

# KINGSLEY DAM PROJECT

# LAND & SHORELINE MANAGEMENT PLAN

FERC PROJECT No. 1417

## THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT

415 LINCOLN STREET

PO BOX 740

HOLDREGE, NE 68949

[WWW.CNPPID.COM](http://WWW.CNPPID.COM)

### MISSION STATEMENT

The mission of The Central Nebraska Public Power and Irrigation District is to serve the agricultural-based community in the region by protecting and utilizing the natural resources available to us in a sustainable and ecologically balanced manner to provide surface water irrigation, groundwater recharge, electric power, and recreational opportunities while preserving and enhancing our quality of life and the natural environment in which we live.

### VISION STATEMENT

It is our vision that The Central Nebraska Public Power and Irrigation District implement its Mission by becoming a national and worldwide leader in the area of integrated water resource management.

To realize this vision, we must pursue and adopt coalition opportunities, management techniques, technological advances, and sustainable practices that promote conjunctive water use, water quality protection, agricultural efficiencies, effective water conservation, abundant recreation opportunities, fish and wildlife habitat diversity and integrity, and efficient energy generation.

It is important that these activities be undertaken with the abiding conviction in, and understanding of, our overriding obligation to be good stewards of the region's environment and its land and water resources.

**KINGSLEY DAM PROJECT (FERC PROJECT NO. 1417)**  
**LAND AND SHORELINE MANAGEMENT PLAN**  
**TABLE OF CONTENTS**

1.0	OVERVIEW .....	1
1.1	Introduction and Purpose .....	1
1.2	FERC Delegated Authority .....	2
1.3	Project Description.....	2
1.4	Non-Project Development and Use.....	5
1.5	LSMP Approaches to Land and Shoreline Management .....	5
1.5.1	Management Classifications. ....	5
1.5.2	Permitting.....	5
1.5.3	Permitting Standards Relating to Project Resources .....	5
1.5.4	Conveyances. ....	6
1.5.5	Implementation and Enforcement of the LSMP. ....	6
1.5.6	Periodic Review and Update.....	7
1.5.7	Application of FERC Requirements. ....	7
1.6	Project Resources .....	7
1.6.1	Migratory Birds.....	7
1.6.2	Bald Eagle.....	8
1.6.3	Least Tern and Piping Plovers. ....	8
1.6.4	Burying Beetles.....	8
1.6.5	Northern Long-Eared Bat. ....	9
1.6.6	Wetlands. ....	9
1.6.7	Native Grasslands. ....	9
1.6.8	Natural Shoreline Aesthetics.....	10
1.6.9	Cultural Resources.....	10
1.6.10	Public Recreation Resources.....	10
1.6.11	Project Works.....	11
2.0	LAND AND SHORELINE MANAGEMENT CLASSIFICATIONS .....	12
2.1	“A” Management Classification.....	12

2.2	“B” Management Classification.....	13
2.3	“C” Management Classification.....	14
2.4	“D” Management Classification.....	15
2.5	Allowable Uses Within Management Classifications.....	15
3.0	PERMITTING .....	18
3.1	Permitting Criteria.....	18
3.2	Resource Protections Developed in Consultation with Resource Agencies. ....	18
3.3	Permitting Process.....	18
3.4	Forms of Permission.....	19
3.5	Variances.....	20
3.6	Permitting Encroachments and Nonconforming Uses .....	20
3.7	Transfers of Permits. ....	21
3.8	Permitting Fees.....	21
4.0	CONVEYANCES.....	22
4.1	Conveyance Provisions and Restrictions .....	22
4.2	Allowance for Common Leases and Easements with Reporting to FERC .....	22
4.3	Leases or Easements Requiring Prior FERC Notification and Approval .....	23
4.4	Renewals, Extensions, Reassignments, and Modifications of Existing Leases and Easements	24
4.5	Fee Title Conveyances .....	24

## **LIST OF APPENDICES**

Appendix A – Land and Shoreline Management Classification Maps

Appendix B – Project Lands and Waters Designated for Public Recreational Use

Appendix C – Modifications and Amendments to the LSMP

Appendix D – Permitting Conditions Relating To Project Resources

# **KINGSLEY DAM PROJECT (FERC PROJECT NO. 1417)**

## **LAND AND SHORELINE MANAGEMENT PLAN**

### **1.0 OVERVIEW**

#### **1.1 Introduction and Purpose**

The Central Nebraska Public Power and Irrigation District (Central) is a political subdivision of the State of Nebraska, authorized as a “public power and irrigation district.” Central’s responsibilities include irrigation, power generation, public recreation, shoreline and land use management, natural resource conservation, environmental protection, and public land stewardship.

Central operates the hydropower generating facilities associated with the Kingsley Dam Project (Project). The Federal Energy Regulatory Commission (FERC or Commission) licensed the Project as Project No. 1417 in 1998. Central is subject to the Federal Power Act, associated regulations, and the terms and conditions of the Project license. Two of those license conditions—designated as Articles 421 and 422—directly affect Central’s administration of Project lands. These articles establish limitations and criteria regarding land use and require Central to undertake specific actions and seek particular approvals. In addition, Central is subject to other regulations and license conditions that more generally constrain its use and management of Project.

The lands and waters of Central’s Project are a unique and valuable resource that, if managed effectively, can continue to provide hydropower, irrigation, recreation, and community living benefits to future generations in the region. To accomplish this, Central must give close attention to preserving shore lands with unique or special qualities, to properly manage and conserve the natural resources within the Project boundary, and to protect and balance different uses so the public can access and enjoy them in the years to come.

The purpose of this Land and Shoreline Management Plan (LSMP or Plan) is to:

1. Manage and set requirements for existing and anticipated future non-Project development and uses of Project land and waters in a manner which reasonably considers, balances, and provides protections for important Project resources;
2. Describe the approaches that Central uses in managing those uses;
3. Where possible, provide for streamlined processes for granting permits and conveyances that are consistent with the planned management and resource protections;
4. Comply with the requirements of Central’s FERC license; and
5. Provide clear communication to Central, FERC, resource agencies, and the general public regarding all of the above.

This LSMP is intended for management of FERC Project lands and waters within the Project boundary. For purposes of management consistency or other purposes, Central may also choose to apply these policies and standards to its own lands and water outside the Project boundary where

Central deems relevant and/or appropriate but is not required to do so as part of the FERC license. Central's ability to manage consistent with this LSMP may be restricted to rights that it owns, or over which it holds other rights allowing it to do so.

## 1.2 FERC Delegated Authority

As the recipient of a federal license, Central is responsible for supervision and control of the uses and occupancies to which FERC grants Central oversight within its Project boundary. These uses and occupancies may include conveyance of easements, rights of way, leases, or permissions to use Project lands for non-Project purposes. FERC generally requires licensees to develop permitting policies and programs that detail the permitting processes, standards, and requirements and acknowledges that licensees may charge fees to recoup costs associated with processing permits. FERC requires Central to monitor and enforce compliance with any permits or conveyances they issue. Accordingly, Central has an ongoing responsibility to monitor and control activities on Project lands and has motivation for supervising uses of other lands within Central's Right of Way. Central has the ultimate responsibility for compliance. FERC does not allow delegation of this responsibility, regardless of who proposes, builds, or manages a shoreline use or facility.

Central binds all its permittees, licensees, lessees, and grantees to the terms of FERC-approved plans by specific restrictions and conditions in the authorization agreement (lease, permit, license, easement, or other conveyance). These authorization agreement restrictions are general in nature so that the approved plans bind the authorized user in whatever form they may take during the effective term of the authorization. Under these restrictions and conditions, authorized users are committed to the provisions of this LSMP, as well as to successive modifications and amendments, which have received the requisite approval.

In an effort to work with stakeholders and the communities adjacent to the Project, Central staff are available to discuss management decisions and policies with interested parties. In the event stakeholders believe Central has acted outside the policies of the LSMP or Central's FERC license, they may contact FERC requesting review of Central's actions or decisions.

## 1.3 Project Description

Central's Kingsley Dam Hydroelectric Project, completed in 1942, consists of two distinct segments (Figure 1). The first, or upstream, segment comprises Lake McConaughy and Lake Ogallala (Figure 2). The second, or downstream segment includes the Supply Canal (Figure 3) which incorporates several other impounded lakes or reservoirs.

Lake McConaughy, formed by impounding water from the North Platter river behind Kingsley Dam, has a surface area of approximately 30,500 acres and is roughly 20 miles long at full pool. Water released through the Kingsley Hydropower plant, built in 1984, located at the south end of the dam, flows into Lake Ogallala. Lake McConaughy and Lake Ogallala provide diverse and popular public recreational opportunities. Fishing, camping, boating, and other recreational uses, as well as

winter bald eagle viewing are popular activities on the lakes.

The Supply Canal (also known as the Tri-County Canal) begins at a diversion dam constructed across the Platte River fifty miles downstream of the Kingsley Dam. Water, diverted from the Platte River, enters the Supply Canal which generally flows easterly for 75 miles and includes reservoirs of various sizes resulting from the construction of 27 dams along its route before returning water to the Platte River east of Lexington or to Central's irrigation service area. The sizes of the water bodies impounded along the Supply Canal vary from less than one surface acre to more than 2,500 surface acres, the two largest being Johnson Lake (approximately 2,500 acres) and Jeffrey Reservoir (approximately 575 acres). Additionally, the design of the Supply canal takes advantage of the change in elevation over the length of the Supply canal and includes three hydroelectric power plants.

Central's properties throughout south-central Nebraska provide numerous recreational, residential, and economic benefits. They offer diverse habitats that support the plant, animal, and fish species found in the region, including species designated as threatened and endangered by state and federal agencies. The entire area is increasingly attractive as a place for outdoor recreation, home sites, and the support services associated with these activities. Continued regional growth and development and the gravitation of homeowners to waterside areas will place increasing demands on the lands and waters of the Project.

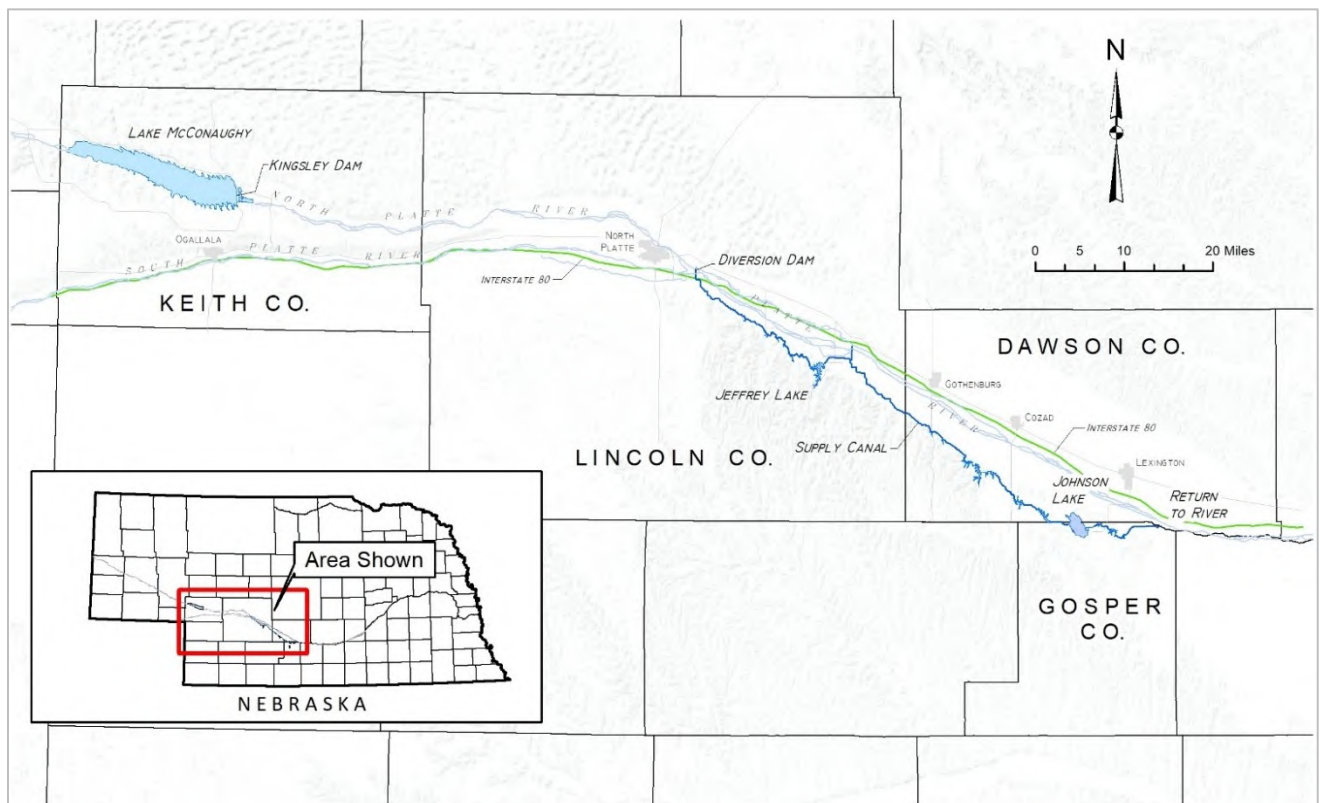


Figure 1





Figure 1

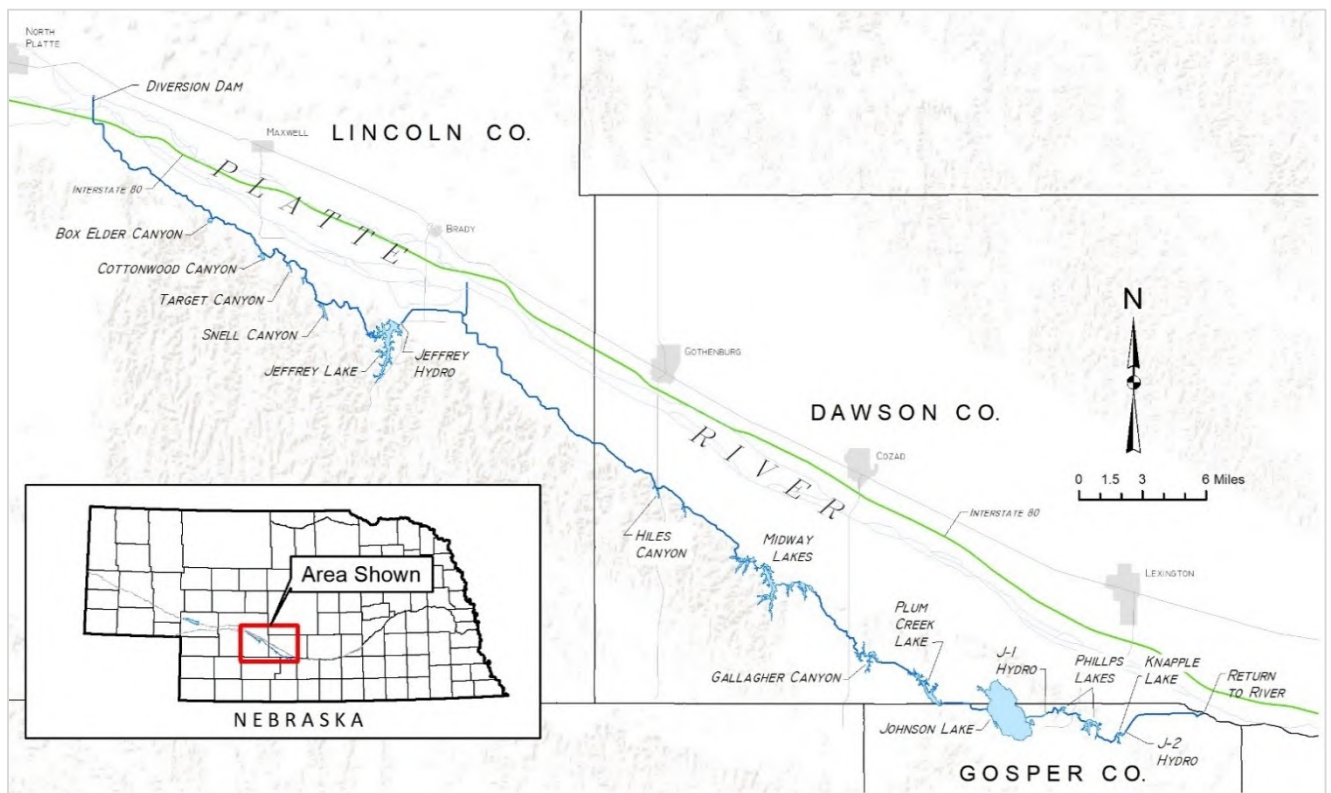


Figure 3



## 1.4 Non-Project Development and Use

The types and levels of public and private uses, referred to throughout this document as non-Project uses, vary significantly from location to location throughout the Supply Canal system. In some locations, adjacent landowners and Central's lessees have settled along the shoreline in tight-knit highly-developed residential communities that appear to thrive on the close proximity of neighboring private development and commercial operations. Other areas represent more rural, lower density, residential development patterns with few if any commercial uses within or adjacent to the Project boundary. Some areas have only experienced non-Project development of an agricultural nature. Other areas are presently undeveloped and provide a natural, open-space aesthetic.

Central recognizes that over the course of its license term, changes in use of the Project lands and shorelines are an inevitable and that adjacent landowners, lessees, and other public users may have differing expectations as to what uses are appropriate. Therefore, Central's intent for this plan is to manage existing and future uses proactively, prudently, and efficiently.

## 1.5 LSMP Approaches to Land and Shoreline Management

Central manages Project lands and shorelines under this LSMP through the establishment of management classifications, a permitting program, permitting standards developed in consultation with the USFWS and the NGPC, requirements and restrictions on conveyances, a Lake McConaughy tern and plover nesting plan, periodic review and update of the LSMP, application of FERC requirements, and implementation and enforcement of the LSMP.

### 1.5.1 Management Classifications.

Project shorelines are assigned classifications to identify, in a broad sense, levels of intensity of existing and anticipated future non-Project uses. Shoreline spacing requirements, shoreline setback requirements, and allowed uses vary by classification. Management classifications are discussed in more detail in Section 2 and management classification maps are provided in Appendix A.

### 1.5.2 Permitting.

Central manages non-Project uses of Project lands and waters through a permitting process. Permitting is discussed in more detail in Section 3.

### 1.5.3 Permitting Standards Relating to Project Resources

Permitting standards, developed in consultation with the USFWS and the NGPC, have been established to provide for the protection of key environmental resources. These agencies agree that, if Central is willing to adopt and implement such standards, the need for consultation regarding non-Project use development projects is limited to instances where a use proponent

cannot meet those standards and requests a waiver or variance from those standards. (See Section 3.4).

#### 1.5.4 Conveyances.

There are requirements and restrictions on the conveyances of Project lands and water by Central. There is also a process for streamlining certain types of conveyances. Conveyances are discussed in more detail in Section 4.

#### 1.5.5 Implementation and Enforcement of the LSMP.

Through its FERC license, Central is responsible for supervising and managing non-Project uses of Project lands and waters and to ensure compliance with Central's FERC license, this LSMP, various FERC requirements, and the terms of any permissions or conveyances made by Central. While this process can be very burdensome and time consuming for all concerned, it is not optional. Failure to comply constitutes a violation of Central's FERC license. Additionally, Central and others may also be subject to other federal or state regulations and license conditions that affect the non-Project use of Project lands and waters.

The following are mechanisms or approaches which Central may use to avoid, reduce, or resolve issues of noncompliance in non-Project uses<sup>1</sup>:

1. Implementation of permit reviews, inspections, and compliance-related fees through Central's permitting program.
2. Granting permissions or conveyances for unpermitted uses as provided elsewhere in this LSMP, where doing so would not otherwise be contrary to protecting Project resources or operations.
3. Requiring modification of noncompliant structures, facilities, and uses to bring them into compliance.<sup>2</sup>
4. Requiring the removal of any non-complying structures and facilities, and/or cessation of non-complying uses.
5. Canceling the permission to use and occupy the Project lands and waters due to

---

<sup>1</sup> Central determines which of these approaches to use on a case-by case basis. Owners or users of noncompliant structures or activities have no right in expectation of any particular one or more of the approaches taken.

<sup>2</sup> Generally, pre-existing permitted uses that are not in compliance with current requirements but were in compliance with requirements that existed at the time they were permitted, are allowed to remain, unless there are substantial Project operations, environmental, or other Project resource protection need that requires otherwise.

noncompliance.

6. Other legal or lawful means that may be available.

#### 1.5.6 Periodic Review and Update.

To keep the LSMP relevant, Central intends to review it in depth every five years. This review process, as described in Appendix C, provides the means for evaluating the appropriateness and efficacy of the LSMP program and policies, identifies future issues that may arise because of development around the reservoirs, and allows an opportunity to make changes to the LSMP as it relates to public access and recreational use.

#### 1.5.7 Application of FERC Requirements.

In addition to managing in accordance with this LSMP, Central will also continue to manage the uses of Project lands and waters in compliance with all other applicable FERC requirements, including Central's FERC license, FERC regulations; and specific conditions or requirements in past or future FERC orders.<sup>3</sup>

### 1.6 Project Resources

Numerous important environmental, recreational, and other Project resources exist throughout the Project. This LSMP manages and protects these important resources. The following sections describe key resources found within the Project, and approaches taken to protect those resources through this LSMP.<sup>4</sup>

#### 1.6.1 Migratory Birds.

The Migratory Bird Treaty Act of 1918 (16 U.S.C. §703-712) is the federal law implementing international treaties that protect more than 1,000 species of birds, their nests, eggs, and feathers, in the United States, Canada, Japan, Mexico, and Russia. The birds protected under the treaty generally arrive at the Project in early spring and nest until mid-to late summer; however, the

---

<sup>3</sup> Except in cases where such conditions or requirements are superseded by subsequent FERC order, approval, or other action.

<sup>4</sup> In addition to resource protections provided through this LSMP, Central also protects resources by other means, such as the establishment and maintenance of an Environmental Account for instream flows, enhancement, and management of riparian habitats for threatened and endangered species, and protections provided for cultural resources under Central's Cultural Resources Management Plan (CRMP). The resource protections provided by this LSMP are in addition to, and are not intended to modify or substitute for, those other efforts.

nests, eggs, and birds themselves are protected year around.

Protections for migratory birds are provided through implementation of Central's permitting process (Section 3) the use standards developed in consultation with the U.S. Fish and Wildlife Service (USFWS) and the Nebraska Game and Parks Commission (NGPC) (Appendix D).

#### 1.6.2 Bald Eagle.

While the bald eagle (*Haliaeetus leucocephalus*) was delisted from its federally threatened status in 2007, concern for and protection of the species is still in effect. The primary federal legal protection for the species is now provided through the Bald and Golden Eagle Protection Act.

Protections for bald eagles are provided through implementation of Central's permitting process (Section 3) and the use standards developed in consultation with the USFWS and the NGPC (Appendix D).

#### 1.6.3 Least Tern and Piping Plovers.

The interior least tern (*Sterna antillarum*), smallest member of the gull family, and the piping plover (*Charadrius melodus*), one of the smallest members of the plover family, are two species of birds that use the beaches of Lake McConaughy. The USFWS lists the Piping Plover as a threatened species under the Endangered Species Act (16 U.S.C. §1531 et seq. (1973)). On February 12, 2021, the least tern, previously listed as endangered under the Endangered Species Act, was federally delisted, however, the species remains listed as endangered and protected under the Nebraska Nongame and Endangered Species Conservation Act (NЕСSA) (Neb. Rev. Stat. § 37-801 to 37-811).

Protections for least terns<sup>5</sup> and piping plovers are provided through implementation of Central's permitting process (Section 3); the use standards developed in consultation with the USFWS and the NGPC (Appendix D); and the Management Plan for Least Tern and Piping Plover Nesting on the Shore of Lake McConaughy.

#### 1.6.4 Burying Beetles.

The American Burying Beetle is listed as threatened under the Endangered Species Act. This species' range includes the Loess Canyons region of south-central Nebraska which includes portions of the supply canal within Lincoln and Dawson counties. Because of its size and habit of burying just beneath the soil and decaying organic materials, as well as its' attraction to artificial

---

<sup>5</sup> Although Federally delisted, the least tern remains state-listed under the NESCA and Central's License requirements remain in effect.

light (especially ultraviolet lighting, mercury vapor lights, or “bug zappers”<sup>6</sup>), uses along the Project Supply Canal and lakes located within the Loess Canyons have the potential to adversely affect the species.

Protections for burying beetles are provided through implementation of shoreline buffers in certain land use classifications (Section 2); Central’s permitting process (Section 3); and the use standards developed in consultation with the USFWS and the NGPC (Appendix D).

#### 1.6.5 Northern Long-Eared Bat.

The northern long-eared bat was listed as threatened under the Endangered Species Act on April 2, 2015. This species range extends into Dawson and Gosper Counties in south central Nebraska within which lies the eastern portion of the Supply Canal.

Protections for the northern long-eared bat are provided through implementation of Central’s permitting process (Section 3) and the use standards developed in consultation with the USFWS and the NGPC (Appendix D).

#### 1.6.6 Wetlands.

Wetlands provide a wide variety of benefits, including improving water quality by filtering sediment and chemicals from upland runoff and providing habitat for microbial, insect, aquatic, terrestrial, and avian species.

Protections for wetlands are provided through implementation of Central’s permitting process (Section 3).<sup>7</sup>

#### 1.6.7 Native Grasslands.

Native grasslands are a unique and fragile habitat type as the underlying soil structure is developed over the course of hundreds of years. Once disturbed, recovery of the grassland is a slow process. These grasslands support many bird species, as well as small mammals, amphibians, reptiles, and invertebrates.

Protections for grasslands are provided through implementation of shoreline buffers in certain land use classifications (Section 2); Central’s permitting process (Section 3); and the use standards developed in consultation with the USFWS and the NGPC (Appendix D).

---

<sup>6</sup> Also known as electrical discharge insect control systems, electric insect killers, or insect electrocutor traps.

<sup>7</sup> Wetlands are also protected through the Clean Water Act and associated U.S. Army Corps of Engineers regulatory programs.

#### 1.6.8 Natural Shoreline Aesthetics.

Undeveloped and naturally vegetated shorelines and adjacent lands around lakes and reservoirs provide desirable aesthetics, providing visual buffers that create a sense of separation between natural areas and human development.

Protections for natural shorelines are provided through mandating vegetative buffers and controlling the spacing of shoreline facilities in certain land use classes (Section 2); Central's permitting process (Section 3); and the use standards developed in consultation with the USFWS and the NGPC (Appendix D).<sup>8</sup>

#### 1.6.9 Cultural Resources.

Cultural Resources include objects, structures, and locations that are associated with past human activities and include for example, historic properties<sup>9</sup>, archeological sites, pre-historic artifacts, and human remains. Cultural Resources exist at several locations throughout the Project. Central has conducted surveys and maintains a cultural resource inventory of the Project approved by the Nebraska State Historic Preservation Officer.<sup>10</sup>

Protections for cultural resources are provided through implementation of Central's FERC-approved Cultural Resources Management Plan<sup>11</sup> as well as Central's permitting process (Section 3)

#### 1.6.10 Public Recreation Resources.

The Project's lakes and canal system provide diverse recreation uses and opportunities along the shoreline, including fully developed modern campgrounds and recreation areas, primitive camping areas, and commercial marinas as well as a variety of other recreational opportunities. Lake McConaughy provides the most diverse public recreation opportunities within the Project and is one of Nebraska's most popular recreation attractions according to the Nebraska Division of Travel and Tourism.

Protections for public recreation are provided through implementation of shoreline buffers in

---

<sup>8</sup> Shorelines may also be protected through the Clean Water Act and the associated U.S. Army Corps of Engineers regulatory programs.

<sup>9</sup> Historic properties are cultural resources that are listed on, or eligible to be listed on, the National Register of Historic Places.

<sup>10</sup> Generally, the locations of such resources are not publicly disclosed to protect the resources; however, the locations of some historic resources that are part of the Project's facilities, such as Jeffrey Lodge and the power plants, are publicly known.

<sup>11</sup> The implementation of a Cultural Resources Management Plan is a requirement of License Article 425.



certain land use classifications (Section 2); Central's permitting process (Section 3); and the use standards developed in consultation with the NGPC (Appendix D).

#### 1.6.11 Project Works.

Central's Project works, including dams, powerhouses, canals and other primary structures or facilities, are essential to Central's operations and must be secured from potential acts of vandalism or threat of destruction. These areas also pose potential risks to the public and, as such, non-Project uses are limited in the vicinity of such features due to safety, operational, or other concerns.

Protections for Project works are provided through implementation of the D land use classification (Section 2.4) and Central's permitting process (Section 3).

## 2.0 LAND AND SHORELINE MANAGEMENT CLASSIFICATIONS

Numerous private non-Project uses already exist on Project lands and waters, and pressures for addition private non-Project uses are ongoing and likely to continue in the future. The most common types of private uses of Project lands and waters include:

- Water-based and lakeside recreational and residential development, such as;
  - Water recreation facilities (e.g., boat docks, boat lift stations),
  - Shoreline enhancements (e.g., shoreline erosion protection, shoreline patios, lawns, and vegetation), and
  - Near-shore cabins and houses;
- Commercial uses, such as marinas, restaurants, lodging, and event and meeting spaces;
- Seasonal hunting facilities, such as hunting blinds or tree stands; and
- Agricultural uses, such as cropland farming, haying, and livestock grazing.

Future private development, while expected to continue, has the potential to affect such resources as public recreation, environmental habitats, Project operations, and the aesthetic character of parts of the Project. To manage and reduce the impact of future development on Project resources, this LSMP's land and shoreline management classifications facilitate higher intensity private development in the vicinity of existing higher-intensity uses, while restricting private uses where and as necessary to protect other resources. In establishing the types, locations, and allowed uses for these use classifications, Central took into consideration and balanced against such things as types, densities, and locations of existing uses; whether terrains or shoreline conditions are favorable to development; key Project aesthetics to be preserved; and proximities to unique public recreational resources, environmental resources and habitats, and key Project works.

The land and shoreline classifications are generally described in Sections 2.1 through 2.4. Types of allowed private uses, and minimum conditions for such uses, within each classification are described in Section 2.5 and Table 2-1. Maps showing the locations of the classifications throughout the Project are provided in Appendix A.<sup>12</sup>

### 2.1 "A" Management Classification.

In most instances, areas classified as "A" are the most intensively developed areas located within the Project boundary, or those Project lands immediately adjacent to similar high intensity development located just beyond the Project boundary. These areas generally include the highest residential development densities, the greatest amount of land disturbance and construction, and can

---

<sup>12</sup> Classifications on the maps are shown along the approximate location of the shoreline. The classifications and rules for such classifications apply out into Project waters and back onto Project lands as appropriate.

include uses that extend all the way to the shoreline. “A” classification areas are primarily, though not exclusively, Project lands leased from Central for private recreational and residential uses, including such things as cabins/houses, lawns, and water access facilities. “A” classifications are located exclusively at those lakes with longstanding established development, specifically Jeffrey Lake, the Midway Lakes, Plum Creek Reservoir, and Johnson Lake. There are no “A” classified lands at Lake McConaughy, nor at Central’s smaller reservoirs not listed above.

While any development or use can create undesirable effects on the scenic, recreational, or environmental values of the Project, “A” classification areas are those most suitable for the widest range and highest density of private and commercial uses. Areas designated as “A” classifications present little or no unique environmental qualities or resource values that would preclude the continuation of existing uses or the development of similar new uses. While Central does not categorically preclude many identified allowable uses within the “A” classification areas, use proponents within this classification are generally still subject to Central’s permitting program (see Section 3).

“A” classification areas are most generally currently existing and long-established high intensity near-shoreline residential developments<sup>13</sup>, or lands adjacent to or in close proximity that are suitable for future development and uses based on the lack of significant environmental or cultural resources, general adjacent land use patterns, and the availability of existing or planned infrastructure (*e.g.*, roadways, power supply, sewer systems, etc.). Conveyances consistent with the uses identified in this classification may be entered into without the need for further consultation or approvals. Other areas within the “A” classification are lands adjacent to intensively developed areas that serve as “support areas” for trails, roads, temporary parking, and limited seasonal storage of water access equipment, etc. Central may choose to allow lake associations and/or other community-based groups to manage and care for support areas.

## 2.2 “B” Management Classification.

“B” classification areas are those shorelines that have been or may be developed to a lesser degree than “A” classification areas. Aside from the density of private development, the primary difference in “B” and “A” classification areas are that a greater percentage of the B classified lands are not yet fully developed and that a moderate amount of project resources are present and should be managed for. Though future development is anticipated, such development is to be managed in accordance with this LSMP.

To promote, manage, and maintain a moderate density level of development and uses within “B” classification areas, Central has established spacing requirements for private shoreline and water access facilities and requires vegetated buffers which are consistent with the anticipated development

---

<sup>13</sup> Portions of Johnson Lake, Plum Creek Lake, Jeffrey Lake, and the Midway Lakes.

level for the classification. These restrictions are intended to lessen environmental and scenic impacts associated with private uses, promote a moderate level of private development, and provide for an improved aesthetic setting. If private individual use proponents cannot meet minimum shoreline spacing requirements, Central may permit a multiple use facility<sup>14</sup> to minimize effects to the shoreline aesthetic within these areas.

Private commercial uses within “B” classification areas are reasonable to assume may be developed in the future. To protect the project’s resources and promote a reasonable aesthetic within this classification, a separation between commercial uses is required.

### 2.3 “C” Management Classification.

Some areas within the Project boundary, due to development constraints<sup>15</sup>, aesthetic values, or the presence of Project resources, will not or should not be developed to a density level associated with either “A” or “B” classification areas. Central classifies these low-density development areas as “C” classification and anticipates that these areas will, over time, represent a dispersed residential aesthetic, interspersed with limited to no commercial uses adjacent to the Project boundary.

To promote, manage, and maintain a low density level of development and uses within “C” classification areas, Central requires substantial spacing between private shoreline and water access facilities and uses and requires native vegetative buffers to extend from the shoreline. These restrictions are intended to lessen environmental and scenic impacts associated with private uses, maintain a less intense development pattern, and provide for an improved aesthetic setting. If private individual use proponents cannot meet the minimum shoreline spacing requirements identified in its permitting program, Central may permit a multiple use facility<sup>16</sup> to minimize effects to the shoreline aesthetic within these areas.

While not expressly disallowed, Central discourages commercial uses within the “C” classification. Considering the resources present within the Project’s “C” Classification areas, Central determined that a greater level of separation between private uses as well as other commercial uses is warranted. Commercial use proponents must also include a clear and supportable purpose and needs analysis and a management plan for the use in their application to Central. Central may require a commercial use proponent to meet other standards based on stakeholder input relating to potential detrimental effects of the proposed use.

---

<sup>14</sup> As referenced in Article 422(b) of the Project license.

<sup>15</sup> Development constraints may include, but are not limited to, shallow areas that would require dredging to service new water-dependent uses, narrow coves that do not provide adequate width or water depth for safe navigation, or shoreline spacing unable to safely accommodate larger, more intense development.

<sup>16</sup> As referenced in Article 422(b) of the Project license.

## 2.4 “D” Management Classification.

“D” classified lands are select areas of the Project where, based on the presence of certain very unique resources, most types of private recreational or residential development or non-Project use should not be permitted. Specifically, “D” classified areas include public recreation and wildlife areas managed by NGPC at Lake McConaughy and Lake Ogallala<sup>17</sup> and the land and shoreline around Gallagher Canyon Lake, which has an undeveloped natural aesthetic accessible to the public which is desirable to be maintained.<sup>18</sup> Only certain limited and low impact private uses may be permitted provided that stringent conditions are met based on the resource to be protected (e.g., agricultural production).

## 2.5 Allowable Uses Within Management Classifications.

Central considers the structures, activities, and uses identified in Table 2-1 as generally appropriate or otherwise acceptable at some (but not all) locations within the Project boundary provided permits are obtained from Central. Even where a use is indicated as generally allowable, such uses may be subject to requirements or restrictions as appropriate to the specific location, resource protection needs, or other reasons which Central may determine. For specific resources that FERC requires management plans, such as least terns and piping plovers or bald eagles, the related plan provides guidance on Central’s responsibilities and ability to permit a particular use. Some identified allowable uses may also require review and approval by local, County, State, and Federal regulatory agencies.

Table 2-1 lists general allowable private uses and restrictions on those uses by Management Classification. While Central may identify a private use as “allowable” within a classification, this does not mean that Central will automatically issue a permit for that use at all locations. Permit issuance is determined on a case-by-case basis and is dependent on site specific conditions, the extent of the actual request, and information provided in the permit application. If a use proponent cannot meet the specific requirements established in the LSMP, Central will not approve the application. If a use is proposed for an area with a specific Project resource, Central may require additional information based on third-party evaluations or studies to determine if the proposed use of the site is compatible with protection of the resources in question, agency consultation, or FERC approval and

---

<sup>17</sup> While these are not the only NGPC managed recreation and wildlife areas within the Project, the McConaughy/Ogallala areas are the most significant in terms of use, size, and importance.

<sup>18</sup> Although other portions of the Project currently also have an undeveloped aesthetic, the specific terrain and land ownership by Central at Gallagher Canyon Lake makes it most likely that this aesthetic can be protected into the future.

issue a permit conditioned upon agency requirements. In all cases, Central may attach specific conditions to any permit it issues to assure Project resource protection is not compromised.

It should be noted that although the Table 2-1 list may include examples of types of uses, it will not always be the case that Central will allow one or more of the specific examples given, although it would have allowed the general use. For instance, whereas lakeside decks and patios and beaches may be given as examples of Shoreline Access Facilities, actual uses in most cases may be restricted only to sidewalks and pathways of a limited width. It should also be noted that there are some common “uses” that are not explicitly listed because they are instead actually a collection of combined uses at a single location; examples would be that a “residential lot” might be a combination of a private building and accessory uses, or a “concessionaire” or “marina” might be a combination of buildings, watercraft launching facilities, watercraft housing facilities, etc. It should also be noted that these uses are not always mutually exclusive. For example, a structure may be constructed to span both land and water, such that it is both a shoreline and water access facility, or a sign may be a logical accessory use for a building used by a concessionaire.

Central generally allows passive, low and no impact uses by the public, such as hiking, biking, fishing, horseback riding, back-country camping, etc., throughout much of the Project.<sup>19</sup> Central may permit, on a case-by-case basis, those temporary activities that do not require long-term use or any form of construction and do not result in any adverse effect on the protected resource. Examples of temporary activities include one-time outdoor events and educational studies, projects, or programs associated with schools, service clubs, or youth organizations.

---

<sup>19</sup> While generally allowed, such activities may be restricted on a site specific or time specific basis, as may be appropriate to Project security, public safety, resource protection, or other purposes.



Table 2-1: Allowable Private Uses by Land and Shoreline Management Classifications				
Private Uses	Shoreline Classification			
	A	B	C	D
Residential and Recreational Buildings Construction Setback Buffer	Y 30'	Y 75'	NA	NA
Accessory Uses Accessory Use Buffer	Y NR	Y 50'	Y 150'	NA
Native Vegetation Buffer <sup>A</sup>	NR	25'	100'	NR
Shoreline and Water Access Facilities Shoreline Spacing	Y NR	Y 200'	Y 600'	NA
Shoreline Stabilization	Y	Y	Y	NA
Vegetation Modification <sup>B</sup>	Y	Y	NA	NA
Low Impact Agricultural Uses (excludes buildings)	Y	Y	Y	Y
Commercial Uses Separation Requirement from Private Use Separation Requirement from Commercial Use	Y - -	Y - ½ mile	Y ½ mile 1 mile	NA
<p>Y - Generally allowed, subject to permitting process requirements.</p> <p>NA - Indicated private use not allowed.</p> <p>NR - No minimum set requirement.</p> <p><sup>A</sup> - These are minimum restrictions/requirements on private uses based on Shoreline Classifications. Additional requirements, restrictions, or prohibitions may be imposed through conveyance restrictions, lease conditions, Central's permitting programs, etc.</p> <p><sup>B</sup> - Vegetation modification to control invasive species or remove or trim plants which present, in Central's opinion, a condition that is hazardous to life or property may be permitted in C or D classifications.</p>				

### 3.0 PERMITTING

Central administers a program for permitting non-Project uses of Project lands and waters, including:

- uses that Central may permit subject to its FERC License Article 422;<sup>20</sup>
- uses allowed by and consistent with this LSMP, including allowable uses by land classification as provided in Section 2.5; and
- uses allowed by and consistent with existing leases or other conveyances or formal agreements.

The permitting program is available to the public on Central's website and may be modified by Central at any time.

#### 3.1 Permitting Criteria.

Central's permitting program includes standards, specifications, limitations, and other criteria applicable to non-Project uses and are established for purposes of protecting Project operations, Project resources, safety, and other purposes. Such criteria may vary by type, location, and timing of use as may be appropriate. Established permitting criteria sets only minimum conditions for permissions that may be granted but meeting such criteria shall not create for Central an obligation to grant permission for any particular non-Project use, and Central may impose additional requirements or restrictions in permitting a use or may deny permission for use altogether.<sup>21</sup>

#### 3.2 Resource Protections Developed in Consultation with Resource Agencies.

Permitting standards for the protection of certain environmental resources were developed in consultation with USFWS and NGPC. These standards are provided in Appendix D. Any other permitting standards developed by Central shall include at a minimum, and not conflict with, these environmental standards; and Central shall not permit uses contrary to these protections without prior consultation with the relevant resource agencies.

#### 3.3 Permitting Process.

Central has established processes for granting permits or permissions for non-Project uses. Central's permitting process may require, as appropriate, any of the following:

- Written applications for the proposed use;
- Provision of sufficient information to understand and evaluate the intended use;
- Site visits and inspections;
- Demonstration of compliance with federal, state, or local laws and regulations;

---

<sup>20</sup> Article 422 is FERC's "Standard Land Use Article"

<sup>21</sup> Central shall not illegally discriminate on the basis of race, color, religion, sex, disability, or other protected class.

- Other requirements as Central deems appropriate.

In evaluating whether to grant permission for a non-Project use, Central will consider:

- Potential impacts to Project operations;
- Potential impacts to Project resources;
- The appropriateness of the intended use at the location;
- Consistency with FERC regulations, Central's FERC license, and this LSMP;
- Permitting criteria established by Central and the criteria developed in consultation with resource agencies;
- Terms and conditions of applicable leases, easements, covenants, or other agreements;
- Applicable federal, state, and local regulations;
- The compliance history of the intended users or applicants;
- Other relevant information provided by the applicant or known to Central

### 3.4 Forms of Permission.

To streamline the permitting process while appropriately addressing resource agencies concerns and mandates for protection of species, Central developed its permitting program in consultation with those agencies charged with protection of specific species. As a result, these agencies concluded that, if Central is willing to adopt and implement such standards, the need for Project specific consultation with them is limited to those instances where a use proponent cannot meet the LSMP or permitting standards or requests a Form of Permission

Permissions from Central for non-Project uses may be in the form of written permits or approvals or may be allowed simply by rule without the need for a formal written permit.

Central will generally issue written<sup>22</sup> permits for a single specific or group of uses that are uniquely identifiable in nature and are issued to the user seeking permission for the use in question. These are most common for non-Project uses that have greater potential to substantively impact Project operations or resources, and/or where non-Project uses are expected to be permanent in nature. Examples of non-Project uses that would be likely be permitted through a written permit are construction activities, major repair or replacement of existing structures, installation of in-water and near shoreline recreational amenities, installation of erosion control measures, or substantial modification of Project terrain or vegetation (e.g., lawn establishment, tree clearing, etc.).

Permission "by rule" would typically be used to permit non-Project uses that have little or no likelihood of substantive impact on Project operations or resources and where such uses are temporary. Examples of non-Project uses that might be permitted by rule are maintenance work or minor repairs on an already established and permitted use that is consistent with and does not expand the original permitted use, clearing of trees that are an immediate hazard to life or property, or elimination of noxious or invasive species. Even where Central may permit non-Project uses by rule,

---

<sup>22</sup> "Written" need not be on paper but may include electronic formats.

Central may still set specifications or limitations on such uses and may still require prior and/or post-use notification of the use or activity.

### 3.5 Variances.

Central may grant variances for one or more of its permitting criteria or process requirements, provided that:

- i. The proposed use allowed by the variance is not averse to the objective of protecting the scenic, recreational, environmental, cultural, or operational values of the Project and is not contrary to Central's FERC License, other parts of this LSMP, or other requirements; and
- ii. Central may not grant a variance that is contrary to specifications or restrictions developed in consultation with resource agencies, provided in Appendix D, without prior consultation with such agencies.

Central may establish process requirements for seeking and granting of variances. Central may charge a nonrefundable fee, as established by Central, for consideration of a variance request. If Central grants a variance, it may require certain conditions be met or place additional restrictions on the proposed use to mitigate any impact to the scenic, recreational, environmental, cultural, or operational protections afforded by the specifications being waived outside the standards set in the LSMP.

### 3.6 Permitting Encroachments and Nonconforming Uses

Central may grant permits or other permissions as a management tool to address or resolve certain encroachments<sup>23</sup> or other nonconforming uses<sup>24</sup> on Project lands and waters.<sup>25</sup> If an encroaching or nonconforming use does not meet all current permitting criteria, Central may relax or vary such criteria, either permanently, or for a period of time to allow for the use to be brought into compliance; provided, however, that Central shall not grant permission for encroachments that are otherwise inconsistent with FERC requirements or the specifications or restrictions developed in consultation with resource agencies without prior consultation with FERC or the resource agencies, as appropriate. Central may set additional requirements or restrictions as conditions for granting permission for an encroaching or nonconforming use, including modifications to the use, payments of additional fees, entering into a lease or other form of agreement with Central, or the granting of certain rights or concessions to Central that may be needed for the operation and maintenance of the Project.

---

<sup>23</sup> An encroachment is a use or structure on Project lands or waters without permission or other appropriate authorization.

<sup>24</sup> Nonconforming uses are uses that have been permitted, but do not conform with the use specifications or restrictions.

<sup>25</sup> Permitting of encroachments is a discretionary option available to Central; Central is not obligated to grant permission for any particular encroaching or noncompliant use, even if it can otherwise satisfy the requirements for being permitted.

In determining what encroaching uses to permit, Central may consider such factors as:

- The impact of the use on Project operations and resources;
- The appropriateness of the use at that location;
- The duration of the encroaching or noncompliant use;
- The likelihood that the encroachment or noncompliant use might have otherwise been permitted, or would have met then existing requirements for permission, had permission been sought at the time the use was constructed or initiated;
- Central's estimation regarding whether permitting such use might create incentives or expectations for others to similarly encroach or be noncompliance in the future;
- The history of prior efforts to address the encroachment or noncompliance; and
- The compliance history of the intended user/applicant;
- Possible benefits to be gained by the elimination or removal of the use.

### 3.7 Transfers of Permits.

When any real or personal property (or interest in such property) changes ownership, and the property is subject to a permit from Central, Central may allow current permits to transfer to the new owner. In other instances, Central may require that the new owner apply for a new permit. This would notify Central of the change in ownership, formally commit the new owner to the conditions associated with the permit and allow for changes in permit conditions as Central deems appropriate. The permit transfer or new issuance process may include a review of the existing use, any recommendations or requirements for modification from those allowed for by the existing permit, and any modifications proposed by the new owner. A new permit may require the new owner to repair or modify the use to comply with deferred LSMP and permitting standards (i.e., correct a previously non-conforming condition) or other requirements.

### 3.8 Permitting Fees.

As provided for in License Article 422, Central may assess fees for permits to cover Central's costs of administering the permitting program or other related shoreline management functions required by the FERC license and by good business practices. Generally, Central establishes standard fees based on types of use permitted. Central may set additional or unique fees for atypical situations or unusual use permissions, for permitting efforts that require extra time and resources, or to address matters of compliance.

## 4.0 CONVEYANCES

A “conveyance” is a transferring of a property title or right, in whole or in part, from one party or individual to another, such as may occur with sale or transfer of a fee title interest, a lease, an easement, a grant of right of way, or another grant of right of occupancy or use. Conveyances are distinct from permits or licenses, in that permits or licenses provide a permission for use, but do not establish a property right in the use.

Conveyances by Central within the Project boundary are subject to the LSMP and will include conditions or limitations necessary to assure that future use is consistent with related land management classification. Conveyances must also be in compliance with the requirements of License Article 422 and Form L-3 Article 5 of the Project license, which places limits on the types of uses for which Project lands or waters may be conveyed and sets conditions for such conveyances.

### 4.1 Conveyance Provisions and Restrictions

Conveyances of Project lands and waters must include at a minimum:

- Assurance that the conveyance will not interfere with Central’s ability to operate and maintain the Project;
- Provisions assuring that the use of the lands conveyed shall not endanger health, create a nuisance, or otherwise be incompatible with overall Project recreational use; that the grantee shall take all reasonable precautions to ensure that the construction, operation, and maintenance of structures or facilities on the conveyed lands will occur in a manner that will protect the scenic, recreational, and environmental values of the Project; and that the grantee shall not unduly restrict public access to Project waters;
- Provisions acknowledging that Project lands and waters are subject to regulation by the United States Government, through FERC, and by the State of Nebraska and local governments thereof, and that the Project lands and waters and use thereof, and all other rights granted by the conveyance, are expressly subject to any statute, law, rule, regulation or order now or hereinafter imposed by any governmental body having jurisdiction of the activity of Central, and may be altered or curtailed to the extent the same may affect the real estate leased herein;
- Provisions for enforcement, including without limitation, entry upon conveyed lands to perform inspections, implementation of a permitting system, requirements for cessation of inappropriate use or removal of inappropriate structures, and termination of the conveyance;
- Except in the case of leases to governmental entities or public utilities for a public use, length of term not to exceed thirty years and
- Other terms or conditions as Central and/or FERC may deem appropriate.

### 4.2 Allowance for Common Leases and Easements with Reporting to FERC

Some leases and easements, based on the location, type of use, and restrictions of the conveyance, are not expected to have significant adverse impacts on Project operations or Project resources. For purposes of streamlining the granting of certain such leases and easements, Central may grant the



following types of leases or easements without prior agency or public consultations or prior FERC approval:<sup>26</sup>

- To another governmental body for purposes of providing public recreation or resource management;
- For private residential and recreational uses in A, B, and C land management classifications;
- For commercial concessionaire leases or easements in A land management classification; and
- Agricultural uses in all land management classifications.

Leases or easements issued for the above stated purposes are subject to the following:

- Any such leases or easements granted by Central must also include all the items required by Section 4.1 of this LSMP;
- Uses under such leases or easements must be in accordance with the restrictions applicable to the land management classifications;
- Uses under such leases or easements must still be subject to Central's permitting process, including those permitting standards developed in consultation with resource agencies; and
- Central will report to FERC all such leases or easements granted each year by January 31 of the following year.<sup>27</sup>

#### 4.3 Leases or Easements Requiring Prior FERC Notification and Approval

With the exception of leases and easements granted subject to Section 4.2 above, FERC License Article 422 specifies those cases for which a conveyance requires prior FERC notification and approval.<sup>28</sup> In those cases where intended conveyances require prior approval by FERC, Central will

---

<sup>26</sup> Essentially, consultations on, and FERC approval of this LSMP constitutes a broad general consultation and grant of approval by FERC for these types of conveyances.

<sup>27</sup> Either coincident with, or as a part of, Central's annual reporting provided in accordance with Article 422(c).

<sup>28</sup> In some cases, Central has previously entered into leases for private residential and recreational uses, as well other conveyances or agreements, without prior FERC approval. Central has previously made FERC aware of these past conveyances, at least in general terms, through Central's past relicensing efforts, the original LSMP, and various other filings with FERC. Though these conveyances may lack some of the specific requirements of FERC License Article 422 or Section 4.1 of this Plan, Central believes that these conveyances nonetheless contain terms, whether explicit or implicit, protecting Project operations and resources and requiring compliance with all FERC requirements, including this LSMP and any associated permitting and use requirements. Notwithstanding the lack of prior FERC approval, unless and until FERC informs Central otherwise, Central will treat such conveyances in the same manner as if they had received prior FERC approval. Central does not, by way of this provision, actually seek FERC approval of these conveyances, but rather, only seeks revocable permission from

inform FERC of the Management Classification in the location of the proposed occupancy or use and Central's assessment regarding whether the proposed use or occupancy is consistent with such. If the intended occupancy or use is not consistent with the existing Management Classification, Central will provide FERC with an explanation of why Central believes such use should be allowed, notwithstanding the discrepancy between classification and intended use.

#### 4.4 Renewals, Extensions, Reassignments, and Modifications of Existing Leases and Easements

Unless and until FERC informs Central otherwise, Central will not treat renewals, extensions, reassignments or modification of existing conveyances or easements as "new" conveyances. Accordingly, Central will not undertake prior FERC notification or seek prior approvals provided the use would remain the same or substantially similar to that of the pre-existing use, and the conveyance contains (whether contained previously or is newly added) the provisions described in Section 4.1.

#### 4.5 Fee Title Conveyances

Unless otherwise required by FERC, conveyances in fee title will only be allowed for the following uses, only to another governmental body or public utility for a public use, and only if it is determined that a lesser form of conveyance or permit would not be adequate:

- Construction of new bridges or roads,
- Sewer or effluent lines that discharge into Project waters,
- Other pipelines that cross Project lands or water but do not discharge into Project waters, and
- Non-Project overhead electric transmission lines that require erection of support structures within the Project boundary.

---

FERC to treat them in the same manner as if they had been so approved. Central will inform FERC of any condition that might arise which Central believes could influence whether or not FERC would continue to allow Central to treat these conveyances in the same manner as if they had received FERC approval.

## **LSMP APPENDICES**

## **APPENDIX A**

### **LAND AND SHORELINE MANAGEMENT CLASSIFICATION MAPS**

THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
LAKE MC CONAUGHY - FERC PROJECT NO. 1417

## Land and Shoreline Management Map Sheet Key No. 1

Lake McConaughy - Kingsley Dam Area  
Platte River Basin, Keith and Garden Counties, Nebraska  
January 2022

1

Sheet No.

2

3

### LEGEND

- Project Boundary
- Map Sheet



0 1.25 2.5 5  
Miles



THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
JEFFREY SECTION - FERC PROJECT NO. 1417

## Land and Shoreline Management Map Sheet Key No. 2

Supply Canal - Jeffrey Section  
Platte River Basin, Lincoln County, Nebraska  
January 2022

4  
Box Elder

6  
Target

7  
Snell Lakes

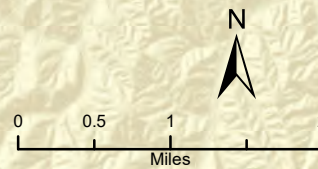
5  
Cottonwood -  
East Cottonwood

8  
West Conroy

9  
Jeffrey  
Reservoir

### LEGEND

— Project Boundary  
□ Map Sheet

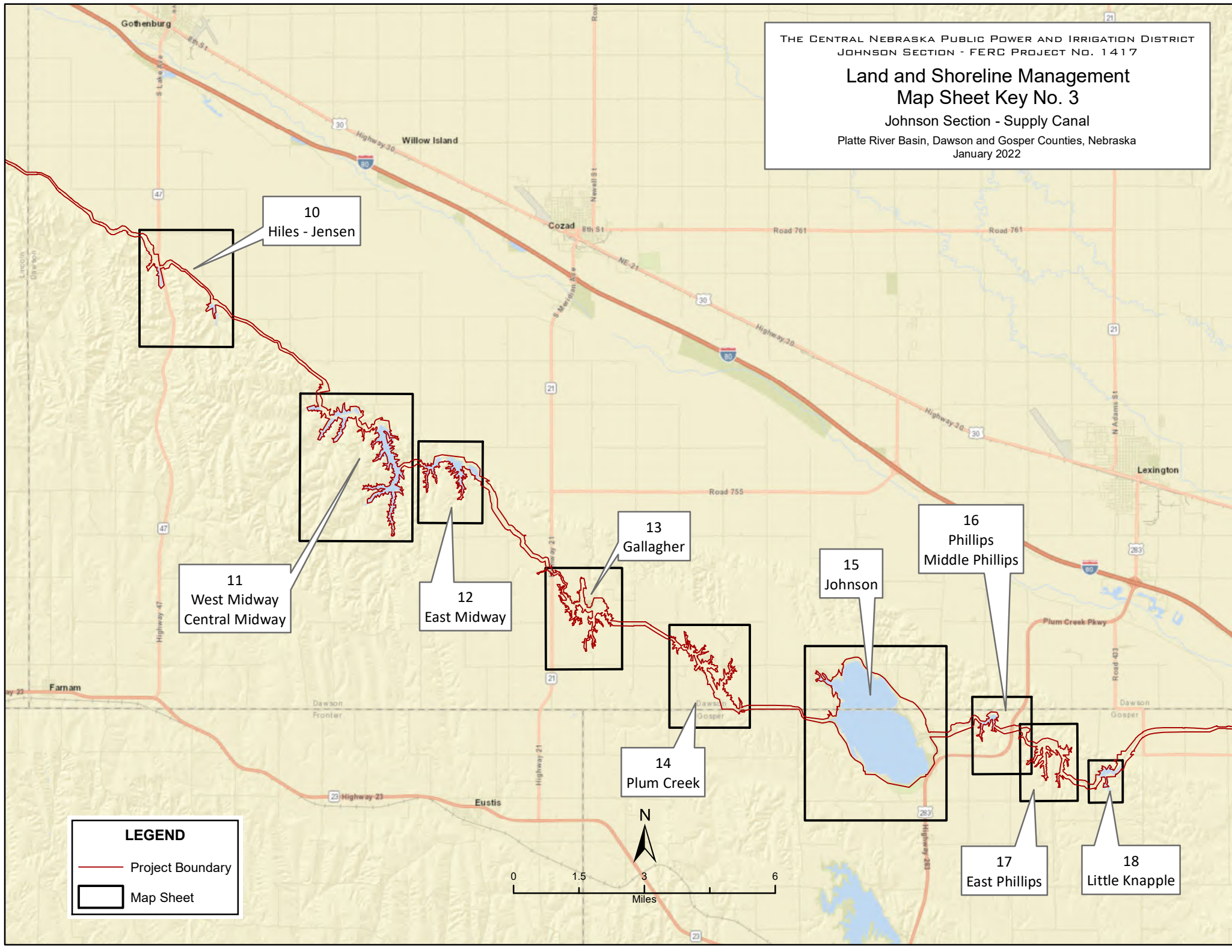




THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
JOHNSON SECTION - FERC PROJECT NO. 1417

## Land and Shoreline Management Map Sheet Key No. 3

Johnson Section - Supply Canal  
Platte River Basin, Dawson and Gosper Counties, Nebraska  
January 2022



**LEGEND**

- Project Boundary
- Map Sheet









THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
LAKE MCCONAUGHY - FERC PROJECT NO. 1417

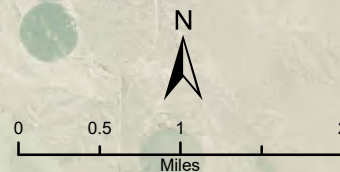
## Land and Shoreline Management Classification Map1

Lake McConaughy - West Section  
Platte River Basin, Keith and Garden Counties, Nebraska  
January 2022

Garden County  
Keith County

### LEGEND Shoreline Classification

-  B
-  C
-  D
-  CNPPID Ownership Boundary









THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
LAKE MCCONAUGHY - FERC PROJECT NO. 1417

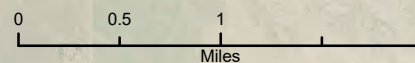
## Land and Shoreline Management Classification Map 2

Lake McConaughy - East Section

Platte River Basin, Keith County, Nebraska  
January 2022

### LEGEND Shoreline Classification

-  B
-  C
-  D
-  CNPPID Ownership Boundary





THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
LAKE MCCONAUGHY - FERC PROJECT NO. 1417

## Land and Shoreline Management Classification Map 3

Lake Ogallala

Platte River Basin, Keith County, Nebraska  
January 2022

Lake  
McConaughy

Lake  
Ogallala

St. Hwy 61 Kingsley Dam

Keystone Lake Rd

Cedar Point Dr.



0 495 990 1,980  
Feet

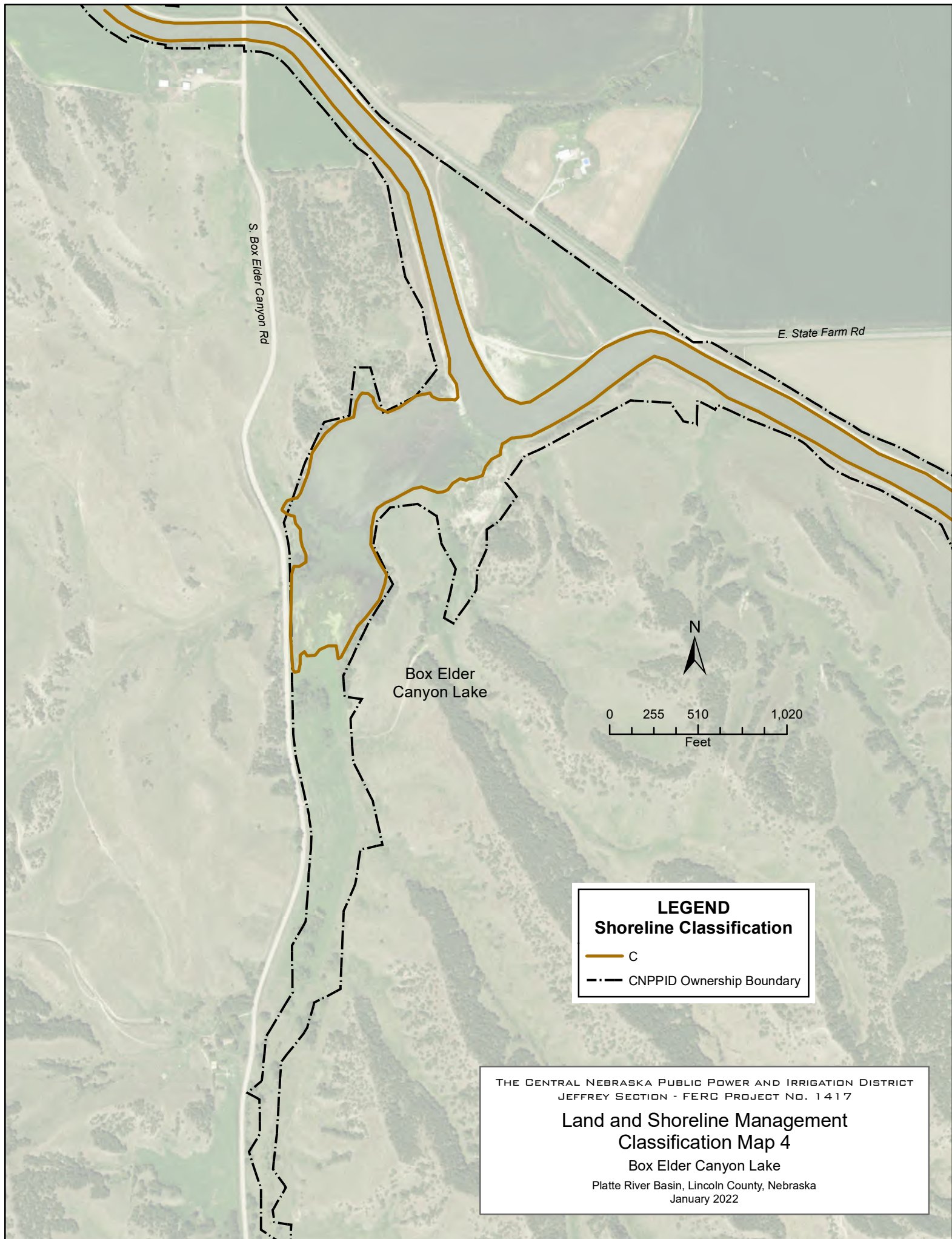
### LEGEND

#### Shoreline Classification

— D

- - - CNPPID Ownership Boundary

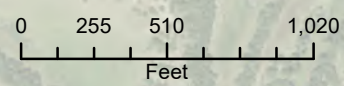




S. Box Elder Canyon Rd

E. State Farm Rd

Box Elder  
Canyon Lake



**LEGEND**  
**Shoreline Classification**

— C

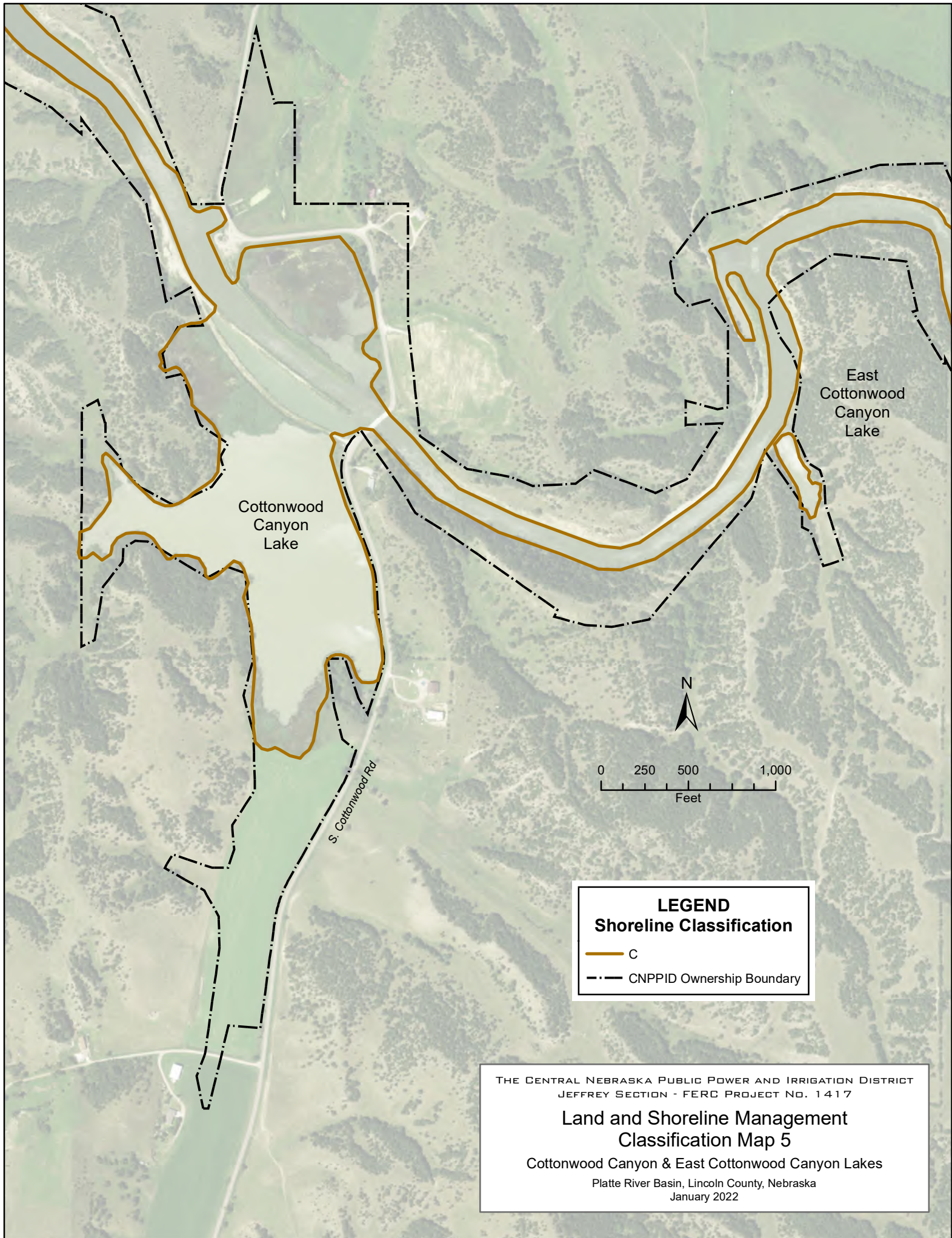
- · - CNPPID Ownership Boundary

THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
JEFFREY SECTION - FERC PROJECT NO. 1417

**Land and Shoreline Management  
Classification Map 4**

Box Elder Canyon Lake  
Platte River Basin, Lincoln County, Nebraska  
January 2022





Cottonwood  
Canyon  
Lake

East  
Cottonwood  
Canyon  
Lake

S. Cottonwood Rd



0 250 500 1,000  
Feet

**LEGEND**  
**Shoreline Classification**

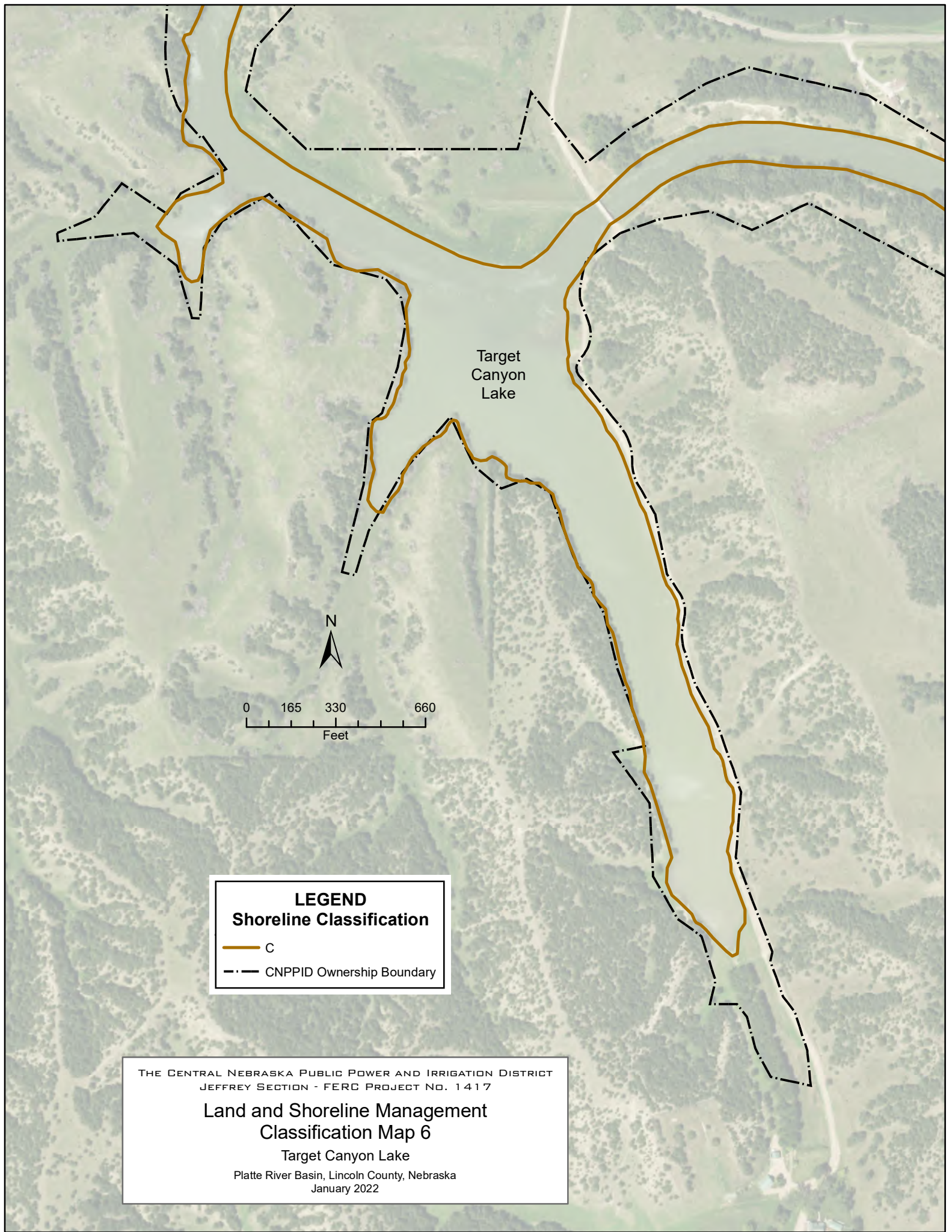
-  C
-  CNPPID Ownership Boundary

THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
JEFFREY SECTION - FERC PROJECT NO. 1417

**Land and Shoreline Management  
Classification Map 5**

Cottonwood Canyon & East Cottonwood Canyon Lakes  
Platte River Basin, Lincoln County, Nebraska  
January 2022





Target  
Canyon  
Lake



0 165 330 660  
Feet

**LEGEND**  
**Shoreline Classification**

— C

- · - CNPPID Ownership Boundary

THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
JEFFREY SECTION - FERC PROJECT NO. 1417

**Land and Shoreline Management**  
**Classification Map 6**

Target Canyon Lake

Platte River Basin, Lincoln County, Nebraska  
January 2022



Little West  
Snell Lake

West  
Snell  
Lake

Middle  
Snell  
Lake

Snell Canyon Road

E. Ft. McPherson Rd



0 550 1,100 2,200  
Feet

**LEGEND**  
**Shoreline Classification**

— C

- - - CNPPID Ownership Boundary

Snell  
Canyon  
Lake

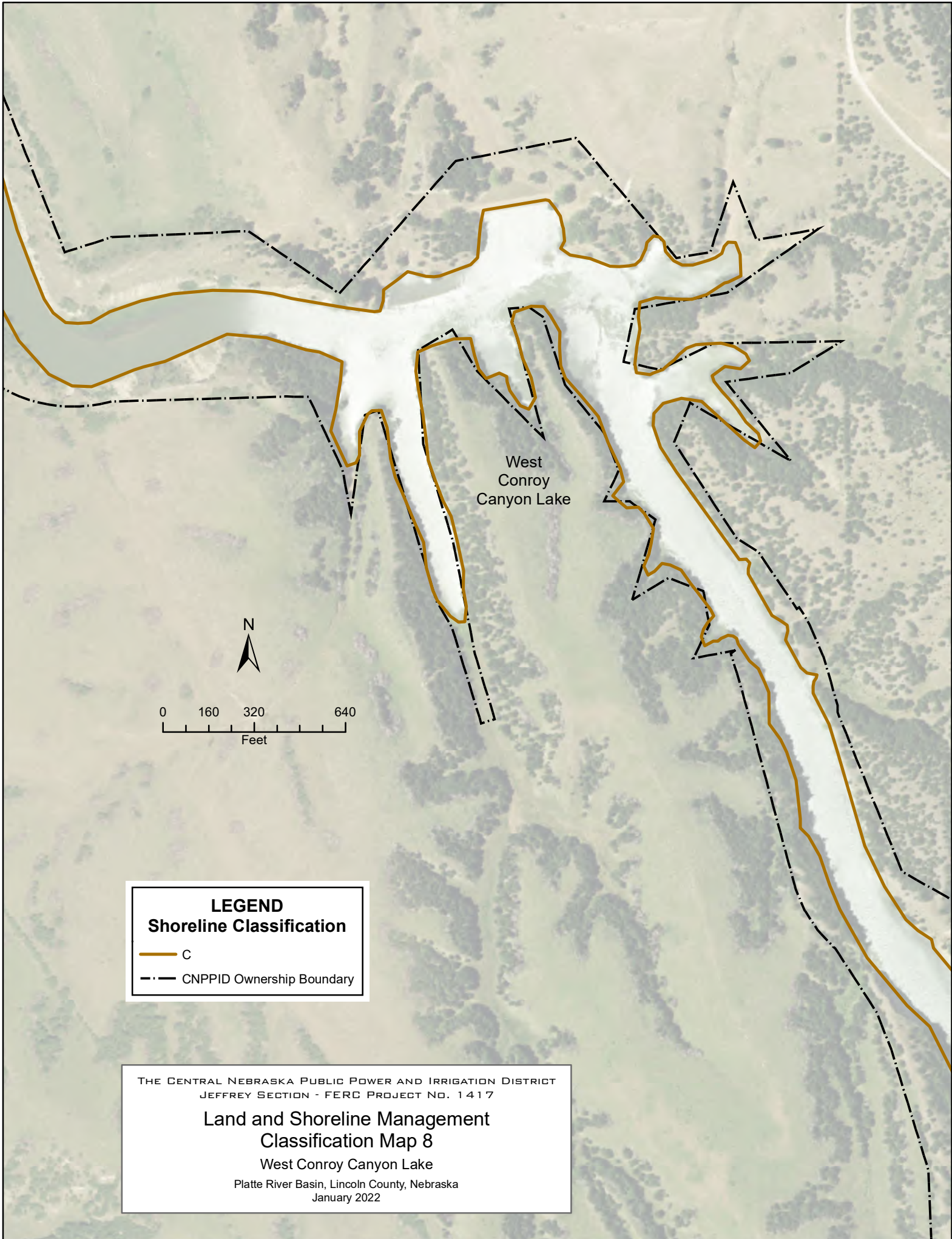
THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
JEFFREY SECTION - FERC PROJECT NO. 1417

**Land and Shoreline Management  
Classification Map 7**

Snell Canyon Lakes

Platte River Basin, Lincoln County, Nebraska  
January 2022





West  
Conroy  
Canyon Lake



0 160 320 640  
Feet

**LEGEND**  
**Shoreline Classification**

— C

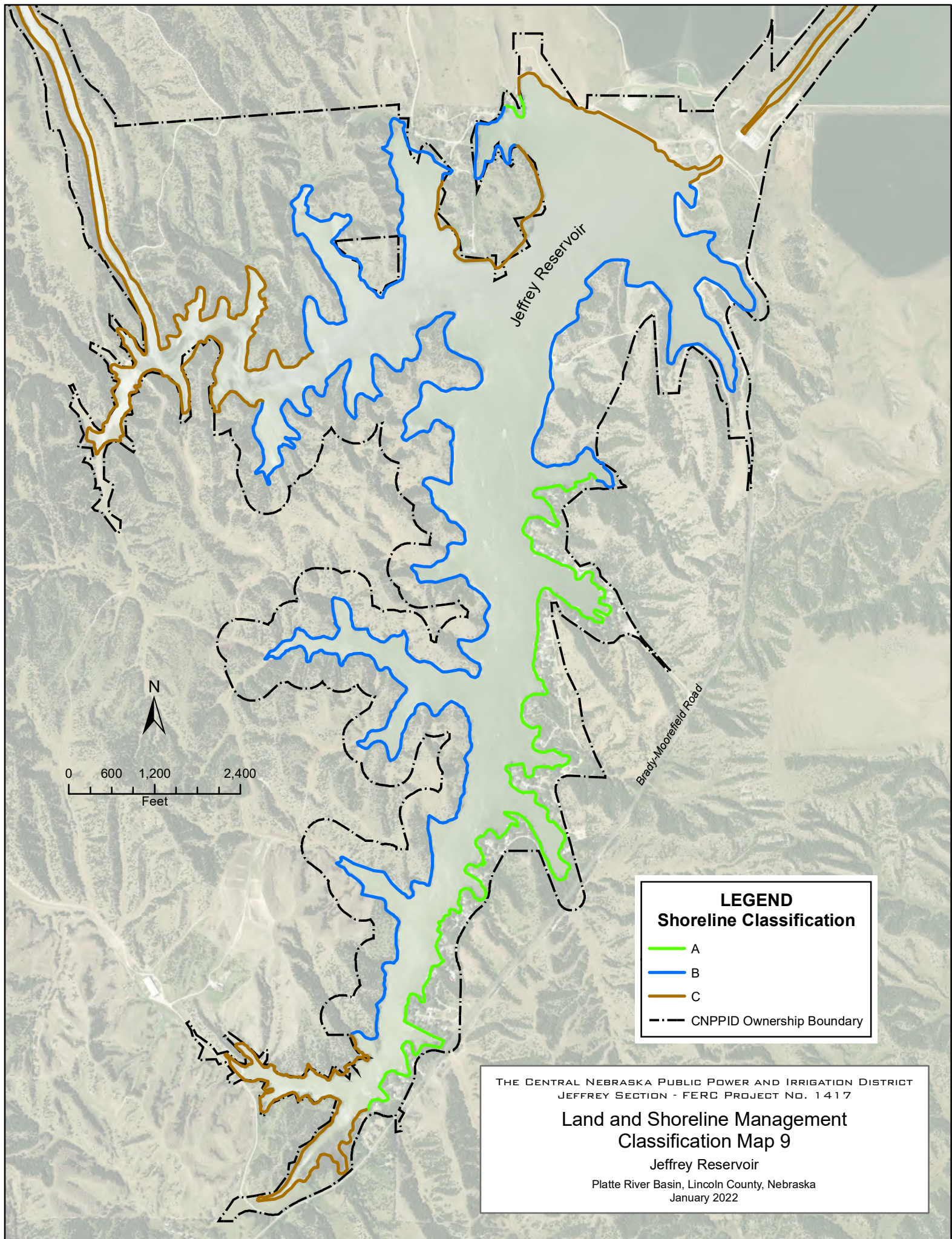
- - - CNPPID Ownership Boundary

THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
JEFFREY SECTION - FERC PROJECT NO. 1417

**Land and Shoreline Management  
Classification Map 8**

West Conroy Canyon Lake  
Platte River Basin, Lincoln County, Nebraska  
January 2022





THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
JEFFREY SECTION - FERC PROJECT NO. 1417

## Land and Shoreline Management Classification Map 9

Jeffrey Reservoir

Platte River Basin, Lincoln County, Nebraska  
January 2022



Co. Rd 761

Co. Rd 412

Co. Rd 760

Hiles  
Canyon  
Lake

State Hwy No. 47



0 500 1,000 2,000  
Feet

Jensen  
Canyon  
Lake

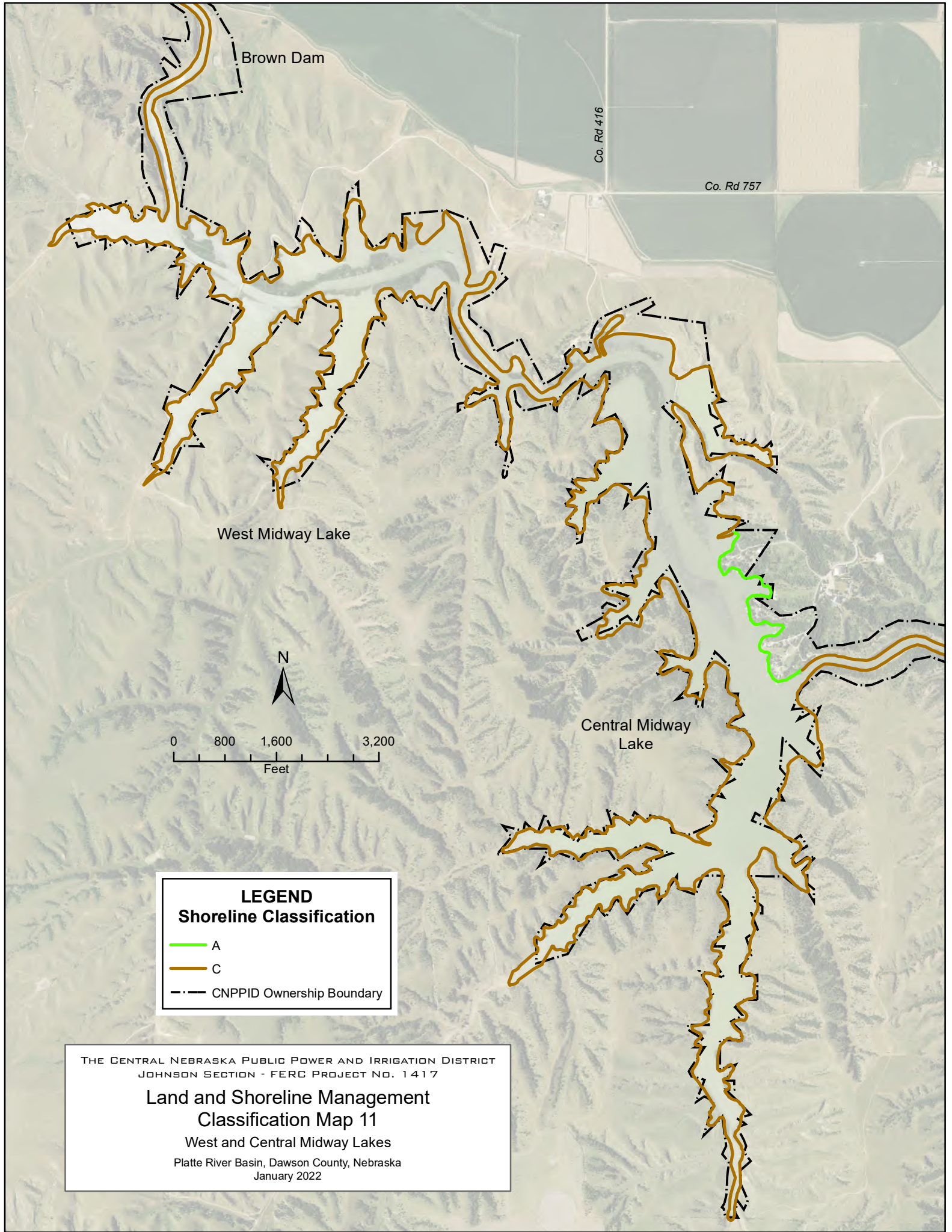
**LEGEND**  
**Shoreline Classification**  
— C  
- - - CNPPID Ownership Boundary

THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
JOHNSON SECTION - FERC PROJECT NO. 1417

## Land and Shoreline Management Classification Map 10

Hiles and Jensen Canyon Lakes  
Platte River Basin, Dawson County, Nebraska  
January 2022





Brown Dam

Co. Rd 416

Co. Rd 757


West Midway Lake





0 800 1,600 3,200  
Feet

Central Midway Lake

**LEGEND**  
**Shoreline Classification**

 A

 C

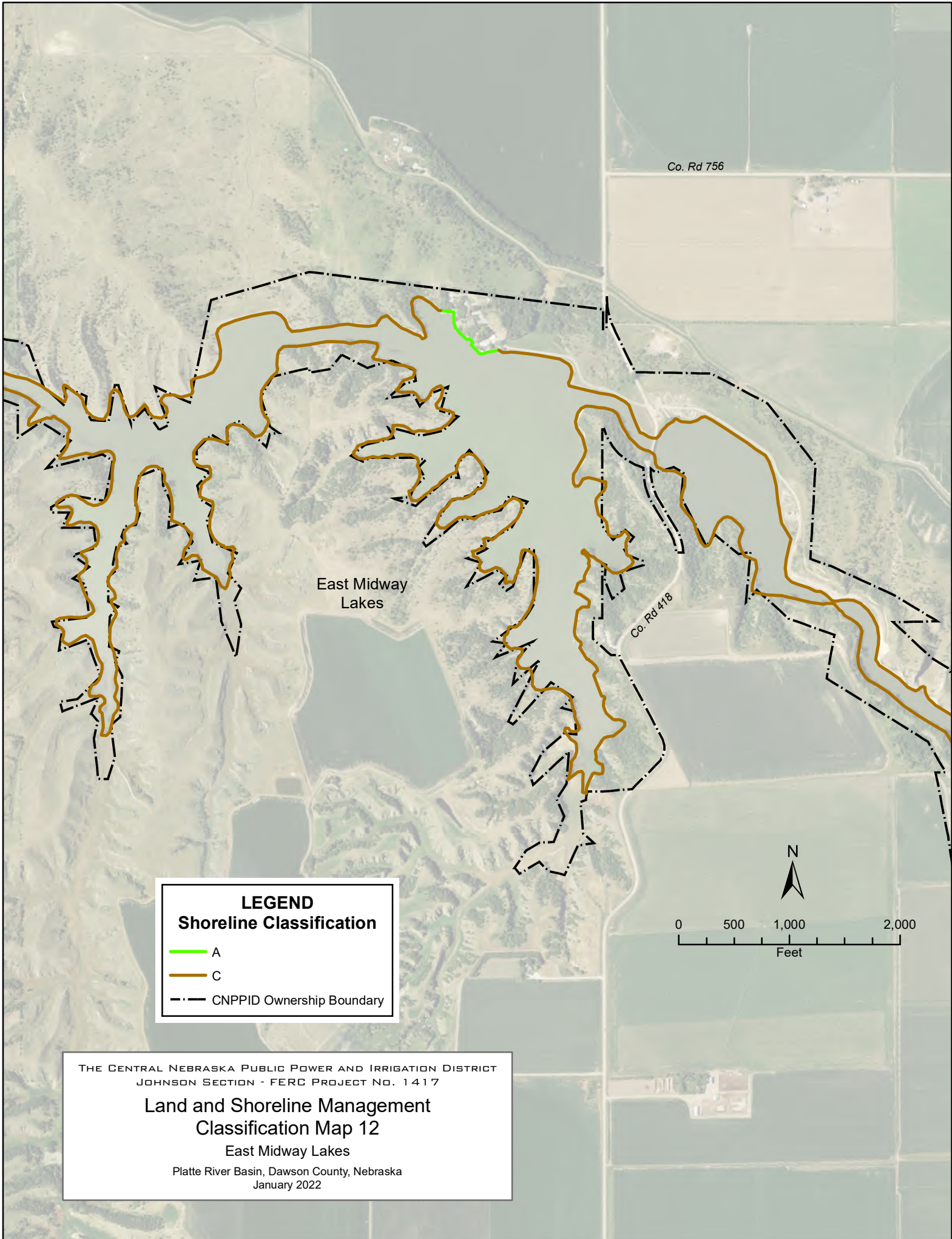
 CNPPID Ownership Boundary

THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
JOHNSON SECTION - FERC PROJECT NO. 1417

**Land and Shoreline Management  
Classification Map 11**

West and Central Midway Lakes  
Platte River Basin, Dawson County, Nebraska  
January 2022





Co. Rd 756

East Midway  
Lakes

Co. Rd 418

**LEGEND**

**Shoreline Classification**

A

C

CNPPID Ownership Boundary

THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
JOHNSON SECTION - FERC PROJECT NO. 1417

**Land and Shoreline Management  
Classification Map 12**

East Midway Lakes

Platte River Basin, Dawson County, Nebraska

January 2022

N

0

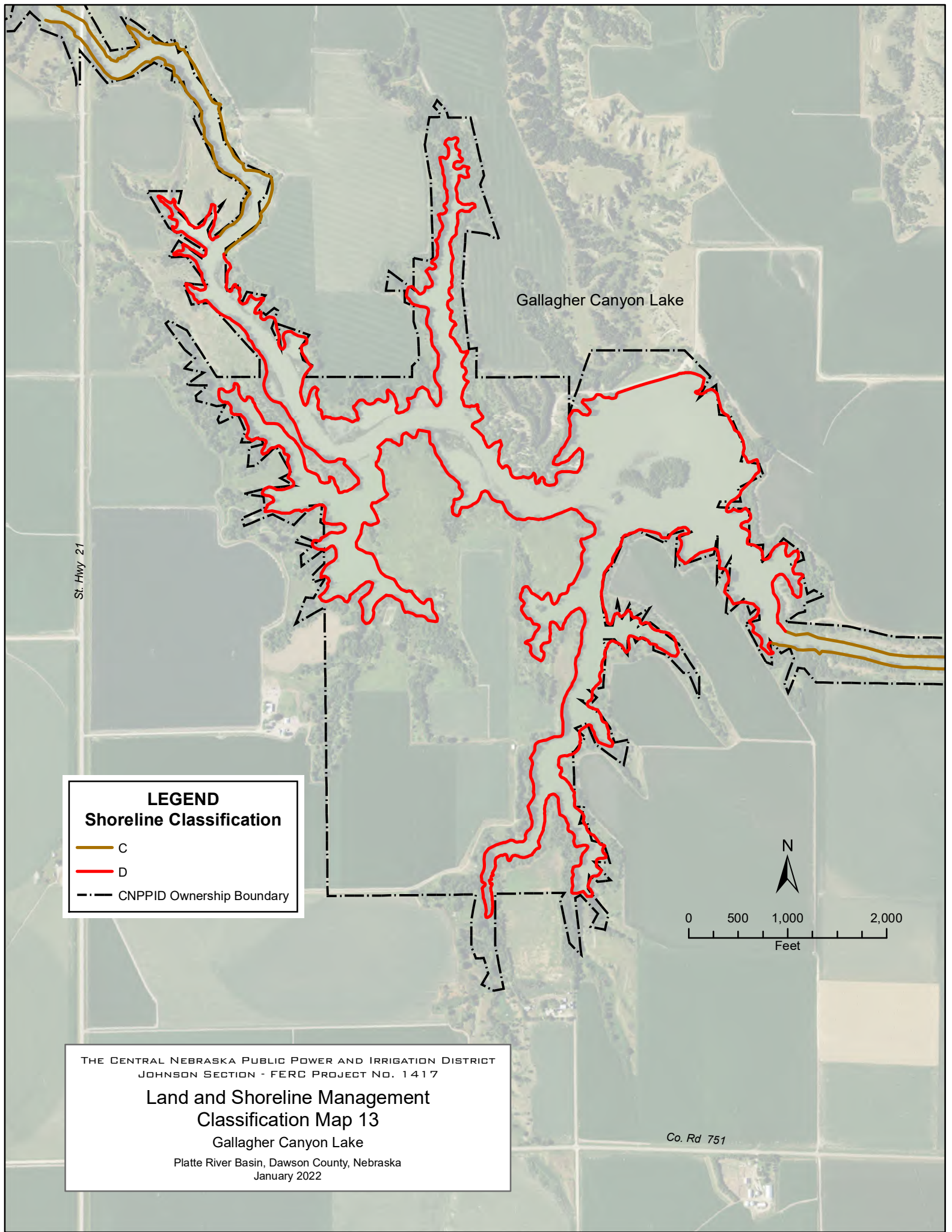
500

1,000

2,000

Feet





Gallagher Canyon Lake

St. Hwy 21

Co. Rd 751

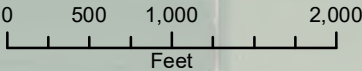
**LEGEND**

**Shoreline Classification**

— C

— D

- · - CNPPID Ownership Boundary

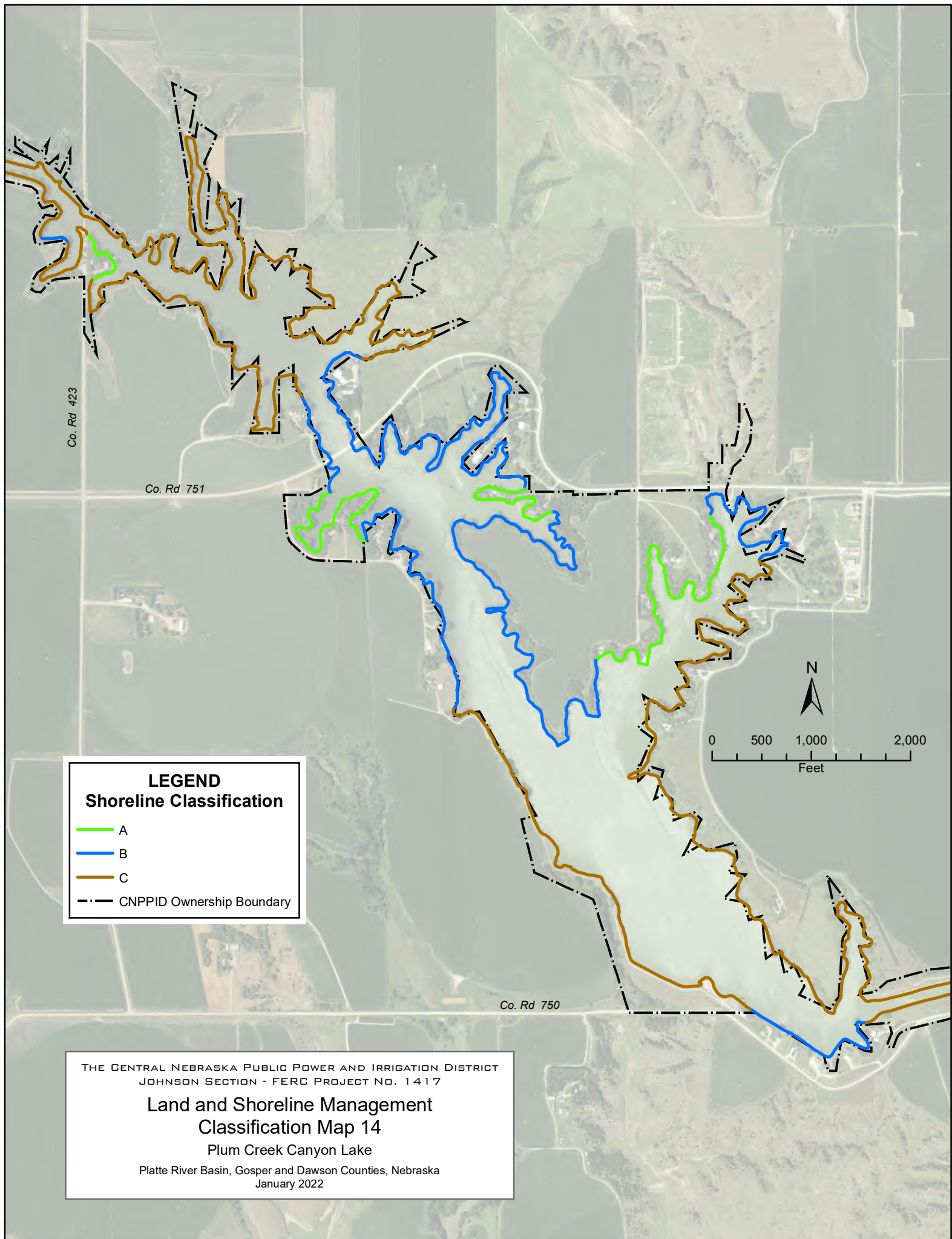


THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
JOHNSON SECTION - FERC PROJECT NO. 1417

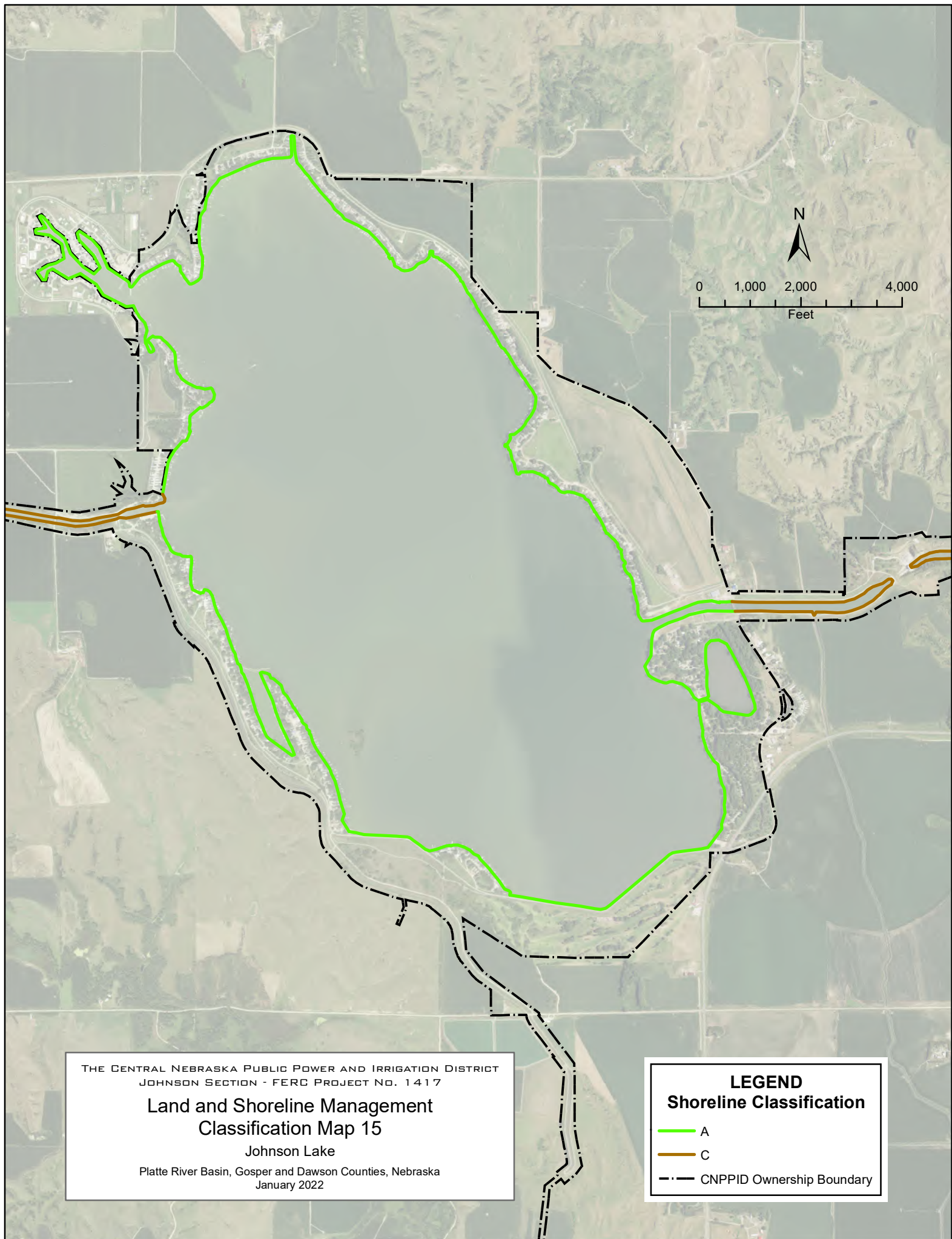
**Land and Shoreline Management  
Classification Map 13**

Gallagher Canyon Lake

Platte River Basin, Dawson County, Nebraska  
January 2022







THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
JOHNSON SECTION - FERC PROJECT NO. 1417

## Land and Shoreline Management Classification Map 15

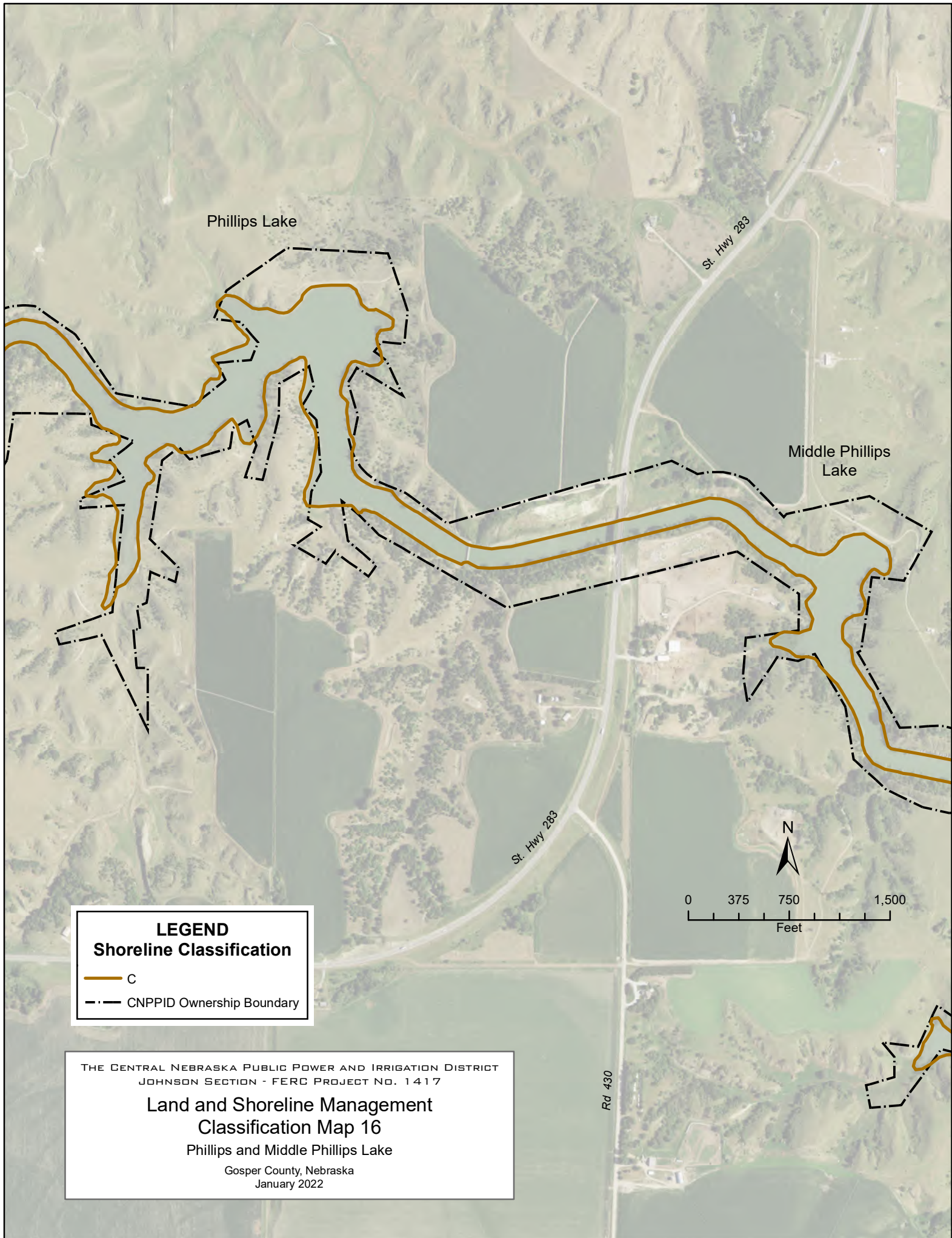
Johnson Lake

Platte River Basin, Gosper and Dawson Counties, Nebraska  
January 2022

### LEGEND Shoreline Classification

- A
- C
- · - CNPPID Ownership Boundary





Phillips Lake

St. Hwy 283

Middle Phillips Lake

St. Hwy 283

Rd 430

**LEGEND**  
**Shoreline Classification**

- C
- - - CNPPID Ownership Boundary

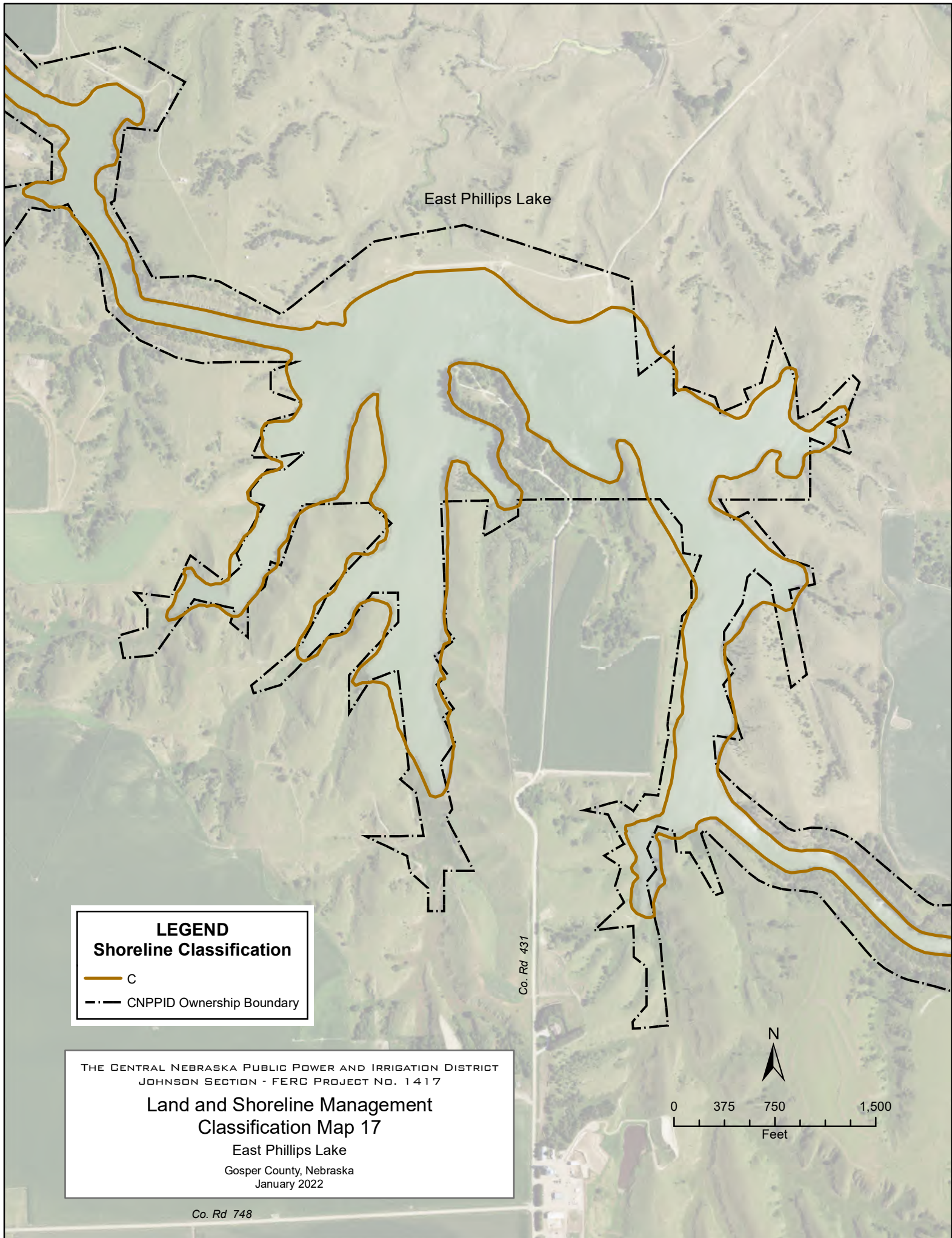


THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
JOHNSON SECTION - FERC PROJECT NO. 1417

**Land and Shoreline Management**  
**Classification Map 16**

Phillips and Middle Phillips Lake  
Gosper County, Nebraska  
January 2022





East Phillips Lake

Co. Rd 431

Co. Rd 748

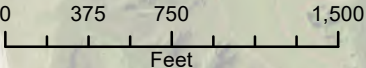
**LEGEND**  
**Shoreline Classification**

- C
- · - CNPPID Ownership Boundary

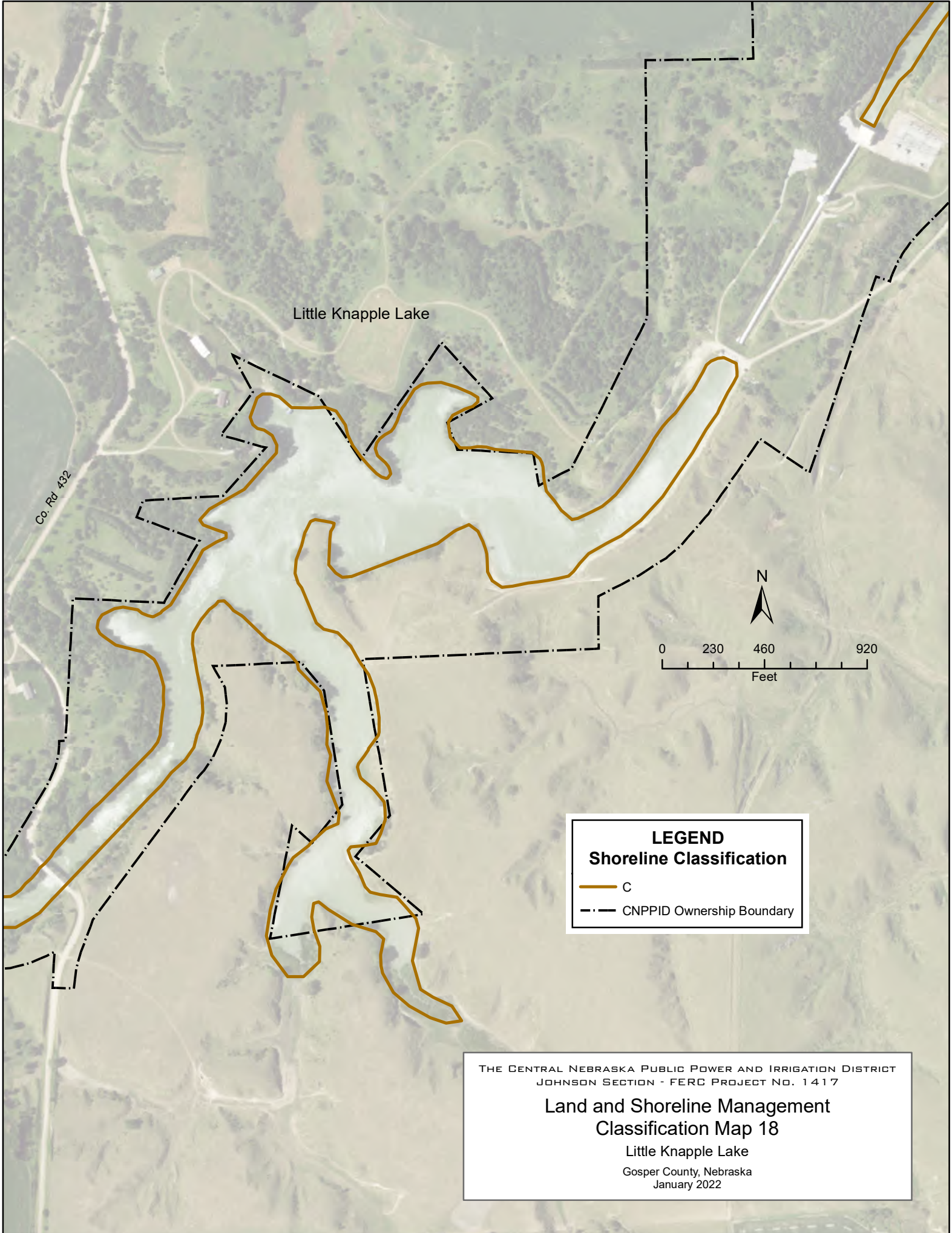
THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
JOHNSON SECTION - FERC PROJECT NO. 1417

**Land and Shoreline Management  
Classification Map 17**

East Phillips Lake  
Gosper County, Nebraska  
January 2022

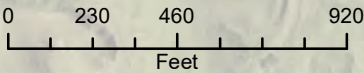







Little Knapple Lake

Co. Rd 432



**LEGEND**  
**Shoreline Classification**

-  C
-  CNPPID Ownership Boundary

THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT  
JOHNSON SECTION - FERC PROJECT NO. 1417

**Land and Shoreline Management**  
**Classification Map 18**

Little Knapple Lake  
Gosper County, Nebraska  
January 2022

## **APPENDIX B**

### **PROJECT LANDS AND WATERS DESIGNATED FOR PUBLIC RECREATIONAL USE**

## ***PROJECT LANDS AND WATERS DESIGNATED FOR PUBLIC RECREATIONAL USE***

Article 421 requires that the LSMP address public recreation uses within the Project, including a designation of lands and waters that may be used for certain types of recreation.

Generally, almost all Project lands and waters are available for public recreation. Public recreation within the Project includes such things as boating, canoeing, swimming, fishing, hiking, hunting, campgrounds, and recreational vehicles. It should be noted that in some cases these activities may overlap (for example, fishing sometimes takes place from a boat, and canoeing is a specific form of boating). Likewise, some other more specific recreational uses are logically contained within or can be accommodated within these general categories (for example, jet skiing and water skiing can be considered to be a part of boating, bird watching and photography can be accommodated from a boat or while hiking, etc.). While this list is not all inclusive, it is representative of the majority of public recreational uses.

Table B-1 identifies Project lands, shorelines, and waters that are generally designated as available for these public recreational uses.<sup>1</sup> Exceptions to this general availability would be those specific cases where such public uses may be restricted for public safety, Project operations, dam safety and security, for resources protections, or where a conveyance for exclusive use has been granted (such as a residential lease).

Though certain of the Project lands and waters are not specifically designated for public recreational uses, this does not mean that such uses are necessarily prohibited at those locations. For example, hunting may currently take place in undeveloped portions of Plum Creek Canyon Reservoir, but because of the likelihood for continued residential development in close proximity to the reservoir, a designation for such use would not be appropriate. Similarly, although some hunting might occur along stretches of the canal away from the lakes, it is so infrequent and difficult to monitor or control that it has not been designated for such use.

While these general recreational uses of the Project lands and waters are fairly stable over time, details regarding how such uses are provided (i.e., the locations of access points, what specific facilities provided at different locations, which entities are managing certain recreational sites, etc.) can and do change.

---

<sup>1</sup> Article 421 only requires designation for campgrounds, recreational vehicles, fishing, hunting, boating, and canoeing. Central has added swimming and hiking to the designations because of the frequency of such uses within the Project.

Table B-1: Project Lands and Waters Designated for Public Recreation.

		Project Lands and Waters								
		Lake McConaughy	Lake Ogallala	Jeffrey Lake	Midway Lakes	Gallagher Canyon	Plum Creek Canyon	Johnson Lake	Other Supply Canal Lakes	Supply Canal (other than Lakes)
Public Recreational Use	Boating <sup>A B</sup>									
	Canoeing <sup>B</sup>									
	Swimming									
	Fishing <sup>B</sup>									
	Hiking									
	Hunting <sup>B</sup>									
	Campgrounds									
	Recreational Vehicles									
<sup>A</sup> Boating may be restricted to wakeless boating in some locations for safety or erosion concerns. <sup>B</sup> Though designated, these activities are further controlled and limited by local, state, or federal regulations.										

## **APPENDIX C**

### **MODIFICATIONS AND AMENDMENTS TO THE LSMP**

## **MODIFICATIONS AND AMENDMENTS TO THE LSMP**

To assure that the LSMP continues to serve its intended purpose and remains relevant during the Project license term, Central has instituted certain processes to periodically review and, if necessary, amend the Plan. The following sections describe how Central will accomplish this review, with whom Central intends to consult during various reviews, what actions Central considers appropriate to take without amendment to the Plan, and what triggers may warrant both agency and FERC consultation and/or amendment to the LSMP.

### **Periodic Review of the LSMP**

Central will review the LSMP, Management Classification mapping, and permitting activities for the purposes of compiling and tracking uses and noting any minor changes in use on an annual basis. This will provide long term data useful in identifying areas experiencing change and augment the required five year review of the LSMP. During the review of Project mapping Central will note minor changes such as changes in recreational uses, new shoreline facilities, and minor modifications to Project maps. These types of incremental changes do not warrant amendments to the LSMP.

Central will annually inquire with resource agencies as to whether changes in resources, habitats, or other information would warrant changes to specifications related to project resources in Appendix D. Central will additionally provide an opportunity for stakeholders to provide input on the LSMP, and possible improvements or other changes, on at least an annual basis. Examples of mechanisms that could be used to receive this stakeholder input include in-person or virtual stakeholder listening meetings, written or internet-based comment forms, or mailed or online surveys.

To assure the LSMP remains relevant, and as directed by the FERC license, Central will undertake a more rigorous review of the LSMP every five years. This review process will provide the means for evaluating the appropriateness and efficacy of the LSMP program and policies. The five-year period allows Central to assess issues that may arise because of development around the reservoirs, as well as assess the need for any changes to the plan as it relates to public access and recreational use. These changes will be captured in Central's mapping system and, if significant changes warrant, Central will create new maps or make other changes to the LSMP at the conclusion of the periodic review process and distribute them to FERC and relevant resource agencies. Central will also make the modified LSMP available on its website.

### **Minor Modification Not Requiring LSMP Amendment**

If annual review of issued permits or discussions with local, state, or federal jurisdictional agencies reveals increased demand for shoreline use in a specific location, changes in development patterns or other land use issues that may be relevant to the LSMP classification mapping and shoreline use policies, Central will monitor developments in that area more closely; however, as long as resource and use criteria established by this LSMP do not warrant change, Central will not seek additional review by stakeholders or the FERC.

Central also anticipates the potential need for site-specific changes in the location of Management Classifications to reflect on-the-ground conditions that it did not anticipate or observe when it developed



the classification mapping. This may involve minor relocation of classification boundaries to completely encompass resources (e.g., availability of enhanced wetland delineation) or site-specific waivers dependent on field observations. For example, during the review of the LSMP, Central will note minor changes such as new commercial or residential uses (e.g., multi-slip docks within a previously undeveloped shoreline location) or changes in recreational uses (e.g., new water access structures developed by managing entities at a public recreation facility) in Central's land use mapping database. Central does not intend to seek amendment to the LSMP for these types of minor modifications.

### **Changes Requiring LSMP Amendment**

Major changes in use, access demand, or habitat specific resources within the Project boundary may warrant changes to management strategies and resource protection goals presented in this LSMP. Should Central find that the allowable use criteria contained within this document are no longer relevant, that resource management strategies are not effective, or that modifications to the LSMP are necessary to conform to FERC regulations or administrative procedures to be appropriately responsive to FERC, it will prepare an amendment to this Plan. An example of this would be significant expansion, contraction, or shifts in the distribution of public recreation, private development, or protected resources which might require changes in the Management Classifications or allowable uses.

### **Amendment Process**

If, during the periodic LSMP review, Central determines that the LSMP should be amended, Central will prepare a proposed amended or new LSMP for submittal to FERC. If Central proposes LSMP changes that would impact on protection of resources, Central will first consult with relevant resource agencies. Central will also provide an opportunity for public review and comment on proposed LSMP amendments prior to submitting to FERC. Central will document agency consultations and public comments, and Central's consideration of such consultations and comments, including any relevant changes to the proposed LSMP in response to such consultations and comments, in its amendment application to FERC.

## **APPENDIX D**

### **PERMITTING STANDARDS RELATING TO PROJECT RESOURCES DEVELOPED IN CONSULTATION WITH RESOURCE PROTECTION AGENCIES**

**PERMITTING STANDARDS RELATING TO PROJECT RESOURCES**  
**DEVELOPED IN CONSULTATION WITH RESOURCE PROTECTION AGENCIES**

The following represents key resources found within the Project, as well as special permitting conditions that apply to each resource type. Central may not grant variances to these conditions without first consulting with pertinent resource agencies.

- Least Tern & Piping Plover. (Lake McConaughy beaches)
  - Access Points
    - Spacing of beach access points of  $> \frac{1}{2}$  mile, may require fenced corridor to shoreline and/or controlled access to allow for closure if needed.
  - Construction Activities
    - No construction allowed on beaches from April 1<sup>st</sup> through August 15<sup>th</sup>.
  - Pesticides
    - No broadcast pesticide applications allowed from April 1<sup>st</sup> through August 15<sup>th</sup>.
  - Beach Maintenance
    - No disturbance activities (disking, dragging, grading, tree cutting, etc.) allowed from April 1<sup>st</sup> through August 15<sup>th</sup>.
  - Fireworks
    - No fireworks allowed on beaches from April 1<sup>st</sup> through August 15<sup>th</sup> unless authorized by annual special permit.
  - Dogs
    - Dogs shall be on leash at all times when on beaches from April 1<sup>st</sup> through August 15<sup>th</sup>.
- American Burying Beetle. (Boxelder Canyon through Gallagher Canyon)
  - Soil Disturbance
    - Permits for soil disturbance activities in excess of 100 square feet will not be allowed in previously undisturbed areas from May 1<sup>st</sup> through October 31<sup>st</sup> unless:
    - The area has been mowed to maintain a vegetation height of less than 2 inches for 48 days prior to disturbance, and
    - Daily inspections are conducted for presence and removal of carrion.
  - Lighting
    - Mercury vapor and ultraviolet lighting, including “bug zappers”, will be prohibited

within the identified area.

- Bald Eagles.
  - Permits will be required for any tree trimming or removal activities below the hydropower plants.
  - Removal of trees with eagle nests will not be permitted.
  - A nest survey must be conducted prior to any activity that may agitate or bother an eagle to a degree that causes, or is likely to cause, nest abandonment.
- Migratory Birds.
  - Permits will be required for trimming and/or removal of trees from April 1<sup>st</sup> through August 15<sup>th</sup>.
- Northern Long-Eared Bats. (Gosper and Dawson Counties Only)
  - No trimming or removal of trees greater than three inches (3”) in diameter will be permitted during the months of June and July
- Recreational Resources. (NGPC managed SRA’s and WMA’s)
  - No private structures allowed within the identified areas.
  - Private water access points, if allowed, will be restricted to ground level or near ground level, natural materials and colors, and no in-water structures.
- Native Grasslands. (Upland grasslands at Lake McConaughy)
  - No private development allowed except for properly permitted access points as described in the Least Tern and Piping Plover above.
  - Public development may be allowed by permit only on a case-by-case basis.
  - Motorized access, if any, will be restricted to permitted access points and paths