



US Army Corps  
of Engineers®

# PUBLIC NOTICE

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## Omaha District - Nebraska

### Nationwide Permits Reissuance Request for Comments

On June 18, 2025, the U.S. Army Corps of Engineers (Corps) published in the Federal Register its proposal to reissue 56 existing nationwide permits (NWP) and issue one new NWP. One NWP is not proposed for reissuance.

NWPs are general permits issued on a nationwide basis to streamline the authorization of activities that result in no more than minimal individual and cumulative adverse environmental effects. Many of the proposed NWPs require notification to the district engineer before commencing those activities, to ensure that the activities authorized by those NWPs cause no more than minimal individual and cumulative adverse environmental effects.

This public notice is issued jointly with the Nebraska Department of Environment and Energy (NDEE), 245 Fallbrook Blvd, Lincoln, NE 68521. NDEE will review the proposed reissuance of the 56 existing NWPs and 1 newly proposed NWP for state certification in accordance with the provisions of Section 401 of the Clean Water Act. NDEE hereby incorporates this public notice as its own public notice and procedures by reference thereto.

#### National Issues Concerning the Proposed NWPs:

The Federal Register notice is the public's opportunity to comment on the proposed NWPs, general conditions, and definitions. Comments on national issues relating to these NWPs should be submitted to docket number COE-2025-0002 at **[www.regulations.gov](http://www.regulations.gov)**, or by email to **[2026nationwidepermits@usace.army.mil](mailto:2026nationwidepermits@usace.army.mil)** or by mail to U.S. Army Corps of Engineers, Attn: CECW-CO-R, 441 G Street NW, Washington, DC 20314-1000. Instructions for submitting comments are provided in the June 18, 2025 Federal Register notice. Comments on the proposed NWPs are due by July 18, 2025.

#### Regional Issues Concerning the Proposed NWPs, Including Regional Conditioning:

Division engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or state. Regional conditions are an important mechanism to help ensure that the adverse environmental effects of activities authorized by the NWPs are no more than 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 the adverse

environmental effects caused by activities authorized by those NWP's may be more than minimal. An enclosure for this public notice (Enclosure 1) lists the proposed regional conditions currently under consideration by the Northwestern Division for Nebraska. The Omaha District is seeking comments on the proposed regional conditions and seeking comments on the need for additional regional conditions to help ensure that the adverse environmental effects of activities authorized by the proposed NWP's are no more than minimal, individually and cumulatively. Unless otherwise noted, all proposed regional conditions listed on this enclosure are applicable for activities in Nebraska. The Omaha District is specifically soliciting comments on the proposed Invasive Species Condition (B.2.). Comments on regional issues relating to the proposed NWP's and proposed regional conditions should be sent to the Nebraska Regulatory Office, 8901 South 154th Street Suite 2, Omaha, Nebraska 68138-3635, 402-896-0896, [ne404reg@usace.army.mil](mailto:ne404reg@usace.army.mil). Comments relating to regional conditions are due by August 2, 2025. Similar public notices proposing regional conditions in other regions or states are being published concurrently by other division or district offices. After the final NWP's are issued, the final regional conditions will be issued after they are approved by the Division Commander.

401 Water Quality Certification and Coastal Zone Management Act:

States, tribes, and other certifying authorities will make their Clean Water Act Section 401 water quality certification (WQC) decisions after reviewing the proposed NWP's. States will make their Coastal Zone Management Act (CZMA) consistency determination decisions after reviewing the proposed NWP's.

Draft Decision Documents:

Draft decision documents for each of the proposed NWP's, which include environmental documentation prepared for the purposes of the National Environmental Policy Act, have been written by Corps Headquarters. The decision documents will address compliance of the NWP's with the requirements for issuance under the Corps' general permit authority. These draft decision documents, as well as the proposed NWP's, are available for viewing at [www.regulations.gov](http://www.regulations.gov), docket number COE-2025-0002. Final decision documents will be prepared for the NWP's that are issued.

Enclosed is an index of the proposed NWP's and conditions. Anyone wishing to provide comments may obtain a full text copy of the NWP's through the Corps Home Page at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/>, at [www.regulations.gov](http://www.regulations.gov) in docket number COE-2025-0002, or at the following Federal Register address: <https://www.federalregister.gov/d/2025-11190>.

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Waterbody



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Omaha District

**2026 Nationwide Permits  
Regional Conditions  
Omaha District  
State of Nebraska  
Proposed**

The following Nationwide Permit (NWP) regional conditions will be used in the State of Nebraska. The issuance of the 2026 NWPs was announced in the June 18, 2025, issue of the Federal Register (90 FR 26100). Regional conditions are placed on NWPs to ensure projects result in no more than minimal adverse impacts to the aquatic environment and to address local resources concerns.

**A. PRECONSTRUCTION NOTIFICATION REQUIREMENTS APPLICABLE TO ALL NWPs**

For all NWPs, permittees must notify the Corps in accordance with General Condition 32 Preconstruction Notification (PCN) requirements for regulated activities located within or comprised of the following:

**1. Aquatic Resources of Special Concern:**

Aquatic resources of special concern are resources that are difficult to replace, unique, and/or have high ecological function. PCN required for any regulated activity located in aquatic resources of special concern that fall into the categories listed below. The District Engineer may authorize activities under NWPs only after determining that the impacts to the following aquatic resources of special concern will be no more than minimal:

- a. **Wetlands classified as peatlands:** For purposes of this condition, peatlands are permanently or seasonally waterlogged areas with a surface accumulation of peat (organic matter) 30 centimeters (12 inches) or more thick. Under cool, anaerobic, and acidic conditions, the rate of organic matter accumulation exceeds organic decay. Any peat-covered areas, including fens, bogs, and muskegs, are all peatlands.
- b. **Natural Springs:** 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 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.
- c. **Specific Waters:** Within the following waters and their impoundments:
  - i. Missouri River
  - ii. North Platte River
  - iii. South Platte River
  - iv. Platte River
  - v. Loup River
  - vi. Elkhorn River
  - vii. Republican River
  - viii. All jurisdictional Class A State Resource Waters and all regulated adjacent wetlands within their floodplain/valley. A list of Class A State Resource Waters can be found at:

Streams:

[https://www.nebraskamap.gov/datasets/b356a73f5a7c4bb0b92da30d84e83117\\_0/explore?filter=eyJTdGF0ZV9SZXNvdXJjZV9XYXRlcil6WyJBI19](https://www.nebraskamap.gov/datasets/b356a73f5a7c4bb0b92da30d84e83117_0/explore?filter=eyJTdGF0ZV9SZXNvdXJjZV9XYXRlcil6WyJBI19)

Lakes:

[https://www.nebraskamap.gov/datasets/d0de835ad89f42ad8995c9c374ce2ecf\\_0/explore?filter=eyJTdGF0ZV9SZXNvdXJpbkEiXX0%3D&location=42.790828%2C-102.917747%2C10.40](https://www.nebraskamap.gov/datasets/d0de835ad89f42ad8995c9c374ce2ecf_0/explore?filter=eyJTdGF0ZV9SZXNvdXJpbkEiXX0%3D&location=42.790828%2C-102.917747%2C10.40)



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- d. **Eastern Saline Wetlands:** Found in Saunders or Lancaster Counties. The following link provides a map showing the general location of the Eastern Saline Wetlands:

<https://outdoornebraska.gov/wp-content/uploads/2024/01/Saline-Wetlands.pdf>

All mitigation involving Eastern Saline wetlands should be conducted pursuant to the Eastern Saline Mitigation Guidelines. The Guidelines can be found at:

<http://www.nwo.usace.army.mil/Missions/Regulatory-Program/Nebraska/Mitigation/>

- e. **Traditional Rainwater Basin wetlands:** Found in the 21 county Rainwater Basin area of south-central Nebraska. The following link provides a map showing the general location of the Rainwater Basin geographic area:

<https://outdoornebraska.gov/wp-content/uploads/2024/01/Rainwater-Basin.pdf>

**2. Tribal Reservations and Tribal Trust Lands:**

PCN required for any regulated activity located within Tribal Reservations and Tribal Trust Lands. The following link provides a map showing Tribal Reservations and Tribal Trust Lands:

<https://onemap-bia-geospatial.hub.arcgis.com/apps/718497a94a15450d8d48b51625dc330f/explore>

**B. CONSTRUCTION PRACTICES:**

**1. Suitable Material**

Permittees are reminded of General Condition No. 6 which prohibits use of unsuitable material. A list of materials prohibited or restricted as fill material in waters of the United States can be found at:

<http://www.nwo.usace.army.mil/Media/FactSheets/FactSheetArticleView/tabid/2034/Article/12320/prohibited-restricted-materials.aspx>

**2. Revegetation of Disturbed Areas:**

All jurisdictional waters disturbed by construction shall be revegetated with appropriate perennial, native grasses and forbs and maintained in this condition. Seed mixes shall not include invasive species. The following link provides information on invasive species in Nebraska: <https://neinvasives.com/>