



NEBRASKA BEAD PROGRAM

TECHNICAL ASSISTANCE

Right-of-Way Permitting:

Nebraska Department of Transportation

Section 404 and 408 Permitting:

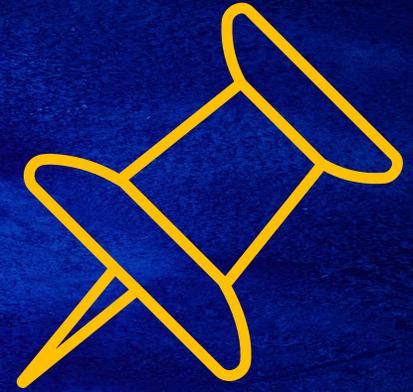
U.S. Army Corps of Engineers

Welcome!

Director Patrick Haggerty



Agenda

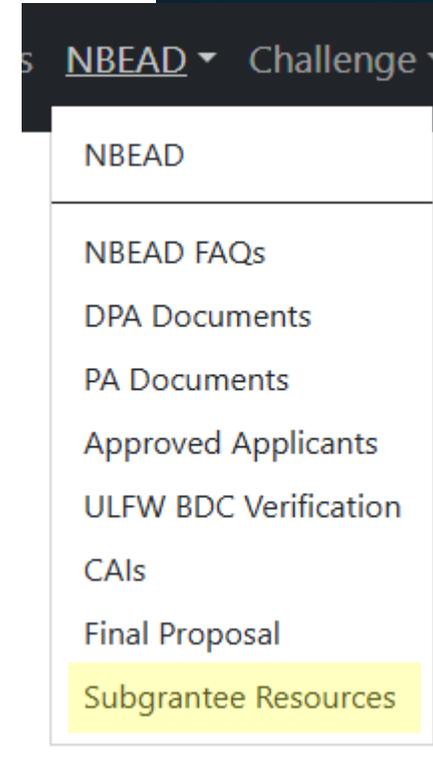


- Right-of-Way permitting
- Section 404 & 408 permitting (USACE)
- Q&A

Website Resources

NBEAD/Subgrantee Resources

- NEPA/Permitting questionnaire
- SOPs/step-by-step instruction guides
- DPA environmental summaries
- Last week's slides & recording



Right to Occupy vs Environmental Permit



RIGHT-OF-WAY/
RIGHT TO OCCUPY



ENVIRONMENTAL

Engineering/ROW Permitting



EARLY IDENTIFICATION



REQUIREMENTS OF THE
AGENCIES AND THE
PROCESS (TIMEFRAME)



TIME DELAYS



INFORMATION
REQUIRED

NDOT Permit

Right-of-Way Manual

- <https://dot.nebraska.gov/business-center/row/>
- Broadband is treated like an “utility” by NDOT

Application to Occupy-Form 19

- <https://dot.nebraska.gov/media/g4kbjkm/ndot19-application-to-occupy-row.dotx>

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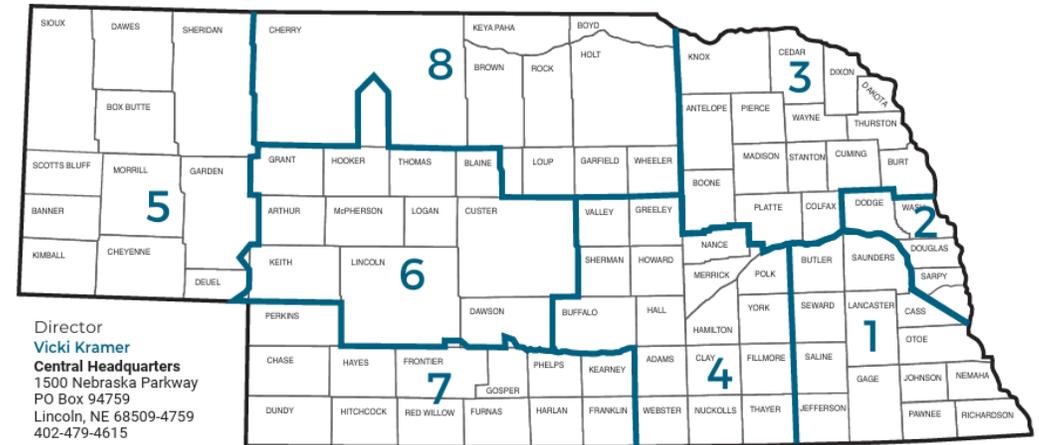
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Clean Water Act Overview

Section 404 and Section 408

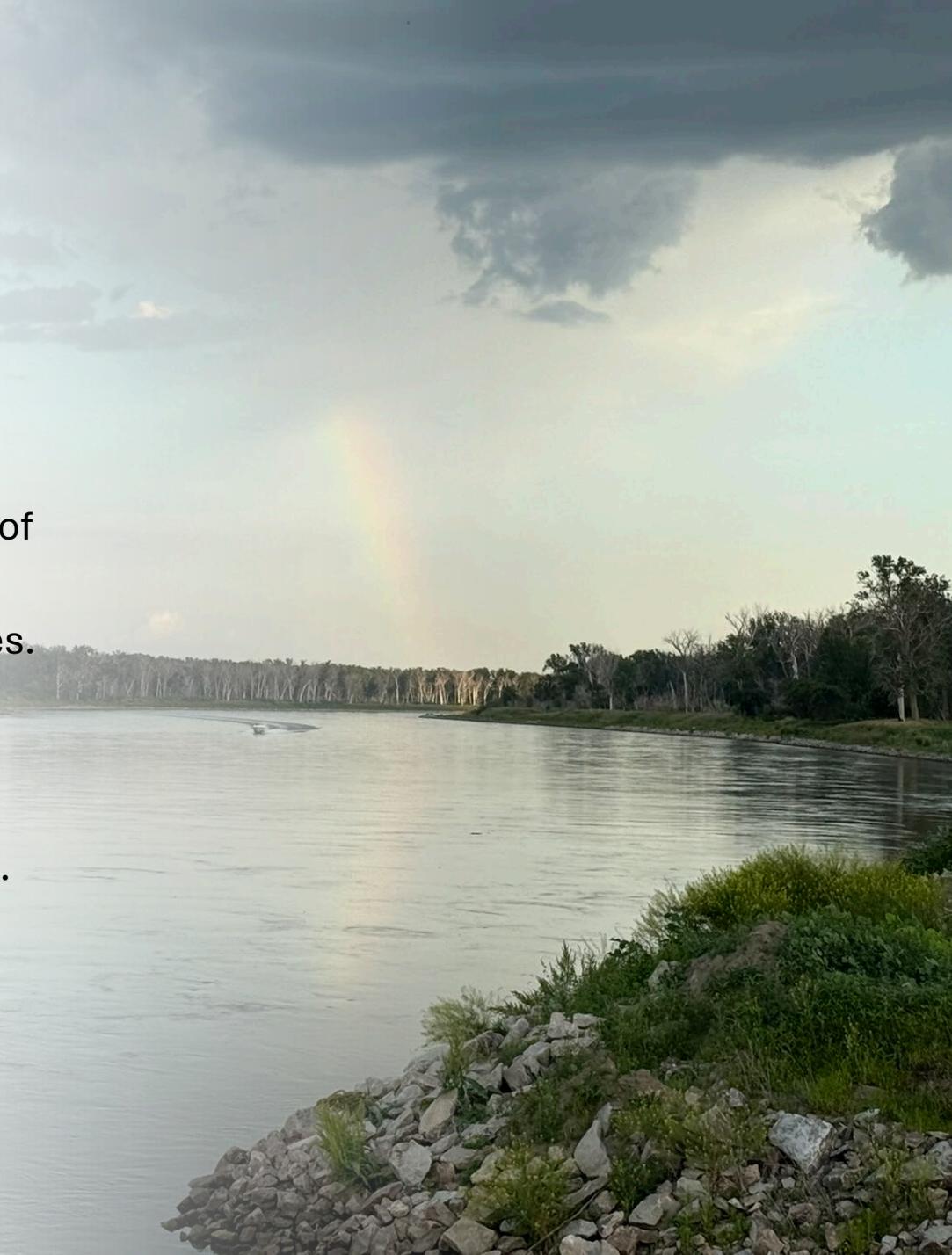
- The Clean Water Act regulates activities that affect waters of the United States.
- Section 404 addresses the discharge of dredged or fill material.
- Section 408 applies to activities that may alter or occupy U.S. Army Corps of Engineers civil works projects.
- Both permits may apply to a single project, depending on location and scope.
- Section 404 and 408 permits are administered by USACE districts.
 - Nebraska projects may fall under the Omaha or Kansas City District.
 - District jurisdiction depends on project location.
 - Early coordination helps identify the appropriate district.

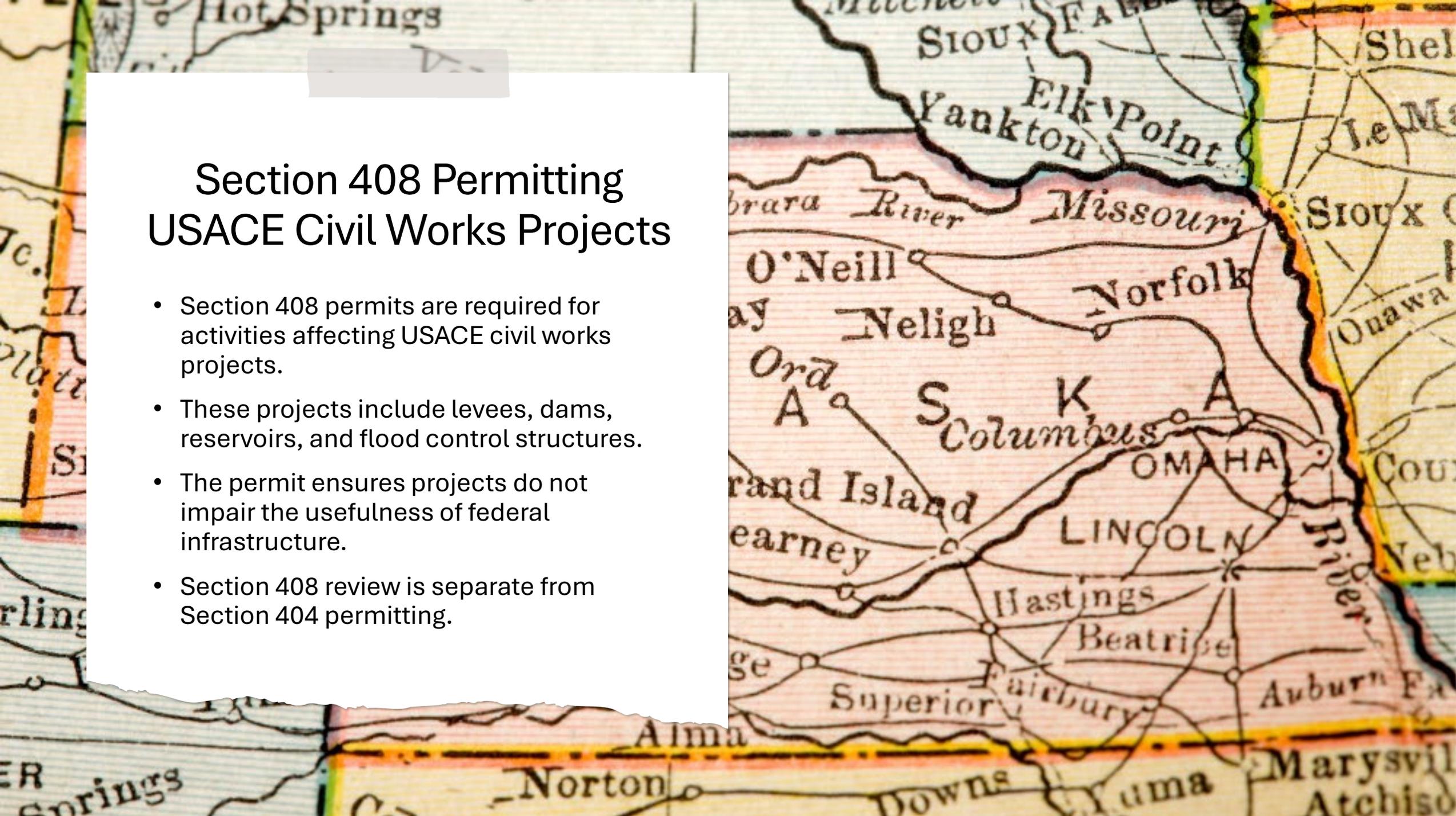




When is a Section 404 Permit Required?

- Section 404 permits are required when a project impacts waters of the United States.
- Impacts may include streams, wetlands, or other aquatic features.
- Many broadband projects may qualify for Nationwide Permit 57.
 - Nationwide Permit 57 covers certain utility and telecommunications projects.
 - The permit streamlines authorization for qualifying activities.
 - Projects must meet permit conditions and thresholds.
 - Additional coordination may be required for larger or more complex impacts.





Section 408 Permitting USACE Civil Works Projects

- Section 408 permits are required for activities affecting USACE civil works projects.
- These projects include levees, dams, reservoirs, and flood control structures.
- The permit ensures projects do not impair the usefulness of federal infrastructure.
- Section 408 review is separate from Section 404 permitting.

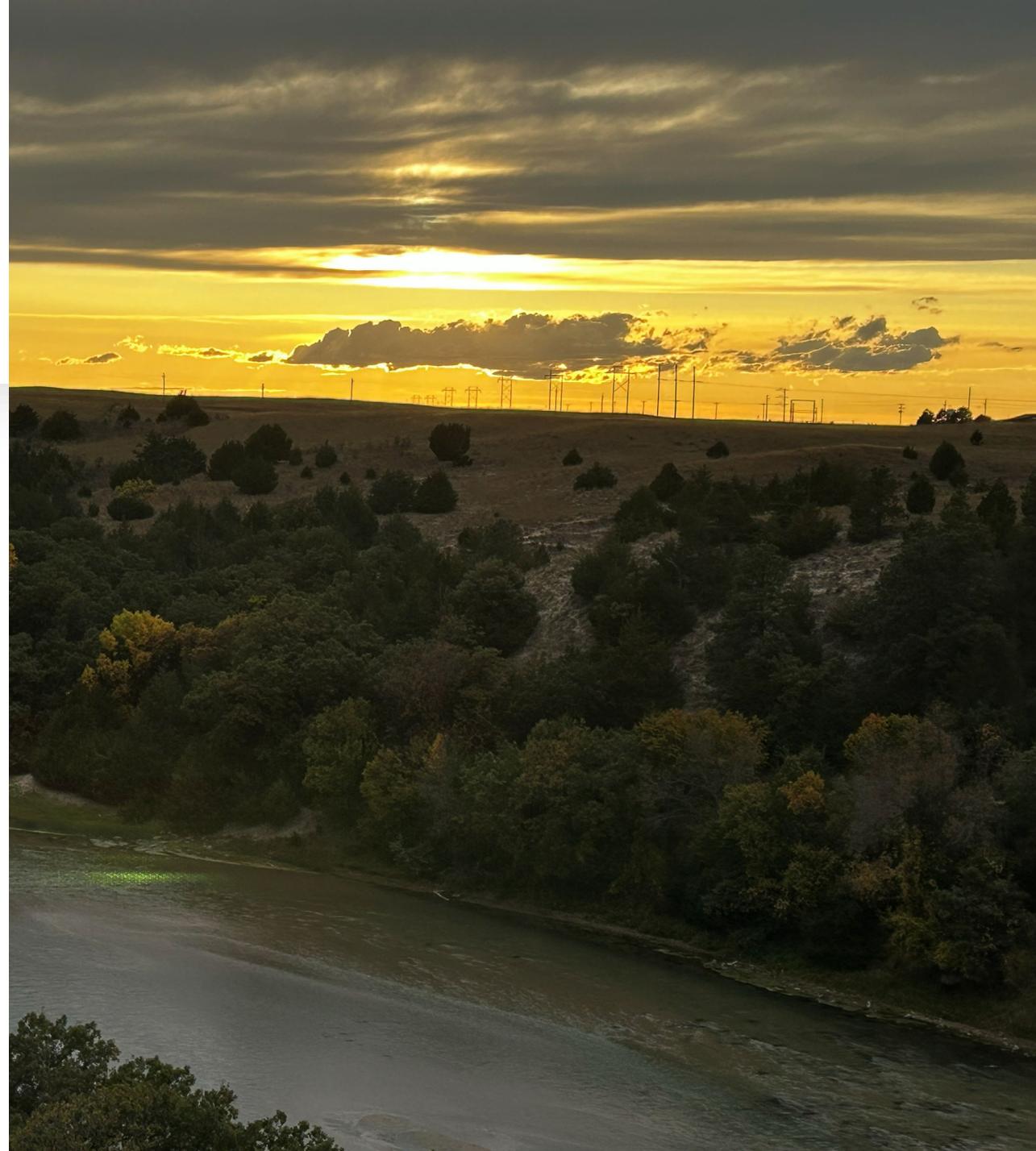
Permitting Outcomes Section 404 & Section 408 Authorizations

Permit reviews conclude with an approval, verification, or denial.

Approved permits may include conditions that must be followed during construction.

All permit conditions become enforceable requirements.

Permits must be obtained before construction begins.



Questions?

Nebraska

- Section 404 & 408 Contact Information
<https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Permits/>
- Regulatory Permitting Information
<https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Permitting-Program/>

Kansas

- Section 408
<https://www.nwk.usace.army.mil/Missions/Section-408/>



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www.broadband.nebraska.gov



**THANK
YOU!**