



**US Army Corps  
of Engineers**

## **SPECIAL PUBLIC NOTICE**

**NATIONWIDE REGIONAL CONDITIONS REQUEST FOR  
COMMENTS**

Omaha District

**ISSUE DATE: OCTOBER 5, 2011**

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Reply To:

NEBRASKA REGULATORY OFFICE – KEARNEY  
2214 2<sup>ND</sup> AVENUE, KEARNEY, NEBRASKA 68847

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Division engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or state. Regional conditions are important mechanisms to ensure that impacts to the aquatic environment authorized by the nationwide permits (NWP) are minimal, both individually and cumulatively. Division engineers may also suspend or revoke specific NWPs in certain geographic areas (e.g., states or watersheds) or high-value aquatic systems where impacts authorized by those NWPs may be more than minimal. Comments on the regional conditions under consideration by the Omaha District in the State of Nebraska were accepted until April 3, 2011.

At this time the Nebraska Regulatory Office is seeking comments on an additional regional condition and revised conditions currently under consideration. These conditions read as follows:

### **5. National River Inventory Rivers**

For all Nationwide Permits, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #30 prior to initiating any regulated activity located on any National River Inventory river.

The following link provides a map showing the location of the Nebraska rivers listed on the National River Inventory list: <http://www.nps.gov/ncrc/programs/rtca/nri/states/ne.html>

### **6. North Platte River, South Platte River, Platte River, Loup River, Elkhorn River, Republican River**

For all Nationwide Permits, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #30 prior to initiating any regulated activity located on the above named rivers.

### **11. Stream Channelization Projects**

Stream channelization is defined as “The manipulation of a stream’s course, condition, capacity or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.”

a. For all Nationwide Permits that allow channelization activities, the following conditions shall apply:

- (1) The net loss of stream channel length shall not exceed 100 linear feet; and
- (2) No more than a total of 300 feet of channel shall be impacted.

b. The Corps may allow a waiver of this condition on a case-by-case basis if the Corps determines the activity will result in only minimal adverse effects. The applicant must request the waiver in writing and provide documentation and environmentally based reasons to support the waiver request. The Corps will only grant the waiver upon a written determination that the NWP activity will result in minimal adverse effects.

### **Nationwide Permit #23 - Approved Categorical Exclusions**

All permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #30 prior to initiating any regulated activity under Nationwide Permit #23. In addition to information required by General Condition #30, the applicant must identify the approved categorical exclusion that applies and provide documentation that the project fits the categorical exclusion.

Comments on these conditions should be sent to the Nebraska Regulatory Office, ATTN: Barb Friskopp, 2214 2<sup>nd</sup> Avenue, Kearney, Nebraska 68847, phone number (308) 234-1403 or e-mail [barbara.j.friskopp@usace.army.mil](mailto:barbara.j.friskopp@usace.army.mil). Comments are due by November 4, 2011.

After the final NWPs are issued, the final regional conditions will be issued after they are approved by the Division Commander. After the final NWPs are issued, States and Tribes will make their Clean Water Act Section 401 (401) water quality certification and Coastal Zone Management Act (CZMA) consistency determination decisions. The 401/CZMA decisions must be made within 90 days of the Federal Register notice announcing the issuance of the NWPs. The final NWPs will go into effect on or before March 19, 2012.