

PERMIT REQUIREMENTS FOR DEVELOPMENT  
OF  
ENERGY AND OTHER SELECTED NATURAL RESOURCES  
FOR THE  
STATE OF NEBRASKA

PREPARED FOR  
OLD WEST REGIONAL COMMISSION  
AND THE  
U.S. GEOLOGICAL SURVEY

BY J. K. SMITH

This material is the result of tax-supported research and as such it is not subject to copyright. It may be freely reprinted with customary credit to the source. None of the findings, conclusions, or recommendations in the data are endorsed by the Old West Regional Commission, or the U.S. Geological Survey.



## ACKNOWLEDGMENTS

The Nebraska guidebook was prepared under the direction of the U.S. Geological Survey (USGS) in cooperation with the Old West Regional Commission and the State of Nebraska. Funding support for this project was provided by the USGS Environmental Affairs Office (EAO). Wilbert J. Ulman and James Frederick of the USGS Resource Planning and Analysis Office (RPAO) served respectively as Program Manager and Project Coordinator during the preparation of the guidebook. Both the RPAO and EAO are under the Office of Earth Sciences Applications (OESA). Kenneth Blackburn, of the Old West Regional Commission, acted as Project Manager. Jack Hart, Executive Coordinator of Natural Resources, served as State Representative and provided valuable technical assistance. Justus K. Smith, AICP, of Denver, Colorado, was responsible for compiling all available information and producing the final document.

Requests for information concerning this publication should be directed to either:

Executive Coordinator of Natural Resources State Capitol, Room 2310 Lincoln, Nebraska 68509	or	U.S. Geological Survey Environmental Affairs Office 760 National Center Reston, Virginia 22092
--	----	---

## PUBLICATION AVAILABILITY

This Nebraska Permit Guide is available as an USGS Open-File Report #81-1268 from:

U.S. Geological Survey  
Open-File Services Section  
Branch of Distribution  
Denver Federal Center  
Box 25425  
Denver, Colorado 80225



## TABLE OF CONTENTS

SUBJECT	Page
<b>SECTION 1.0 INTRODUCTION</b>	
Introduction .....	7
How to Use this Guidebook .....	11
<b>SECTION 2.0 STATE POLICY AND PROCEDURES FOR CONSOLIDATED PERMIT PROGRAM</b>	
Chapter 2.1 State Clearinghouse .....	17
<b>SECTION 3.0 RESOURCE EXTRACTION</b>	
Chapter 3.1 Oil and Gas .....	21
<b>SECTION 4.0 LAND USE REGULATION</b>	
Chapter 4.1 Major Facility Siting .....	27
Chapter 4.2 Flood Plain Management Not Regulated by the Nebraska Natural Resources Commission .....	29
Chapter 4.3 Flood Plain Management Regulated by the Nebraska Natural Resources Commission .....	31
<b>SECTION 5.0 ENVIRONMENTAL QUALITY MANAGEMENT</b>	
Chapter 5.1 Air Quality .....	35
Chapter 5.2 Water Quality Standards and Regulations .....	38
Chapter 5.3 Ground Water Registration .....	40
Chapter 5.4 Solid Waste Management .....	44
Chapter 5.5 Hazardous Waste Management .....	47
Chapter 5.6 Public Water Supply .....	48
Chapter 5.7 Radioactive Material .....	51
<b>SECTION 6.0 SOCIAL/ECOLOGICAL PRESERVATION</b>	
Chapter 6.1 Nongame, Threatened, and Endangered Species .....	55
Chapter 6.2 Archaeological and Historical Resources .....	57
<b>SECTION 7.0 LOCAL REGULATORY POLICY</b>	
Chapter 7.1 Local Government Land Use and Natural Resource Control Enabling Laws .....	61
Chapter 7.2 Sub-State Management Districts .....	65

## SECTION 1.0

---

### INTRODUCTION

## INTRODUCTION

This guide is one in a series prepared for various States. The purpose of the guidebook is to summarize environmental and land-use permits issued by the State for the development of energy and other natural resources. The guidebook is intended not only for private developers and interest groups, but also for regulatory officials of Federal, State, and local government as well.

All State agencies having jurisdiction over the permits, licenses, and approvals described in this guidebook helped to prepare it, and they reviewed the final draft of each summary for accuracy and completeness. Users of this guidebook should be aware, however, that changes in the laws, rules and regulations, or regulatory personnel since the guidebook was published may cause significant changes in permit requirements.

The guidebook should not be construed as a legal document or a final authority on permits for the State of Nebraska; it is not intended to be a comprehensive reference to the specific requirements of each permit, but to provide concise, easy-to-use information on the State regulations that govern the development of such resources. Before attempting to obtain a permit or begin any activity that might require a permit, persons should contact the appropriate State agency for further details.

The guidebook is divided into seven sections. Sections 1, 2 and 7 discuss introductory information, consolidated permit programs for the State of Nebraska, and local regulatory policies, respectively. The remaining sections discuss permits that apply to Resource Extraction, Land Use Regulation, Environmental Quality Management, and Social/Ecological Preservation. Each section is divided into chapters; each chapter summarizes one permit, license, or approval. Permits administered by a single agency are generally grouped together in each section.

Each permit is discussed in the following standard format:

**STANDARD FORMAT FOR PERMIT SUMMARY****CHAPTER 0.0****TITLE OF ACTIVITY ADDRESSED BY PERMIT, LICENSE OR APPROVAL****INTRODUCTION**

Description of administering agency and its role.

**A. NAME OF PERMIT OR APPROVAL**

Complete name of permit or approval.

**B. STATUTORY AUTHORITY**

Title of State statutes authorizing permit and the legal citations of each.

**C. TITLE OF REGULATION**

Title of State regulation(s) which apply to permit.

**D. SUMMARY OF PERMIT/APPROVAL PROCESS**

Summary of major steps involved in the permit/approval process.

**1. APPLICABILITY.**

Includes all types of activities which require the permit.

**2. GENERAL REQUIREMENTS.**

Conditions which must be met by the project sponsor before a permit can be acquired; does not include submissions or operations requirements.

**3. SUBMISSION REQUIREMENTS.**

Types of information which the project sponsor must include in the application for the permit.

**4. PROCEDURE FOR OBTAINING PERMIT OR APPROVAL.**

Includes information on items such as submittal procedures, completeness and technical review, public notice, comment and



hearing periods, preliminary and final decisions, inspections, and processing time.

5. OPERATION REQUIREMENTS.

Conditions which are established by the regulatory agency following permit approval and which must be met by the project sponsor to continue operations.

6. FEES.

Costs incurred for obtaining and maintaining the permit.

7. APPEAL PROCESS.

Process whereby decisions by a regulatory agency concerning permit approval/denial can be appealed.

**E. ADMINISTERING AGENCY**

Name of the administering agency, its address and phone number.

Name of the counterpart Federal agency, its address and phone number.

The following agencies were contacted and have individually verified the content of that portion for which they have authority:

**ADMINISTERING AGENCIES**

Nebraska Department of Roads  
P. O. Box 94759  
Lincoln, NE 68509  
(402) 473-4611

Natural Resources Commission  
P. O. Box 94876  
Lincoln, NE 68509  
(402) 471-2081

Department of Water Resources  
Nebraska State Office Building  
P. O. Box 94676  
Lincoln, NE 68509  
(402) 471-2363

Nebraska Department of  
Environmental Control  
P. O. Box 94877, Statehouse Station  
Lincoln, NE 68509  
(402) 471-2186

Nebraska Energy Office  
P. O. Box 95085  
Lincoln, NE 68509  
(402) 471-2867

Nebraska State Health Department  
P. O. Box 95007  
Lincoln, NE 68509  
(402) 471-2674

**ADMINISTERING AGENCIES (continued)**

Policy Research Office  
State Capitol  
P. O. Box 94601  
Lincoln, NE 68504  
(402) 471-2414

Nebraska Power Review Board  
P. O. Box 94713  
Lincoln, NE 68509  
(402) 471-2301

Nebraska State Historical Society  
1500 R. Street  
Lincoln, NE 68508  
(402) 471-3270

Department of Economic Development  
301 Centennial Mall South  
P. O. Box 94666  
Lincoln, NE 68509  
(402) 471-3111

## HOW TO USE THIS GUIDEBOOK

Due to the complexity of the statutes and the applicable rules and regulations as promulgated by various agencies, it is recommended that interested parties make pre-application contact with the agencies to obtain complete information regarding permit requirements and application procedures, and maintain regular contact throughout the process. In addition, various Federal permits may be required. This guide does not address the issue of State regulation over Federal land, nor regulatory authority over public domain, national forest, Indian land, military land, acquired land, or Federal reservation of minerals under private surface rights. Differences that may exist in the applicability of State law to various categories of Federal land must be addressed on an individual basis by the applicant.

This guide serves as a general reference source and should not be used as a substitute for legal advice. The information herein was collected and verified during the Summer of 1981, and includes legislation as of the end of the 1981 Session.

During the course of developing this guide, it became apparent that other State agencies not specifically mentioned in the chapters were of equal importance for resource development interests. Those additional agencies include: the Department of Roads in relation to transportation activities, vehicle movement, accesses and encroachments, and highway modification; the Department of Water Resources for the use and allocation of water; and, the Nebraska Energy Office for energy conservation standards.

### HIGHWAYS

The Nebraska State Department of Roads issues permits for the use and occupancy of the highway right-of-way; issues advertising sign permits; issues junk yard permits; maintains access control records; and provides such changes as may be required.

The department is also responsible for oil and gas leases on Nebraska Department of Roads rights-of-way. The legal requirements are set forth in Neb. Rev. Stat. Chapter 57-218 through 57-221 (Reissue 1978). The lease is obtained by purchase at public auction. Legal notice must be published in a legal newspaper within the county where the land is located for 2 consecutive weeks prior to the

sale. The terms of sale include an annual delay rental of not less than \$1 per acre, 1/8 royalty, plus \$100 to cover the department's expense.

## ADMINISTERING AGENCY

Nebraska Department of Roads  
P. O. Box 94759  
Lincoln, NE 68509  
(402) 473-4611

District One  
P. O. Box 94759  
392 Superior Street  
Lincoln, NE 68509  
(402) 474-4987

District Three  
P. O. Box 1287  
408 North 13th Street  
Norfolk, NE 68701  
(402) 371-2170

District Five  
P. O. Box 580  
514-18 North Main Street  
Bridgeport, NE 69336  
(308) 262-1280

District Seven  
P. O. Box 530  
7th & Auditorium Street  
McCook, NE 69001  
(308) 345-3335

District Two  
P. O. Box 37461  
4425 South 108th Street  
Omaha, NE 68137  
(402) 331-4661

District Four  
P. O. Box 1488  
211 North Tilden Street  
Grand Island, NE 68801  
(308) 382-1969

District Six  
P. O. Box 1108  
1321 North Jeffers Street  
North Platte, NE 69101  
(308) 532-1115

District Eight  
P. O. Box 66  
East Highway No. 20  
Ainsworth, NE 69210  
(402) 387-2471

## WATER RIGHTS

The Department of Water Resources is responsible for various water related development functions, including water right applications, impoundment of water, and dam construction, as well as those activities summarized in Chapter 5.3, Ground Water Registration and Chapter 5.6, Public Water Supply. Application for a permit to appropriate water (DWR Form 233) is required to record the use of water, set a priority date for regulation, and to determine the amount of water to be appropriated. An application is reviewed and initially approved or denied within 6 weeks from the date filed, at which time construction may begin, and project

plans and maps filed within 6 months thereafter. Final approval and amount of appropriation is given or denied within 6 weeks following review of the project plans. The appropriation is perfected when the water has been applied to beneficial use stipulated in the application and may be cancelled if not used for a period of 3 or more consecutive years. At any time during the review process a hearing may be requested. Application fees are based on the nature of the water use from \$5 for each theoretical 50 horsepower for power generation to \$10 for uses other than agricultural. Irrigation--\$200 for first 1,000 acres, each additional 1,000 acres or portion thereof--\$100.

Application for a permit to impound water or to construct dams within certain limitations designated by statute are administered by the department. Plans and specifications are filed and reviewed for completeness and engineering soundness. Either type application is approved within 6 weeks unless corrections are required by the department. Impoundment fees are \$25 for the first 5,000 acre feet plus \$10 for each additional 5,000 acre feet or fraction thereof. Dam construction examination of plans fees are \$1 per foot of dam height plus impoundment fees and site inspection expenses.

#### **ADMINISTERING AGENCY**

Department of Water Resources  
Nebraska State Office Building  
301 Centennial Mall South  
P. O. Box 94676  
Lincoln, NE 68509

(402) 471-2363

#### **ENERGY**

Minimum energy conservation standards are in effect for residences by State law and are administered by various local jurisdictions. Local codes must be reviewed in the appropriate jurisdiction, municipal and county, particularly for their jurisdictional authority that in many instances exceed corporate limits. If there is a local building thermal code approved by the Nebraska Energy Office, the local government having jurisdiction will collect the fee, if any, and determine compliance with the minimum standards.

Where no local code is enforced, a builder must certify to the Nebraska Energy Office on forms provided by the office that he will build according to the

Nebraska Standard. The form and a \$25 certification fee are returned to the office; a second copy of the form must be presented to the local utility on application for initial service to the site.

Commercial standards are to take effect January 1, 1982.

**ADMINISTERING AGENCY**

Local jurisdictions or  
in the absence of a  
local code:

Nebraska Energy Office  
P. O. Box 95085  
Lincoln, NE 68509

(402) 471-2867

**FEDERAL COUNTERPART**

U.S. Department of Energy  
Federal Office Building  
324 East 11th Street  
Kansas City, MO 64106

(816) 374-2941

## SECTION 2.0

### STATE POLICY AND PROCEDURES FOR CONSOLIDATED PERMIT PROGRAM





## CHAPTER 2.1 STATE CLEARINGHOUSE

### INTRODUCTION

The Nebraska Policy Research Office coordinates the review process to determine conflict with State level comprehensive plans or duplication of expenditures. The Policy Research Office determines compliance with State level regulations and requirements.

**A. NAME OF APPROVAL**

State Clearinghouse Review

**B. STATUTORY AUTHORITY**

84-133-161 and 81-1133-1134, Nebraska Revised Statutes.

**C. TITLE OF REGULATION**

Regulations promulgated by Federal Council on Environmental Quality, Environmental Protection Agency, and the Office of Management and Budget. State regulatory authority is not applicable. Each regulatory agency has its own hearing process and permit function.

**D. SUMMARY OF APPROVAL PROCESS**

**1. APPLICABILITY.**

The primary function of the clearinghouse is to examine and facilitate the overview of proposed projects for their statewide or areawide impacts and their relationships to State or areawide plans or policies.

**2. GENERAL REQUIREMENTS.**

Any application from a State agency for non-State funds, applications for Federal assistance under OMB Circular A-95, environmental impact statements, State plans, Federal permit activities, and NRD long range implementation and master plans must be submitted to the State clearinghouse for review.

3. SUBMISSION REQUIREMENTS.

PRO Form 2000-3 and sufficient copies of any information required by the funding agency or other material which would adequately describe the proposal under review.

4. PROCEDURE FOR OBTAINING APPROVAL.

The total review period is 30 days, unless additional time is authorized by the funding agency or applicant. Project is received and assigned an SAI number and transmitted to the reviewing agencies. Reviewing agencies are given 14 days to review and comment. Meetings, or extensions of review period for purposes of making comments are scheduled on a case-by-case basis. Serious comments are forwarded to the funding agencies and/or applicants with a request to either respond to comments or resolve problems directly with State agencies involved. Final review comments are determined upon extent or response or problem resolution.

5. OPERATIONS REQUIREMENTS.

Renewal applications and major revisions of proposals are to be submitted for review.

6. FEES.

None.

7. APPEAL PROCESS.

Not Applicable.

**E. ADMINISTERING AGENCY**

Director  
Policy Research Office  
State Capitol  
P. O. Box 94601  
Lincoln, NE 68504

(402) 471-2414

**FEDERAL COUNTERPART**

Office of Management and Budget  
726 Jackson Drive  
Washington, D.C. 20503

(202) 395-2980

## SECTION 3.0

---

### RESOURCE EXTRACTION

## CHAPTER 3.I OIL AND GAS

### INTRODUCTION

The Nebraska Oil and Gas Conservation Commission is responsible for the development, production, and utilization of the greatest possible economic recovery of oil and gas subject to the prohibition of waste, and to issue permits for the drilling and/or abandonment of such wells.

#### A. NAME OF PERMIT

A series of forms are used for various phases and activities associated with testing, drilling, and plugging oil, gas, and mineral exploration holes. Form 2 - Notification of Intent to Drill or Re-enter.

#### B. STATUTORY AUTHORITY

Nebraska Oil and Gas Conservation, Chapter 57, Revised Statutes of Nebraska, 1943.

#### C. TITLE OF REGULATION

Rules and Regulations of the Nebraska Oil and Gas Conservation Commission.

#### D. SUMMARY OF PERMIT PROCESS

##### 1. APPLICABILITY.

The permitting system is applicable to the drilling or re-drilling and plugging, of a well or exploration test hole for oil and gas; the establishment of spacing units; cooperative development; transport of oil and/or gas; underground injection and disposal wells; and related activities.

##### 2. GENERAL REQUIREMENTS.

Before commencing operations applicable to the permitting process, an application must be filed and approval secured from the director of the commission.

### 3. SUBMISSION REQUIREMENTS.

Appropriate form(s) and fees are filed providing information requested including identification of the applicant; well and lease description; area and field location; completion and plugging conditions; production and product disposition; directional drilling; and additional information depending on project activity:

- Form 1 - Organization Report
- Form 2 - Notification of Intent to Drill or Re-enter
- Form 3A - Oil and Gas Operators Bond
- Form 4 - Sundry Notices
- Form 5 - Well Completion or Re-completion Report
- Form 6 - Plugging Record
- Form 7A - Well Status and Monthly Production Report
- Form 9A - Reservoir Pressure Test Report
- Form 11 - Report of Injection Project
- Form 12 - Packer Leakage Test Report
- Form 13 - Release of Further Plugging Liability
- Form 14 - Authorization to Transport Oil and/or  
Gas From Lease
- Form 15 - Retaining Pit Permit

### 4. PROCEDURE FOR OBTAINING PERMIT.

Appropriate activity form, fee, and bond are filed with the director before proceeding with operation or when reporting completion project within 30 days after work is completed. A permit is issued immediately after satisfactorily meeting the submission requirements. Drilling must start within 180 days after approval or approval becomes null and void.

### 5. OPERATIONS REQUIREMENTS.

Operator must file copies of logs, core data, drill stem tests, production descriptions, and reports of any other work done on the well. Sundry notices, completion reports, and production reports are required on completion or abandonment. Monthly reports are required to identify well, production, and sales. Before a dry or

abandoned well is plugged, the operator must notify the director. Land must be restored to the satisfaction of the director. Upon notification, an operator must supply sample cuttings to the Nebraska Geological Survey (Room 113, Nebraska Hall, Lincoln, NE 68588).

6. FEES.

Seismic exploration - None.

Intent to drill or re-enter - \$75 per well;

Re-drilling or drilling deeper by other than original operator - \$75 per well;

Injection well - none

Intention to abandon well with casing in the hole - \$25;

Drilling Performance Bond - \$2,500 minimum for each well or hole, or a blanket bond of \$10,000 covering all wells or holes drilled or to be drilled in the State;

Pulling casing by other than producer or owner - \$10,000 blanket bond to guarantee plugging.

7. APPEAL PROCESS.

To the Oil and Gas Conservation Commission of the State of Nebraska accompanied by a \$100 filing fee. Any person having an interest in property affected may appeal an examiner's order to the commission, within 15 days. After a final commission order, they may appeal to the district court of the county or counties in which the affected real estate is situated, and finally to the Supreme Court of the State of Nebraska.

E. ADMINISTERING AGENCY

Director  
Oil and Gas Conservation Commission  
1135 Jackson Street  
Box 399  
Sidney, NE 69162  
  
(308) 254-4595

FEDERAL COUNTERPART

U.S. Geological Survey  
111 So. Wolcott  
P. O. Box 2859  
Casper, WY 82602  
  
(307) 265-5550

## SECTION 4.0

---

### LAND USE REGULATION

## CHAPTER 4.1

### MAJOR FACILITY SITING

#### INTRODUCTION

The Nebraska Power Review Board issues certificates of public convenience and necessity for electric generating and transmission facilities.

**A. NAME OF APPROVAL**

Order of Need and Public Convenience and Necessity.

**B. STATUTORY AUTHORITY**

Chapter 70, Article 10, Nebraska Revised Statutes.

**C. TITLE OF REGULATION**

Rules of the Nebraska Power Review Board.

**D. SUMMARY OF APPROVAL PROCESS**

**1. APPLICABILITY.**

Authority to construct generation facilities, transmission lines, microwave facilities, and other related facilities.

**2. GENERAL REQUIREMENTS.**

Application for authority for generating and transmission facilities requires formal hearing and certification by the board.

**3. SUBMISSION REQUIREMENTS.**

Applications made to the board describing the construction or transmission facilities, engineering specifications, location and route, construction dates, estimated costs, public need, and evidence that resulting service is the most economical.

**4. PROCEDURE FOR OBTAINING APPROVAL.**

A formal hearing is set within 30 days after receipt of application. Hearing is held open until the board is sure that all necessary



matters have been presented, or the hearing is reopened. The board has 30 days to enter its order after the hearing is closed.

5. OPERATIONS REQUIREMENTS.

After authorization for construction is given by the board, the board's input is ended.

6. FEES.

None.

7. APPEAL PROCESS.

If the parties to the application are dissatisfied, an appeal within 30 days may be directed to the Nebraska Supreme Court after the order is entered by the board. Within 10 days after the board enters its order if the application is denied, the applicant can file a motion for a rehearing and, if the rehearing is denied by the board, then the applicant has 30 days from that date of denial of the rehearing to appeal to the Supreme Court.

C. ADMINISTERING AGENCY	FEDERAL COUNTERPART
Executive Director Nebraska Power Review Board P. O. Box 94713 Lincoln, NE 68509	Federal Energy Regulatory Commission 825 n. Capitol St. NE Washington, D. C. 20426
(402) 471-2301	(202) 357-8055

**CHAPTER 4.2**  
**FLOOD PLAIN MANAGEMENT NOT REGULATED**  
**BY THE NEBRASKA NATURAL RESOURCES COMMISSION**

**INTRODUCTION**

The Department of Water Resources is responsible for the construction of artificial obstructions within floodways or flood plains not regulated by an established Commission Floodway (see Chapter 4.3)

**A. NAME OF PERMIT**

Permit to Locate an Artificial Obstruction Within A Flood Plain Not Regulated by an Established Commission Floodway.

**B. STATUTORY AUTHORITY**

Section 2-1506.15 through 2-1506.27, N.R.S., Nebraska, 1943.

**C. TITLE OF REGULATION**

Rules of Procedure Governing Application for and Issuance of Flood Plain Permits.

**D. SUMMARY OF PERMIT PROCESS**

**I. APPLICABILITY.**

The statute and rules and regulations apply to construction of artificial obstructions, undertaken since March 9, 1975, to restrict or prohibit damaging or potentially damaging increases in flood stage or velocity caused by alterations in, or encroachments upon the flood plain, or repairs of structures within a flood plain or floodway damaged 50 percent or more of the replacement value. Construction includes the placement or erection of structures or earthworks; land filling; excavation or other non-agricultural alteration of the ground surface; installation of public utilities; channel modification; storage of material; or any other activity undertaken to modify the existing physical features of a flood plain with respect to the storage and conveyance of flood waters. Temporary structures are permitted, provided the permittee assumes full liability for flood damages.

2. GENERAL REQUIREMENTS.

Application required for construction or development in the flood plain of a water course identified as under the department's regulatory authority. Special conditions may be included in the permit. Permits are valid for 5 years following date of issuance.

3. SUBMISSION REQUIREMENTS.

Permit application describing proposed project and location. Larger projects may require project plans, hydrologic and hydraulic study.

4. PROCEDURE FOR OBTAINING PERMIT.

Application is submitted and reviewed for completeness and initial technical review. Application approved or denied within 2 weeks. Under extenuating circumstances, the director may hold application pending additional study or hearing.

5. OPERATIONS REQUIREMENTS.

No adverse or excessive diversions of floodwater. No excessive increase in velocities. Back water limited to 1-foot under concept of equal and opposite encroachment.

6. FEES.

None.

7. APPEAL PROCESS.

Appeals may be made to court of competent jurisdiction.

E. ADMINISTERING AGENCY	FEDERAL COUNTERPART
Nebraska Department of Water Resources P. O. Box 94676 Lincoln, NE 68509	U. S. Army Corps of Engineers Omaha District P. O. Box 5 Omaha, NE 68101
(402) 471-2363	(402) 221-4133

## CHAPTER 4.3

### FLOOD PLAIN MANAGEMENT REGULATED BY THE NEBRASKA NATURAL RESOURCES COMMISSION

#### INTRODUCTION

The Natural Resources Commission within the Department of Natural Resources is responsible for flood control within those floodways designated and established by order of the commission.

#### A. NAME OF PERMIT

Permit for Location of Artificial Obstruction in an Established Commission Floodway.

#### B. STATUTORY AUTHORITY

Nebraska Flood Plain Regulation Act, Sections 2-1506.01 to 2-1506.10 and 2-1506.12 to 2-1506.27, Nebraska Revised Statutes.

#### C. TITLE OF REGULATION

Rules and Regulations for the Administration of the Flood Plain Regulations.

#### D. SUMMARY OF PERMIT PROCESS

##### 1. APPLICABILITY.

Any artificial obstruction restricting the capacity of the floodways whose limits have been designated and established by order of the commission.

##### 2. GENERAL REQUIREMENTS.

Man-made developments in flood plain areas must conform to adopted rules, regulations, and minimum standards of flood plain management.

##### 3. SUBMISSION REQUIREMENTS.

Plans including maps, plans, and legal description locating and describing the proposal, and information as to fill limits, elevations, and flood elevations. Engineering studies may be required.

4. PROCEDURE FOR OBTAINING PERMIT.

Application and fee are submitted to the commission by the applicant. Review is by the commission staff and permit is issued within 30 days of receipt, if information is complete.

5. OPERATIONS REQUIREMENTS.

The obstruction must be maintained in accordance with State law and the minimum established standards.

6. FEES.

\$10.

7. APPEAL PROCESS.

Applicant denied a permit may apply for formal hearing and may appeal to a court of competent jurisdiction within 30 days after denial.

E. ADMINISTERING AGENCY

Flood Plain Management Engineer  
Natural Resources Commission  
P. O. Box 94876  
Lincoln, NE 68509

(402) 471-2081

FEDERAL COUNTERPART

Federal Emergency Management  
Agency  
Federal Office Building  
911 Walnut Street  
Kansas City, Mo 64106

(816) 374-2161

## SECTION 5.0

# ENVIRONMENTAL QUALITY MANAGEMENT

## **CHAPTER 5.1**

### **AIR QUALITY**

#### **INTRODUCTION**

The Air Quality Control Division, Nebraska Department of Environmental Control is responsible for the development of, and compliance with, air pollution emission standards.

#### **A. NAME OF PERMITS**

Construction Permit Application for:

Fuel Combustion (Form AP-22-77);

Incinerator (Form AP-21-77);

Grain Handling (Form AP-20-81).

General Process (Form AP-13-73).

#### **B. STATUTORY AUTHORITY**

Construction Permits, Nebraska Revised Statutes, Chapter 81-1505 (1) (12). Operating Permits, Nebraska Revised Statutes, Chapter 81-1504 (1)(2)(11)(13)(15)(21)(24), and Chapter 81-1508 (1)(c).

#### **C. TITLE OF REGULATION**

Construction-Rule 4; Operating-Rule 17, APC, Nebraska Department of Environmental Control.

#### **D. SUMMARY OF PERMIT PROCESS**

##### **1. APPLICABILITY.**

Permits are required to construct or operate a facility which may cause the issuance of an air contaminant, including fuel combustion facilities, incinerators, grain handling facilities, and general processing facilities.

##### **2. GENERAL REQUIREMENTS.**

Applications for construction or operating facilities are made with appropriate forms provided by the division. The construction permit is to allow review of a proposed facility to determine compliance

with air pollutant emission standards and air quality impact. An operating permit requires the owner/operator of a potential source of air pollution to demonstrate that a facility is in compliance with emission standards and permit conditions on a continuous basis.

3. SUBMISSION REQUIREMENTS.

A construction permit application includes general information on the name and location of the proposed facility, plans and specifications, production and/or emission standards, stack parameters, operating hours, air pollution control devices, and emission test data for similar facilities, if available. An operating permit is issued after demonstration of compliance with all applicable emission standards.

4. PROCEDURE FOR OBTAINING PERMIT.

Construction permit applications must be received by the division at least 60 days prior to the beginning of construction. Following review, public notice of the applicant's intent and the director's proposed approval or disapproval is given with a 30-day period for comment or to request a public hearing. A public hearing is held only if sufficient interest is shown. Most permits are issued within 45 days from receipt of a complete application.

Operating permits are issued immediately upon demonstration of compliance with all applicable regulations.

5. OPERATIONS REQUIREMENTS.

Construction must start within 2 years of permit issuance and compliance must be maintained with all permit conditions and emission standards.

6. FEES.

None.



7. APPEAL PROCESS.

Appeal may be taken to the State district court of Lancaster County within 30 days of final order.

E. ADMINISTERING AGENCY

Air Pollution Control Division  
Nebraska Department of  
Environmental Control  
P. O. Box 94877, Statehouse Station  
Lincoln, NE 68509

(402) 471-2186

FEDERAL COUNTERPART

U. S. Environmental  
Protection Agency  
324 East 11th Street  
Kansas City, MO 64106

(816) 374-3791

## CHAPTER 5.2

### WATER QUALITY STANDARDS AND REGULATIONS

#### INTRODUCTION

The Water and Waste Management Division of the Nebraska Department of Environmental Control is responsible for the administration of the National Pollutant Discharge Elimination System (NPDES) within the State.

#### A. NAME OF PERMIT

NPDES short forms are used for municipal wastewater discharges (OMB No. 158-R0096); Agriculture (OMB No. 158-R0103); Manufacturing and Mining (OMB No. 158R0096); Commercial establishments (OMB No. 158-R0096); and Power plants and electro-platers, Consolidated Permits Program application forms EPA Form 3510-1 and 2c.

#### B. STATUTORY AUTHORITY

Nebraska Environmental Protection Act of 1971.

Nebraska Revised Statutes, Chapter 81-1504 (11) (Supplement 1981); and Chapter 81-1505 (11) (Supplement 1981).

#### C. TITLE OF REGULATION

Rules and Regulations governing issuance of permits under the National Pollution Discharge Elimination System.

#### D. SUMMARY OF PERMIT PROCESS

##### 1. APPLICABILITY.

As established by the Federal Water Pollution Control Act, any person discharging pollutants into waters of the State from a point source must be authorized by a permit issued by the State agency.

##### 2. GENERAL REQUIREMENTS.

Based on the type of discharge, the appropriate permit form is completed and issued by the department.

3. SUBMISSION REQUIREMENTS.

General information on applicant, treatment characteristics, and pollutant discharge and amounts.

4. PROCEDURE FOR OBTAINING PERMIT.

Application forms are filed and public notice given for 30 days prior to pending approval or disapproval. Public comments are accepted during this period and public hearing may be requested. It is the director's discretion on whether to hold a public hearing. If a hearing is held, legal notice is published 30 days in advance, after which the hearing officer has 45 days to make his recommendations to the director. A "reasonable" time is allowed for the director's decision. If no public hearing is held, the director may grant or deny the permit.

5. OPERATIONS REQUIREMENTS.

Operator must meet permit conditions, reporting requirements, and effluent limitations.

6. FEES.

None.

7. APPEAL PROCESS.

Appeal may be taken to the State district court of Lancaster County within 30 days of final order.

E. ADMINISTERING AGENCY	FEDERAL COUNTERPART
Water and Waste Management Division Nebraska Department of Environmental Control P. O. Box 94877, State House Station Lincoln, NE 68509  (402) 471-2186	U. S. Environmental Protection Agency 324 East 11th Street Kansas City, MO 64106  (816) 374-5894

## CHAPTER 5.3 GROUND WATER REGISTRATION

### INTRODUCTION

The conservation of water resources is accomplished through various ground water registration and spacing permits administered by the Department of Water Resources, and natural resource districts designated for geographic ground water control areas in the southern half of the State, where additional rules and regulations apply to regulate declines in ground water.

#### A. NAME OF APPROVAL

Various forms are available from the department depending on the use, spacing, "late permit," and control area authority.

1. Well Registration (DWR Form 602); Certificate of well driller; change of ownership.
2. Spacing protection:  
Application for a Permit Under the Provisions of the Municipal and Rural Domestic Ground Water Transfers Permit Act. (DWR Form 6381)
3. Applications for violation of spacing requirements:  
Application for a Special Permit to Drill an Industrial Well;  
Application for a Special Permit to Drill a Municipal Well;  
Application for a Special Permit to Drill an Irrigation Well.
4. Control Area Permits:
  - a. Application for a Permit to Construct a Water Well within the Upper Republican Natural Resources District Ground Water Control Area (DWR Form 577-1a-UR); Late Permit (DWR Form 577-1b-UR);
  - b. Application for a Permit to Construct a Water Well Within the Upper Big Blue Natural Resources District

Ground Water Control Area (DWR Form 577-Ic-UBB);  
Late Permit (DWR Form 577-Id-UBB);

- c. Application for a Permit to Construct a Water Well within the Little Blue Natural Resources District Ground Water Control Area (DWR Form 577-Ie-LB); Late Permit (DWR Form 577-If-LB).

## **B. STATUTORY AUTHORITY**

Ground Water, Chapter 46, Article 6, Reissue Revised Statutes of Nebraska 1943.

## **C. TITLE OF REGULATION**

Rules for Ground Water, Department of Water Resources.

## **D. SUMMARY OF PERMIT PROCESS**

### **1. APPLICABILITY.**

This summary applies to domestic or municipal public water supplies and does not include regulations for irrigation or industrial purposes, nor well driller certification.

### **2. GENERAL REQUIREMENTS.**

#### **(1) Well Registration.**

Appropriate registration forms and fee (see 5. FEES.) are to be filed within 20 days after completion of all wells.

#### **(2) Application for Permit.**

Public water supplier application and fee are to be filed with the department, if (3) is desired; otherwise (1).

#### **(3) Spacing Requirements.**

Applicant may request the imposition of statutory spacing protection of 1,000 feet for 1 year for test holes or wells yet unconstructed.

#### **(4) Control Area Permits**

Application and fees are submitted to the appropriate natural resources district office with indication of purpose, location and specifications.

### 3. PROCEDURE FOR OBTAINING PERMITS.

- (1) Well registration forms and change of ownership are reviewed for completeness and an acknowledgement letter is sent to the owner, usually on the same day.
- (2) Permit applications are reviewed for completeness and a determination on granting the permit is made by the director. A notice of intent is published in the area of the proposed well and a hearing scheduled within 30 days after the last day of publication. Persons adversely affected must file objections with the department not less than 10 days prior to the hearing date. Upon approval, usually within 30 days, the permit establishes a priority date for the time when the application was filed with the director.
- (3) Spacing requirements are reviewed and processed with the permit application.
- (4) Control area permits are reviewed for completeness and the permit issued within 1 week after receipt by the department.

### 4. OPERATIONS REQUIREMENTS.

- (1) Well registration information must be updated when any changes occur.
- (2) Permit applications require an annual report submitted each January indicating ground water withdrawn and updated permit information.

As of August 30, 1981, each permitted well field must have a registration and well driller's certificate for each well.

- (3) Well spacing information must be updated as changes occur.
- (4) Control area permits must have a registration and well drillers certificate and comply with the natural resources district rules and regulations. Twelve months after adopting controls, a governing body of any municipal corporation owning wells or 5 percent of the well owners within the affected control area may allege by petition that controls are not being enforced. This will require the director to hold a hearing within 60 days after notice

to determine enforcement, and if unsatisfactory, enforcement powers will be vested in the director for 12 months.

- (5) Change of ownership submitted as changes occur.

## 5. FEES.

- (1) Well registration and certificate of well driller - \$7.50 except for a permitted well within a control area, for a well constructed to replace a previously registered well, for a well connected in a series with another well previously registered, or for wells permitted to be constructed in a well field.

- (2) Permit application fees are based on the annual daily average of water quantity requested:

First 5 million gallons per day - \$50; each additional increment (or portion) of 5 million gallons per day - \$20.

- (3) Spacing requirements - None.  
 (4) Control area permits - \$25; late permit - \$250.  
 (5) Change of ownership - None.

## 6. APPEAL PROCESS

Applicant may file revised application or appeal to the State district court within 30 days of final order.

E. ADMINISTERING AGENCY	FEDERAL COUNTERPART
Department of Water Resources 301 Centennial Mall - South P. O. Box 94676 Lincoln, NE 68509 (402) 471-2363	None

### CONTROL AREAS:

Upper Republican Natural Resources District 135 West 5th Street Imperial, NE 69033 (308) 882-5173	Little Blue Natural Resources District P. O. Box 100 Davenport, NE 68335 (402) 364-2145
Upper Big Blue Natural Resources District RFD 4-Fairgrounds, Box 47 York, NE 68467 (402) 362-6601	

## CHAPTER 5.4 SOLID WASTE MANAGEMENT

### INTRODUCTION

The Water and Waste Management Division, Nebraska Department of Environmental Control, administers the operation and maintenance of solid waste disposal facilities and sites in conjunction with local jurisdictions.

#### A. NAME OF PERMIT

Application for License to Operate a Solid Waste Disposal Area.

#### B. STATUTORY AUTHORITY

Nebraska Revised Statutes, Chapter 80-1516 and 81-1520 (Reissue 1976); Chapter 81-1517 through 81-1519 (Supplement 1980); Chapter 19-4101 (Reissue 1977).

#### C. TITLE OF REGULATION

Rules Governing Solid Waste Management in Nebraska.

#### D. SUMMARY OF PERMIT PROCESS

##### 1. APPLICABILITY.

License for the operation and maintenance, including opening and closure, of solid waste disposal facilities, including industrial sludge.

##### 2. GENERAL REQUIREMENTS.

Application must be made for a license to operate through the division and applicable local governing body. Licenses are not required for municipalities under 5,000 population. All requirements must be met before operations may begin. If site is within 1,000 feet of a State or Federal highway, the State Department of Roads must approve the site and operation plan for screening.

##### 3. SUBMISSION REQUIREMENTS

An operation map and plan for the proposed solid waste disposal area, description of site and potential zone of influence, including



soil borings, control fences, water drainage, diversion structures, monitoring control facilities, gas control structures, and surrounding land use information; water analysis (to establish background quality), nearby well locations, and planned observation wells; soil and bedrock data; and plan for closing site upon completion. Detailed information is also required to determine winter operation, material control, dust, odor, and rodent control, burning areas, and salvage control.

4. PROCEDURE FOR OBTAINING PERMIT.

Application and operations plan are submitted to the department. Site is inspected by the department to ascertain whether it is environmentally acceptable. Department forwards application to appropriate local governing body for approval or disapproval. Publication of 10-day legal notice of hearing before local governing body and hearing within 45 days of original receipt of application by department. Approval may be granted upon satisfaction of requirements and responsibility of applicant determined. Average time for approval process for average sized town (10,000 population) - 6 months.

5. OPERATIONS REQUIREMENTS.

Maintain health and safety standards and operation and maintenance requirements of regulations including reclamation practices, access control, supervision of liquid and sludge disposal, and dead animal disposal.

6. FEES.

None. Bond required for non-government operation.

7. APPEAL PROCESS.

If denied by local government, case is closed.

E. ADMINISTERING AGENCY	FEDERAL COUNTERPART
<p>Water and Waste Management Division Nebraska Department of Environmental Control P. O. Box 94877, State House Station Lincoln, NE 68509</p> <p>(402) 471-2186</p>	<p>U. S. Environmental Protection Agency 324 East 11th Street Kansas City, MO 64106</p> <p>(816) 347-5971</p>

## CHAPTER 5.5

### HAZARDOUS WASTE MANAGEMENT

#### INTRODUCTION

The 1981 Legislative Session adopted legislation (Legislative Bill 216), adding hazardous waste laws to the regulatory authority of the Department of Environmental Control. The legislation will add requirements for generation of hazardous wastes, transportation, manifests for hazardous waste, and processing of such wastes for treatment, storage, and disposal. Licensing, permitting, and operating rules and regulations are being promulgated by the department for adoption in the near future.

#### ADMINISTERING AGENCY

Water and Waste Management  
Division  
Nebraska Department of  
Environmental Control  
P. O. Box 94877, State House Station  
Lincoln, NE 68509

(402) 471-2186

#### FEDERAL COUNTERPART

U.S. Environmental Protection  
Agency  
324 East 11th Street  
Kansas City, MO 64106

(816) 347-4971

## CHAPTER 5.6 PUBLIC WATER SUPPLY

### INTRODUCTION

The Director of Health is responsible for the administration of rules and regulations governing the siting, design, construction, alteration and operation of public water supply systems within the State.

#### A. NAME OF PERMIT

Permit to Operate a Public Water Supply System (Form EE 174.) Water Supply Operator Certification (Form EE 175.)

#### B. STATUTORY AUTHORITY

Nebraska Safe Drinking Water Act 71-5301 through 71-5313, Nebraska Revised Statutes.

#### C. TITLE OF REGULATION

Rule 5, Regulations Governing Public Water Supply Systems; Rule 36, Regulations Governing Fees for Tests and Services. Nebraska Department of Health.

#### D. SUMMARY OF PERMIT PROCESS

##### 1. APPLICABILITY.

Operation of a public water supply system; water system operator certificate; approval of plans and specifications or major improvements for a water system; routine testing of water delivered to consumers served by the system.

##### 2. GENERAL REQUIREMENTS.

To assure the safety of drinking water delivered by piped systems, under pressure, and consumed by more than 25 persons daily, or serving more than 15 household connections.

##### 3. SUBMISSION REQUIREMENTS.

###### a. Public Water Supply System:

On application forms supplied by the department; general

information on the area served, applicant, source of supply, description of the system, and emergency plan for continued service.

b. Operator certificate:

On forms supplied by the department; information on the applicant, experience, system to be operated, certification grade sought, and references.

c. Plans and specifications for a water system:

Detailed plans and specifications adequate for contract award after approval.

d. Routine testing:

Water sample with data on location, date, time, and person collecting sample, with analysis requested by laboratory.

4. PROCEDURE FOR OBTAINING PERMIT.

a. Public water supply system:

Department reviews application for completeness; field inspection is made with required correction of sanitary defects. Permit is issued within 30 days unless defects are major.

b. Operator certificate:

Application review and reference check, with certificate issued or refused within 30 days.

c. Plans and specifications:

Plans reviewed and response to design engineer within 10 days.

d. Testing:

Response time dependent upon nature of contaminant under examination.

5. OPERATIONS REQUIREMENTS.

Permit to operate a water supply system is permanent, subject to change in ownership or failure to deliver safe drinking water. Water supply operator certificate must be renewed every 3 years; 15 hours of continuing education credit is required for renewal.

6. FEES.

No fees except for Public Water Supply Systems Biological Examinations that are billed annually for tests required, or individual fees for water supplies not serving the public (see Lab Fees -- Regulations Governing Fees for Laboratory Tests and Services Provided by the Laboratories of The Department of Health of the State of Nebraska).

7. APPEAL PROVESS.

May be taken before the advisory council on public water supply. Judicial review is provided by Chapter 84, Article 9, Reissue Revised Statutes of Nebraska, 1943, as amended.

**E. ADMINISTERING AGENCY**

Division of Environmental  
Engineering  
Department of Health  
P. O. Box 95007  
Lincoln, NE 68509

(402) 471-2674

**FEDERAL COUNTERPART**

U.S. Environmental Protection  
Agency  
324 E. 11th Street  
Kansas City, MO 64106

(816) 364-6514

## CHAPTER 5.7

### RADIOACTIVE MATERIAL

#### INTRODUCTION

The Division of Radiological Health, State of Nebraska Department of Health, is responsible for the licensing of radioactive material, operational activities in air quality, water quality, nuclear waste management, and, with appropriate amendments to the Radiation Control Act, Uranium Mining and Milling.

#### A. NAME OF APPROVAL

Radioactive Material License

#### B. STATUTORY AUTHORITY

Radiation Control Act, Article 35, 71-3501 to 71-3519, Revised Statutes of Nebraska 1943.

#### C. TITLE OF REGULATION

Regulations for Control of Radiation.

#### D. SUMMARY OF APPROVAL PROCESS

##### 1. APPLICABILITY.

Under agreement with the U.S. Nuclear Regulatory Commission, the department issues licenses and regulates radioactive materials.

##### 2. GENERAL REQUIREMENTS.

Operational activities requiring the handling of radioactive material require licensing by the department.

##### 3. SUBMISSION REQUIREMENTS.

An application for a license must include detailed information for all aspects of use, personnel, health, and safety.

4. PROCEDURE FOR OBTAINING APPROVAL.

An application for radioactive material license is completed by the applicant using appropriate guides set forth in the regulations. The processing time depends entirely on the complexity of the application and the environmental report which may be required. Processing time is from 1 week to 2 years.

5. OPERATIONS REQUIREMENTS.

The licensee must comply with the Radiation Control Act and the Regulations for Control of Radiation, and with conditions listed on each license.

6. FEES.

None.

7. APPEAL PROCESS.

Applicant may file revised application or appeal to the State district court within 30 days of final order.

E. ADMINISTERING AGENCY

Division of Radiological Health  
Department of Health  
301 Centennial Mall South  
P. O. Box 95007  
Lincoln, NE 68509

(402) 471-2168

FEDERAL COUNTERPART

U.S. Nuclear Regulatory Commission  
1717 H Street, N.W.  
Washington, D.C. 20555  
(301) 492-8170



## SECTION 6.0

### SOCIAL/ECOLOGICAL PRESERVATION

## CHAPTER 6.1

### NONGAME, THREATENED AND ENDANGERED SPECIES

#### INTRODUCTION

The Nebraska Game and Parks Commission is responsible for: (1) the conservation and protection of threatened or endangered species that are listed pursuant to the Federal Endangered Species Act, and may add species to the lists by State statutory definition; and (2) the conservation of those nongame wildlife species deemed by the commission to be in need of conservation.

**A. NAME OF APPROVAL AUTHORITY**

Not Applicable.

**B. STATUTORY AUTHORITY**

The Nongame and Endangered Species Conservation Act, Sections 37-430 to 37-438 Nebraska Revised Statutes.

**C. TITLE OF REGULATION**

Nebraska Game and Parks Commission, Wildlife Regulations.

**D. SUMMARY OF APPROVAL PROCESS**

**1. APPLICABILITY.**

The general regulations apply to species listed pursuant to the Nongame and Endangered Species Act and identified by the commission for conservation and protection.

**2. GENERAL REQUIREMENTS.**

Identified endangered species may not be taken, possessed, processed, sold or offered for sale, delivered, carried, transported or shipped, except as authorized by the commission for scientific purposes or to enhance the propagation or survival of the affected species. Commission regulations specify illegal actions pertaining to identified threatened species. The commission is authorized to permit for scientific purposes or to enhance the propagation or

survival of the affected species any act prohibited by these regulations, commission regulations govern the protection, conservation, and management of nongame wildlife in need of conservation, or to protect domestic livestock and agricultural crops.

3. SUBMISSION REQUIREMENTS.

Individuals wishing to acquire scientific collector's permits apply by writing a letter of request to the commission, describing in detail the manner and purpose for which the taking is requested. Each request is handled on an individual case by case basis.

E. ADMINISTERING AGENCY

Nebraska Game and Parks  
Commission  
Wildlife Division  
P. O. Box 30370  
Lincoln, NE 60503

(402) 464-0641

FEDERAL COUNTERPART

U.S. Fish and Wildlife Service  
P. O. Box 25486  
Denver, CO 80225  
(303) 234-2209

## CHAPTER 6.2

### ARCHAEOLOGICAL AND HISTORICAL RESOURCES

#### INTRODUCTION

The Nebraska State Historical Society is responsible for cultural resources impacts. The State Historic Preservation Officer provides review and comments in response to the National Historic Preservation Act of 1966.

#### A. NAME OF APPROVAL

Antiquities Act consultation required by Federal law.

#### B. STATUTORY AUTHORITY

Nebraska State Historical Society: Statewide Survey, Acceptance of Federal Act, Section 82-118, Revised Statutes of Nebraska.

#### C. TITLE OF REGULATION

Historic Preservation Act of 1966, amended 1980; National Environmental Policy Act of 1969; Executive Order 11593; Archaeological and Historic Preservation Act of 1974; 36 CFR 800, Advisory Council on Historic Preservation; 36 CFR 800, 61, 63 Department of Interior, National Park Service.

#### D. SUMMARY OF APPROVAL PROCESS

##### 1. APPLICABILITY.

Any undertaking involving Federal agencies, contracts, subsidies, loans or grants, Federal leases, permits, licenses or certificates, as well as State and private undertakings on government lands where cultural resources may be anticipated.

##### 2. GENERAL REQUIREMENTS.

Documentation that the Nebraska State Historical Preservation Office has been contacted to provide information on known archaeological, architectural, or historic sites and/or information on the likelihood of discovering cultural resources within a project area prior to final project formulation or planning.

### 3. SUBMISSION REQUIREMENTS.

An exact location description, preferably on a detailed map, together with a general description of the project.

### 4. PROCEDURE FOR OBTAINING APPROVAL.

Upon receipt of the applicant's information, the project is reviewed and a comment letter sent, usually within 10 days. If the project has no effect on cultural resources, there is no further involvement by the State Historic Preservation Office. If there is an impact, additional correspondence and/or meetings are required to devise mitigation actions. The time depends upon the size of the project and the extent of the impact.

### 5. OPERATIONS REQUIREMENTS.

Maintenance plan for protection of cultural resources.

### 6. FEES.

Based on required file search at \$10 per hour (\$10 minimum). Under certain circumstances, the office has agreed with a project sponsor to survey the project area for cultural resources on an at cost basis.

### 7. APPEAL PROCESS.

No State appeal. Appeal through National Advisory Council on Historic Preservation.

## E. ADMINISTERING AGENCY

State Historic  
Preservation Officer  
Nebraska State  
Historical Society  
1500 R Street  
Lincoln, NE 68508  
(402) 471-3270

## FEDERAL COUNTERPART

National Park Service  
Rocky Mountain Regional Office  
Cultural Resource Program  
P. O. Box 25287  
Denver Federal Center  
Denver, CO 80225  
(303) 234-2560

Advisory Council on  
Historic Preservation  
Suite 530 - 1522 K Street, N.W.  
Washington, D.C. 20005  
(202) 254-3974

## SECTION 7.0

### LOCAL REGULATORY POLICY

## CHAPTER 7.1

### LOCAL GOVERNMENT LAND USE AND NATURAL RESOURCE CONTROL ENABLING LAWS

#### INTRODUCTION

Local general purpose governments in Nebraska are divided into 5 classes of cities according to population size. Certain classes identify only one city within the state and have legislation applicable to that class only. The Division of Community Affairs within the State Department of Economic Development has published a 114-page summary document on local land development regulations (Volume one); publications on Understanding Nebraska Municipal Government; and, a Guide to Nebraska County Government.

#### A. NAME OF PERMIT OR APPROVAL

Local Government Enabling Legislation

#### B. STATUTORY AUTHORITY

Municipalities have extraterritorial jurisdiction for zoning subdivision and building code administration according to their class and must be contacted individually to ascertain their jurisdiction authority and development regulatory functions. The Nebraska Land Development Regulations, Volume one, contains complete summaries of the statutes relating to local jurisdictions.

General Statutory Authority for various functions include:

Flood Plain Regulations, 2-1506.01 through 2-1506.27;

Airport Zoning, 3-301 through 3-333;

Municipal Eminent Domain, 19-701 through 19-709;

Municipal Zoning, 19-901 through 19-915;

Municipal Subdivisions, 19-916 through 19-922, 19-2201 through 19-2204;

County Planning, Zoning, Subdivisions, 23-114 through 23-1909;

County Eminent Domain, 23-2501 through 23-2506, 76-701 through 76-724.

**C. ADMINISTERING AGENCIES**

Division of Community Affairs  
 Department of Economic  
 Development  
 301 Centennial Mall South  
 P. O. Box 94666  
 Lincoln, NE 68509

(402) 471-3111

(See respective County Seat at County listed below, or municipality)

Hastings, Adams County  
 Neligh, Antelope County  
 Arthur, Arthur County  
 Harrisburg, Banner County  
 Brewster, Blaine County  
 Albion, Boone County  
 Alliance, Box Butte County  
 Butte, Boyd County  
 Ainsworth, Brown County  
 Kearney, Buffalo County  
 Tekamah, Burt County  
 David City, Butler County  
 Plattsmouth, Cass County  
 Hartington, Cedar County  
 Imperial, Chase County  
 Valentine, Cherry County  
 Sidney, Cheyenne County  
 Clay Center, Clay County  
 Schuyler, Colfax County  
 West Point, Cuming County  
 Broken Bow, Custer County  
 Dakota City, Dakota County  
 Chadron, Dawes County  
 Lexington, Dawson County  
 Chappell, Deuel County  
 Ponca, Dixon County  
 Fremont, Dodge County  
 Omaha, Douglas County  
 Omaha, Douglas County  
 Benkelman, Dundy County

Geneva, Fillmore County  
 Franklin, Franklin County  
 Stockville, Frontier County  
 Beaver City, Furnas County  
 Beatrice, Gage County  
 Oshkosh, Garden County  
 Burwell, Garfield County  
 Elwood, Gosper County  
 Hyannis, Grant County  
 Greeley, Greeley County  
 Grand Island, Hall County  
 Aurora, Hamilton County  
 Alma, Harlan County  
 Hayes Center, Hayes County  
 Trenton, Hitchcock County  
 O'Neill, Holt County  
 Mullen, Hooker County  
 St. Paul, Howard County  
 Fairbury, Jefferson County  
 Tecumseh, Johnson County  
 Minden, Kearney County  
 Ogallala, Keith County  
 Springview, Keya Paha County  
 Kimball, Kimball County  
 Center, Knox County  
 Lincoln, Lancaster County  
 North Platte, Lincoln County  
 Stapleton, Logan County  
 Taylor, Loup County  
 Tryon, Mc Pherson County



## (County Seats and Counties continued)

Madison, Madison County  
Central City, Merrick County  
Bridgeport, Morrill County  
Fullerton, Nance County  
Auburn, Nemaha County  
Nelson, Nuckolls County  
Nebraska City, Otoe County  
Pawnee City, Pawnee County  
Grant, Perkins County  
Holdredge, Phelps County  
Pierce, Pierce County  
Columbus, Platte County  
Osceola, Polk County  
McCook, Red Willow County  
Falls City, Richardson County  
Bassett, Rock County  
Wilber, Saline County

Papillion, Sarpy County  
Wahoo, Saunders County  
Gering, Scottsbluff County  
Seward, Seward County  
Rushville, Sheridan County  
Loup City, Sherman County  
Harrison, Sioux County  
Stanton, Stanton County  
Hebron, Thayer County  
Thedford, Thomas County  
Pender, Thurston County  
Ord, Valley County  
Blair, Washington County  
Wayne, Wayne County  
Red Cloud, Webster County  
Bartlett, Wheeler County  
York, York County

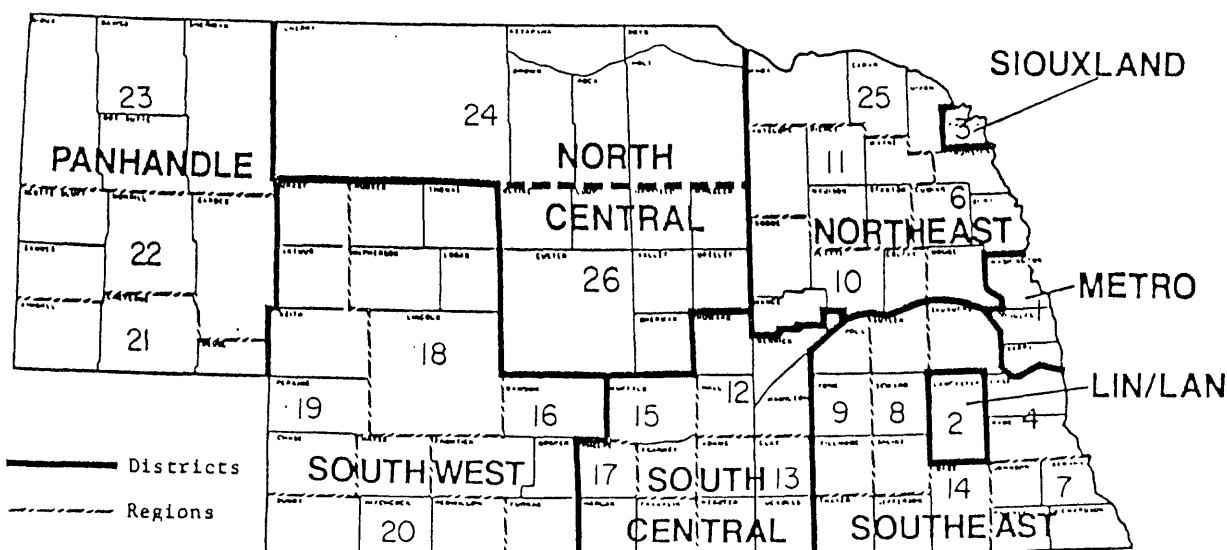
# MAP OF THE STATE OF NEBRASKA SHOWING COUNTIES

## CHAPTER 7.2 SUB-STATE MANAGEMENT DISTRICTS

### INTRODUCTION

In 1969 the Governor, by executive direction, delineated 26 Planning and Development Regions. A Governor's Task Force for Government Improvement has recommended combinations of the regions (presently 25) into 9 districts as building blocks for establishing administrative, planning and service regions. This voluntary program is now under study for implementation.

### Nebraska district/region system update



#### A. STATUTORY AUTHORITY

By executive direction and for functional authority, 81-1208 through 81-1211 Revised Statutes of Nebraska.

Authority is generally limited to technical assistance and land use planning functions. Some regional agencies perform land use planning functions, human services coordination, and economic and tourism development.

**B. ADMINISTERING AGENCY**

Community Affairs Division  
 Department of Economic  
 Development  
 301 Centennial Mall South  
 P. O. Box 94666  
 Lincoln, Ne 68509  
 (402) 471-3111

CURRENT COUNCILS OF GOVERNMENTS  
 (SUMMER 1981)

Metropolitan Area Planning Agency  
 7000 West Center Road, Suite 200  
 Omaha, NE 68106  
 (402) 444-6866

Community Advisory Board for Ft. Kearney Area  
 Box 489  
 Kearney, NE 68847  
 (308) 237-7339

Lincoln/Lancaster County Planning Dept.  
 555 South 10th Street, Room B-361  
 Lincoln, NE 68508  
 (402) 473-6491

West Central Nebraska Development District  
 112 West First Street, Suite 20  
 Ogallala, NE 69153  
 (308) 284-6077

Siouxland Interstate Metropolitan  
 Planning Council  
 Box 447  
 Sioux City, IA 51102  
 (712) 279-6286

Southwest Nebraska Council of Governments  
 Box 126  
 McCook, NE 69001  
 (308) 345-2622

Southeast Nebraska Development District  
 620 North 48th Street, Room 206  
 Lincoln, NE 68504  
 (402) 467-3564

Panhandle Resource Council  
 4502 Avenue "I"  
 Scottsbluff, NE 69361  
 (308) 632-1307

Extra-Metropolitan Council of Governments  
 Box C  
 Fremont, NE 68025  
 (402) 721-4080

Region 24 Council of Governments  
 Box 206  
 Ainsworth, NE 69210  
 (402) 387-1313

Tri County Council of Governments  
 Box 576  
 Hartington, NE 68739  
 (402) 254-3466

Region 9 Council of Governments  
 City Hall, Box 276  
 York, NE 68467  
 (402) 362-4407

Region 26 Council  
 Valley County Courthouse  
 Ord, NE 68862  
 (308) 728-3011

Northeast Nebraska Economic Development  
 District  
 126 South Fourth Street  
 Norfolk, NE 68701  
 (402) 371-6644

River County Economic Development District  
 620 North 48th Street, Room 206  
 Lincoln, NE 68504  
 (402) 467-3564