



**US Army Corps
of Engineers**

Omaha District

PUBLIC NOTICE

Issue Date: May 21, 2007

PUBLIC NOTICE FOR ANNOUNCING FINAL REGIONAL CONDITIONS FOR NEBRASKA

On March 12, 2007, the U.S. Army Corps of Engineers published its Final Notice of Issuance of Nationwide Permits (NWP) in Part II of the Federal Register (FR) (72 FR 11092). NWP are general permits issued on a nationwide basis, which authorize specific activities under authority of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The FR notice includes reissuance of all of the existing NWP, general conditions and definitions with some modifications. The Corps also issued six new NWP, two new general conditions, and 13 new definitions. The FR notice is available from our Website at <https://www.nwo.usace.army.mil/html/od-rne/nehome.html>.

After publication of the FR notice, Corps districts finished development of regional conditions for the reissued NWP. Regional conditions provide additional protection by ensuring that NWP authorize only those activities with minimal adverse effects on the aquatic environment. Regional conditions also help ensure protection of high value waters within specific geographic areas. By this public notice the Northwestern Division Engineer establishes the enclosed regional conditions applicable to the NWP program in Nebraska.

Decision documents, including environmental assessments and Findings of No Significant Impact, have been prepared for each NWP indicating that authorized activities comply with the requirements for issuance under general permit authority including compliance with the Section 404(b)(1) Guidelines as published in 40 CFR Part 230 and the requirements of the National Environmental Policy Act. Furthermore, the decision documents have been supplemented by Division Engineers to address decisions concerning regional conditions. These documents are available at the Corps Omaha District Office, 12565 West Center Road, Omaha, Nebraska, 68144-3869.

Publication of the FR notice also began a 60-day process for States, Tribes, and the U.S. Environmental Protection Agency (EPA) to make their Section 401 water quality certification decisions. Water quality certifications or waivers are required under Section 401 of the Clean Water Act for all NWP that may result in a discharge to waters of the United States to ensure that authorized activities do not violate applicable water quality standards. The Nebraska Department of Environmental Quality is the agency responsible for issuing certifications for

activities in Nebraska except on Tribal lands. The EPA is responsible for issuing certifications on Tribal lands in Nebraska. Attached are copies of the Section 401 decisions.

Any questions concerning the NWP program or regional conditions should be directed to the Nebraska Regulatory Office at the address shown above or to telephone number (402) 896-0896.

Any questions concerning the Section 401 water quality certification decisions should be directed to the applicable certifying agency.

Attachments:

Regional Conditions
401 Letter