

DEPARTMENT OF THE ARMY PERMIT

Permittee: Nebraska Game & Parks Commission

Permit No: NE 1989-20001 Regional General Permit 89-01 (GP 89-01)

Issuing Office: Nebraska Regulatory Office Omaha District Corps of Engineers

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

This Regional General Permit (GP) authorizes filling activities associated with the construction of breakwater structures, revetments and various types of shoreline stabilization structures

No single and complete project will exceed 2,500 feet. Construction material will consist of concrete products (e.g. broken, aggregates, articulated matting), rock riprap, untreated timber/lumber, wire basket gabions, native plant materials, synthetic mats and geo-tech style fabric. Soils, sand and/or gravel may be used as back-fill material. The slope of re-shaped or armored banks may vary from 1(h):1(v) to 10(h):1(v). Structures may be constructed in intensively used recreation areas. Breakwater structures will be limited to: 400-foot length, 15-foot top widths, heights varying between 3 and 20 feet and side slopes varying from 1:1 to 6:1. River rock, gravel, quarry graded/sized rock and concrete products may be used as a top covering material on the breakwater structures.

See attached drawings at the end of this document.

Special conditions may be added to a specific project, on a case-by-case basis, to further ensure minimal impacts to the aquatic environment.

Project Location:

Waters of the U.S. in Nebraska owned/operated/leased/maintained by NE Game & Parks Commission excluding linear waterways (river, stream, creek, etc.).
All Counties in Nebraska

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **See Special Condition #4**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

This Regional General Permit expires on June 30, 2019.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. After a detailed and careful review of all of the conditions contained in this permit, the Permittee does acknowledge that, although said conditions were required by the Corps of Engineers, nonetheless, the Permittee agreed to those conditions voluntarily to facilitate issuance of the permit and the Permittee will comply fully with all the terms of the permit conditions.
2. The Permittee shall notify the Nebraska Regulatory Office when work on the project commences and immediately upon project completion.
3. The District Engineer has the discretion to require an Individual permit on a case-by-case basis for any of the activities authorized herein.
4. The time limit for completing any specific activity authorized herein is five years from the date of authorization. If additional time is needed to complete the authorized activity, a written request for a time extension must be submitted to the Nebraska Regulatory Office at least one month before the expiration date is reached.

5. Application Procedure

- a. To apply for consideration under this general permit, the applicant shall provide an ENG Form 4345 application to construct the project at least 45 days prior to any anticipated construction to the following address:

US Army Corps of Engineers
8901 South 154th Street
Omaha, NE 68138-3621

ENG Form 4345 can be obtained at the Nebraska Regulatory Office web site located at:
<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Nebraska.aspx> or call one of our offices at (402) 896-0896 or (308) 234-1403.

- b. The application must include:

- a. Name, address, phone number of landowner;
- b. Name(s), address, phone number of those using the blind;
- c. Current aerial photo of the project site with the project location clearly marked;
- d. Detailed project description, including all dimensions of all proposed work (including access routes);
- e. Plan view sketch of the project area with all proposed structures drawn in; sketch can be made on the aerial photo;
- f. Wetland delineation of the project site;
- g. Pre-construction photographs of the site.

6. All activities proposed to be conducted in the whooping crane critical habitat segment of the Platte River will be coordinated with the US Fish & Wildlife Service. Whooping crane critical habitat is defined as: An area of land, water and airspace in Dawson, Buffalo, Hall, Phelps, Kearney and Adams Counties with the following boundaries: a strip of river bottom with a north-south width of three miles, a south boundary paralleling Interstate 80, beginning at the junction of US Highway 283 and Interstate 80 near Lexington, NE and extending eastward along Interstate 80 to the interchange for Shelton and Denman, NE near the Buffalo-Hall County line.
7. All activities proposed to be conducted on a component of the National Wild & Scenic River System, including National Rivers Inventory rivers, will be coordinated with the National Park Service.
8. The Permittee and/or the Permittee's contractor or any of the employees, subcontractors or other persons working in the performance of a contract or contracts to complete the work authorized herein, shall cease work and report the discovery of any previously unknown historic or archeological remains to the Nebraska Regulatory Office. Notification shall be by telephone or FAX within 24 hours of the discovery and in writing within 48 hours. Work shall not resume until the Permittee is notified by the Nebraska Regulatory Office.
9. The Permittee agrees to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife, and natural environmental values.
10. All construction debris shall be disposed of on land in such a manner that it cannot enter a waterway or wetland.
11. Equipment for handling and conveying materials during construction shall be operated to prevent dumping or spilling the materials into wetlands or the waterway, except as approved herein.
12. Steps shall be taken to prevent materials spilled or stored on site from washing into the wetlands or waterway as a result of cleanup activities, natural runoff, or flooding, and that, during construction, any materials, which are accidentally spilled into these areas, will be retrieved.
13. Care shall be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the waterway or wetlands.
14. The use of machinery in the waterway shall be kept to a minimum.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - () Section 10 of the River and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, tribal, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below:

DISTRICT ENGINEER

Joel R. Cross

Colonel, Corps of Engineers

District Commander

By: Joseph McMeahan

Martha S. Chieply
Chief, Regulatory Branch
Operations Division

Date: 7 Aug 2014

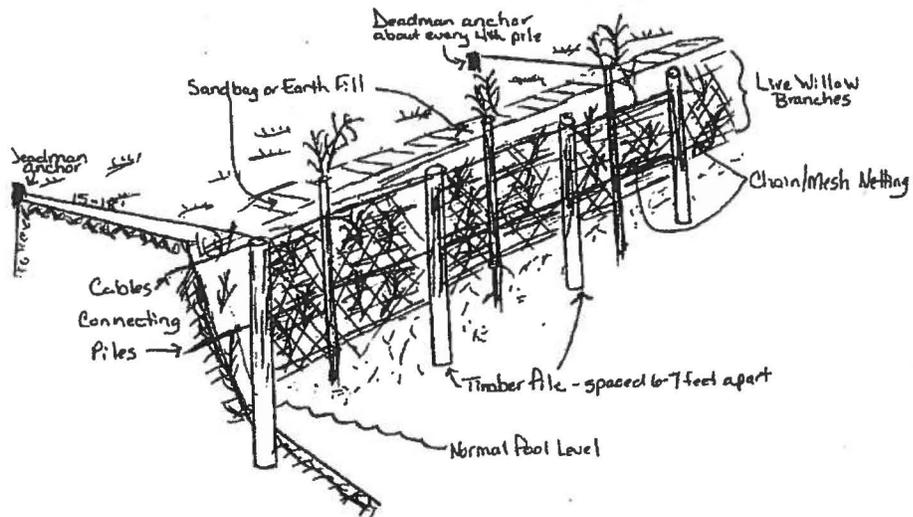
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

TRANSFEEE

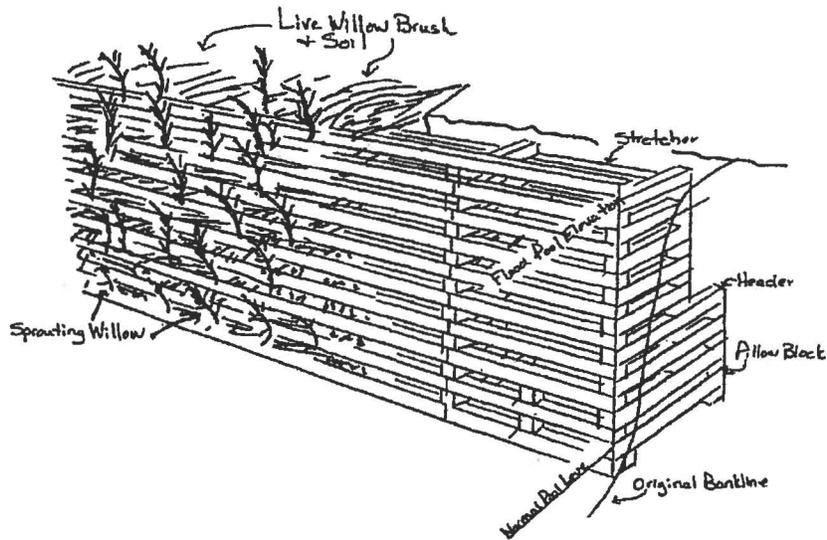
DATE

Shoreline Stabilization Methods

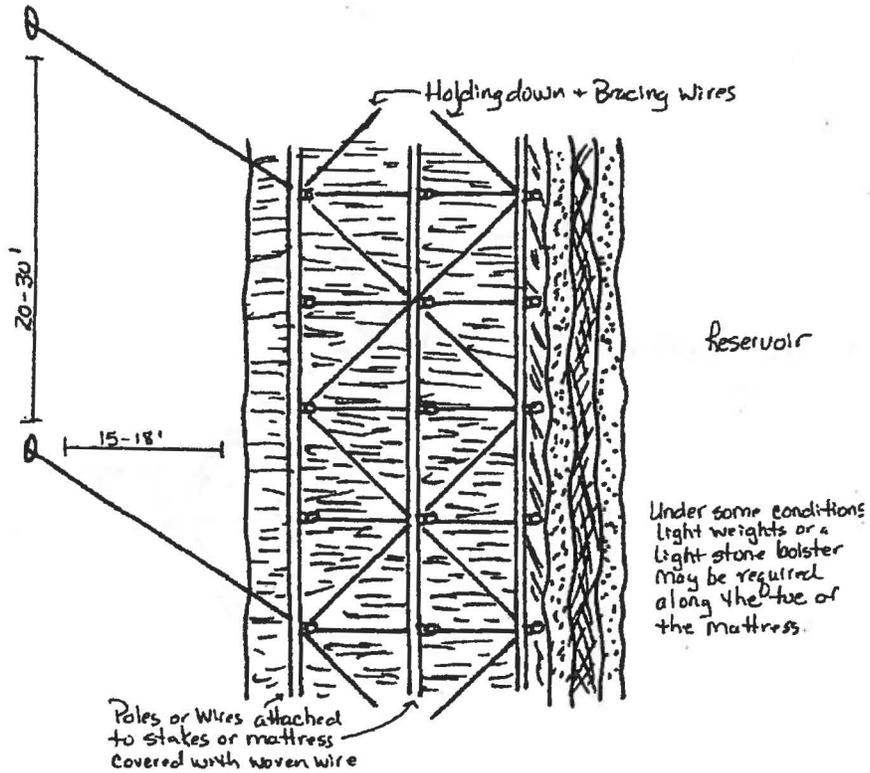
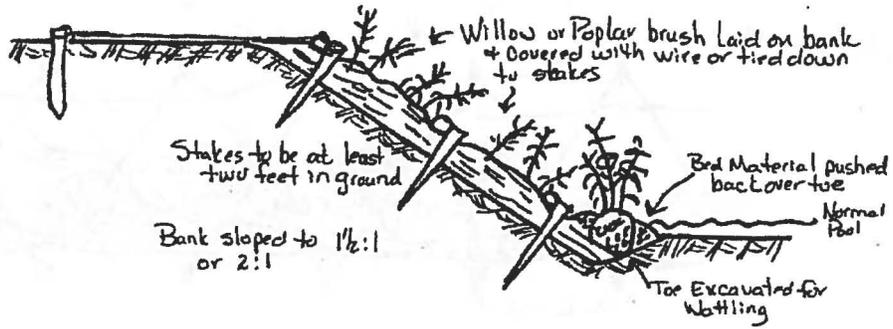
Pile and Facine Revetment



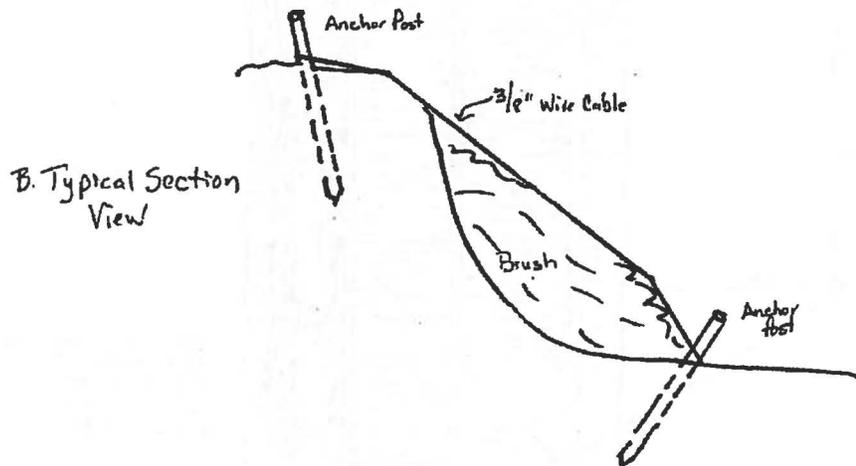
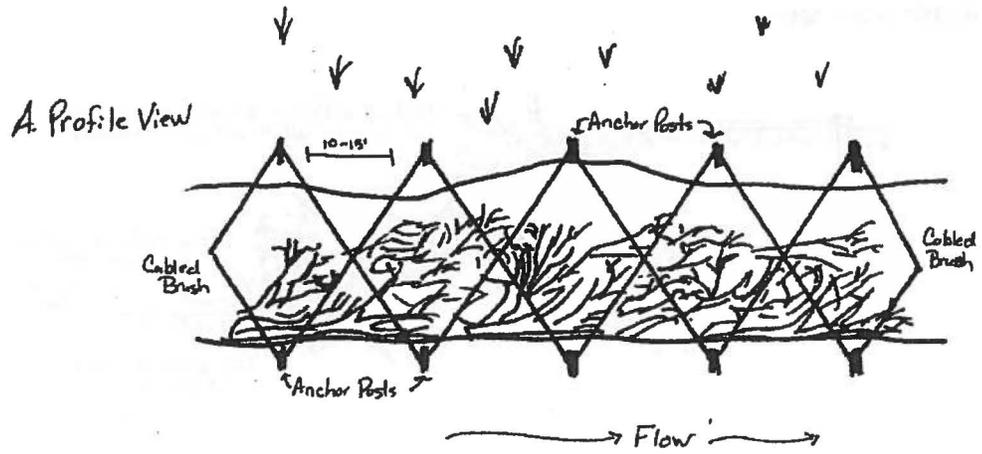
Timber Crib Wall with Willow Sprouts



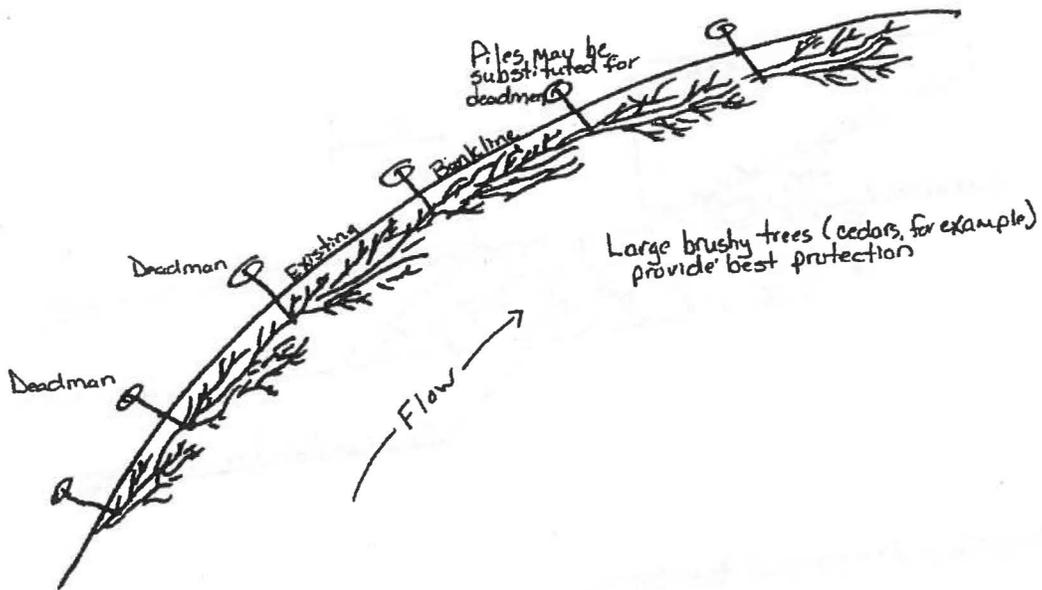
Brush Mattress



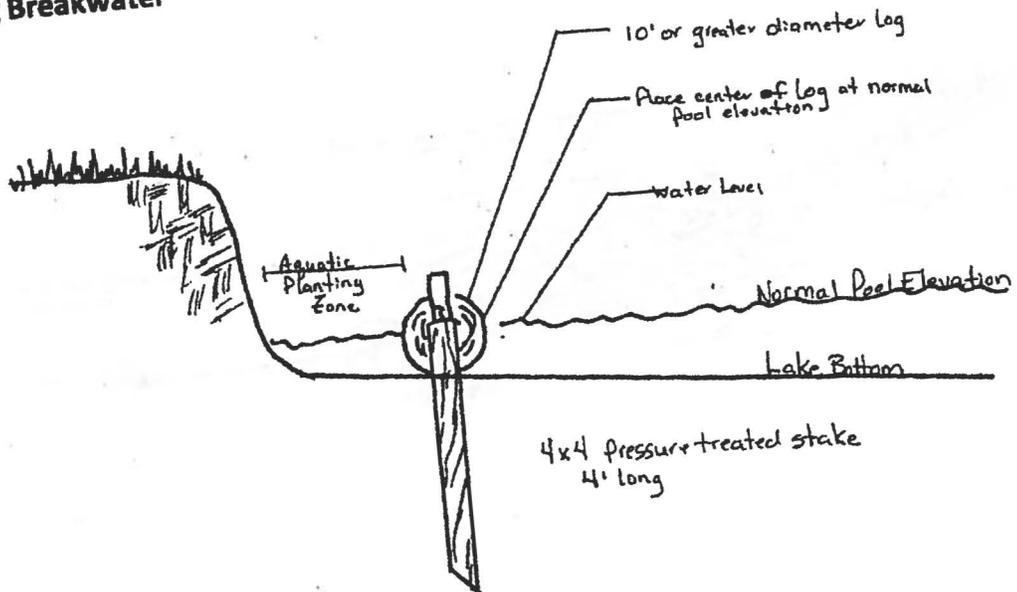
Cabled Brush Revetment



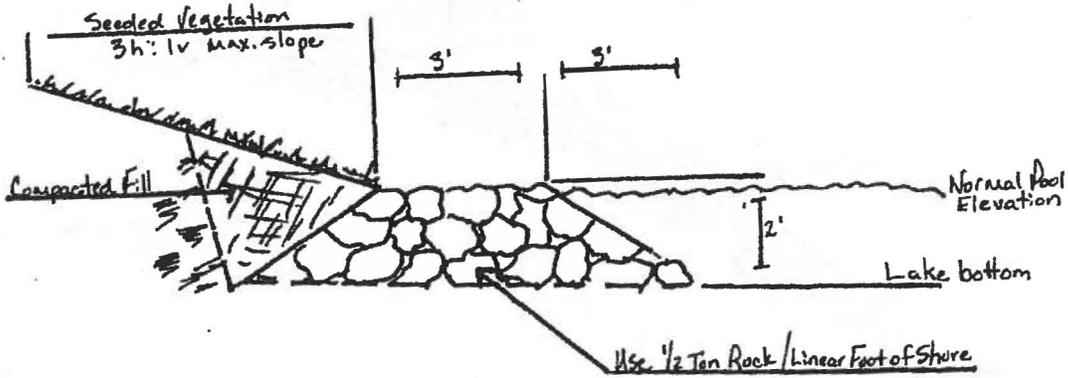
Cabled Tree Revetment



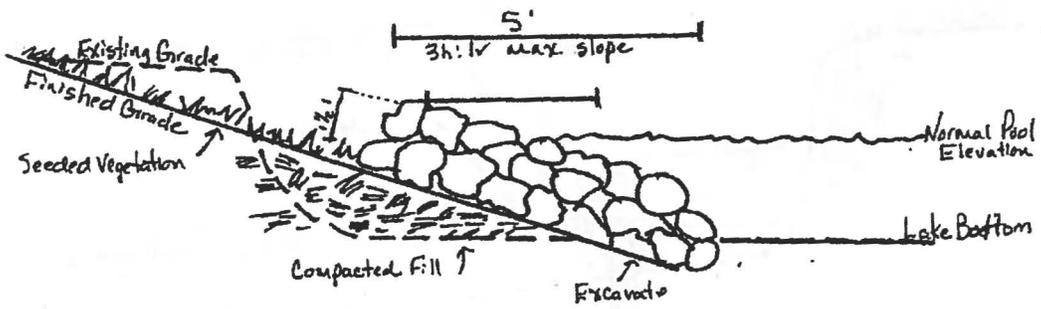
Log Breakwater



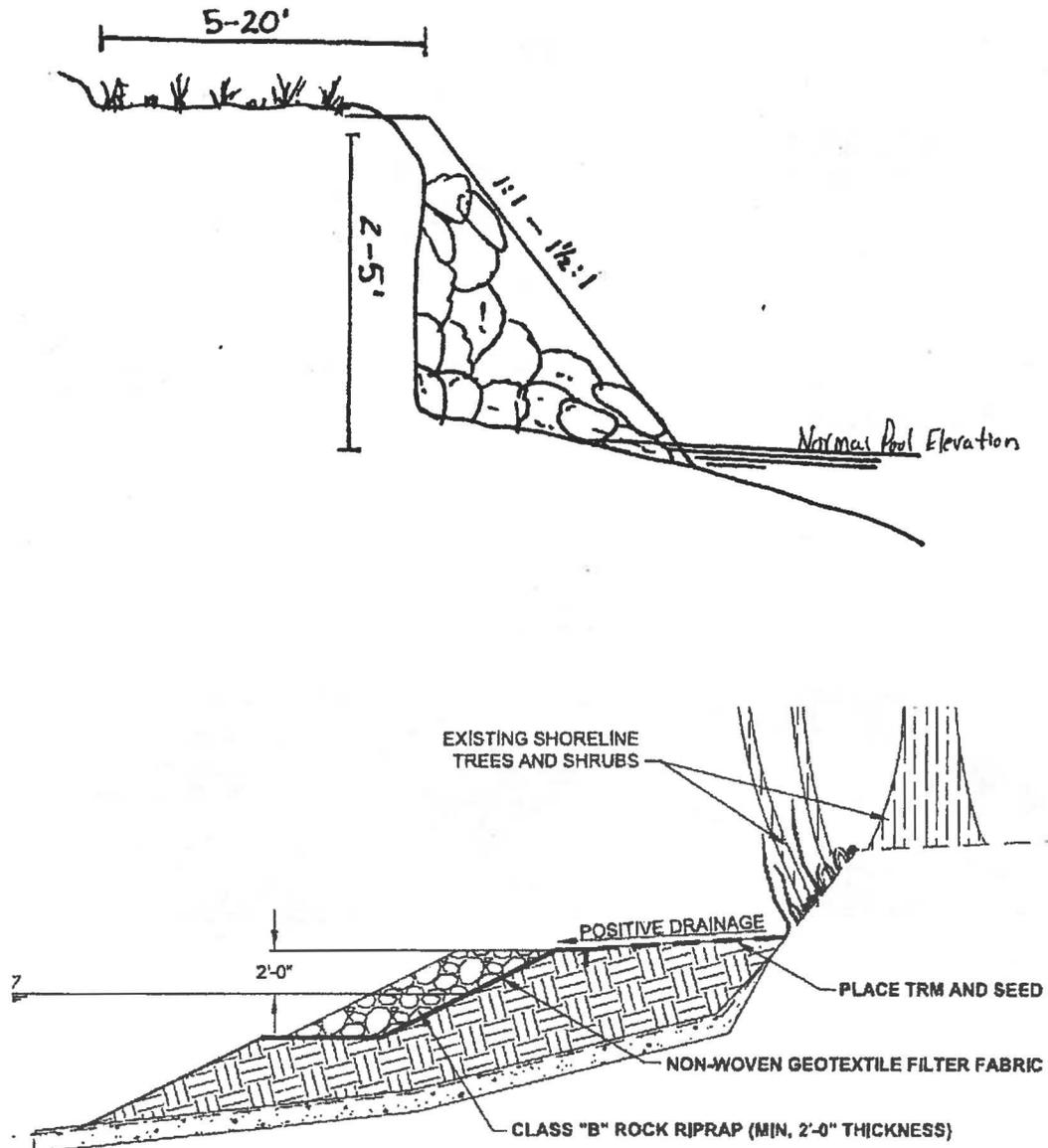
Stone-Toe Revetment with Backfill



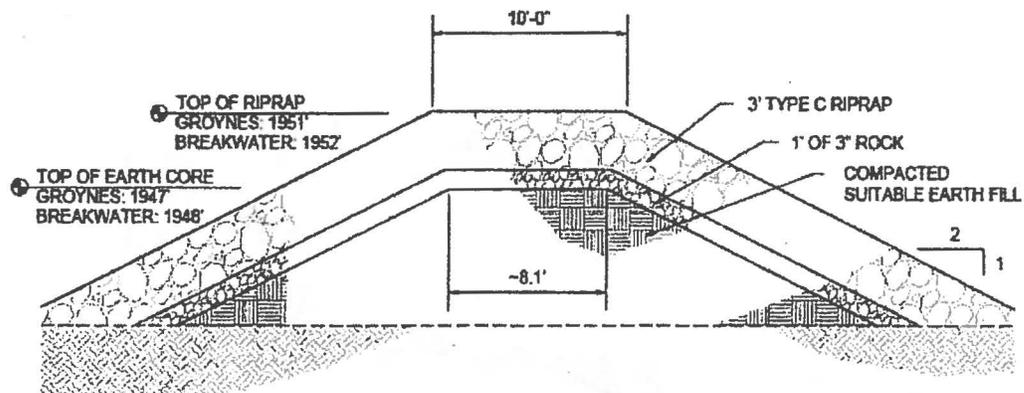
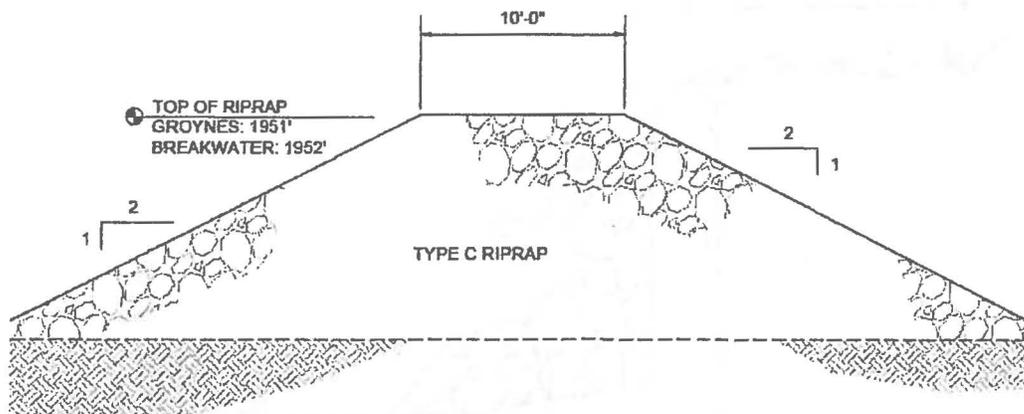
Backfill and Slope with Revetment



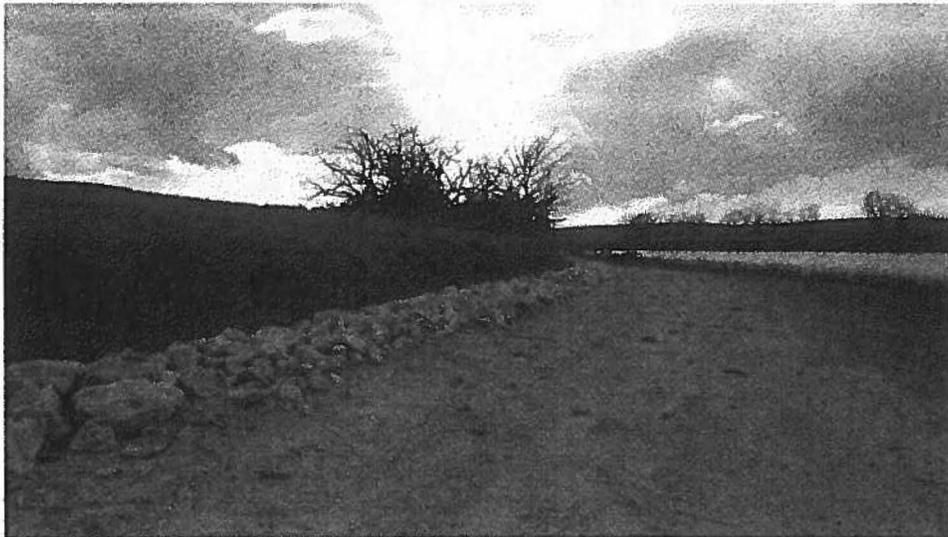
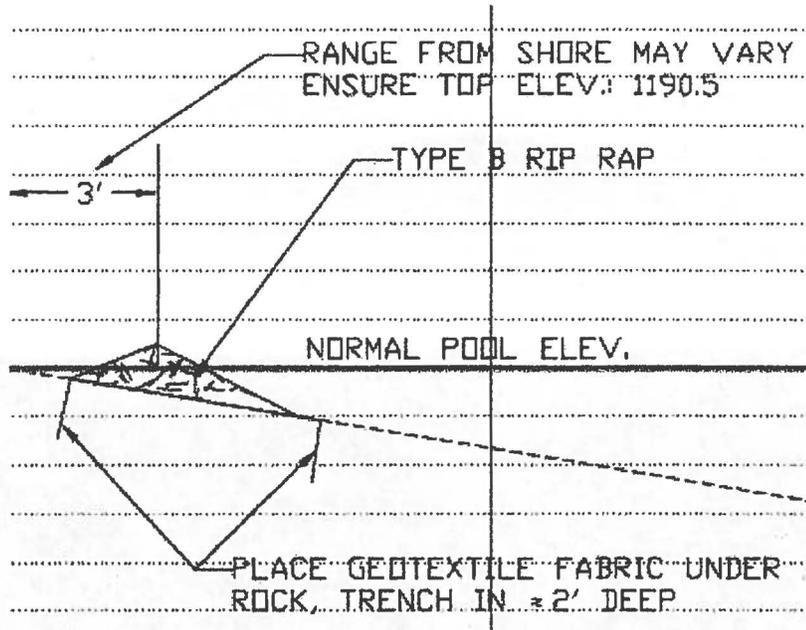
Bank Armoring with No Additional Bank Shaping



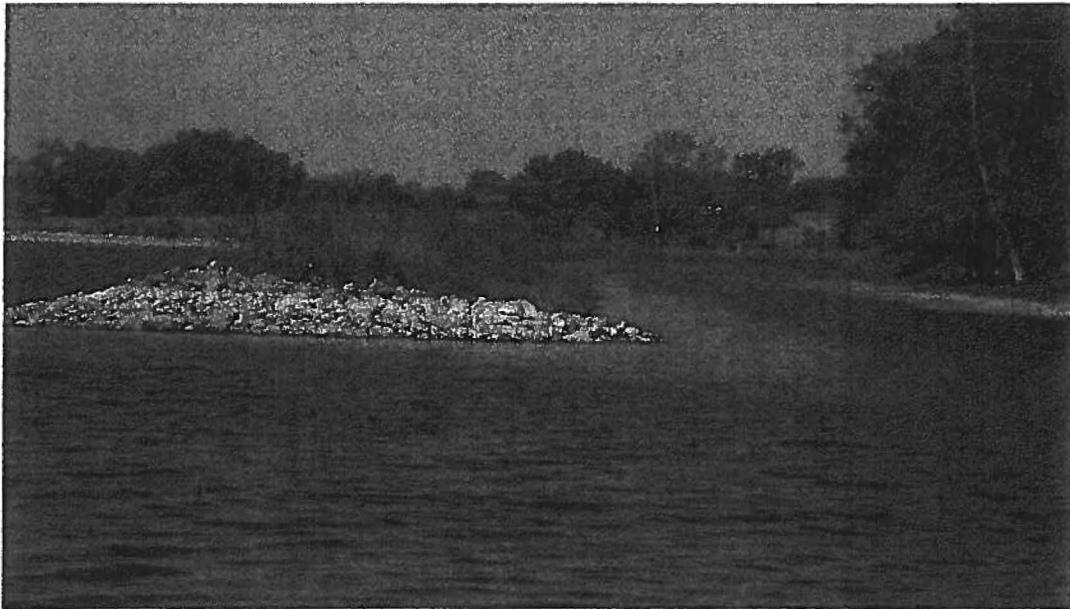
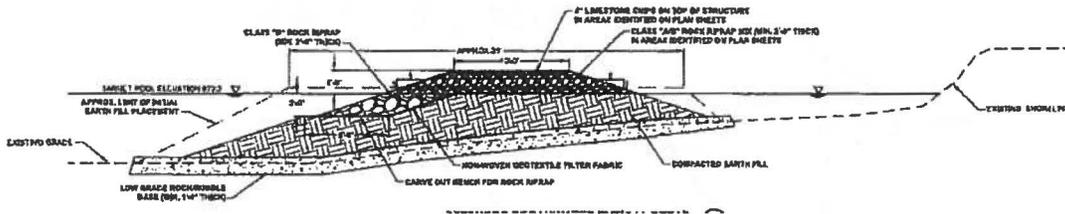
Breakwater (typical cross section)



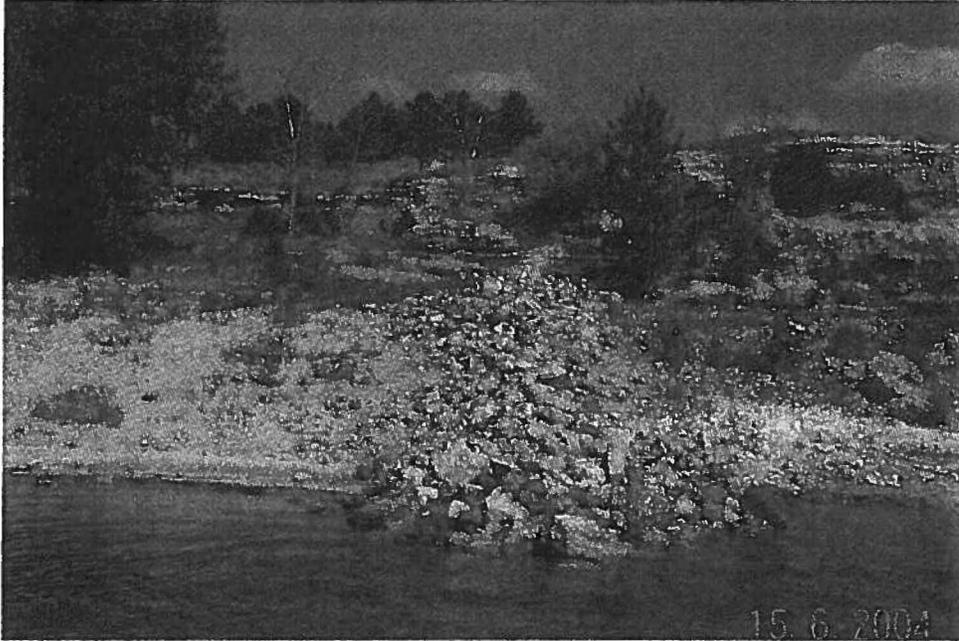
Shoreline Toe-Cap (typical cross section)



Offshore Breakwater (typical cross section)



Sloping Perpendicular Breakwater



Perpendicular Windrows





Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Patrick W. Rice ~~XXXXXXXXXXXX~~
Acting Director ~~XXXXXXXX~~

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1200 'N' Street
P.O. Box 98922
Lincoln, Nebraska 68509-8922
Phone (402) 471-2186
FAX (402) 471-2909
website: <http://deq.ne.gov>

Nebraska Game & Parks Commission
2200 North 33rd Street
Lincoln, NE 68503-0370

MAR 06 2014

RE: State Water Quality Certification for Section 404 Application NE 1989-20002,
Reissuance of GP 89-01 for Minor Bank Stabilization Projects in Waters of the U.S. in
Nebraska that are owned, Operated, Leased and Maintained by the Nebraska Game & Parks
Commission

Dear Applicant:

We have reviewed the information received regarding the above-referenced application and feel the activity will comply with Section 401 of the Clean Water Act of 1977, as amended by the Water Quality Act of 1987, subject to meeting the following condition:

Construction activities should employ controls to prevent the erosion of land adjacent to the water body. This includes revegetating disturbed areas and maintaining the controls.

No discharge of dredged or fill material shall occur within a 2 mile zone of influence from any drinking water supply intake (Nebraska's Surface Water Quality Standards, Chapter 2, §010.08).

No discharge of dredged or fill material shall consist of unsuitable material (e.g., trash debris, car bodies, asphalt, contaminated earthen materials, etc.) and material discharged shall be free from toxic pollutants in toxic amounts.

If the area of disturbance will be greater than 1.0 acre, we remind the applicant that a National Pollution Discharge Elimination System construction stormwater permit may be required under § 402 of the Clean Water Act.

We therefore, by this letter, provide Section 401 Water Quality Certification. This certification does not constitute authorization to conduct your project. It is a statement of compliance with Surface Water Quality Standards only, which is one requirement to gain authorization from the U.S. Army Corps of Engineers in the form of a Section 404 permit. If you have any questions, please feel free to call Jason Garber on my staff, at (402) 471-2875.

Sincerely,

A handwritten signature in cursive script that reads "Marty Link".

Marty Link
Acting Water Quality Division Administrator,
Water Quality Division

cc:

John Cochnar, US Fish & Wildlife Service
Barb Friskopp, US Army Corps of Engineers
Carey Grell, Nebraska Game & Parks Commission
Eliodora Chamberlain, US Environmental Protection Agency