

NEBRASKA

Wetland Definition

The state uses a wetland definition consistent with the federal definition and the federal 1987 Wetland Delineation Manual.

Wetland Water Quality Standards

Nebraska Department of Environmental Quality has adopted regulations for state review of federal permits pursuant to Section 401 (Title 120) of the Clean Water Act and water quality standards for all surface waters including wetlands (Title 117). The state has applied its antidegradation policy to wetlands. Wetland-specific regulations have been adopted which establish two major classes of wetlands: isolated and surface water overflow wetlands. Protected uses have been designated for wetlands.

Designated Uses

Beneficial uses assigned to all waters include “primary contact recreation, aquatic life, water supply and aesthetics.” See Title 117, Chapter 4 001. More specific beneficial uses for wetlands are: “aquatic life, wildlife, agricultural water supply, and aesthetics.” Some wetlands may have additional beneficial uses.

Narrative and/or Numeric Criteria

Beneficial uses are protected by the narrative and numerical water quality criteria listed in Chapter 7 of Title 117 - Nebraska Surface Water Quality Standards. Nebraska regulations provide in part in 117 NAC 7-004.01A:

“General Criteria

Water quality criteria are established to protect assigned beneficial uses. However, traditional water quality parameters in wetlands such as pH, temperature, dissolved oxygen, ammonia, chloride, and conductivity may naturally vary outside accepted ranges for other surface waters. Water quality criteria for specific wetlands or wetland complexes, except numerical criteria for toxic substances (paragraph 004.01C1), petroleum oil (paragraph 004.01D), and residual chlorine (paragraph 004.01F), shall be based on natural background values for traditional water quality parameters. However, these criteria shall be no more stringent than those associated with the Class B Warmwater Aquatic Life classification or the General Criteria for Aquatic Life of Chapter 4, Paragraphs 003.01 A, 003.01B, 003.01G, and 003.04B.”

Regulations also provide biological criteria and numeric criteria for toxic substances. Nebraska is the only state with rather extensive numeric water quality criteria specifically for wetlands.

Antidegradation Policy

Assigned and existing beneficial uses are protected by the antidegradation Clause in Chapter 3, Title 117. This policy broadly provides that “(t)he water quality of surface waters, consistent with uses applied in these Standards, shall be maintained and protected. Water quality degradation which would adversely affect existing uses will not be allowed.” Standards for beneficial uses are set forth in Appendix B, below.