

STATE/LOCAL LAWS, ORDINANCES, REGULATIONS-1  
STATEWIDE

**State/Local Laws Ordinances, Regulations**

It is NRCS policy to provide technical assistance that follows all applicable federal, state, and local laws, regulations, and ordinances. If at any time during assistance, a land user indicates that he or she does not intend to follow any applicable laws or regulations, then NRCS assistance is terminated.

If a permit is required for any aspect of planning or construction activities, then NRCS technical assistance is limited to that needed to submit permit application(s). NRCS only after all appropriate permits will provide further technical assistance or the sponsor(s) or landuser has obtained legal permissions. NRCS does not complete or submit permit applications for landusers, but can provide technical assistance required in completing permit applications.

NRCS personnel should be aware of applicable laws, regulations, and ordinances to know when a permit may be required during the course of planning and know where additional information may be obtained.

Included in this section is a brief description of activities for which NRCS provides assistance that may require permits or obtaining additional information prior to planning. This list is not inclusive, however, and it will be the responsibility of the landowner to ensure that all permit requirements and legal permissions are met. Additional information on these permits can be obtained from the respective agency. Additional information on a few of the permits can be found in 450-GM, Part 405.

The listing of laws and regulations in this section is intended to be used only as a preliminary guide as to the applicability of laws and regulations. ADDITIONAL INFORMATION MUST BE OBTAINED FROM INDIVIDUAL AGENCIES.

STATE/LOCAL LAWS, ORDINANCES, REGULATIONS-2  
STATEWIDE

Law or Regulation	Applicability	Authority
Bulk Pesticide/Fertilizer Storage	Secondary containment	NDEQ
Chemigation Safety Law	All Chemigation/fertigation	NRD/NDEQ
Clean Water Act, Section 401	Companion to Section 404	NDEQ
Clean Water Act, Section 404	Manipulation of wetlands and/or other waters.	COE
Confined and open lot feeding operations (livestock waste control)	Control of point and non-point pollution from feeding operations. Refer to Nebraska Engineering Manual (NEM) NE501 Subpart G.	NDEQ
Dam Construction	Refer to NEM NE501 Subpart G. (Dam height or storage limitations)	DNR
Diversion of Water	Pumping plants, or other diversion (Refer to NEM NE 501 Subpart G)	DNR
Diverting Small Drainage's with Terraces	Diverting diffused surface waters to an unnatural drainage.	No less than written permission from the potentially affected landowner.
Drain Outlets	Outletting drains anywhere but the landowner's property.	No less than written permission from the potentially affected drain outlet landowner.
Farmland Protection Policy Act	Conversion of farmland to non-agricultural land. Refer to General Manual (GM) 310 Part 400.	NRCS
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)	Pesticide registration, classification, labeling, and distribution. Controlled use of pesticides for users including record keeping, certification and penalties for violation.	EPA/NDOA
Flood Plain Management	Modification or location of obstructions in flood plains.	DNR/Local Zoning
Food Security Act/Food, Agricultural, Conservation Trade Act (FACTA)	Highly erodible land and wetland conservation provisions.	FSA/NRCS
Fugitive Dust	For other than normal agricultural practices. Visible amount of dust crossing property lines.	NDEQ

STATE/LOCAL LAWS, ORDINANCES, REGULATIONS-3  
STATEWIDE

Law or Regulation	Applicability	Authority
Ground Water Management Act	Control of irrigation runoff, designation of SPA's, control areas, water management areas, and associated regulation for water quality or quantity.	Local NRD/NDEQ/DNR
National Historic Preservation Act	Activities that may affect archeological, historical, or cultural properties listed on or eligible for the National Register of Historic Places. See GM 420 Part 401 and Part 601.	SHPO, Advisory Council on Historic Preservation, all Federal Agencies
National Environmental Policy Act	Avoiding adverse impacts on special environmental concerns. Refer to form NE-CPA-28/GM 190 Part 410.	All Federal Agencies
Nebraska Engineers and Architects Act	Regulations governing the practice of Engineering. Refer to NEM NE501 Subpart G.	NE Board of Engineers and Architects
Nebraska Non-Game and Endangered Species Act	Applications for water project permits and other state actions must be reviewed by NGPC. Note: DWR and other state agencies will normally process this automatically, with no additional applications required to be completed.	NGPC/State Agency Involved
Nebraska Pesticide Act	Application of pesticides. Refer to NEM NE501 Subpart G.	NDOA
Nebraska Safe Drinking Water Act	Regulations governing public water supply.	DOH
Noxious Weed Act	Control of noxious weeds. Local noxious weed board	NDOA/
Noxious Weed Free Mulch and Forage	Certified noxious weed free forage and mulch (this is not a law but is required for mulch used on Department of Road Projects).	NDOR/Farm & Ranch Network/Selected County Weed Superintendents
Pollution Control Act	Installation of pollution control measure(s) for agricultural related pollutants.	NDEQ
Prescribed burning/open burning	Open burning regulations and permits.	Local Fire Dept.
Restricted use pesticide application as contained in FIFRA and FACTA	Restricted use pesticide record-keeping and Nebraska pesticide and ground water state management plan	AMS/EPA/NDOA

STATE/LOCAL LAWS, ORDINANCES, REGULATIONS-4  
STATEWIDE

Law or Regulation	Applicability	Authority
River & Harbor Act of 1899 Scenic Rivers Act	Activities impacting navigable rivers. Zoning laws restricting activities in designated area.	COE/EPA/NPS
Sediment & Erosion Control Act	Erosion/sediment complaints.	Local NRD
Septic Tanks	Design and installation.	NDEQ/Local County Zoning
Sludge Application	Limits amount of heavy metal and nutrient content for sludge to be applied to fields.	NDEQ/EPA
Solid Waste	Private dumping.	NDEQ
Stormwater Discharge Permits	Disturbance of an area of more than 5 acres. Normal farming operations are exempt.	NDEQ
Threatened and Endangered Species	Activities affecting threatened and endangered species or their critical habitat.	FWS/NGPC
Underground Storage Tanks	Registration and permits for larger tanks.	State Fire Marshall/NDEQ
Unmarked Burial Site and Skeletal Remains Protection Act.	Disturbance of human remains or graves.	Local Law Enforcement
Utility Safety	Activities affecting any utility (please contact utilities prior to digging by using one call system.)	Utility Companies - One Call System
Waste Tires	Abatement of tire dumps.	NDEQ
Water Storage Law	Refer to NEM NE501 Subpart G. (Includes right to use storage water.)	DNR
Water wells	New water well construction, well abandonment and pump installation. Refer to NEM NE501 Subpart G.	NRD/DOH

STATE/LOCAL LAWS, ORDINANCES, REGULATIONS-5  
STATEWIDE

Contact List

AMS	- USDA Agricultural Marketing Service	703-330-7826
FSA	- USDA Consolidated Farm Service Agency	402-437-5581
COE	- U.S. Department of Defense, Army Corps of Engineers Kearney Field Office Omaha Field Office	308-234-1403 402-896-0723
DNR	- Department of Natural Resources	402-471-2900
NDEQ	- Nebraska Department of Environmental Quality	402-471-2186
DOH	- Nebraska Department of Health	402-471-5121
EPA	- U.S. Environmental Protection Agency	1-800-223-0425
FRN	- Farm and Ranch Network	1-800-658-3191
FWS	- U.S. Fish and Wildlife Service	308-382-6468
NDOA	- Nebraska Department of Agriculture	402-471-2394
NDOR	- Nebraska Department of Roads	402-479-4537
NGPC	- Nebraska Game and Parks Commission	402-471-0641
NPS	- National Park Service	402-221-3431
NRD	- Nebraska Natural Resources Districts	See NRCS Directory
NRCS	- USDA Natural Resources Conservation Service	402-437-5300
NBEA	- NE Board of Engineers and Architects	402-471-2021
SHPO	- Nebraska State Historic Preservation Office	402-471-4787