



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NEBRASKA REGULATORY OFFICE
8901 SOUTH 154TH STREET, SUITE 2
OMAHA, NEBRASKA 68138-3635



<http://www.nwo.usace.army.mil/missions/regulatoryprogram/nebraska.aspx>

September 17, 2020

Mr. Joe Citta
Nebraska Public Power District
1414 15th Street
Columbus, Nebraska 68602

Certified Mail
Return Receipt Requested

RE: 2012-02858-WEH—R-Project NWP 12 Issued June 27, 2019

Dear Mr. Citta:

In a decision dated June 17, 2020, the United States District Court for the District of Colorado found fault with the U.S. Fish and Wildlife Service's (Service) analysis of the effects of the R-Project Transmission Line, and set aside the Service's June 12, 2019, decision to grant an incidental take permit to the Nebraska Public Power District (NPPD) for the American burying beetle. In Oregon-California Trails Association v. Walsh, ---F.Supp.3d.---- (2020), the Court vacated portions of the Service's November 2018 "Final Environmental Impact Statement on Issuance of an Incidental Take Permit and Implementation of a Habitat Conservation Plan for the R-Project Transmission Line," and remanded the matter to the Service for further proceedings consistent with the Court's Order.

The U.S. Army Corps of Engineers (USACE) relied upon Service's analysis and findings to verify the above referenced Nationwide permit 12 on June 27, 2019. As a result, pursuant to 33 CFR 325.7(c), the permit is suspended and NPPD must cease any activities associated with the permit. NPPD has ten (10) days from receipt of this notice to request a meeting with the district engineer, and/or a public hearing, to present information in this matter. After a reasonable time following the meeting or hearing, the district engineer will take action to reinstate, modify or revoke the permit.

Thank you for your cooperation. Please contact Matt Wray of my staff at 402-896-0896 or email him at matt.t.wray@usace.army.mil and reference file number 2012-02858-WEH if you have questions, or would like to schedule a meeting to discuss this in more detail.

Sincerely,

John L. Moeschen
Nebraska State Program Manager

cc:
USFWS (Drew DeBerry)
NDEE (Dane Pauley)
EPA Region VII (Eliodora Chamberlain)