



SPECIAL PUBLIC NOTICE

**US Army Corps
of Engineers**
Omaha District

STOCKPILING OF MATERIAL ABOVE THE ORDINARY HIGH WATER MARK Omaha Guidance Letter 10-01

February 3, 2011

Regulatory Branch 1616 Capitol Avenue Omaha, Nebraska 68102-4901

The attached Omaha Guidance Letter, OGL 10-01, provides information on the Omaha District's current policy for regulating the stockpiling or trenching of material above the ordinary high water mark of a navigable water pursuant to Section 10 of the Rivers and Harbors Act. A list of Section 10 navigable waters within the Omaha District is also attached.

Structures or work located above the ordinary high water mark of a navigable water are subject to regulation under Section 10 if the structure or work is likely to affect the course, location, or condition of the waterbody in such a manner as to impact its navigable capacity. The extent of the Corps' regulatory authority over such activities depends on whether or not the material has an impact on the water's navigable capacity. If the intent of the activity is to provide bank stabilization, it is best to contact the Omaha District prior to the placement of the material for a permit evaluation. In the event that any stockpiled or trenched material subsequently falls into a navigable water of the United States, placement of the stockpiled material may be evaluated as a violation of Section 10 of the Rivers and Harbors Act and the responsible party may be subject to an enforcement action requiring removal of the material. If you would like additional information on this Omaha District policy regarding stockpiling, please contact the applicable Regulatory State Field Office.

MONTANA

U.S. Army Corps of Engineers
Helena Regulatory Office
10 West 15th Street, Suite 2200
Helena, MT 59626
(406) 441-1375/1377

WYOMING

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Wyoming Regulatory Office
2232 Dell Range Blvd, Suite 210
Cheyenne, WY 82009-4942
(307) 772-2300

SOUTH DAKOTA

U.S. Army Corps of Engineers
Pierre Regulatory Office
28563 Powerhouse Road, Room 118
Pierre, SD 57501
(605) 224-8531

NORTH DAKOTA

U.S. Army Corps of Engineers
Bismarck Regulatory Office
1513 South 12th Street
Bismarck, ND 58504
(701) 255-0015

NEBRASKA - Wehrspann

U.S. Army Corps of Engineers
Wehrspann Regulatory Office
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Omaha, NE 68138-3621
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**U.S. Army Corps of Engineers
Omaha District
Section 10 Navigable Waters of the United States***

(Jurisdictional Waterways under Section 10
of the Rivers and Harbors Act)

Big Sioux River	From the Highway 77 bridge at Sioux Falls, South Dakota to its confluence with the Missouri River
Big Stone Lake	State of South Dakota
Bois de Sioux River	From Lake Traverse in South Dakota to Wahpeton, North Dakota
Flaming Gorge Reservoir	(Green River) From the Headwaters of the Reservoir to the Wyoming / Utah state line
James River	From Jamestown, North Dakota to its confluence with the Missouri River near Vermillion, South Dakota
Kootenai River	From the International Border between the United States and Canada downstream to Jennings Rapids near Jennings, Montana
Lake Traverse	State of South Dakota
Missouri River	From its Headwaters near Three Forks, Montana downstream to the Iowa / Missouri state line on its eastern bank and the Nebraska / Kansas state line on its western bank
Red River of the North	From Wahpeton, North Dakota to the International Border between the United States and Canada
Upper Des Lacs Lake	State of North Dakota
Yellowstone River	From Emigrant, Montana downstream to its confluence with the Missouri River in North Dakota

*Section 10 Navigable waters of the U.S. are a small subset of "waters of the U.S." that are jurisdictional waters under Section 404 of the Clean Water Act.