



Little Blue Natural Resources District

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NEW OR RECONSTRUCTED DAMS ON PRIVATE PROPERTY PROGRAM

(Amended: November 12, 2019)

OBJECTIVE

The purpose of this program is to participate in planning, design and financial assistance in the construction of dams located on private property. Dams constructed under this program may involve one or more landowners. Public benefits to be achieved include: flood control, sediment and erosion control, and water conservation. Other benefits include groundwater recharge, beneficial use of impounded water, and fish and wildlife enhancement.

ELIGIBILITY, DESIGN AND ENGINEERING

- Any landowner in the Little Blue NRD is eligible to request funding assistance through this program. The minimum drainage area for a dam under this program is 80 acres.
- A minimum of 75% of the drainage area shall have adequate land treatment or protection as certified by the Natural Resources Conservation Service (NRCS).
- All projects for which NRD cost-share is requested must be designed by the NRCS (if eligible under their non-private competition policy) or a qualified and certified private engineer.

ELIGIBLE COMPONENTS

Construction items for which cost share can be received include, but are not limited to: engineering, permits, earth fill, drains, concrete, tube and steel, grass seed and seeding, mulching, fencing, mitigation, construction inspection, minus any state or federal funds available.

COST-SHARE RATE

The NRD will cost-share up to 75% of eligible costs, not to exceed \$50,000 of NRD funds, on all private dams. In each case, cost share will be based on the actual final quantities installed, multiplied by the lesser of the County's Average Cost or the Actual Unit Cost submitted by the contractor.

APPLICATION PROCEDURE

- 1) The landowner must contact the County NRCS office in which the proposed structure lies and meet with an NRD representative and NRCS to discuss if the project meets all requirements or if there are other prudent alternatives. The NRCS will also determine if their agency is eligible to design the project.

Little Blue Natural Resources District

New or Reconstructed Dams on Private Property Program

- 2) The NRCS and NRD staff will conduct a site inspection. When performing the initial site assessment, it is recommended the Inventory and Evaluation form be used to assist in inventorying the proposed solutions and resources concerns. Resource concerns include but are not limited to erosion prevention and control, flood prevention and control, soil conservation, water supply for beneficial use, development-management-utilization and conservation of groundwater and surface water, pollution control, waste control, drainage improvement, development and management of fish and wildlife habitat, development and management of recreational and park facilities, and forestry/range management. After identifying resource concerns and determining if a Dam is an effective conservation practice to address those concerns, eligibility of the proposed project must be determined using the LBNRD's Dam Program criteria. An initial concept plan is developed as part of this step.
- 3) Determination by NRCS that any structure that will require more than 60 working days of NRCS time equivalent of a USACE 404, or DNR permits (approximately 300 acres of drainage area) the project must be contracted to a private engineering firm. (NRCS non-private competition policy.) If a private engineering firm will be used, the landowner will be responsible for contacting a licensed engineer. The NRCS engineer or private engineer will develop a preliminary design, cost estimate, and will identify all relevant or required permits.
- 4) The project cost estimate will be presented to the Projects and Planning Committee for review and recommendations. Committee recommendations will be presented to the NRD Board of Directors for project approval. Once the project has been approved, the engineering and design work may proceed. After project approval, the landowner is responsible for all project design costs and construction. NRD will reimburse up to and not to exceed 75%.
 - a. Design work will meet all NRCS technical specifications according to Conservation Practice Standard 378 (Pond).
 - b. The landowner will pay for engineering fees charged as the project progresses and submit claims to the NRD. The landowner may request the technical assistance payment at the completion of the engineering design phase.
- 5) Once the final design is completed, the landowner may request cost-share reimbursement up to 50% of the design.
 - a. At the completion of the design process the landowner will be provided complete set of plans and a list of construction items and quantities for the project from the NRCS, or engineer.
 - b. **The Landowner is responsible for soliciting bids and is encouraged to contact at least three contractors to establish the maximum cost-share.** Sealed bids will be provided to the NRD prior to the projects and planning committee meeting. The bids will be opened at the meeting. Recommendation for the lowest bid will be taken to the Board of Directors. The NRD will notify the NRCS (or engineer) that bids have been received and the project is ready for construction.
 - c. **If three bids can't be obtained, the board will accept the lowest bids of those received for the dam project.**

Little Blue Natural Resources District

New or Reconstructed Dams on Private Property Program

- 6) After the lowest bid approval, a notice to proceed will be sent to the landowner to coordinate the construction commencement. **Project is to be completed within 1 year of completion of engineer's final design.*
- 7) The landowner can request reimbursement for construction once the project is certified as complete by the engineer. Final payment will be authorized by the Board and issued to the landowner(s) as soon as the structure has received final inspection from the NRCS or private engineering firm and the Project Agreement is signed and returned to the NRD. This final payment will total 75% of the total project cost, including engineering, not to exceed \$50,000.

COST OVER-RUNS

The NRD Board's action will generally authorize cost-share based on the estimated cost of construction, plus 5% over-run amount. Any job which is expected to exceed the approved amount must be presented to the NRD, and receive approval, before payment could be considered for such expenses.

EASEMENTS

All easements required for construction or storage on neighboring land tracts, will be the responsibility of the landowner. If payment is required for such easements, those costs are not eligible for District cost-share. *All easements must be acquired before construction begins.*

PERMITS

The landowner will be responsible for obtaining necessary permits for construction and impoundment of water. The costs of the permits will be considered eligible project costs.

AGREEMENT

Before receiving payment, the cooperator must be willing to sign a 25-year agreement stating that the project will not be removed, altered or modified to lessen its effectiveness without the consent of the district. If removal, alteration or modifications occur which lessen the project's effectiveness or reduce the natural resources benefits for which cost-share was received during the agreement term, the landowner will be required to reimburse the District for a prorated share of the project costs calculated on the years of service provided by the structure.

OPERATION AND MAINTENANCE

The District will provide guidance for the proper operation and maintenance of dams constructed under this program. The landowner is fully responsible for the proper care and maintenance of the project after its completion.

The district policy outlined heretofore shall be the general policy of the district, however when unusual circumstances dictate, the district may modify their financial contribution to these flood control structures.

The directors of the Little Blue Natural Resources District originally approved this Policy Statement on October 28, 1975. Subsequent amendments are listed below:

Amended: May 31, 1977

Amended: June 27, 1995

Little Blue Natural Resources District

New or Reconstructed Dams on Private Property Program

Amended: October 30, 1979

Amended: June 29, 1982

Amended: January 3, 1984

Amended: March 28, 1989

Amended: February 26, 1991

Amended: November 8, 2016

Amended: April 29, 1997

Amended: July 10, 2001

Amended: April 12, 2005

Amended: February 10, 2015

Amended: August 11, 2015

Amended: November 12, 2019