

State/Local Laws Ordinances, Regulations

It is NRCS' policy to provide technical and financial assistance, which 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 what is 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 potential activities for which NRCS provides assistance which may require permits or obtaining additional information prior to planning. This list is not inclusive, however, and will be the responsibility of the landowner to ensure 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 NE-CPA-52 Section J. Special Environmental Concerns provides Evaluation Procedure Guide Sheets to assist the planner in complying with some of the primary agency laws, executive orders, and policy. These must be addressed for all planning activities, both technical and financial assistance. All of those concerns may not be on this list since they are a result of agency policy and not necessarily applicable to a landowner if they are just seeking contact information and not planning assistance.

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

Agency		General Contact Number
COE	U.S. Army Corps of Engineers: Kearney Field Office Omaha (Wehrspann) Field Office	308-234-1403 402-896-0896
DNR	Department of Natural Resources	402-471-2363
EPA	U.S. Environmental Protection Agency	1-800-223-0425
FRN	Farm and Ranch Network	1-800-658-3191
FSA	USDA Consolidated Farm Service Agency	402-437-5581
FWS	U.S. Fish and Wildlife Service	308-382-6468
HHS	Nebraska Department of Health and Human Services	402-471-2306
NBEA	NE Board of Engineers and Architects	402-471-2021
NDEQ	Nebraska Department of Environmental Quality	402-471-2186
NDOA	Nebraska Department of Agriculture	402-471-2394
NDOR	Nebraska Department of Roads	402-479-4567
NGPC	Nebraska Game and Parks Commission	402-471-0641
NPS	National Park Service - Omaha	402-221-3431
NRCS	USDA Natural Resources Conservation Service	402-437-5300
NRD	Nebraska Natural Resources Districts	See NRCS Directory
SHPO	Nebraska State Historic Preservation Office	402-471-4787

Law or Regulation	Applicability	Authority
Bulk Pesticide/Fertilizer Storage	Secondary containment	-Nebraska Department of Environmental Quality(NDEQ)
Chemigation Safety Law	All Chemigation/fertigation. Questions about pesticide labels and chemigation: Nebraska Department of Agriculture (NDOA)	-Local Natural Resources District(NRD) -NDEQ - NDOA
Clean Water Act, Section 401	Companion to Section 404	-NDEQ
Clean Water Act, Section 404	Manipulation of wetlands and/or other waters.	-U.S. Army Corps of Engineers(COE) See NE-CPA-52
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)	-Department of Natural Resources(DNR)

STATE/LOCAL LAWS, ORDINANCES, REGULATIONS-3
STATEWIDE

Law or Regulation	Applicability	Authority
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.
Endangered and Threatened Species	Activities affecting endangered and threatened species or their critical habitat.	-U.S. Fish and Wildlife Service(FWS) See NE-CPA-52
Farmland Protection Policy Act	Conversion of farmland to non-agricultural land. Refer to General Manual (GM) 310 Part 400.	-NRCS See NE-CPA-52
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.	-NDOA -Environmental Protection Agency(EPA)
Flood Plain Management	Modification or location of obstructions in flood plains.	-DNR -Local Zoning See NE-CPA-52
Food Security Act/Food, Agricultural, Conservation Trade Act (FACTA)	Highly erodible land and wetland conservation provisions.	-USDA Consolidated Farm Service Agency(FSA) -NRCS See NE-CPA-52 for Wetlands Conservation provisions
Fugitive Dust	For other than normal agricultural practices. Visible amount of dust crossing property lines.	-NDEQ
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.	-NRD -NDEQ -DNR
Migratory Bird Treaty Act	Activities involving native migratory birds or any part, nest or egg of the bird, which may be pursued, hunted, taken, captured, or killed.	-FWS See NE-CPA-52

STATE/LOCAL LAWS, ORDINANCES, REGULATIONS-4
STATEWIDE

Law or Regulation	Applicability	Authority
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.	-Nebraska State Historic Preservation Office(SHPO),Advisory Council on Historic Preservation, See NE-CPA-52
Nebraska Department of Agriculture	Selected statutes and regulations are made available by NDOA for the public's convenience and are meant to be used only as a reference. http://www.agr.ne.gov/regulate/regulate.htm	NDOA
National Environmental Policy Act	Avoiding adverse impacts on special environmental concerns. Refer to form NE-CPA-52/GM 190 Part 410.	-Applicable only to federal actions -All Federal Agencies See NE-CPA-52
Nebraska Engineers and Architects Act	Regulations governing the practice of Engineering. Refer to NEM NE501 Subpart G.	-Nebraska Board of Engineers and Architects(NBEA)
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.	-Nebraska Game and Parks Commission(NGPC) -State Agency Involved See NE-CPA-52
Nebraska Pesticide Act	Application of pesticides. Pesticide registration, classification, labeling, and distribution. Controlled use of pesticides for users including record keeping, certification and penalties for violation. See NEM NE501 Subpart G.	-NDOA
Nebraska Safe Drinking Water Act	Regulations governing public water supply.	-Nebraska Department of Health and Human Services(HHS)
Noxious Weed Act	Control of noxious weeds. Local noxious weed board	-NDOA

STATE/LOCAL LAWS, ORDINANCES, REGULATIONS-5
STATEWIDE

Law or Regulation	Applicability	Authority
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).	-Nebraska Department of Roads(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.
River & Harbor Act of 1899, Wild and Scenic Rivers Act	Activities impacting navigable rivers. Zoning laws restricting activities in designated area.	-COE -National Park Service(NPS) -EPA See NE-CPA-52
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 1 acre. Normal farming operations are exempt.	-NDEQ
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.	-Local NRD -HHS