

**2012 Nationwide Permits  
Regional Conditions  
Omaha District  
State of Nebraska**

The following Nationwide Permit regional conditions will be used in the State of Nebraska. Regional conditions are placed on Nationwide Permits to ensure projects result in less than minimal adverse impacts to the aquatic environment and to address local resources concerns.

**Wetlands Classified as Peatlands – Preconstruction Notification Requirement**

For all Nationwide Permits, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity in peatlands found in Nebraska. “Peatlands” are saturated and inundated wetlands where conditions inhibit organic matter decomposition and allow for the accumulation of peat. Under cool, anaerobic, and acidic conditions, the rate of organic matter accumulation exceeds organic decay. Peatlands can be primarily classified into ombrotrophic bogs and minerotrophic fens; the latter subdivided into poor, moderate-rich, and extreme-rich fens, each with distinctive indicator species, community physiognomy, acidity, alkalinity, and base cation content.

**Waters Adjacent to Natural Springs – Pre-Construction Notification Requirement**

For all Nationwide Permits, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity located within 100 feet of the water source in natural spring areas.

For the purpose of this condition, a spring water 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 waters. Springs do not include drain tile outlets.

**Rainwater Basin Wetlands – Pre-construction Notification Requirement**

For all Nationwide Permits, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity in any traditional Rainwater Basin wetland found in the 17-county Rainwater Basin area of south central Nebraska. The following link provides a map showing the general location of the Rainwater Basin geographic area: <http://www.fws.gov/rainwater/>.

**Eastern Saline Wetlands, Salt Creek and its tributaries, including Rock Creek and its tributaries, in Saunders and Lancaster Counties – Pre-construction Notification Requirement**

- a. For all Nationwide Permits, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity in any Eastern Saline wetland, Salt Creek and its tributaries, including Rock Creek and its tributaries, found in Saunders or Lancaster Counties. The map located at the end of this document shows the Salt Creek Tiger Beetle recovery areas and projects in these areas will receive additional scrutiny.
- b. All mitigation involving Eastern Saline wetlands shall be pursuant to the Eastern Saline Mitigation Guidelines. The Guidelines can be found at: <http://www.nwo.usace.army.mil/html/od-rne/mitbanking.html>.

**Missouri River – Pre-construction Notification Requirement**

For all Nationwide Permits, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity on the Missouri River.

**North Platte River, South Platte River, Platte River, Loup River, Elkhorn River, Republican River and all jurisdictional Class A State Resource Waters – Pre-construction Notification Requirement**

For all Nationwide Permits, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity located on the above named rivers and waters. A list of Class A State Resource Waters can be found at:

[http://www.deq.state.ne.us/RuleAndR.nsf/23e5e39594c064ee852564ae004fa010/9f07eae313ae56d686256888005bc61e/\\$FILE/Wqs05.pdf](http://www.deq.state.ne.us/RuleAndR.nsf/23e5e39594c064ee852564ae004fa010/9f07eae313ae56d686256888005bc61e/$FILE/Wqs05.pdf)

**Taylor Creek (and tributaries), Big and Brush Creeks (and tributaries), and Union Creek (and tributaries) – Pre-construction Notification Requirement**

For all Nationwide permits, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity located on Taylor Creek and its associated tributaries in Madison County, Big and Brush Creeks and their associated tributaries in Cherry County and the segment of Union Creek and its associated tributaries in Madison and Stanton Counties located in an area that is bounded by Highway 121 to the west, Highway 57 to the east, the Platte County line to the south and 833 Road (main east-west road between Enola and Stanton, Nebraska) to the north.

**Wild and Scenic Rivers, National River Inventory Rivers – Pre-construction Notification Requirement**

For all Nationwide Permits, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity located on the Niobrara National Scenic River, the Missouri National Recreational River or any National River Inventory river.

The following link provides a map showing the location of the Niobrara National Scenic River:

<http://www.nps.gov/carto/PDF/NIOBmap1.pdf>

The following link provides a map showing the location of the Missouri National Recreational River:

<http://www.nps.gov/mnrr/planyourvisit/maps.htm>

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>

**Borrow Site Identification – All Nationwide Permits**

The permittee is responsible for ensuring that the Corps is notified of the location of any borrow site that will be used in conjunction with the construction of the authorized activity so that the Corps may evaluate the site for potential impacts to aquatic resources, historic properties, and endangered species. For projects where there is another lead Federal agency, the permittee shall provide the Corps documentation indicating that the lead Federal agency has complied with the National Historic Preservation Act and Endangered Species Act for the borrow site. The permittee shall not initiate work at the borrow site in conjunction with the authorized activity until approval is received from the Corps.

**Revegetation of Disturbed Areas – All Nationwide Permits**

a. All areas adjacent (contiguous, bordering, neighboring) to jurisdictional waters 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. A cover crop may be planted to aid in the establishment of native 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 15, all seeded areas shall be properly mulched to prevent additional erosion.

b. When the vegetation has become established, all temporary erosion control materials shall be removed from the project site. Biodegradable or photodegradable materials need not be removed.

**Temporary Structures/Work/Fill – All Nationwide Permits**

- a. The use of dredged material in the construction of temporary structures or used for temporary work or used as temporary fill shall not be allowed. The term “dredged material” means material that is excavated or dredged from waters of the U.S. All temporary fill material shall be obtained from an upland source.
- b. Plans for the temporary structure/work/fill shall be submitted to and approved by the Nebraska Regulatory Office prior to the commencement of construction.
- c. At the completion of the construction activity, all temporary fill material shall be removed in its entirety from the water of the U. S. to an upland area and the affected area shall be restored to its pre-construction condition.
- d. The Nebraska Regulatory Office shall be notified with documentation (i.e. photos) when the site has been restored to its pre-project condition.

**Stream Channelization Projects – All Nationwide Permits**

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. 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%.
- c. 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.

**REGIONAL CONDITIONS APPLICABLE TO SPECIFIC NATIONWIDE PERMITS**

**Nationwide Permit 13 – Bank Stabilization – Pre-construction Notification Requirement**

All permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity under Nationwide Permit #13.

**Nationwide Permit 16 – Return Water From Upland Contained Disposal Areas – Pre-construction Notification Requirement**

All permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity under Nationwide Permit #16.

**Nationwide Permit 23 - Approved Categorical Exclusions – Pre-construction Notification Requirement**

All permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity under Nationwide Permit #23. In addition to information required by General Condition #31, the applicant must identify the approved categorical exclusion that applies and provide documentation that the project fits the categorical exclusion.

**Nationwide Permit 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities – Pre-construction Notification Requirement**

All permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity under Nationwide Permit #27.

**GENERAL CONDITIONS (REGIONAL ADDITIONS)**

**General Condition 6 - Suitable Material**

Permittees are reminded of General Condition #6 which prohibits the use of unsuitable material. A list of materials prohibited or restricted as fill material in waters of the United States within Nebraska can be found at <http://www.nwo.usace.army.mil/html/od-rne/nehome.html>.

