopes | Nora | 5 |
| 6752 | Nora silt loam, 17 to 30 percent slopes, eroded | Nora | 5 |
| 6754 | Nora silt loam, 2 to 6 percent slopes, eroded | Nora | 5 |
| 6756 | Nora silt loam, 6 to 11 percent slopes, eroded | Nora | 5 |
| 6758 | Nora silty clay loam, 11 to 17 percent slopes | Nora | 5 |
| 6767 | Nora silty clay loam, 6 to 11 percent slopes | Nora | 5 |
| 6782 | Nora-Moody silty clay loams, 6 to 11 percent slopes | Nora | 5 |
| 6802 | Leisy fine sandy loam, 6 to 11 percent slopes | Leisy | 5 |
| 6808 | Moody silty clay loam, 0 to 2 percent slopes | Moody | 5 |
| 6811 | Moody silty clay loam, 2 to 6 percent slopes | Moody | 5 |
| 6812 | Moody silty clay loam, 2 to 6 percent slopes, eroded | Moody | 5 |
| 6813 | Moody silty clay loam, 6 to 11 percent slopes | Moody | 5 |
| 6814 | Moody silty clay loam, 6 to 11 percent slopes, eroded | Moody | 5 |
| 6845 | Ortello fine sandy loam, 3 to 6 percent slopes | Ortello | 5 |
| 6848 | Ortello fine sandy loam, 6 to 11 percent slopes, eroded | Ortello | 5 |
| 6860 | Crofton silt loam, 8 to 17 percent slopes, eroded | Crofton | 5 |
| 7050 | Kennebec silt loam, occasionally flooded | Kennebec | 5 |
| 7053 | Kennebec silt loam, overwash, occasionally flooded | Kennebec | 5 |
| 7083 | Sarpy loamy fine sand, occasionally flooded | Sarpy | 5 |
| 7099 | Zook silty clay loam, 0 to 2 percent slopes, occasionally flooded | Zook | 5 |
| 7153 | Kennebec silt loam, rarely flooded | Kennebec | 5 |
| 7213 | Burchard silt loam, 6 to 11 percent slopes | Burchard | 5 |
| 7214 | Burchard silt loam, 11 to 17 percent slopes | Burchard | 5 |
| 7219 | Burchard clay loam, 11 to 17 percent slopes, eroded | Burchard | 5 |
| 7228 | Burchard clay loam, 6 to 11 percent slopes, eroded | Burchard | 5 |
| 7230 | Alcester silty clay loam, 0 to 2 percent slopes | Alcester | 5 |
| 7612 | Steinauer clay loam, 11 to 30 percent slopes, eroded | Steinauer | 5 |
| 7618 | Steinauer soils, 11 to 30 percent slopes | Steinauer | 5 |
| 7710 | Albaton silty clay, occasionally flooded | Albaton | 5 |
| 7711 | Albaton silty clay, frequently flooded | Albaton | 5 |
| 7713 | Albaton silty clay loam, occasionally flooded | Albaton | 3 |
| 7716 | McPaul silt loam, occasionally flooded | McPaul | 5 |
| 7741 | Haynie silt loam, occasionally flooded | Haynie | 5 |
| 7744 | Haynie silt loam, rarely flooded | Haynie | 5 |
| 7770 | Colo silty clay loam, occasionally flooded | Colo | 5 |
| 7772 | Colo and Lamo silty clay loams, occasionally flooded | Coleridge | 5 |
| 7788 | Luton silty clay loam, rarely flooded | Luton | 5 |
| 7791 | Luton silty clay, rarely flooded | Luton | 5 |
| 7850 | Sarpy fine sand, 3 to 11 percent slopes | Sarpy | 5 |
| 7856 | Sarpy soils, occasionally flooded | Sarpy | 5 |
| 7874 | Omadi silt loam, rarely flooded | Omadi | 5 |
| 7876 | Onawa and Haynie soils, occasionally flooded | Onawa | 5 |

APPENDIX A

Soil Loss Tolerance Values (T-Factors) For Thurston County

| Map Unit Symbol | Map Unit Name | Dominant Component | T-Factor |
|-----------------|--|---------------------|----------|
| 7880 | Onawa silty clay, occasionally flooded | Onawa | 5 |
| 7889 | Onawet silty clay loam, frequently flooded | Onawet | 4 |
| 8005 | Ida silt loam, 11 to 17 percent slopes | Ida | 5 |
| 8006 | Ida silt loam, 11 to 17 percent slopes, eroded | Ida | 5 |
| 8007 | Ida silt loam, 17 to 30 percent slopes | Ida | 5 |
| 8008 | Ida silt loam, 17 to 30 percent slopes, eroded | Ida | 5 |
| 8009 | Ida silt loam, 30 to 60 percent slopes | Ida | 5 |
| 8010 | Ida silt loam, 6 to 11 percent slopes, eroded | Ida | 5 |
| 8011 | Ida soils, 30 to 60 percent slopes | Ida | 5 |
| 8067 | Monona silt loam, 1 to 6 percent slopes | Monona | 5 |
| 8068 | Monona silt loam, 1 to 6 percent slopes, eroded | Monona | 5 |
| 8070 | Monona silt loam, 11 to 17 percent slopes | Monona | 5 |
| 8071 | Monona silt loam, 11 to 17 percent slopes, eroded | Monona | 5 |
| 8073 | Monona silt loam, 17 to 30 percent slopes | Monona | 5 |
| 8078 | Monona silt loam, 6 to 11 percent slopes | Monona | 5 |
| 8079 | Monona silt loam, 6 to 11 percent slopes, eroded | Monona | 5 |
| 8114 | Pohocco silt loam, 11 to 17 percent slopes, eroded | Pohocco | 5 |
| 9810 | Riverwash | Riverwash | 2 |
| 9900 | Fluvaquents, frequently flooded | Fluvaquents | 5 |
| 9931 | Gullied land-Ida complex, 30 to 60 percent slopes | Ida | 5 |
| 9975 | Mine or quarry | Mine or quarry | |
| 9983 | Gravel pit | Pits | |
| 9986 | Miscellaneous water, sewage lagoon | Miscellaneous water | |
| 9999 | Water | Water | |

APPENDIX A

Soil Loss Tolerance Values (T-Factors) For Washington County

| Map Unit Symbol | Map Unit Name | Dominant Component | T-Factor |
|-----------------|--|--------------------|----------|
| 3521 | Cass fine sandy loam, occasionally flooded | Cass | 4 |
| 3642 | Kezan silt loam, occasionally flooded | Kezan | 5 |
| 3643 | Kezan-Kennebec silt loams, drained, occasionally flooded | Kennebec | 5 |
| 6324 | Coleridge silty clay loam, 0 to 2 percent slopes, occasionally flooded | Coleridge | 5 |
| 6327 | Fontanelle silty clay loam, frequently flooded | Fontanelle | 5 |
| 6385 | Shell silt loam, occasionally flooded | Shell | 5 |
| 6456 | Inglewood loamy fine sand, occasionally flooded | Inglewood | 5 |
| 6505 | Belfore silty clay loam, terrace, 0 to 2 percent slopes | Belfore | 5 |
| 6603 | Alcester silty clay loam, 2 to 6 percent slopes | Alcester | 5 |
| 6628 | Belfore silty clay loam, 0 to 2 percent slopes | Belfore | 5 |
| 6681 | Crofton silt loam, 17 to 30 percent slopes, eroded | Crofton | 5 |
| 6686 | Crofton silt loam, 30 to 60 percent slopes | Crofton | 5 |
| 6756 | Nora silt loam, 6 to 11 percent slopes, eroded | Nora | 5 |
| 6774 | Nora-Crofton complex, 11 to 17 percent slopes, eroded | Nora | 5 |
| 6811 | Moody silty clay loam, 2 to 6 percent slopes | Moody | 5 |
| 6860 | Crofton silt loam, 8 to 17 percent slopes, eroded | Crofton | 5 |
| 7050 | Kennebec silt loam, occasionally flooded | Kennebec | 5 |
| 7080 | Sarpy fine sand, occasionally flooded | Sarpy | 5 |
| 7083 | Sarpy loamy fine sand, occasionally flooded | Sarpy | 5 |
| 7099 | Zook silty clay loam, 0 to 2 percent slopes, occasionally flooded | Zook | 5 |
| 7210 | Burchard-Contrary-Steinauer complex, 7 to 16 percent slopes | Burchard | 5 |
| 7228 | Burchard clay loam, 6 to 11 percent slopes, eroded | Burchard | 5 |
| 7234 | Judson silty clay loam, 2 to 6 percent slopes | Judson | 5 |
| 7235 | Judson-Nodaway channeled-Contrary complex, 3 to 10 percent slopes | Judson | 5 |
| 7266 | Burchard-Steinauer clay loams, 11 to 17 percent slopes, eroded | Burchard | 5 |
| 7703 | Grable silt loam, occasionally flooded | Grable | 3 |
| 7710 | Albaton silty clay, occasionally flooded | Albaton | 5 |
| 7711 | Albaton silty clay, frequently flooded | Albaton | 5 |
| 7741 | Haynie silt loam, occasionally flooded | Haynie | 5 |
| 7763 | Onawa silty clay loam, occasionally flooded | Onawa | 5 |
| 7767 | Blyburg silty clay loam, rarely flooded | Blyburg | 5 |
| 7779 | Cooper silty clay loam, rarely flooded | Cooper | 5 |
| 7780 | Forney silt loam, overwash, rarely flooded | Forney | 5 |
| 7787 | Luton silty clay, occasionally flooded | Luton | 5 |
| 7791 | Luton silty clay, rarely flooded | Luton | 5 |
| 7796 | Moville silt loam, rarely flooded | Moville | 4 |
| 7802 | Percival silty clay, occasionally flooded | Percival | 3 |
| 7808 | Salix silty clay loam, rarely flooded | Salix | 5 |
| 7820 | Wathena fine sandy loam, occasionally flooded | Wathena | 5 |
| 7821 | Wathena fine sandy loam, rarely flooded | Wathena | 5 |
| 7874 | Omadi silt loam, rarely flooded | Omadi | 5 |
| 7880 | Onawa silty clay, occasionally flooded | Onawa | 5 |
| 7885 | Onawa-Haynie complex, occasionally flooded | Onawa | 5 |
| 7888 | Onawet silty clay, depression, frequently flooded | Onawet | 4 |
| 8008 | Ida silt loam, 17 to 30 percent slopes, eroded | Ida | 5 |
| 8010 | Ida silt loam, 6 to 11 percent slopes, eroded | Ida | 5 |
| 8012 | Ida-Pohocco-Monona silt loams, 11 to 30 percent slopes | Ida | 5 |
| 8016 | Marshall silty clay loam, dry, 0 to 2 percent slopes | Marshall | 5 |
| 8019 | Marshall silty clay loam, 2 to 6 percent slopes | Marshall | 5 |
| 8032 | Marshall-Pohocco silty clay loams, 6 to 11 percent slopes, eroded | Marshall | 5 |
| 8035 | Marshall-Contrary silty clay loams, 2 to 7 percent slopes | Marshall | 5 |
| 8076 | Monona silt loam, 1 to 6 percent slopes, eroded | Monona | 5 |
| 8083 | Monona silt loam, terrace, 0 to 2 percent slopes | Monona | 5 |
| 8084 | Monona silt loam, terrace, 2 to 5 percent slopes | Monona | 5 |
| 8093 | Monona-Ida silt loams, 17 to 30 percent slopes, eroded | Monona | 5 |
| 8097 | Monona-Pohocco complex, 6 to 11 percent slopes, eroded | Monona | 5 |
| 8100 | Monona-Pohocco-Ida silt loams, 17 to 33 percent slopes | Monona | 5 |
| 8108 | Napier-Nodaway-Gullied land complex, 0 to 60 percent slopes | Napier | 5 |
| 8136 | Pohocco-Ida complex, 11 to 17 percent slopes, eroded | Pohocco | 5 |
| 8138 | Pohocco-Ida-Monona complex, 6 to 17 percent slopes | Pohocco | 5 |
| 8142 | Pohocco-Monona complex, 11 to 17 percent slopes, eroded | Pohocco | 5 |

APPENDIX A

Soil Loss Tolerance Values (T-Factors) For Washington County

| Map Unit Symbol | Map Unit Name | Dominant Component | T-Factor |
|-----------------|--|--------------------|----------|
| 8153 | Contrary-Marshall silty clay loams, 6 to 11 percent slopes | Contrary | 5 |
| 8155 | Contrary-Monona silty clay loams, 6 to 11 percent slopes | Contrary | 5 |
| 8157 | Contrary-Monona-Ida complex, 6 to 17 percent slopes | Contrary | 5 |
| 8436 | Cass loam, occasionally flooded | Cass | 4 |
| 8485 | Gilliam-Eudora silt loams, occasionally flooded | Gilliam | 5 |
| 8563 | Platte loam, occasionally flooded | Platte | 2 |
| 8566 | Platte, Inglewood, and Barney soils, frequently flooded | Platte | 2 |
| 9903 | Fluvaquents, sandy, frequently flooded | Fluvaquents, sandy | 5 |
| 9906 | Fluvaquents, silty, frequently flooded | Fluvaquents, silty | 5 |
| 9932 | Gullied land-Napier complex, 5 to 60 percent slopes | Gullied land | 5 |
| 9970 | Aquolls | Aquolls | 5 |
| 9971 | Arents, earthen dam | Arents | |
| 9975 | Mine or quarry | Mine or quarry | |
| 9986 | Miscellaneous water, sewage lagoon | Water | |
| 9999 | Water | Water | |

Appendix B

Recommended Practices for Controlling Erosion and Sedimentation

The following practices are listed in three general categories: permanent agricultural, temporary agricultural, and non-agricultural. The lists are not mutually exclusive in that some practices are on more than one list. All practices on the lists are deemed to be suitable under proper circumstances, for controlling erosion and sedimentation within the District. Many are potential components of resource management systems for lands in the District. Actual application depends on the particular circumstances and needs being addressed. NRCS has plans, specifications, or technical guides for most of these practices.

1. Permanent Soil and Water Conservation Practices for Controlling Erosion and Sedimentation on Agricultural Lands

Permanent soil and water conservation practices are activities which often are part of an on-going (longer than one year) resource management system and may be recommended and adopted as part of a conservation plan. For those practices found on both this list and the "Temporary Soil and Water Conservation Practices" lists, the District will determine on a case by case basis whether the practice is required as a permanent or temporary measure.

- Channel Vegetation
- Critical Area Planting
- Diversions
- Field Borders
- Field Windbreaks
- Gabions
- Grade Stabilization Structures
- Grassed Waterways or Outlets
- Pasture and Hayland Planting
- Sediment Retention Basins
- Terraces
- Tree Plantings
- Underground Outlets
- Water and Sediment Control Structures

2. Temporary Soil and Water Conservation Practices for Controlling Erosion and Sedimentation on Agricultural Lands

Temporary soil and water conservation practices range from one-time only actions to activities which could continue for a number of years. Those on-going activities generally involve management decisions where a practice may be maintained, modified, or eliminated on an annual basis, rather than practices involving more permanent construction or installation activities. These practices generally require no, or lower, capital investments, and the availability of cost share assistance is not required.

- Conservation Cropping Systems
- Conservation Tillage Systems
- Contour Farming
- Cover and Green Manure Crop
- Crop Residue Management
- Livestock Exclusion
- Mulching
- Pasture and Hayland Management
- Contour Strip Cropping

3. Erosion and Sediment Control Practices for Controlling Erosion and Sedimentation on Land Not used for Agriculture, Horticulture, or Silvicultural Purposes

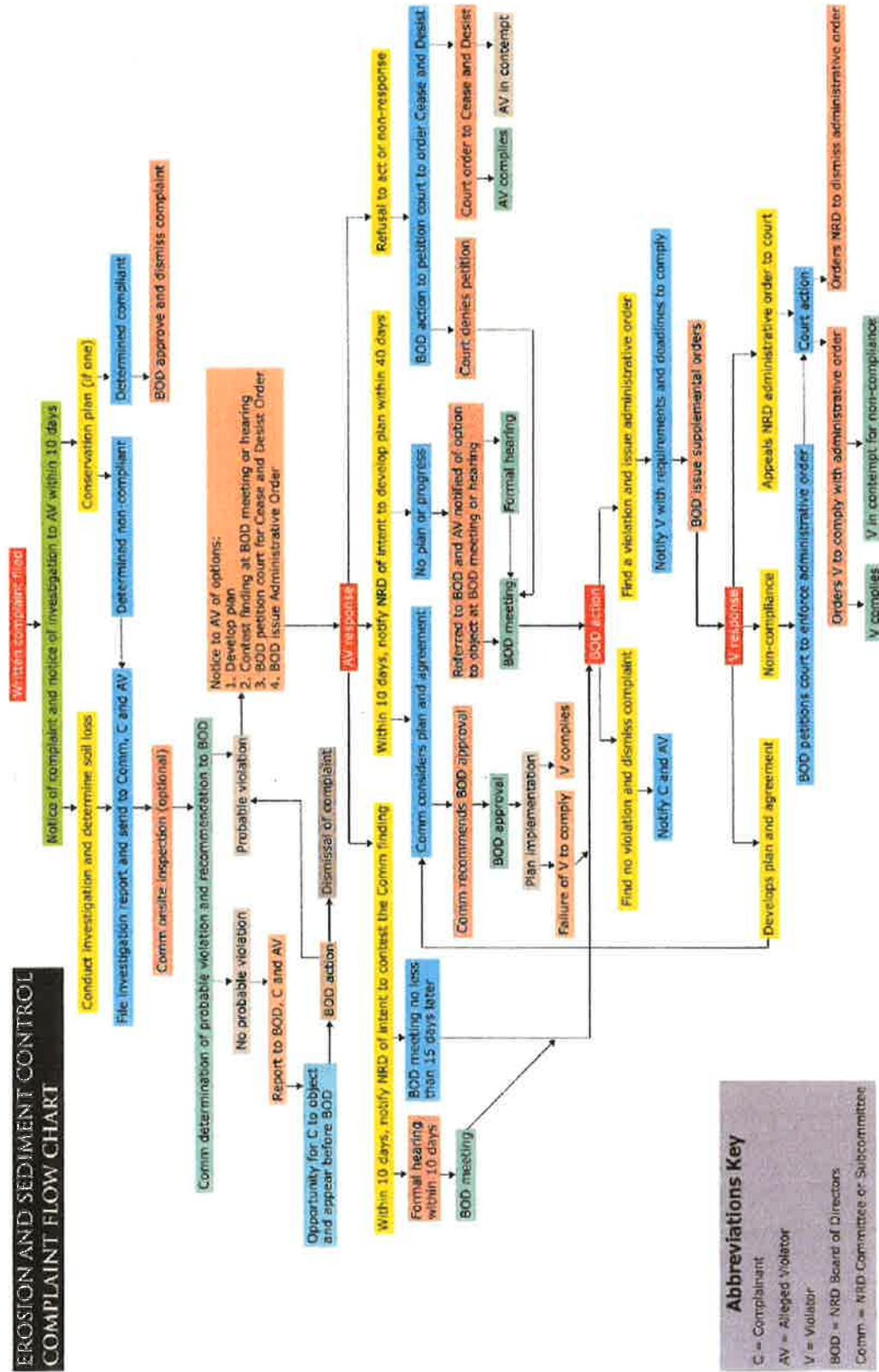
There are many land disturbing activities which, are not related to agriculture, horticulture, or silviculture. Erosion and sedimentation as a result of these activities can be a significant problem. The following practices include permanent and temporary structure and devices that may be required to treat erosion on, *and* sedimentation from, these lands, but cost share assistance need not be made available.

- Channel Vegetation
- Check Dams
- Chutes/Flumes
- Cover Crops
- Critical Area Planting
- Dams
- Dikes
- Diversions
- Gabions
- Grade Stabilization Structures
- Grassed Waterways or Outlets
- Interceptor or Perimeter Swales
- Lining of Waterways or Outlets
- Mulching
- Riprap
- Roadside Seeding
- Sandbag Sediment Barriers
- Silt Fences
- Straw Bale Sediment Barriers
- Stream Channel Stabilization
- Terraces
- Tree Plantings
- Underground Outlets
- Water and Sediment Control Structures

Appendix C

Complaint Flow Chart

EROSION AND SEDIMENT CONTROL COMPLAINT FLOW CHART



Abbreviations Key

- C = Complainant
- AV = Alleged Violator
- V = Violator
- BOD = NRD Board of Directors
- Comm = NRD Committee or Subcommittee

Papio-Missouri River NRD Erosion & Sediment Control Program
NOTICE OF FILING OF COMPLAINT AND INSPECTION DATE

COMPLAINT NO. _____

DATE: _____

NAME: _____ ADDRESS: _____

A complaint has been filed with the (_____) Natural Resources District by (name of complainant) stating that sediment damages have occurred on (his/her/their) property and alleging that this sediment is originating for soil erosion occurring on your lands at an excess rate. The tract of land against which the complaint was filed is described as follows: (legal description).

In order to determine the validity of this complaint, it will be necessary for the District Board of Directors and their agents to inspect this tract of land to ascertain whether such excess soil loss is actually occurring. This inspection will be made on (date) at (time). You are invited to accompany the inspection team.

This letter is sent in compliance with the notice requirements of Section 2-4608 of the Revised Statutes of Nebraska and Rule (_____) of the Rules and Regulations of the (_____) Natural Resources District. You will be sent a copy of the inspection report when completed. If you have any questions, please contact me at our District office: (contact information).

Signature

General Manager
Papio-Missouri River Natural Resources District

Papio-Missouri River NRD Erosion & Sediment Control Program

NOTICE OF VIOLATION

COMPLAINT NO. _____

DATE: _____

NAME: _____ ADDRESS: _____

You were notified on (date) that a complaint had been filed with the Papio-Missouri River Natural Resources District by (name) alleging that sediment originating from excess rates of soil erosion on your land was causing sediment damages on (his/her/their) property. An inspection of these lands was conducted on (date).

Based on this inspection and the report of the investigator, the Committee designated by the District Board for this purpose, has determined that there is reasonable cause to believe that sediment damages have occurred and were the result of soil loss from your land in excess of the tolerance level established by the District in violation of the Erosion and Sediment Control Rules and Regulations.

The portions of your land believed to be in violation are identified on the map which is included in the investigator's report accompanying this notice.

You are further advised that you have two options at this point.

1. Should you develop an acceptable conservation plan or erosion and sediment control plan to eliminate excess erosion on the areas of your land, which are in violation, and sign a conservation agreement with the District, no further action will be taken on this complaint, provided that you remain in compliance with the plan and agreement. Cost-share assistance may be available for installation of permanent soil and water conservation practices at a cost-share rate set by the counties FSA boards or the District. If you are interested in pursuing this option, you must contact the District office within 10 days after receiving this notice. We are ready to assist you in developing a plan.
2. Should you wish to contest the findings in the report and/or the conclusions of the Committee, you are entitled to do so at a meeting of the District Board (date and time) at (location). If you wish to have a formal adjudicatory hearing, you must request it within 10 days after receiving this notice. Hearing information will be provided to you.

Finally, you are advised that if you do not respond to this notice in either of the preceding ways, the District Board shall proceed to make a final determination on the complaint, and if appropriate, issue an administrative order requiring you to correct the excess erosion, which may be enforced by court action as prescribed by law.

We encourage you to select the first option and we remain ready to assist you in eliminating the excess erosion on your land.

Signature: _____

Print: _____

Papio-Missouri River NRD Erosion & Sediment Control Program

CONSERVATION AGREEMENT

COMPLAINT NO. _____

DATE: _____

NAME: _____ ADDRESS: _____

LEGAL: _____ COUNTY: _____

This agreement is made and entered into this _____ day of _____, 20____, by and between the Papio-Missouri River Natural Resources District, herein called DISTRICT, and _____, herein called COOPERATOR; and is executed to satisfy the requirements of Nebraska Revised Statute Section 2-4603(2) and should be interpreted and performed in a manner which promotes the policies of the Nebraska Erosion and Sediment Control Act, Nebraska Revised Statutes Sections 2-4601 to 2-4613.

WITNESSETH:

COOPERATOR agrees to implement the farm unit conservation plan (or a portion of the farm unit conservation plan), or in the case of nonagricultural land-disturbing activities, an erosion and sediment control plan, attached to this agreement according to the Schedule for Completion accompanying the plan. Both the plan and schedule are incorporated herein by reference.

DISTRICT agrees to provide assistance to COOPERATOR in applying the plan to COOPERATOR'S farm and furnish, as available, technical and financial assistance, equipment, and materials to COOPERATOR at rates established by DISTRICT.

DISTRICT AND COOPERATOR mutually agree that:

1. Compliance with this agreement shall be deemed compliance with the requirements of the Nebraska Erosion and Sediment Control Act and the erosion and sediment control program approved by the District.
2. Cost-share for erosion and sediment control practices may be available from the DISTRICT. However, lack of available cost-share assistance does not offset the requirement that the COOPERATOR implement this farm unit conservation plan in the timed prescribed.
3. Neither DISTRICT nor COOPERATOR shall be liable for damages to the other in connection with the performance of this agreement unless such damages are caused by negligence or misconduct.

4. This agreement may be amended upon thirty days notice.

This agreement shall be in effect when signed by both parties and remain in effect unless it is terminated by either party by giving sixty days notice in writing to the other party.

Owner/Operator

Date: _____

Address

Papio-Missouri River Natural Resources District

Date: _____

Papio-Missouri River NRD Erosion & Sediment Control Program

CONSERVATION PLAN FOR COMPLETION
AND
COOPERATOR'S RECORD OF COMPLIANCE

COMPLAINT NO. _____

DATE: _____

NAME: _____ ADDRESS: _____

LEGAL: _____ COUNTY: _____

Attach photograph, map, or diagram designating fields or tracts involved by number.

A. Planned

1. *Record land use planned by field or tracts listing conservation practice(s) and/or resource management systems to be applied. Describe briefly, what will be done and how it will be done.*
2. *Indicate the amount of conservation practices planned and completion date(s).*

B. Practice(s) Completion

1. *Indicate conservation practice(s) completed and completion date(s).*

Cooperator: _____ Date: _____

Preparer: _____ Date: _____

Papio-Missouri River NRD Erosion & Sediment Control Program

ADMINISTRATIVE ORDER

COMPLAINT NO. _____

DATE: _____

NAME: _____ ADDRESS: _____

The District Board has considered this complaint and makes the following findings:

1. On (date) this complaint was filed in the District office by (complainant) alleging that sediment damage (has occurred/was occurring) on (his/her/their) property and further alleged that sediment originating from excess erosion on the land of (alleged violator) was causing this damage. The District notified (alleged violator) of this complaint by letter dated (date).

2. On (date), as requested by the District investigator, (inspector) inspected the lands of (complainant) and (alleged violator) filed a report with the Committee of the Board designated for this purpose.

3. On (date) the Committee notified (alleged violator) of its preliminary finding of probable violation of the Rules and Regulations of the District.

4. The District General Manager or appropriate designee and (alleged violator) have attempted to develop mutually a conservation plan or erosion and sediment control plan for the lands which are the subject of this complaint but have been unable to reach agreement. The Committee properly concluded that no progress was being made or likely to be made on preparation of an acceptable plan.

-or-

4a. The District Board held a public hearing on this complaint on (date) as requested by (alleged violator). (Summarize).

-or-

4b. (alleged violator) did not respond to the Notice of Violation.

The District Board further FINDS:

1. Sediment damage has occurred on the land of (complainant). (Describe).

2. The source of this sediment damage is the land of (alleged violator). The average annual soil loss on (alleged violator's) land, determined by using the NRCS Technical Guides, is estimated to be (rate), which is in excess of the applicable soil-loss tolerance level(s) of (established rate) for soil series () adopted in Rule () of the District's Rules and Regulations.

Based on the foregoing findings, the District Board CONCLUDES:

1. The land of (alleged violator) is in violation of the Rules and Regulations of the District and the Nebraska Erosion and Sediment Control Act.

Therefore, by virtue of the authority vested in the District Board by Nebraska Revised Statute Section 2-4608, the District Board ORDERS:

(For agricultural land)

1. (alleged violator) shall bring those areas of (his/her/their) land which exceed the applicable soil-loss tolerance level(s) into conformance with the Rules and Regulations of the District. The District Board has determined that implementation of the following alternative soil and water conservation practices will bring the land into conformance and which may be used to comply with this order. (List two or more practices).

Work needed to establish these practices must be commenced (date) (no later than six (6) months after service or mailing of this order) and satisfactorily completed by (date) (no later than one year after service of mailing of this order).

2. (alleged violator) is hereby advised that should the work required by this order to correct the erosion, which is occurring not be initiated and satisfactorily completed by the time specified in this order or should (alleged violator) advise the District that (he/she/they) (does/do) not intend to comply with this order, the District Board will commence proceedings to enforce this order as prescribed by law.

-or-

(For non-agricultural Land-Disturbing Activity)

1. (alleged violator) shall either bring those areas of (his/her/their) land which exceed the applicable soil-loss tolerance level(s) into conformance with the District Rules and Regulations or prevent sediment resulting from excess erosion from leaving said land areas. The following erosion and sediment control practices will accomplish this and may be used to comply with this order. (List two or more practices).

Work necessary to establish these practices must be initiated by (date) (shall not exceed five (5) days after service or mailing of the order). Temporary practices shall be satisfactorily completed by (date) (no longer than fifteen (15) days after service or mailing of this order) and permanent practices shall be satisfactorily completed by (date) (no longer than forty-five (45) days after service or mailing of the order unless an extension has been granted upon a showing of good cause. An extension shall only be granted after review and affirmative action of the Board.

2. (alleged violator) is hereby advised that should the work required by this order to correct the erosion, which is occurring not be initiated and satisfactorily completed by the time specified in this order or should (alleged violator) advise the District that (he/she/they) (does/do) not intend to comply with this order, the District Board will commence proceedings to enforce this order as prescribed by law.

Chairperson: _____
Papio-Missouri River Natural Resources District

Papio-Missouri River NRD Erosion & Sediment Control Program

DISMISSAL OF VERBAL COMPLAINT, CONSERVATION AGREEMENT APPLIES

COMPLAINT NO. _____

DATE: _____

NAME: _____ ADDRESS: _____

The Papio-Missouri River Natural Resources District's Investigator having found that (name):

1. Has land which was the subject to the complaint filed by (name) on (date), from which soil loss is not exceeding soil-loss tolerance levels, or
2. Has a farm unit conservation plan or erosion and sediment control plan covering the land subject to the complaint filed by (name) on (date), and
3. Is implementing said plan in strict compliance with a conservation agreement signed with the District on (date), and therefore said complaint is dismissed.

Signature: _____

Print: _____

Title: _____

Papio-Missouri River NRD Erosion & Sediment Control Program

DISMISSAL OF COMPLAINT, CONSERVATION AGREEMENT APPLIES

COMPLAINT NO. _____

DATE: _____

NAME: _____ ADDRESS: _____

The Papio-Missouri River Natural Resources District's Investigator having found that (name):

1. Has a farm unit conservation plan or erosion and sediment control plan covering the land subject to the complaint filed by (name) on (date), and
2. Is implementing said plan in strict compliance with a conservation agreement signed with the District on (date), dismisses said complaint.

Signature: _____

Print: _____

Title: _____

Papio-Missouri River NRD Erosion & Sediment Control Program

DISMISSAL OF COMPLAINT, AFTER FINDINGS

COMPLAINT NO. _____

DATE: _____

NAME: _____ ADDRESS: _____

The District Board has considered this complaint and makes the following FINDINGS:

1. On (date), this complaint was filed in the District office by (complainant) alleging that sediment damage has (occurred/was occurring) on (his/her/their) property and further alleged that sediment originating from excess erosion on the land of (alleged violator) was causing this damage. The District notified (alleged violator) of this complaint by letter dated (date).

2. On (date), the District investigator (inspector), inspected the lands of (complainant) and (alleged violator) and filed a report with the Committee of the board designated for this purpose.

3. On (date), the Committee notified (alleged violator) of its preliminary findings of probable violation of the Rules and Regulations of the District.

4. The District and (alleged violator) have attempted to develop mutually a conservation plan or erosion and sediment control plan for the lands, which are the subject of this complaint but have been unable to reach agreement. The Committee properly concluded that no progress was being made or likely to be made on preparation of an acceptable plan.

-or-

4a. The District Board held a public hearing on this complaint on (date), as requested by (alleged violator). (Summarize briefly).

-or-

4b. (alleged violator) did not respond to the Notice of Violation. The District Board further finds:

1. Sediment damage (has not/has) occurred on the land of (complainant).
(Describe).

2. The average annual soil loss on (alleged violator's) land, determined by using the NRCS Technical Guides, is estimated to be (rate), which (is/is not) in excess of the applicable soil-loss tolerance level(s) of (established rate) for soil series () adopted in Rule () of the District's Rules and Regulations.

Based on the foregoing findings, the District Board CONCLUDES:

1. The land of (alleged violator) is not in violation of the Rules and Regulations of the District and the Nebraska Erosion and Sediment Control Act.

Therefore, the District Board dismissed this complaint.

Chairman: _____
Papio-Missouri River Natural Resources District

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

Natural Resources District

At _____ a.m./p.m. on

_____, 20____.

COMPLAINT NO. _____

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

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: () _____ Cell phone: () _____

Email: _____

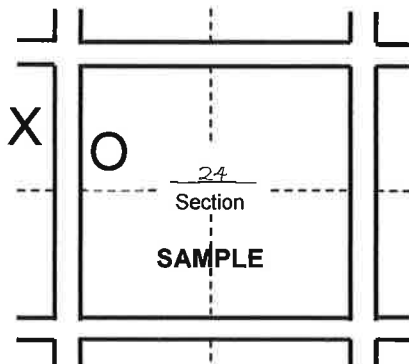
2. Person filing complaint. (Check one)

- 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.

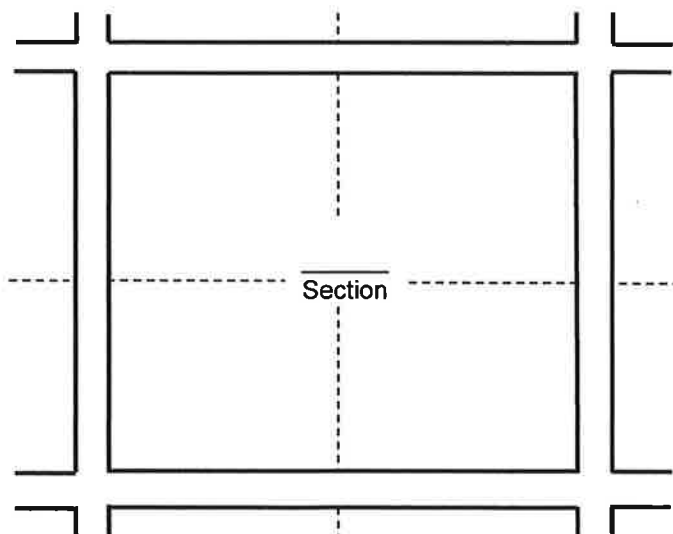
3. Sediment damage.

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 _____
Twp _____ Rge _____



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.

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

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

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

Date: _____ Signature: _____

Return to: _____ *Natural Resources District*

(Address)

Papio-Missouri River Natural Resources District
 Erosion & Sediment Control Program
 COMPLAINT CHECKLIST

| | |
|---------------------------|----------------------------|
| Complaint #: _____ | Complainant: _____ |
| Date Form Filed: _____ | Alleged Violator: _____ |

- Pre-inspection _____ Review rules & regulations/statutes for timetables - procedures
 _____ Verify ownership/lienholder of land where problem is originating
 _____ Contact NRCS re: conservation plan or erosion and sediment control plan status, average annual soil loss, etc.
 _____ Certified letter to alleged violator sent within 10-day period.
 a. Include notification of alleged violation
 b. Copy of applicable statutes pertaining to the Sediment and Erosion Control Program
 c. Invitation to be present for the investigation
 _____ Letter to complainant, alleged violator, NRCS and other agencies regarding inspection date, time and other pertinent information.

- Inspection _____ Pertinent inspection equipment as necessary
 _____ Location of alleged violation: verified legal description and acres involved
 _____ Sources - land use, soil loss, soil types and other pertinent information
 _____ Damages - measurements of extent of damage, photograph, copies of costs, invoices of damaged property and other pertinent documentation
 _____ Prepare documentation report with the Committee designated by the Board

- Follow-up _____ Notify all parties of NRD board recommendation.
 a. Recommendation of dismissal. (Complainant may appeal)
 b. Recommendation of Action
 _____ Certified letter informing violator of probable violation and recommended Action.
 a. Violator has 10 days after receipt of letter to respond re: conservation plan
 b. District cost-share assistance is not required but may be available
 _____ Prepared conservation agreement with schedule of compliance
 _____ If violator disagrees with probable violation opportunity is given to contest finding at a board meeting, board hearing or other formal public hearing.
 _____ If violator refuses conservation plan or erosion and sediment control plan the NRD board issues administrative order.
 a. May be stricter than conservation agreement
 b. Violator has 30 days to appeal
 _____ If violator continues to refuse to cooperate a court order is issued.

2-4601. Act, how cited.

Sections 2-4601 to 2-4613 shall be known and may be cited as the Erosion and Sediment Control Act.

Source: Laws 1986, LB 474, § 1.

2-4602. Legislative findings.

The Legislature recognizes that erosion and sedimentation are serious problems throughout the state. Changes in farm and ranch enterprises, operations, and ownership, demands made upon farm and ranch enterprises which do not encourage sound resource utilization, rapid shifts in land use from agricultural and rural to nonagricultural and urban uses, construction of streets, highways, pipelines, recreation areas, schools and universities, public utilities and facilities, conversion of grasslands to croplands, and other land-disturbing activities have caused excessive wind erosion and water runoff and accelerated the process of soil erosion and sediment deposition. This has resulted in the pollution of the waters of the state and damage to domestic, agricultural, industrial, recreational, fish and wildlife, and other resources. It is declared to be the policy of the state to strengthen and extend the present erosion and sediment control activities and programs of the state for both rural and urban lands, to improve water quality, and to establish and implement, through the Director of Natural Resources and the Nebraska Natural Resources Commission, a statewide, comprehensive, and coordinated erosion and sediment control program to reduce damage from wind erosion and storm water runoff, to retard nonpoint pollution from sediment and related pollutants, and to conserve and protect land, air, and other resources of the state. This program shall be carried out by the natural resources districts in cooperation with the counties, municipalities, and other local governments and political subdivisions of the state and other public and private entities.

Source: Laws 1986, LB 474, § 2.

2-4603. Terms, defined.

For purposes of the Erosion and Sediment Control Act, unless the context otherwise requires:

(1) Commission means the Nebraska Natural Resources Commission;

(2) Conservation agreement means an agreement between the owner or operator of a farm unit and the district in which the owner or operator agrees to implement a farm unit conservation plan or, with the approval of the district within which the farm unit is located, a portion of a farm unit conservation plan. The agreement shall include a schedule for implementation and may be conditioned on the district or other public entity furnishing technical, planning, or financial assistance in the establishment of the soil and water conservation practices necessary to implement the plan or a portion of the plan;

(3) Director means the Director of Natural Resources;

(4) District means a natural resources district;

(5) Erosion or sediment control practice means:

(a) The construction or installation and maintenance of permanent structures or devices necessary to carry, to a suitable outlet away from any building site, any commercial or industrial development, or any publicly or privately owned recreational or service facility not served by a central storm sewer system, any water which would otherwise cause erosion in excess of the applicable soil-loss tolerance level and which does not carry or constitute sewage or industrial or other waste;

(b) The employment of temporary devices or structures, temporary seeding, fiber mats, plastic, straw, diversions, silt fences, sediment traps, or other measures adequate either to prevent erosion in excess of the applicable soil-loss tolerance level or to prevent excessive downstream sedimentation from land which is the site of or is directly affected by any nonagricultural land-disturbing activity; or

(c) The establishment and maintenance of vegetation upon the right-of-way of any completed portion of any public street, road, or highway or the construction or installation thereon of permanent structures or devices or other measures adequate to prevent erosion of the right-of-way in excess of the applicable soil-loss tolerance level;

(6) Excess erosion means the occurrence of erosion in excess of the applicable soil-loss tolerance level which causes or contributes to an accumulation of sediment upon the lands of any other person to the detriment or damage of such other person;

(7) Farm unit conservation plan means a plan jointly developed by the owner and, if appropriate, the operator of a farm unit and the district within which the farm unit is located based upon the determined conservation needs for the farm unit and identifying the soil and water conservation practices which may be expected to prevent soil loss by erosion from that farm unit in excess of the applicable soil-loss tolerance level. The plan may also, if practicable, identify alternative practices by which such objective may be attained;

(8) Nonagricultural land-disturbing activity means a land change, including, but not limited to, tilling, clearing, grading, excavating, transporting, or filling land, which may result in soil erosion from wind or water and the movement of sediment and sediment-related pollutants into the waters of the state or onto lands in the state but does not include the following:

(a) Activities related directly to the production of agricultural, horticultural, or silvicultural crops, including, but not limited to, tilling, planting, or harvesting of such crops;

(b) Installation of aboveground public utility lines and connections, fenceposts, sign posts, telephone poles, electric poles, and other kinds of posts or poles;

(c) Emergency work to protect life or property;

(d) Activities related to the construction of housing, industrial, and commercial developments on sites under two acres in size; and

(e) Activities related to the operation, construction, or maintenance of industrial or commercial public power district or public power and irrigation district facilities or sites when such activity is conducted pursuant to state or federal law or is part of the operational plan for such facility or site;

(9) Person means any individual, partnership, limited liability company, firm, association, joint venture, public or private corporation, trust, estate, commission, board, institution, utility, cooperative, municipality or other political subdivision of this state, interstate body, or other legal entity;

(10) Soil and water conservation practice means a practice which serves to prevent erosion of soil by wind or water in excess of the applicable soil-loss tolerance level from land used only for agricultural, horticultural, or silvicultural purposes. Soil and water conservation practice includes, but is not limited to:

(a) Permanent soil and water conservation practice, including the planting of perennial grasses, legumes, shrubs, or trees, the establishment of grassed waterways, the construction of terraces, and other permanent soil and water practices approved by the district; and

(b) Temporary soil and water conservation practice, including the planting of annual or biennial crops, use of strip-cropping, contour planting, minimum or mulch tillage, and other cultural practices approved by the district; and

(11) Soil-loss tolerance level means the maximum amount of soil loss due to erosion by wind or water, expressed in terms of tons per acre per year, which is determined to be acceptable in accordance with the Erosion and Sediment Control Act. Soil loss may be impacted by water erosion which may include (a) sheet and rill erosion which includes relatively uniform soil loss across the entire field slope which may leave small channels located at regular intervals across the slope and (b) ephemeral gully erosion which occurs in well-defined depressions or natural drainageways where concentrated overland flow results in the convergence of rills forming deeper and wider channels.

Source: Laws 1986, LB 474, § 3; Laws 1988, LB 594, § 1; Laws 1993, LB 121, § 80; Laws 1994, LB 480, § 22; Laws 2015, LB206, § 1.
Effective Date: August 30, 2015

2-4604. State program; director; duties; program contents; revisions; hearings.

(1) The director shall, in cooperation with the commission, the Department of Environmental Quality, the Natural Resources Conservation Service of the United States Department of Agriculture, and other appropriate state and federal agencies, develop and coordinate a comprehensive state erosion and sediment control program designed to reduce soil erosion in this state to tolerable levels. The program, which shall be reasonable and attainable, shall include:

(a) The soil-loss tolerance level for the various types of soils in the state;

(b) State goals and a state strategy for reducing soil losses on all lands in the state to an amount no more than the applicable soil-loss tolerance level;

(c) Guidelines for establishing priorities for implementation of the program at the state and local levels;

(d) Types of assistance to be provided by the state to districts, cities, and counties in the implementation of the state and local erosion and sediment control programs; and

(e) Such other elements as the director deems appropriate in accordance with the objectives of the Erosion and Sediment Control Act, including any recommendations for further legislative or administrative action.

(2) The state erosion and sediment control program may be revised by the director and the commission at any time. Before approving any such changes, the director and the commission shall conduct at least four public hearings or meetings to receive information from interested persons in different parts of the state.

Source: Laws 1986, LB 474, § 4; Laws 1993, LB 3, § 5; Laws 2015, LB206, § 2.
Effective Date: August 30, 2015

2-4605. District program; contents; review.

(1) Each district shall, with the approval of the director, adopt a district program for implementation of the state erosion and sediment control program. Each district's program shall include the:

(a) Soil-loss tolerance levels for the various types of soils in the district. The soil-loss tolerance levels shall be adopted and promulgated as rules and regulations and may be more but not less stringent than those adopted by the director. It is the intent of the Legislature that no land within the state be assigned a soil-loss tolerance level that cannot reasonably be applied to such land;

(b) Recommended erosion or sediment control practices and soil and water conservation practices which are suitable for controlling erosion and sedimentation within the district; and

(c) Programs, procedures, and methods the district plans to adopt and employ to implement the state erosion and sediment control program. Each district may subsequently amend or modify the program as necessary, subject to the approval of the director.

(2) The director with the advice and recommendation of the commission shall review each district's program and all amendments thereto and shall approve the program or amendments if the director determines that the district's program is reasonable, attainable, and in conformance with the state erosion and sediment control program.

Source: Laws 1986, LB 474, § 5; Laws 1988, LB 594, § 2; Laws 2015, LB206, § 3.
Effective Date: August 30, 2015

2-4606. Municipal or county rules and regulations; authorized; conformance with state program; enforcement; failure to conform, effect.

Any municipality or county may adopt and promulgate rules and regulations governing erosion and sediment control within their respective jurisdictions. Any such municipal or county rules and regulations shall be in substantial conformance with the state erosion and sediment control program. If a municipality or county adopts and promulgates rules and regulations, it shall enforce such rules and regulations within the regulatory jurisdiction of such municipality or county. Whenever the rules and regulations of any municipality or county are deemed by the director not to be in substantial conformance with the state erosion and sediment control program, the municipality or county may either amend such rules and regulations to conform, adopt rules and regulations which are in conformance, or defer responsibility to adopt, administer, and enforce such rules and regulations to the appropriate district.

Source: Laws 1986, LB 474, § 6.

2-4607. District; adoption or revision of rules and regulations; procedure; availability.

Before adopting or revising its rules and regulations, each district shall, after publishing notice once each week for three consecutive weeks in a newspaper or

newspapers having general circulation within the district, conduct a public hearing on the proposed rules and regulations or changes. The rules and regulations of the district shall be made available for public inspection at the principal office of the district.

Source: Laws 1986, LB 474, § 7.

2-4608. Excess soil erosion; complaint; inspection; remedial action; failure to comply; cease and desist order.

(1) Except to the extent jurisdiction has been assumed by a municipality or county in accordance with section 2-4606, the district may inspect or cause to be inspected any land within the district upon receipt of a written and signed complaint which alleges that soil erosion is occurring in excess of the applicable soil-loss tolerance level. Complaints shall be filed on a form provided by the director. Complaints may be filed by any owner or operator of land being damaged by sediment, by any state agency or political subdivision whose roads or other public facilities are being damaged by sediment, by any state agency or political subdivision with responsibility for water quality maintenance if it is alleged that the soil erosion complained of is adversely affecting water quality, or by a staff member or other agent of the district authorized by the board of directors to file such complaints. Inspections following receipt of a written and signed complaint may be made only after notice to the owner and, if appropriate, the operator of the land involved, and such person shall be given an opportunity to accompany the inspector.

(2) The owner, the operator if appropriate, and the district may agree to a plan and schedule for eliminating excess erosion on and sedimentation from the land involved. Any such agreement may be enforced in district court in the same manner as an administrative order issued pursuant to the Erosion and Sediment Control Act. If no agreement is reached, the findings of the inspection shall be presented to the district board of directors and the owner and, if appropriate, the operator of the land shall be given a reasonable opportunity to be heard at a meeting of the board or, if requested, at a public hearing. If the district finds that the alleged sediment damage is occurring and that excess erosion is occurring on the land inspected, it shall issue an administrative order to the owner of record and, if appropriate, to the operator describing the land and stating as nearly as possible the extent to which the soil erosion exceeds the applicable soil-loss tolerance level. When the complained-of erosion is the result of agricultural, horticultural, or silvicultural activities, the district shall direct the owner and, if appropriate, the

operator to bring the land into conformance with the applicable soil-loss tolerance level. When the complained-of erosion is the result of a nonagricultural land-disturbing activity, the district may authorize the owner and, if appropriate, the operator to either bring such land into conformance with the soil-loss tolerance level or to prevent sediment resulting from excess erosion from leaving such land.

(3) The district may specify, as applicable, alternative soil and water conservation practices or erosion or sediment control practices which the owner and, if appropriate, the operator may use to comply with the administrative order. A copy of the administrative order shall be delivered by either personal service or certified or registered mail to each person to whom it is directed and shall:

(a) In the case of erosion occurring on the site of any nonagricultural land-disturbing activity, state a reasonable time after service or mailing of the order when the work necessary to establish or maintain erosion or sediment control practices shall be commenced and the time, not more than forty-five days after service or mailing of the order, when the work shall be satisfactorily completed;

(b) In all other cases, state the time, not more than six months after service or mailing of the order, the work needed to establish or maintain the necessary soil and water conservation practices or permanent erosion control practices shall be commenced and the time, not more than one year after the service or mailing of the order, the work shall be satisfactorily completed, unless the requirements of the order are superseded by section 2-4610; and

(c) State any reasonable requirements regarding the operation, utilization, and maintenance of the practices to be installed, constructed, or applied.

(4) Following refusal of a landowner to discontinue an activity causing erosion described in this section and to establish a plan and schedule for eliminating excess erosion pursuant to subsection (2) of this section, and if the immediate discontinuance of such activity is necessary to reduce or eliminate damage to neighboring property, the district may petition the district court for an order to the owner and, if appropriate, the operator, to immediately cease and desist such activity until excess erosion can be brought into conformance with the soil-loss tolerance level or sediment resulting from excess erosion is prevented from leaving the property.

(5) Upon failure to comply with the order, the owner or, if appropriate, the operator shall be deemed in violation of the Erosion and Sediment Control Act and subject to further actions as provided by such act.

Source: Laws 1986, LB 474, § 8; Laws 1988, LB 594, § 3; Laws 1994, LB 480, § 23; Laws 2015, LB206, § 4.
Effective Date: August 30, 2015

Annotations

A landowner, who was required to implement conservation measures on his land, did not have standing to sue a city in an inverse condemnation action where the city filed a complaint under this section but the natural resources district was responsible for prosecuting the complaint. *Strom v. City of Oakland*, 255 Neb. 210, 583 N.W.2d 311 (1998).

2-4609. Filing of complaint; effect.

The filing of a complaint shall not preclude the complainant from pursuing any other remedy available to the complainant under the Erosion and Sediment Control Act, other law, or equity.

Source: Laws 1986, LB 474, § 9.

2-4610. Conformance with farm unit conservation plan or soil-loss tolerance level; effect; cost-sharing assistance; availability; lack of cost-sharing assistance; effect.

(1) Any person owning or operating private agricultural, horticultural, or silvicultural lands who has a farm unit conservation plan approved by the district and is implementing and maintaining the plan in strict compliance with a conservation agreement or any person whose normal agricultural, horticultural, and silvicultural practices are in conformance with the applicable soil-loss tolerance level shall, for purposes of such land, be deemed to be in compliance with the requirements of the Erosion and Sediment Control Act and any approved erosion and sediment control program.

(2) To prevent excess erosion and sediment from leaving the land due to any agricultural or nonagricultural land-disturbing activity, cost-sharing assistance may be available from any district. Such assistance may be used for any erosion or sediment control practice. The lack of available cost-sharing assistance does not offset the requirement that the owner and, if appropriate, the operator of such land

comply with the terms of an approved plan of compliance or an administrative order.

Source: Laws 1986, LB 474, § 10; Laws 1988, LB 594, § 4; Laws 1994, LB 480, § 24; Laws 2015, LB206, § 5.

Effective Date: August 30, 2015

2-4611. Administrative order; appeal.

Any owner or operator served with an administrative order of a district may, within thirty days after service of the administrative order, appeal to the district court in the county in which a majority of the land is located. The appeal shall be de novo and shall be conducted in accordance with section 2-4613.

Source: Laws 1986, LB 474, § 11.

2-4612. Order for immediate compliance; when authorized.

The district shall petition the district court for a court order requiring immediate compliance with an administrative order previously issued by the district if:

(1) The work necessary to comply with the administrative order is not commenced on or before the date specified in such order or in any supplementary orders subsequently issued unless, in the judgment of the district, the failure to commence or complete the work as required by the administrative order is due to factors beyond the control of the person to whom such order is directed and the person can be relied upon to commence and complete the necessary work at the earliest possible time;

(2) The work is not being performed with due diligence or is not satisfactorily completed by the date specified in the administrative order or the practices are not being operated, utilized, or maintained as required;

(3) The work is not of a type or quality specified by the district and, when completed, it will not or does not reduce soil erosion from such land below the soil-loss tolerance level or, to the extent excess erosion is permitted by the district

for a nonagricultural land-disturbing activity, will not or does not prevent sediment resulting from such excess erosion from leaving the land involved; or

(4) The person to whom the administrative order is directed advises the district that he or she does not intend to commence or complete such work.

Source: Laws 1986, LB 474, § 12; Laws 1988, LB 594, § 5; Laws 2015, LB206, § 6.
Effective Date: August 30, 2015

2-4613. District court action; procedures; order; appeal; failure to comply with order; effect.

In the district court action, the burden of proof shall be upon the district to show that soil erosion is occurring in excess of the applicable soil-loss tolerance level and that the landowner or operator has not established or maintained soil and water conservation practices or erosion or sediment control practices in compliance with the district's erosion and sediment control program. Upon receiving satisfactory proof, the court shall issue an order directing the owner or operator to comply with the administrative order previously issued by the district. The court may modify the administrative order if deemed necessary. Notice of the court order shall be given by either personal service or certified or registered mail to each person to whom the order is directed, who may, within thirty days from the date of the court order, appeal to the Court of Appeals. Any person who fails to comply with the court order issued within the time specified in such order, unless the order has been stayed pending an appeal, shall be deemed in contempt of court and punished accordingly.

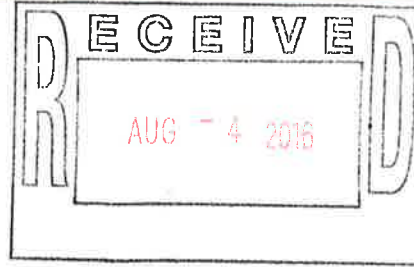
Source: Laws 1986, LB 474, § 13; Laws 1991, LB 732, § 10; Laws 2015, LB206, § 7.
Effective Date: August 30, 2015



Pete Ricketts
Governor

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES
Gordon W. "Jeff" Fassett, P.E.
Director



IN REPLY TO:

August 1, 2016

John Winkler, General Manager
Papio-Missouri River NRD
8901 South 154th Street
Omaha, NE 68138-3621

Dear Mr. ^{John}Winkler:

Thank you for filing the Papio-Missouri River NRD's amended Erosion and Sediment Control program. After review, the Nebraska Natural Resources Commission, on June 27, 2016, recommended approval.

My staff and I have also reviewed your district's program and I find it to be reasonable, attainable, and in conformance with the state Erosion and Sediment Control program. Therefore, in accordance with § 2-4605, I hereby approve the Papio-Missouri River NRD's amended Erosion and Sediment Control program.

Please feel free to contact Kent Zimmerman from the Department's staff if you have any questions regarding these matters.

With best regards,

Gordon W. Fassett, P.E.
Director

NEBRASKA NATURAL RESOURCES COMMISSION

DRAFT MEETING MINUTES – June 27th, 2016

FAIRFIELD INN & SUITES – Kearney, Nebraska

Roll Call:

| Commissioners | | Absent | Present | Commissioners | | Absent | Present |
|---------------|-------------|--------|---------|---------------|----------------|--------|---------|
| Amen | Karen | | X | Kraus | Don | | X |
| Anderson | Garry | | X | Palm | Owen | | X |
| Barels | Brian | | X | Rains | Darrell M. | | X |
| Batie | Donald | | X | Rexroth | Keith | X | |
| Christensen | Joel | | X | Reynolds | Michael (Mick) | | X |
| Clouse | Stan | X | | Smathers | Scott | | X |
| Deines | Dave | X | | Smith | Lindsey | X | |
| Dunbar | Brad | | X | Steffen | Jeff | | X |
| Fornoff | Kevin | | X | Strauch | Walter Dennis | | X |
| Hadenfeldt | N. Richard | | X | Sugden | Steven | X | |
| Hergott | Joseph | | X | Taylor | Loren | | X |
| Kadlecek | David | X | | Thompson | Jim | | X |
| Knutson | Thomas | | X | Wright | Chad | X | |
| Kosman | Henry (Hod) | X | | | | | |

DNR staff in attendance:

Jeff Fassett, Rex Gittins, Kent Zimmerman, LeRoy Sievers and Jill Richters

Others in attendance were:

Mike Clements, LRNRD; Dean Edson, NARD; Marie Krausnick, UBBNRD; Marlin Petermann, P-MNRD; Lyndon Vogt, CPNRD; and Jack Wergin, UBBNRD.

CALL TO ORDER, ROLL CALL

Chairperson Fornoff called the meeting to order at 1:00 p.m. at the Fairfield Inn & Suites, Kearney, Nebraska.

NOTICE OF THE MEETING

Notice of the meeting was published on the State Public Meetings Calendar and on the Natural Resources Commission web site at <https://nrc.nebraska.gov>. A copy of Nebraska's public meeting statutes was available in the room.

WELCOME AND INTRODUCTION OF NEW MEMBERS

Brad Dunbar was welcomed as a new member appointed by Governor Ricketts to represent manufacturing interests on the Commission.

INFORMATIONAL MATERIALS

The following informational materials were distributed at the meeting. Copies are attached to the file copy of these minutes.

1. Commission Meeting Agenda
2. Funds Expenditures and Cash Fund Balances Reports
3. Resources Development Fund (RDF) Status Report as of 6/27/2016
4. Resources Development Fund FY 2017 Allocation & Obligation Table
5. Small Watershed Flood Control Fund Status Report as of 5/31/2016
6. Nebraska Soil & Water Conservation Fund (NSWCPF) Status Report as of 5/31/2016
7. UBBNRD 5/23/2016 Letter Requesting VRI & VFD be added to NC-17, NSWCP
8. Water Quality Fund Status Report as of 5/31/2016
9. Water Well Decommissioning Fund Status Report as of 5/31/2016
10. Water Sustainability Fund – Appropriations and Funds Transfers
11. Redline Changes to Policy Statements I and XV

MINUTES

Thompson asked that his name along with Amen's be added to the list of Commissioners who indicated they had read all Water Sustainability Fund applications. Thompson also noted his objection to his vote being counted as "abstain" rather than "present, not voting" on the motion to increase the score from four points to six points on question number eight on the Papio Missouri NRD's application No. 4137.

Knutson moved and Reynolds seconded the motion to approve the minutes of the April 19th, 2016 Commission meeting, as amended.

Motion Passed.

| Commissioner | Aye | Nay | Abstain | Absent | Commissioner | Aye | Nay | Abstain | Absent |
|--------------|-----|-----|---------|--------|---------------|-----------|----------|----------|----------|
| Amen | X | | | | Kraus | X | | | |
| Anderson | X | | | | Palm | | | X | |
| Barels | | | X | | Rains | X | | | |
| Batie | X | | | | Rexroth | | | | X |
| Christensen | X | | | | Reynolds | X | | | |
| Clouse | | | | X | Smathers | X | | | |
| Deines | | | | X | Smith | | | | X |
| Dunbar | | | X | | Steffen | X | | | |
| Fornoff | X | | | | Strauch | X | | | |
| Hadenfeldt | X | | | | Sugden | | | | X |
| Hergott | X | | | | Taylor | X | | | |
| Kadlecek | | | | X | Thompson | X | | | |
| Knutson | X | | | | Wright | | | | X |
| Kosman | | | | X | TOTALS | 16 | 0 | 3 | 8 |

PUBLIC COMMENTS

No public comments were offered.

DNR UPDATE

Director Fassett reported high water flow conditions for the year, especially in the North & South Platte basins, have been quite bountiful. He reported that Pathfinder Dam has been spilling for the third time in the last fifty years which sends a good signal for the Platte system for 2017. Flows are starting to taper off now and certain areas in the Republican and Niobrara basins are under administration.

EXPENDITURES REPORT

Fund reports showing financial activity and ending balances through May 31, 2016, were distributed prior to the meeting. No unusual expenditures were reported.

EROSION AND SEDIMENT CONTROL PROGRAM

Red Line Changes - State Plan – Review & Possible Action

A final version of the red line changes to the State’s Erosion & Sediment Control Program was distributed prior to the Commission meeting.

Reynolds moved and Anderson seconded the motion to recommend the Director approve the redline changes to the State Erosion and Sediment Control Program.

Motion Passed.

| Commissioner | Aye | Nay | Abstain | Absent | Commissioner | Aye | Nay | Abstain | Absent |
|--------------|-----|-----|---------|--------|---------------|-----------|----------|----------|----------|
| Amen | X | | | | Kraus | X | | | |
| Anderson | X | | | | Palm | X | | | |
| Barels | X | | | | Rains | X | | | |
| Batie | X | | | | Rexroth | | | | X |
| Christensen | X | | | | Reynolds | X | | | |
| Clouse | | | | X | Smathers | X | | | |
| Deines | | | | X | Smith | | | | X |
| Dunbar | X | | | | Steffen | X | | | |
| Fornoff | X | | | | Strauch | X | | | |
| Hadenfeldt | X | | | | Sugden | | | | X |
| Hergott | X | | | | Taylor | X | | | |
| Kadlecek | | | | X | Thompson | X | | | |
| Knutson | X | | | | Wright | | | | X |
| Kosman | | | | X | TOTALS | 19 | 0 | 0 | 8 |

NRD's E&SCP Revisions – Review & Possible Action

Amen noted that each NRD is responsible for enforcing erosion and sediment complaints and that allowable soil loss values, expressed in tons per acre, differ across the state.

Batie moved and Hadenfeldt seconded the motion to recommend the Director approve the Revised Erosion & Sediment Control Programs for the SPNRD, ULNRD, P-MNRD, T-BNRD, LNNRD, LBNRD, & LENRD.

Motion Passed.

| Commissioner | Aye | Nay | Abstain | Absent | Commissioner | Aye | Nay | Abstain | Absent |
|--------------|-----|-----|---------|--------|---------------|-----------|----------|----------|----------|
| Amen | X | | | | Kraus | X | | | |
| Anderson | X | | | | Palm | X | | | |
| Barels | | X | | | Rains | X | | | |
| Batie | X | | | | Rexroth | | | | X |
| Christensen | X | | | | Reynolds | X | | | |
| Clouse | | | | X | Smathers | X | | | |
| Deines | | | | X | Smith | | | | X |
| Dunbar | X | | | | Steffen | X | | | |
| Fornoff | X | | | | Strauch | X | | | |
| Hadenfeldt | X | | | | Sugden | | | | X |
| Hergott | X | | | | Taylor | X | | | |
| Kadlecek | | | | X | Thompson | X | | | |
| Knutson | X | | | | Wright | | | | X |
| Kosman | | | | X | TOTALS | 18 | 1 | 0 | 8 |

PROPOSED POLICY CHANGES DISCUSSION & POSSIBLE ACTION

Sievers called attention to the revised draft Policy Statement I and reported that further changes requested at the last Commission meeting had been incorporated, including listing the members of the Executive Committee, noting that half of the Application Review Committee members are to be appointed by the Chairman each year, and adding the Natural Resources Conservation Service (NRCS) as a member of the advisory council. Sievers also mentioned that the revised draft of Policy Statement XV was distributed but should be laid-over for consideration and possible action at the next meeting to allow opportunity for further changes to be proposed.

PROGRAM COMMITTEE

A separate Program Committee meeting was not held, so staff led the discussion on agenda topics pertaining to program activities. No unusual activity was reported during discussion of status reports for the following funds.

Resources Development Fund

- The status report showed no unusual activity. All but two projects had claimed all of their available funds.
- Staff reported the following transfers had been made under the authority of the Commission's Rules, Title 256, Chapter 4 – No. 12, to facilitate sponsor reimbursements:

UPPER PRAIRIE/SILVERS/MOORES

| Component | No. | Amount Reduced | Amount Increased |
|-------------|-----|-------------------|---------------------|
| LAND RIGHTS | 2 | \$34,253.89 | |
| ENGINEERING | 3 | | \$34,253.89 |

WESTERN SARPY/CLEAR CREEK

| Component | No. | Amount Reduced | Amount Increased |
|--------------|-----|-------------------|---------------------|
| LAND RIGHTS | 4 | \$4,997.08 | |
| CONSTRUCTION | 3 | | \$4,997.08 |

LAKE WANAHOO

| Component | No. | Amount Reduced | Amount Increased |
|----------------------------|-----|-------------------|---------------------|
| LAND RIGHTS - Pre Approval | 5 | \$52,444.11 | |
| RECREATION | 20 | | \$52,444.11 |

- No action was taken to modify Project Components as Necessary for Obligation of FY 2017 Funds.
- FY 2017 Allocation & Obligations, based upon a formula used last year, were depicted on the attached table titled “Nebraska Resources Development Fund FY 2017 Allocation & Obligation.” Project sponsors have also requested that the obligation to each project be divided into components as depicted on this table.

Smathers moved and Knutson seconded the motion to Allocate & Obligate FY 2017 RDF funding as depicted on the attached Nebraska Resources Development Fund FY 2017 Allocation & Obligation table.

Motion Passed.

| Commissioner | Aye | Nay | Abstain | Absent | Commissioner | Aye | Nay | Abstain | Absent |
|--------------|-----|-----|---------|--------|---------------|-----------|----------|----------|----------|
| Amen | X | | | | Kraus | X | | | |
| Anderson | X | | | | Palm | X | | | |
| Barels | X | | | | Rains | X | | | |
| Batie | X | | | | Rexroth | | | | X |
| Christensen | X | | | | Reynolds | X | | | |
| Clouse | | | | X | Smathers | X | | | |
| Deines | | | | X | Smith | | | | X |
| Dunbar | X | | | | Steffen | X | | | |
| Fornoff | X | | | | Strauch | X | | | |
| Hadenfeldt | X | | | | Sugden | | | | X |
| Hergott | X | | | | Taylor | X | | | |
| Kadlecek | | | | X | Thompson | X | | | |
| Knutson | X | | | | Wright | | | | X |
| Kosman | | | | X | TOTALS | 19 | 0 | 0 | 8 |

Small Watersheds Flood Control Fund

- The only activity in this fund for the past year was the addition of accrued interest. The current balance is \$711,271.57.

Hergott moved and Anderson seconded the motion to establish the revolving fund base for the Small Watersheds Flood Control Fund at \$711,271.57 for FY 2017.

Motion Passed.

| Commissioner | Aye | Nay | Abstain | Absent | Commissioner | Aye | Nay | Abstain | Absent |
|--------------|-----|-----|---------|--------|---------------|-----------|----------|----------|----------|
| Amen | X | | | | Kraus | X | | | |
| Anderson | X | | | | Palm | X | | | |
| Barels | X | | | | Rains | X | | | |
| Batie | X | | | | Rexroth | | | | X |
| Christensen | X | | | | Reynolds | X | | | |
| Clouse | | | | X | Smathers | X | | | |
| Deines | | | | X | Smith | | | | X |
| Dunbar | X | | | | Steffen | X | | | |
| Fornoff | X | | | | Strauch | X | | | |
| Hadenfeldt | X | | | | Sugden | | | | X |
| Hergott | X | | | | Taylor | X | | | |
| Kadlecek | | | | X | Thompson | X | | | |
| Knutson | X | | | | Wright | | | | X |
| Kosman | | | | X | TOTALS | 19 | 0 | 0 | 8 |

- No action was taken to set a sales schedule for the upcoming fiscal year as there is no land in inventory and therefore no sales are projected.

Soil and Water Conservation Fund Program

- Status report showed normal activity since the last report. New allocations will be made in July.
- Richters stated that the Upper Big Blue NRD has requested Variable Rate Irrigation (VRI) and Variable Frequency Drive (VFD) be added as eligible components under NC-17 Irrigation management practices. Marie Krausnick, Upper Big Blue NRD discussed the benefit of allowing cost share for zone and precision application tied to this item. Richters mentioned that she had received about a dozen letters from other NRD managers supporting this request.
- Dunbar described the technology, costs and reliability of these items stating that the technology has been out for ten years.

Knutson moved and Smathers seconded the motion to add variable rate irrigation and variable frequency drive to the list of eligible practices under NC-17 irrigation management.

Motion Passed.

| Commissioner | Aye | Nay | Abstain | Absent | Commissioner | Aye | Nay | Abstain | Absent |
|--------------|-----|-----|---------|--------|---------------|-----------|----------|----------|----------|
| Amen | X | | | | Kraus | X | | | |
| Anderson | X | | | | Palm | X | | | |
| Barels | X | | | | Rains | X | | | |
| Batie | X | | | | Rexroth | | | | X |
| Christensen | X | | | | Reynolds | X | | | |
| Clouse | | | | X | Smathers | X | | | |
| Deines | | | | X | Smith | | | | X |
| Dunbar | X | | | | Steffen | X | | | |
| Fornoff | X | | | | Strauch | X | | | |
| Hadenfeldt | X | | | | Sugden | | | | X |
| Hergott | | X | | | Taylor | X | | | |
| Kadlecek | | | | X | Thompson | X | | | |
| Knutson | X | | | | Wright | | | | X |
| Kosman | | | | X | TOTALS | 18 | 1 | 0 | 8 |

Natural Resources Water Quality Fund

- An estimated \$400,000 distribution will be made in August.

Water Well Decommissioning Fund

- Normal activity since the last report. At the current expenditures rate, there may be \$200,000 available next year.

Water Sustainability Fund

- The status report showed that FY 2017 funding plus carryforward would approximately total the following:

| | |
|-------------------------------|---------------------|
| Combined Sewer Overflow | \$800,796 |
| Requests of \$250,000 or less | \$1,321,198 |
| Requests over \$250,000 | <u>\$22,999,083</u> |
| TOTAL | \$25,121,077 |

Zimmerman estimated DNR and Game & Parks would complete reviews by the end of September, depending upon the number of applications filed. The Scoring Committee could make recommendations by the end of November; and the Commission could finalize scores and award funding at a special meeting in December.

Christensen, Batie and Smathers said the Committee is strongly committed to complete review of these applications such that the Commission can take action prior to the end of the calendar year.

- No adjustments were necessary for FY 2016 Allocation/Obligations regarding prior costs.
- An updated list of possible items to be changed in Water Sustainability Fund Rules was distributed and discussed. Commissioners were asked to identify any other revisions they deem appropriate and forward those to Chairman Fornoff, Committee Chair Smathers or to staff for discussion at the next meeting.

Smathers pointed out the need for more specificity regarding how prior costs will be administered based on the interpretation of current rules. He stated that the Committee has asked staff to include the following statement on the website for applicants to read prior to uploading applications:

"Applicants should identify as part of the application the direct costs separately identifying (1) prior costs including (a) costs prior to application and (b) estimated costs from date of application until project approval; and (2) the balance of direct project costs."

Zimmerman suggested the Commission should designate an estimated approval date in the above statement to help the applicant estimate prior cost.

Director Fassett expressed concern about allowing prior costs to be included as part of reimbursable expenditures. He pointed out his staff's difficulty in resolving how reimbursements for prior costs are computed, and added that the limited funds available will be diluted if used to cost-share on items that sponsors have chosen to pay with no assurance that their application will be approved.

OTHER BUSINESS

- No other business was discussed.
- No agenda items for the next meeting were offered. The next Commission meeting is scheduled on September 8 at the Monsanto Water Utilization Center near Gothenburg.
- Strauch asked that the handouts be numbered and cross-referenced to associated agenda items.

ADJOURNMENT

* * * * *

The meeting was adjourned at 2:34 p.m.

NEBRASKA RESOURCES DEVELOPMENT FUND FY 2017 ALLOCATION & OBLIGATION

| PROJECTS | ALLOCATION | OBLIGATION | Component | Amount |
|-----------------------------|---------------------|---------------------|----------------------|------------------------|
| Buck & Duck Watershed | 562,074.44 | 562,074.44 | #1 Land | 432,153.47 |
| | | | #2 Recreation | 129,920.97 |
| Lower Turkey Cr. Watershed | 350,754.89 | 350,754.89 | #3 Land | 111,965.00 |
| | | | #4 Construction | 238,789.89 |
| Pigeon/Jones Creek | 2,364,918.57 | 2,364,918.57 | #2 Construction | 2,364,918.57 |
| Upper Prairie/Silver/Moores | 1,912,556.18 | 1,912,556.18 | #3 Engineering | 150,000.00 |
| | | | #4 Construction | 1,762,556.18 |
| Lake Wanahoo | 0.00 | 460,861.12 | #5 Land - Pre Approv | 432,754.03 |
| | | | #20 Recreation | 28,107.09 |
| Western Sarpy/Clear Creek | 489,159.80 | 489,159.80 | #4 Construction | 489,159.80 |
| TOTAL | 5,679,463.88 | 6,140,325.00 | | \$ 6,140,325.00 |