

**2007 NATIONWIDE PERMITS
REGIONAL CONDITIONS
STATE OF NEBRASKA
OMAHA DISTRICT - CORPS OF ENGINEERS**

The U.S. Army Corps of Engineers has adopted the following regional conditions for activities authorized by nationwide permits within the State of Nebraska. However, the pre-construction notification requirements defined below are not applicable to Nationwide Permit 47.

1. Fens

All Nationwide Permits, with the exception of NWP's 3, 5, 20, 27, 30, 32, 38, 45 and 47, are revoked for use in fens. For Nationwide Permits 3, 5, 20, 27, 30, 32, 38 and 45, permittees must notify the Corps in accordance with General Condition No. 27 (Notification) prior to initiating any regulated activity impacting fens.

Fens are wetlands that develop where a relatively constant supply of ground water to the plant rooting zone maintains saturated conditions most of the time. The water chemistry of fens reflects the mineralogy of the surrounding and underlying soils and geological materials. The substrate is carbon-accumulating, ranging from muck to peat to carbonates. These wetlands may be acidic to alkaline, have pH ranging from 3.5 to 8.4 and support a range of vegetation types. Fens may occur on slopes, in depressions, or on flats (i.e., in different hydrogeomorphic classes; after: Brinson 1993).

2. Springs

All Nationwide Permits, with the exception of NWP's 3, 5, 20, 27, 30, 32, 38, 45, and 47, are revoked for activities located within 100 feet of the water source in natural spring areas. For Nationwide Permits 3, 5, 20, 27, 30, 32, 38, and 45, permittees must notify the Corps in accordance with General Condition No. 27 (Notification) prior to initiating any regulated activity located within 100 feet of the water source in natural spring areas.

For purposes of this condition, a spring source is defined as any location where there is artesian flow emanating from a distinct point at any time during the growing season. Springs do not include seeps and other groundwater discharge areas where there is no distinct point source of water.

3. Rainwater Basin Wetlands

For all Nationwide Permits permittees must notify the Corps in accordance with General Condition No. 27 prior to initiating any regulated activity in traditional Rainwater Basin wetlands found in the 17-county Rainwater Basin area of south central Nebraska. The following link provides a map showing the location of the Rainwater Basin Wetlands <http://www.fws.gov/rainwater/>.

4. Eastern Saline Wetlands

All Nationwide Permits, with the exception of NWP's 3, 5, 20, 27, 30, 32, 38, 45, and 47, are revoked for use in Category I Eastern Saline wetlands in Lancaster County and Saunders County, Nebraska. For Nationwide Permits 3, 5, 20, 27, 30, 32, 38 and 45, permittees must notify the Corps in accordance with General Condition No. 27 (Notification) prior to initiating any regulated activity impacting Category I saline wetlands.

For all Nationwide Permits permittees must notify the Corps in accordance with General Condition No. 27 (Notification) prior to initiating any regulated activity in any other category of Eastern Saline wetlands.

All mitigation involving Eastern Saline Wetlands shall be pursuant to the Eastern Saline Mitigation Guidelines.

5. Platte River (from the confluence of the North Platte and South Platte to the mouth)

For all Nationwide Permits permittees must notify the Corps in accordance with General Condition No. 27 (Notification) prior to initiating any regulated activity on the Platte River.

6. Missouri River

For Nationwide Permits, 9, 10, 11, 15, 28, and 35 permittees must notify the Corps in accordance with General Condition No. 27 (Notification) prior to initiating any regulated activity impacting the Missouri River.

7. Nationwide Permit 13

If using any riprap other than quarry graded/sized rock riprap, the following regional conditions will apply:

- a) All riprap, including broken concrete, must meet the requirements in gradation conditions below and must be chemically acceptable, free of protruding reinforcing steel or wire mesh or other construction debris (i.e., lath, plaster, asphalt, scrap iron, etc.) and from a non-streambed source.
- b) Any material used shall be reasonably well-graded material to create a dense erosion resistant structure.
- c) The material shall range in size from 6 to 36 inches in maximum dimension. The average mean dimension shall be approximately 13 inches and the protection layer thickness shall be 1.0 to 1.5 times the largest rock dimension. Variations to this gradation can be considered on a case by case basis, but must be accompanied by a design analysis that supports the variation.
- d) The material shall be angular in shape. No more than 30% of the material shall have the maximum dimension more than 2.5 times the minimum dimension and no material shall have the maximum dimension more than 3.5 times the minimum.
- e) Encroachment of riprap into the channel will be kept to a minimum.
- f) The top elevation of the riprap shall not exceed the top elevation of the bank.

8. Nationwide Permit 16

Permittees must notify the Corps in accordance with General Condition No. 27 prior to initiating any regulated activity under Nationwide Permit 16.

9. Revegetation of Disturbed Areas

All areas disturbed by construction shall be revegetated with appropriate perennial, native grasses and forbs and maintained in this condition. *Phalaris arundinacea* (Reed Canary Grass), *Lythrum salicaria* (Purple Loosestrife), *Bromus inermis* (Smooth Brome), *Phragmites, sp.* (Common Reed, River Reed) and *Tamarix, sp.* (Salt Cedar), are NOT appropriate choices of vegetation. The disturbed areas shall be reseeded concurrent with the project or immediately upon completion. Revegetation shall be acceptable when ground cover of desirable species reaches 75%. If this seeding cannot be accomplished by September 15 the year of project completion, then an erosion blanket shall be placed on the disturbed areas. The erosion blanket shall remain in place until ground cover of desirable species reaches 75%. If the seeding can be accomplished by September 15th, all seeded areas shall be properly mulched to prevent additional erosion.

10. Historic Properties

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.

11. Channelization—Including Straightening, Relocation, Shifting, or Filling (Tubing)

For all Nationwide Permits that allow channelization activities, the following conditions must be met:

- 1) Channel length shall be replaced at a 1:1 ratio (no net loss), unless justification is provided in writing why 1:1 channel replacement can not be achieved. In no case, even with written justification, will more than 100 linear foot net loss of channel length be allowed; and
- 2) No more than a total of 300 feet of channel can be impacted; and
- 3) The project is necessary to prevent significant damage to existing private or public structures (roads, buildings, bridges, etc.). This includes replacement of road crossings; and
- 4) In the case of bank stabilization, standard bank stabilization methods have been determined to be impracticable; and
- 5) No other practicable alternatives are available.

In addition to the above, the following conditions must be adhered to:

Buffer strips shall be set aside along both sides of the channel no less than 50 feet from the top of each side slope landward. The buffer strips shall be planted to a mixture of perennial, native grasses, forbs and trees required for tree mitigation and maintained in this condition. Reed Canary Grass (*Phalaris arundinacea*), Purple Loosestrife (*Lythrum salicaria*) and Smooth Brome (*Bromus inermis*) are **NOT** appropriate choices of vegetation. Revegetation will be acceptable when ground cover of desirable species reaches 75%.

Channel side slopes shall be no steeper than three foot horizontal to one foot vertical (3:1).

The slope (drop) of the project area shall be determined. The project area shall encompass two miles upstream to two miles downstream of the channelization site. For every one-foot of increase in slope, one drop structure shall be installed. In general, if there is less than one-foot of anticipated bed degradation, no drop structure will be required; however, this will be evaluated on a case-by-case basis. The upstream most structure shall be located where the new channel begins.

Additional Information

Suitable Material: Permittees are reminded of General Condition No. 6 which prohibits the use of unsuitable material. In addition, organic debris, some building waste, and materials excessive in fines are not suitable material.

Critical Habitat for *Grus americana* (Whooping Crane): Permittees are reminded that General Condition 17 (Endangered Species) States that no activity is authorized under any nationwide permit which is likely to jeopardize the continued existence of a threatened or endangered species or a species propose for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. The following link shows the location of whooping crane critical habitat in Nebraska: ecos.fws.gov/docs/federal_register/fr214.pdf.