NCE Project No. 173.48.25

September 9, 2025

Regional Transportation Commission of Washoe County
1105 Terminal Way
Suite 108
Reno, NV 89502

RE: Sun Valley Boulevard Corridor Improvements Project
Biological Resource Report

Introduction

NCE has been retained by the Regional Transportation Commission of Washoe County (RTC) to provide engineering and environmental services for the Sun Valley Boulevard Corridor Improvements Project (Project). Project funding comes from 2 sources: local RTC fuel tax provided funds for design, and $2.5 million in federal congressionally directed spending set aside for construction. The Federal Highway Administration is the lead federal agency, with oversight provided by the Nevada Department of Transportation (NDOT) through the Local Public Agency program.

Based on known existing conditions and guidance provided by NDOT, NCE anticipates the Project will be considered categorically excluded under the National Environmental Policy Act (NEPA). A Categorical Exclusion exempts a project from NEPA analysis but still requires compliance with the range of federal statutes, laws, and executive orders governing environmental protection.

A wide variety of taxa native to the state of Nevada have low population numbers, limited distributions, or are otherwise vulnerable to extinction or extirpation within the state and are therefore protected by state and federal laws. Although they may include ecologically significant units, distinct population segments, and subspecies, these taxa are collectively referred to as special status species (SSS). This biological resource report presents the results of SSS database searches and the reconnaissance-level field surveys. The purpose of the surveys was to assess wildlife and botanical resources for the 67.44-acre Project area to satisfy U.S. Fish and Wildlife Service (USFWS), Nevada Division of Forestry (NDF), Nevada Division of Natural Heritage (NDNH), and Nevada Department of Wildlife (NDOW) requirements to identify any potential Project effects on plant and animal SSS and their habitats. This report also assesses the need for additional focused-level surveys prior to construction. The database search focused on a 1-mile buffer of the Project area, defined as the biological study area (BSA). This report includes a description of the existing conditions of botanical and wildlife resources in the BSA, potential for SSS to occur, relevant biological resource maps, and a description of the potential Project effects and proposed avoidance and minimization measures.

Project Description

This Project is located north of Reno in Sun Valley (Clear Acre Lane/Sun Valley Boulevard from just south of Scottsdale Road to 7th Avenue), Washoe County, Nevada (**Attachment A, Figures 1** and **2**). Sun Valley Boulevard is the main corridor and the gateway to the community of Sun Valley. It serves as an important north/south connector to residential neighborhoods, schools, community services, and commercial businesses. It also acts as the primary access to US 395. Transit ridership and pedestrian activity are prevalent in Sun Valley; however, there is currently limited pedestrian infrastructure along Sun Valley Boulevard and within the valley to serve pedestrian needs.

The project builds upon prior planning efforts, including pedestrian, bicycle, transit, and traffic improvements. It will feature a shared use path on both sides of the roadway, new or improved crosswalks, pedestrian crossing enhancements, signal modifications, fiber optics, improved signage and striping, landscaping and aesthetics, accessible bus stop pads and amenities, and pavement rehabilitation.

Existing Habitat Conditions

The existing conditions in the Project area are consistent with a heavily developed urban roadway surrounded by businesses, recreational areas, and residences. The Project area itself consists of the paved Sun Valley Boulevard roadway, shoulders, sidewalks, roadside ditches, and side streets with limited native plant and wildlife diversity and habitat functionality. Vegetation in the Project area is limited to tree and shrub ornamental landscaping, ruderal forbs, grasses, shrubs, and sparse riparian/wetland species on the roadside ditches and shoulders, and disturbed sagebrush steppe in the staging area at the southern end of the Project area. Representative photographs of habitat conditions in the Project area are provided in **Attachment B**.

Relevant Regulations

Federal and state regulations listed below are relevant to this assessment of biological resources.

Federal

Federal Endangered Species Act

The federal Endangered Species Act (ESA) protects plants and wildlife that are listed as endangered or threatened by the USFWS. Under Section 7 of the ESA, federal agencies are required to consult with the USFWS or National Oceanic and Atmospheric Administration, National Marine Fisheries Service, as applicable, if their actions could adversely affect an endangered plant or wildlife species or its critical habitat. Section 9 of the ESA prohibits the taking of endangered wildlife, where taking is defined as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct” (50 Code of Federal Regulations 17.3). Section 10 of the ESA provides for issuance of incidental take permits to private parties provided a habitat conservation plan is developed.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA; 16 United States Code Section 703 et seq.) makes it unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, or kill migratory birds. The law applies to the removal of nests occupied by migratory birds during the breeding season.

State of Nevada

Nevada Division of Natural Heritage Program

The NDNH systematically collects information on Nevada's at-risk biological features, including plants, animals, and ecological communities. Staff biologists and data management specialists consolidate natural resource information from diverse sources such as field surveys, museum collections, resource-management agencies, published and unpublished reports, and knowledgeable individuals. NDNH data include the existence, locations, numbers, condition, biology, and habitats of species and ecological communities. This comprehensive inventory is maintained in Geographic Information System databases, online reports, and paper files, and is continually updated, refined, and subjected to quality controls. The information becomes more complete each year and continues to change to reflect the current conditions of the landscape.

The following statutes and codes specify guidelines and provisions for those species afforded protection by the state of Nevada or are included in the NDNH at-risk species list.

Nevada Administrative Code 503.093

State law prohibits the taking of any wildlife which is classified as protected (sensitive, threatened, or endangered), or possession of any part thereof, without first obtaining the appropriate license, permit, or written authorization from NDOW. Protected, threatened, and sensitive mammals, birds, fish, amphibians, and reptiles are listed in Nevada Administrative Code (NAC) 503.030, 503.050, 503.065, 503.075, and 503.080, respectively. The Nevada Wildlife Commission classifies wildlife as protected or sensitive if the species or subspecies has a limited population or distribution within Nevada that is likely to decline as a result of human or natural causes, is threatened as a result of the deterioration or loss of its habitat, has ecological, scientific, educational or other value that justifies its classification as protected, is listed by the USFWS in the Federal Register as a candidate species, or it is classified as threatened or endangered in the ESA (NAC 503.103-104).

Nevada Administrative Code 232.400 - 232.480

As stipulated by NACs 232.400 – 232.480, direct and indirect impacts to greater sage-grouse (*Centrocercus urophasianus*) habitat must be mitigated using the Nevada Conservation Credit System. This system calculates debits that will be caused by a proposed activity or a project and credits that are created to protect, enhance or restore sagebrush ecosystems. This applies to any person or entity that proposes an activity or project on public lands subject to state or federal review, approval or authorization, that will cause an anthropogenic disturbance. “Anthropogenic disturbance” means any direct or indirect adverse impact to the greater sage-grouse or the habitat of the greater sage-grouse, as determined by the Sagebrush Ecosystem Council.

Nevada Revised Statutes 503.610 and 503.620

Bald eagles (*Haliaeetus leucocephalus*), golden eagles (*Aquila chrysaetos*), and migratory birds are specifically protected under Nevada Revised Statutes (NRS) 503.610 and NRS 503.620. Under these statutes, it is unlawful for any person or organization to kill, destroy, wound, trap, injure, possess dead or alive, or in any other manner to catch or capture, or to pursue with such intent, bald eagles and golden eagles or other birds protected under the MBTA.

Nevada Revised Statute 527.270; Nevada Administrative Codes 527.010 and 527.260

Under NRS 527.270, species or subspecies of native flora are regarded as threatened with extinction when the State Forester Firewarden, after consultation with competent authorities, determines that its existence is

endangered, and its survival requires assistance because of overexploitation, disease, or other factors or because its habitat is threatened with destruction, drastic modification, or severe curtailment. These species are also on a state list of fully protected species of native flora (NAC 527.010) known as the Critically Endangered Species List. Under NAC 527.260, the State Forester Firewarden may issue a permit to conduct a project that may involve the take of a plant on the list of fully protected species of native flora.

Nevada Revised Statute 555.150

Under NRS 555.150 every person or company owning, controlling, or occupying lands in Nevada, and every county, incorporated city, or district having the supervision and control over streets, alleys, lanes, rights-of-way, or other lands, must control all weeds declared and designated as noxious as provided in NRS 555.130 in any manner specified by and whenever required by the State Quarantine Officer.

Methods

Database research, information requests, and reconnaissance-level field surveys were conducted to evaluate habitat and assess the potential for SSS to occur within the vicinity of the Project area. NCE evaluated known occurrences of federal, state, and regionally listed SSS that may occur in the BSA prior to conducting field work. The USFWS, Information for Planning and Consultation System (IPaC) database was searched on June 3 and November 6, 2024, and March 26 and June 27, 2025. NCE also contacted NDNH and NDOW to request information on SSS occurrence within the BSA. NCE contacted Eric Miskow of NDNH on June 3, 2024, and March 31, 2025, and Riley Dunavent of NDOW on June 3, 2024, and March 28, 2025.

Following this research, an NCE scientist conducted reconnaissance-level field surveys on June 12, 2024, and April 3, 2025, to evaluate habitats and identify the presence or absence of SSS and noxious weeds in the Project area. Survey equipment included binoculars, a smartphone utilizing the ESRI Field Maps application for data collection, a notebook, and a Kestrel 3000 pocket weather meter. The surveys involved walking along both shoulders of the roadways in the Project area to document plant species, noxious weeds, and habitats. The surveys also involved observing and listening for birds and other animals, observing animal tracks and sign, documenting presence or absence of SSS and their habitats, scanning nearby trees and buildings for bird and raptor nests, and searching for suitable bat roosts.

Results

The weather conditions during the June 12, 2024, survey included temperatures between 71°F and 89°F, clear skies, and 1 – 4 mile per hour (mph) winds. The survey occurred between 07:20 a.m. and 11:30 a.m. The weather conditions during the April 3, 2025, survey included temperatures between 41°F and 50°F, 0 – 75% cloud cover, and 2 – 7 mph winds. The survey occurred between 09:06 a.m. and 15:00 p.m.

Habitat in the Project area is limited to roadside ditches, gravel road shoulders, trees, ornamental landscaping, and disturbed sagebrush steppe. Vegetation on the shoulders and in the roadside ditches is variable but generally includes grasses, wetland, and ruderal species such as curlycup gumweed (*Grindelia squarrosa*), foxtail (*Hordeum* spp.), red stemmed filaree (*Erodium cicutarium*), yellow sweetclover (*Melilotus officinalis*), cheatgrass (*Bromus tectorum*), rushes (*Juncus* spp.), and sparse narrowleaf willow (*Salix exigua*). Ornamental landscaping and trees observed along the Project area included Norway maple (*Acer platanoides*), Russian olive (*Elaeagnus angustifolia*), Japanese honeysuckle (*Lonicera japonica*), honeylocust (*Gleditsia triacanthos*), lodgepole pine (*Pinus contorta*), juniper (*Juniperus* spp.), western sycamore (*Platanus racemose*), Fremont cottonwood (*Populus fremontii*), Callery pear (*Pyrus calleryana*), and oak (*Quercus* spp.). The drainage between Sun Valley Boulevard and Sugar Hill Drive is

dominated by Siberian elm (*Ulmus pumila*), rubber rabbitbrush (*Ericameria nauseosa*), cattail (*Typha latifolia*), willows, and various grasses and contained flowing water during the April 3, 2025, survey. The staging area and shoulders of Clear Acre Lane between El Rancho Drive and Scottsdale Road at the southern end of the Project area are dominated by rubber rabbitbrush, shadscale saltbush (*Atriplex confertifolia*), and big sagebrush (*Artemisia tridentata*). California ground squirrels (*Spermophilus beecheyi*) and their burrows were observed in the staging area at the south end of the Project area. The area immediately surrounding the Project area is primarily developed residential areas with similar disturbed roadside shoulders, ditches, and various native and ruderal non-native species in the limited spaces between buildings and residences. Representative photographs of the Project area and habitats are included in **Attachment B**.

No SSS were observed during the reconnaissance level surveys; however, numerous nesting birds were observed during the April 3, 2025, survey including Cooper's hawk (*Accipiter cooperii*), mallard (*Anas platyrhynchos*), and American crow (*Corvus brachyrhynchos*) nests. **Table 1** summarizes the species, nest location, and stage of each nest observed. The nest locations are shown in **Figure 3** and photographs are provided in **Attachment B**.

Table 1. Nesting bird observations during the April 3, 2025, reconnaissance-level survey.

Common Name	Nest Location	Nest Stage
American crow	Inside the clock tower northeast of Sun Valley Boulevard and Gepford Parkway intersection.	Egg-laying or incubation, adult observed on nest for several minutes.
Cooper's hawk	Oak trees on the west side of Sun Valley Community Center parking lot north of West 6th Avenue.	Egg-laying or incubation, adult observed on nest for several minutes.
Mallard	Drainage between Sun Valley Boulevard and Sugar Hill Drive.	Egg-laying, adult incidentally flushed off empty nest in cattails and grasses while surveying channel.

Complete lists of plant and wildlife species observed during the surveys are presented in **Table 2** and **Table 3**, respectively. Noxious weeds observed during the reconnaissance-level surveys included Scotch thistle (*Onopordum acanthium*), puncture vine (*Tribulus terrestris*), yellow starthistle (*Centaurea solstitialis*), perennial pepperweed (*Lepidium latifolium*), and poison hemlock (*Conium maculatum*). Locations of noxious weeds are shown in **Figure 3**.

Table 2. Plant species observed during the reconnaissance-level surveys.

Scientific Name	Common Name	Native?
Acer platanoides	Norway maple	N
Agropyron sp.	Crested wheatgrass	N
Ailanthus altissima	Tree of heaven	N
Ambrosia acanthicarpa	Annual bursage	Y
Amsinckia tessellata	Bristly fiddleneck	Y
Artemisia tridentata	Big sagebrush	Y

Scientific Name	Common Name	Native?
Asclepias fascicularis	Narrow leaf milkweed	Y
Atriplex confertifolia	Shadscale saltbush	Y
Berberis thunbergii	Japanese barberry	N
Betula pendula	European white birch	N
Bromus tectorum	Cheatgrass	N
Buddleja davidii	Butterfly bush	N
Centaurea solstitialis	Yellow starthistle	N
Ceratocephala testiculata	Bur buttercup	N
Chorispora tenella	Crossflower	N
Conium maculatum	Poison hemlock	N
Convolvulus arvensis	Field bindweed	N
Descurainia sophia	Flix weed	N
Draba verna	Spring draba	N
Elaeagnus angustifolia	Russian olive	N
Elymus cinereus	Great basin wild rye	Y
E. elymoides	Squirreltail	Y
Ephedra viridis	Green ephedra	Y
Ericameria nauseosa	Rubber rabbitbrush	Y
Eriogonum umbellatum	Sulphur buckwheat	Y
Erodium cicutarium	Red stemmed filaree	N

Scientific Name	Common Name	Native?
Festuca rubra	Red fescue	Y
Gleditsia triacanthos	Honeylocust	N
Grindelia squarrosa	Curlycup gumweed	N
Helianthus sp.	Sunflower	-
Hordeum jubatum	Foxtail barley	Y
H. murinum	Farmer's foxtail	N
Juncus sp.	Rush	Y
Juniperus sp.	Juniper	-
Kochia scoparia	Summer cypress	N
Lactuca serriola	Prickly lettuce	N
Lagophylla ramosissima	Branched lagophylla	Y
Lepidium latifolium	Perennial pepperweed	N
L. perfoliatum	Clasping pepperweed	N
Lonicera japonica	Japanese honeysuckle	N
Lotus corniculatus	Bird's foot trefoil	N
Malva neglecta	Common mallow	N
Medicago polymorpha	Bur clover	N
M. sativa	Alfalfa	N
Melilotus officinalis	Yellow sweetclover	N
Muhlenbergia sp.	Muhly	-

Scientific Name	Common Name	Native?
Nasturtium officinale	Watercress	Y
Onopordum acanthium	Scotch thistle	N
Pinus contorta	Lodgepole pine	Y
Plantago lanceolata	Narrow leaved plantain	N
Platanus racemosa	Western sycamore	Y
Poa bulbosa	Bulbous blue grass	N
P. secunda	One sided blue grass	Y
Populus fremontii	Fremont cottonwood	Y
Portulaca oleracea	Common purslane	N
Prunus cerasifera	Cherry plum	N
Pyrus calleryana	Callery pear	N
Quercus sp.	Oak	-
Rhus aromatica	Fragrant sumac	Y
Rosa sp.	Rose	-
Rumex crispus	Curly dock	N
Salix exigua	Narrowleaf willow	Y
Salsola tragus	Russian thistle	N
Sambucus nigra ssp. *caerulea*	Blue elderberry	Y
Sisymbrium altissimum	Tall tumblemustard	N
Spartium junceum	Spanish broom	N

Scientific Name	Common Name	Native?
Stipa hymenoides	Indian rice grass	Y
Taraxacum officinale	Common dandelion	N
Tragopogon dubius	Yellow salsify	N
Tribulus terrestris	Puncture vine	N
Trifolium repens	White clover	N
Typha latifolia	Broadleaf cattail	Y
Ulmus pumila	Siberian elm	N
Veronica beccabunga	European speedwell	N

Table 3. Wildlife species observed during the reconnaissance-level surveys.

Scientific Name	Common Name	Native?
Birds		
Accipiter cooperii	Cooper's hawk	Y
Anas platyrhynchos	Mallard	Y
Aphelocoma californica	California scrub jay	Y
Buteo jamaicensis	Red-tailed hawk	Y
Callipepla californica	California quail	Y
Cathartes aura	Turkey vulture	Y
Columba livia	Rock dove	N
Corvus brachyrhynchos	American crow	Y
Haemorhous mexicanus	House finch	Y
Mimus polyglottos	Northern mockingbird	Y

Scientific Name	Common Name	Native?
Motacilla calendula	Ruby-crowned kinglet	Y
Passer domesticus	House sparrow	N
Spinus psaltria	Lesser goldfinch	Y
Sayornis saya	Say's phoebe	Y
Setophaga coronata	Yellow-rumped warbler	Y
Streptopelia decaocto	Eurasian collared dove	N
Sturnus vulgaris	European starling	N
Tyrannus verticalis	Western kingbird	Y
Zenaida macroura	Mourning dove	Y
Zonotrichia leucophrys	White-crowned sparrow	Y
Insects		
Colias eurytheme	Orange sulphur	Y
Danaus plexippus	Monarch butterfly	Y
Papilio rutulus	Western tiger swallowtail	Y
Pieris rapae	Cabbage white	N
Mammals		
Felis catus	Feral cat	N
Spermophilus beecheyi	California ground squirrel	Y

Table 4 shows SSS identified during the database research, information requests, and evaluated during the reconnaissance-level field surveys. The right column in **Table 4** lists the potential for occurrence in the Project area for each species. SSS listed as "present" were observed in the Project area during the surveys. SSS listed as "potential" were not observed during the surveys, but suitable habitat was present within the Project area and/or the species has historical occurrence data within the BSA. SSS listed as "unlikely" were not observed and would not be expected to occur in the Project area except as a transient because of limited habitat potential. SSS listed as "absent" were not observed during the survey and would not be expected to occur due to a lack of suitable

habitat. SSS listed as "absent" also have no known occurrences in the Project area, even if they may be known to occur in the broader region or general vicinity of the Project area.

Table 4. Special status species considered for potential Project impacts.

Scientific Name Common Name	Federal Status	State Status	Habitat Requirements	Potential for Occurrence
Mammals				
Antilocapra americana Pronghorn antelope		S5 GM	Utilizes grasslands, sagebrush plains, deserts, and foothills throughout a large portion of western North America. The need for standing water varies with succulence of vegetation in the diet. Birth and fawn bedding sites include sagebrush-steppe with dense shrub cover (Alldredge et al. 1991).	**Absent.** Suitable habitat is absent in the Project area. The species is precluded from occurring because of the heavily developed urban roadway corridor in the Project area and surrounding development. Not observed during the reconnaissance-level surveys.
Corynorhinus townsendii Townsend's big-eared bat		PM S2 SCP	Throughout its known range, these bats commonly occur in mesic habitats characterized by coniferous and deciduous forests (Kunz and Martin 1982), but they occupy a broad range of habitats including shrubland, chaparral, desert, woodlands, forests, cliffs, and savannas (Handley 1959). Roosts include caves, buildings, and tree cavities.	**Unlikely:** NDNH lists an occurrence in 1942. Buildings and trees in the Project area have a low likelihood of supporting roosting bats. No guano or staining was observed during the reconnaissance-level surveys. There are no bridges, culverts, or mine shafts in the Project area. Not observed during the reconnaissance-level surveys.
Odocoileus hemionus Mule deer		GM S5 SCP	Utilize various habitat types but prefer arid open areas and rocky hillsides, grasslands, cold desert shrubland and sagebrush, meadows, and upland forests (NDOW 2012).	**Unlikely.** Habitat is absent from the Project area. Mule deer are unlikely to access the Project area, which is located in a heavily developed urban roadway corridor. However, mule deer can move through developed urban and residential areas adjacent to suitable habitat; therefore, may occur as a transient. Not observed during the reconnaissance-level surveys.
Birds				
Accipiter atricapillus American goshawk		SB S S3 SCP	In Nevada, forages in open sagebrush adjacent to riparian aspen stands. Aspens are a key habitat feature in most of NV, but will use conifers in the Sierras. Nests in dense, large tracts of mature or old growth stands with high canopy closure (60% – 95 %) and sparse groundcover, near the bottom of moderate slopes, and near water or dry openings. May use same nest in successive years and may use another hawk nest as a base (NDNH n.d.).	**Absent.** Suitable foraging and nesting habitat for this species is absent in the Project area due to heavy urbanization and development. Not observed during the reconnaissance-level surveys.

Scientific Name Common Name	Federal Status	State Status	Habitat Requirements	Potential for Occurrence
Agelaius tricolor Tricolored blackbird		S1B SCP	Highly gregarious. Roosts and forages in flocks; range is up to 15 km from nesting colony (Beedy and Hamilton 1999). Breeds in freshwater marshes of cattails, tule, bulrushes, and sedges. Historically strongly tied to emergent marshes; in recent decades much nesting has shifted to non-native vegetation (NDNH n.d).	**Unlikely.** Suitable habitat in the Project area is limited considering the urban development and absence of preferred vegetation communities. NDNH lists an occurrence of 10 – 12 individuals in 1972. Not observed during the reconnaissance-level surveys.
Aquila chrysaetos Golden eagle		SB S S4 SCP	Found generally in open country, in prairies, arctic and alpine tundra, open wooded country, and barren areas, especially in hilly or mountainous regions. In NV, nests predominantly on the rock ledge of a cliff; occasionally in a large tree. Pair may have several alternate nests; may use same nest in consecutive years or shift to alternate nest used in different year (NDNH n.d.).	**Unlikely.** Suitable foraging and nesting habitat for this species is absent in the Project area due to heavy urbanization and development. May occur as a transient. Not observed during the reconnaissance-level surveys.
Asio flammeus Short-eared owl		SB SCP S2 S	Requires large areas of open land with low vegetation for nesting and foraging. Suitable habitats include fresh and saltwater marshes, bogs, dunes, prairies, grassy plains, old fields, tundra, moorlands, river valleys, meadows, savanna, open woodland, and heathland (Clark 1975, Mikkola 1983, Holt and Melvin 1986).	**Unlikely.** Suitable nesting habitat is absent in the Project area; however, nesting habitat may be available within the BSA, therefore it may occur as a transient. Not observed during the reconnaissance-level surveys.
Athene cunicularia Burrowing owl		SCP S3 S	Habitat includes open grasslands including prairie, plains, savanna, and sometimes other open areas such as vacant lots near human habitation or airports. This owl spends much time on the ground or on low perches such as fence posts or dirt mounds. Nests are in abandoned burrows dug by small mammals, or other similar features (Green and Anthony 1989).	**Unlikely.** Low quality habitat is limited to the disturbed staging area at the south end of the Project area, where there are ground squirrel burrows and open areas for foraging. Not observed during the reconnaissance-level surveys.
Buteo regalis Ferruginous hawk		SCP S3B, S4N S	Uses open prairies, plains and badlands; sagebrush, saltbush-greasewood shrubland, periphery of pinyon-juniper and other woodland, and desert (Schmutz and Fyfe 1987). Nests in tall trees or willows along streams or on steep slopes, in junipers, on cliff ledges, river-cut banks, hillsides, power line towers, sometimes on sloped ground on the plains or on mounds in open desert. Generally avoids areas of intensive agriculture or human activity (NatureServe 2024a).	**Unlikely.** Suitable nesting habitat is absent in the Project area; however, nesting habitat may be available within the BSA, therefore it may occur as a transient. Not observed during the reconnaissance-level surveys.

Scientific Name Common Name	Federal Status	State Status	Habitat Requirements	Potential for Occurrence
Centrocercus urophasianus Greater sage-grouse		S3 S GB SCP	Habitat includes foothills, plains, and mountain slopes where sagebrush is present (AOU 1983), often with a mixture of sagebrush, meadows, and aspen nearby. Uses a wide variety of sagebrush habitats including tall sagebrush types, low sagebrush types, mixes of low and tall sagebrush with abundant forbs, riparian and wet meadows; steppe dominated by native forbs and bunchgrasses; scrub-willow and sagebrush/woodland mixes with juniper, ponderosa pine, or quaking aspen (*Populus tremuloides*). Leks are highly variable but typically located on relatively open sites surrounded by sagebrush, or in areas where sagebrush density is low, such as exposed ridges, knolls or grassy swales (Schroeder et al. 1999).	**Absent.** Suitable habitat is absent in the Project area and BSA. The species is precluded from occurring because of the heavily developed urban roadway corridor in the Project area and surrounding development. Not observed during the reconnaissance-level surveys.
Falco peregrines Peregrine falcon		SB SCP S3 S	Uses various habitat types including tundra, moorlands, steppe, and coasts, especially where suitable nesting cliffs and mountains and present. Also utilizes human population centers. During the non-breeding season, occurs in areas where prey concentrate including farmlands, marshes, lakeshores, river mouths, tidal flats, dunes, beaches, river valleys, cities, and airports. Often nests on ledges or in holes on faces of rock cliffs or crags. May also use large stick nests of other species (NatureServe 2025).	**Unlikely.** Suitable nesting habitat is absent in the Project area; however, nesting habitat may be available within the BSA, therefore it may occur as a transient. Not observed during the reconnaissance-level surveys.
Gymnogyps californianus California Condor Pacific Northwest NEP	NEP	S	Typically nest in cavities on steep rock formations or in the burned-out hollows of old-growth conifers (coast redwood (*Sequoia sempervirens*) and giant sequoia trees (*Sequoiadendron giganteum*)) (Koford 1953, Snyder et al. 1986). Less typical nest sites include cliff ledges, cupped broken tops of old growth conifers, and nests of other species (Snyder et al. 1986, USFWS 1996). Predominately forage in open terrain of foothill grassland and oak savanna habitats, and at coastal sites in central California (birds released from Big Sur and Pinnacles National Park).	**Absent.** The primary reintroduction site for this experimental population (aimed at captive rearing and release into the wild to meet ESA Recovery Plan goals) is the Bald Hills of Redwood National Park, approximately 250 miles northwest of the Project area. Not observed during the reconnaissance-level surveys.

Scientific Name Common Name	Federal Status	State Status	Habitat Requirements	Potential for Occurrence
Haliaeetus leucocephalus Bald eagle		SB S S2B/S4N SCP	Usually nests in tall trees or on cliffs near bodies of water that provide a food base. Nest trees include pines, spruce, firs, and cottonwoods. Nests located on cliffs and rock pinnacles have been reported historically in NV. The same nest may be used year after year or pairs may alternate between 2 nest sites in successive years. In NV, preferentially roosts in thick cottonwood groves, but sometimes in conifers or other sheltered sites in some areas. Winter home ranges can be very large, especially for non-breeding birds. Winter distribution is influenced by waterfowl concentrations or wetland sites with abundant dead fish. Recent increase in winter numbers in Carson Valley associated with calving; eagles eat the nutrient rich placenta (NDNH n.d.).	**Unlikely.** Suitable foraging, nesting, and roosting habitat is low quality in the Project area due to heavy urbanization and development. Species is a common winter resident in suitable habitats in the Reno area; therefore, may occur as a transient in the winter. Not observed during the reconnaissance-level surveys.
Psiloscops flammeolus Flammulated owl		SCP S3 S	Occurs in montane forest, typically open conifer forests with brush or saplings. Strong preference for ponderosa pine (*Pinus ponderosa*) and Jeffrey pine (*P. jefferyi*) throughout its range (McCallum 1994a). Prefers mature growth with open canopy and avoids dense young stands. Occurs in cooler, semi-arid climates, with high abundance of nocturnal arthropod prey and dense foliage for roosting (McCallum 1994b).	**Absent.** Suitable forest habitat is absent in the Project area and BSA. The species is precluded from occurring because of the heavily developed urban roadway corridor in the Project area and surrounding development. Not observed during the reconnaissance-level surveys.
Fish				
Chasmistes cujus Cui-ui	FE	EF SCP S S1	Inshore areas of Pyramid Lake with extensive shoals and shallow bars. Spawning occurs in the Truckee River over gravel beds in shallow water (21 – 140 cm) where flow is rapid. Newly emerged young remain a few days or weeks in the spawning stream (NDOW 2012).	**Absent.** Species is known to occur in the Truckee River but is precluded from the Project area by barriers to fish passage and lack of suitable aquatic habitat. Not observed during the reconnaissance-level surveys.
Oncorhynchus clarkii henshawi Lahontan cutthroat trout	FT	GF S S2 SCP	Inhabits cool, well-oxygenated freshwater lakes, rivers, and streams, Requires spawning and nursery habitat characterized by cool water pools in close proximity to cover and velocity breaks, well vegetated and stable stream banks, and silt-free rocky substrate in riffle-run areas. Found in drainages of the Truckee, Humboldt, Carson, Walker, and Quinn Rivers (USFWS 1994).	**Absent.** Species is known to occur in the Truckee River but is precluded from the Project area by barriers to fish passage and lack of suitable aquatic habitat. Not observed during the reconnaissance-level surveys.

Scientific Name Common Name	Federal Status	State Status	Habitat Requirements	Potential for Occurrence
Reptiles				
Actinemys marmorata Northwestern pond turtle	PT	PR S S2 SCP	This species is found in permanent and intermittent waters of rivers, creeks, small lakes and ponds, marshes, irrigation ditches, and reservoirs. It is sometimes found in brackish water. It often uses basking sites (e.g., logs, vegetation mats, rocks) on land, near or away from water. When disturbed, it seeks cover underwater. It nests on sandy banks near water or in fields or sunny spots up to a few hundred meters from water (NDNH n.d.).	**Unlikely.** Low quality aquatic habitat is limited to the ditch between Sun Valley Boulevard and Sugar Hill Drive. Not observed during the reconnaissance-level surveys.
Insects				
Danaus plexippus Monarch butterfly	PT	S S3B	Species occurs in various habitats across North America including fields, roadsides, open areas, grassland, tundra, wetlands, and mountains. During the breeding season, lays eggs on obligate milkweed host plants (*Asclepias* spp.). Multiple generations can breed year-round. Species migrates from Nevada to the coastal regions of California in fall and returns in the spring (USFWS n.d.).	**Present.** One individual was observed during the June 12, 2024, reconnaissance-level survey. The individual was visiting narrow leaf milkweed, a potential host plant, at the southern end of the Project area. The Project area does not contain overwintering habitat. The Project area is a heavily developed urban roadway, but parks, home gardens, and open spaces in the BSA may also provide suitable nectar sources and host plants.
Pseudocopaeodes eunus obscurus Carson wandering skipper	FE	S S1	Species is locally distributed in grassland habitats on alkaline substrates in eastern California and western Nevada. It is closely associated with its larval hostplant, salt grass (*Distichlis spicata*), dependent on nectar sources in open areas near springs or water, and possibly associated with geothermal activity. Only 4 extant populations are known, in Washo, Douglas, Nevada, and Lassen Counties, California (USFWS 2006).	**Absent.** Saltgrass is not present in the Project area. The Project area is a heavily developed urban roadway. Not observed during the reconnaissance-level surveys.
Plants				
Eriogonum robustum Altered andesite buckwheat		S2 S	Requires dry, shallow, strongly acidic (pH 3.5 – 4.5) hydrothermally altered andesite soils forming barren slopes with scattered yellow pines. Habitat is gravelly clay soils mainly of the Smallcone Series, derived from weathering of hydrothermal sulfide deposits formed in andesite, or sometimes in rhyolitic or granitoid rocks, forming mostly barren yellowish to orange-brown patches on ridges, knolls, and steep slopes on all aspects at 1,340 – 2,235 meter elevation. (NatureServe 2024b).	**Absent.** The species was observed in the BSA during the reconnaissance-level surveys but was not observed in the Project area. The Project area is heavily developed and lacks acidic, hydrothermally altered andesite soils, barren slopes, and gravelly clay soils. It does not contain suitable habitat.

Scientific Name Common Name	Federal Status	State Status	Habitat Requirements	Potential for Occurrence
Gymnosteris nudicaulis Starcup		S2	Dry sandy or gravelly soil, scabland, juniper-sage brush, grasslands. Occurs in Nevada, Idaho, and Oregon (USDA 2024).	**Absent.** Suitable habitat does not exist in the Project area considering the heavily developed roadway corridor; however, the plant was documented in 1975 just outside of the BSA near a developed residential area. It is possible habitat from the collection site is similar to habitat that existed in the Project area prior to development. Not observed during the reconnaissance-level surveys.
Ivesia webberi Webber's ivesia	FT	CE S S2	Known populations occur between 4,480 and 5,950 feet on mid-elevation flats, benches, or terraces that are generally above or adjacent to large valleys. Sites vary from slightly concave to slightly convex or gently sloped and receive no colluvium from upslope. Primarily associated with low sagebrush (*Artemisia arbuscula*) and other perennial, rock garden-type plants on shallow, clay soils that are vernally wet and rocky on the surface (Witham 2000).	**Absent.** Project area does not contain suitable habitat. The Project area is heavily developed and lacks low sagebrush communities and shallow clay soils that are rocky and vernally wet. Not observed during the reconnaissance-level surveys.
Sonnea glomerata Altered andesite popcorn flower		S2 S	Requires open places with dry, hydrothermally altered soil that is nutrient poor and not able to support sagebrush or other shrubs in any number (Tiehm 2000). Rather, there is sparse, stunted relict woodland of yellow pines (*Pinus ponderosa* and/or *P. jeffreyi*) and pinyon pine (*P. monophylla*) with an equally sparse understory codominated by *Eriogonum robustum*, *Arenaria nuttallii fragilis*, *Ericameria parryi* or *E. nauseosa*, *Elymus elymoides*, and/or *Poa secunda* (Morefield 2001).	**Absent.** This species is documented in the BSA but was not observed during the reconnaissance-level surveys. Habitat for this species is absent in the Project area. The Project area is heavily developed and lacks dry, hydrothermally altered andesite soils and associated vegetation communities.

Scientific Name Common Name	Federal Status	State Status	Habitat Requirements	Potential for Occurrence
Sources: United States Fish and Wildlife Service (USFWS) Nevada Division of Natural Heritage (NDNH) Nevada Department of Wildlife (NDOW) Nevada Division of Forestry (NDF)			Federally Listed Species (ESA): C = Candidate FCE = Candidate for Endangered FE = Federally Endangered FPD = Proposed for Delisting FSC = Species of Concern FT = Federally Threatened PT = Proposed Threatened NEP = Experimental Population, Non-essential BLM (NV): S = NV BLM Sensitive	NDOW/NDNH/NDF State Conservation Status: CE = Critically Endangered EF = Endangered Fish GF = Game Fish GM = Game Mammal PA = Protected Amphibian PB = Protected Bird PM = Protected Mammal PP = Protected Plant PR = Protected Reptile S1 = Critically Imperiled S1B = Critically Imperiled (Breeding Population) S2 = Imperiled S3 = Vulnerable S4 = Apparently Secure S4N = Apparently Secure (Non-Breeding Population) S5 = Secure SB = Sensitive Bird SCP = Species of Conservation Priority SH = Possibly Extinct in NV

NCE used the IPaC website on June 27, 2025, to generate lists of resources under USFWS jurisdiction that are known or expected to be in or near the Project area. The IPaC report indicated no critical habitat exists within the Project area (**Attachment C**). The IPaC species list includes California condor (*Gymnogyps californianus*), northwestern pond turtle (*Actinemys marmorata*), cui-ui (*Chasmistes cujus*), Lahontan cutthroat trout (*Oncorhynchus clarkii henshawi*), Carson wandering skipper (*Pseudocopaeodes eunus obscurus*), monarch butterfly (*Danaus plexippus*), Webber's ivesia (*Ivesia webberi*), bald eagle, and golden eagle. Of these species, only monarch butterfly was observed. On June 12, 2024, 1 individual was observed at the southern end of the Project area (**Figure 3**). This observation is discussed in further detail in the next section. Monarch butterfly habitat in the Project area consists of flowering plants which may serve as nectar sources and narrow leaf milkweed (*Asclepias fascicularis*), which may serve as a larval host plant. Habitat for the other federally listed species identified in the IPaC report is absent in the Project area.

NDNH provided occurrence data for tricolored blackbird (*Agelaius tricolor*), Townsend's big-eared bat (*Corynorhinus townsendii*), altered andesite buckwheat (*Eriogonum robustum*), starcup (*Gymnosteris nudicaulis*), and altered andesite popcorn flower (*Sonnea glomerata*) in the BSA, with buffers overlapping the Project area (**Figure 4**). These species were not observed in the Project area during the reconnaissance-level surveys; however, altered andesite buckwheat was observed in the BSA, consistent with the NDNH occurrence data. Habitat for altered andesite buckwheat, and all other species returned by the NDNH data request, is absent in the Project area.

The NDOW data request response included nesting birds and raptors, mule deer (*Odocoileus hemionus*), pronghorn antelope (*Antilocapra americana*), bats, and Lahontan cutthroat trout. There is no greater sage-grouse habitat within the Project area or surrounding 4-mile buffer; therefore, mitigation for direct or indirect impacts to greater sage-grouse habitat using the Nevada Conservation Credit System is not required. There are no leks or

recorded tracking locations generated by radiomarked sage-grouse within the Project area or surrounding 4-mile buffer. NDOW noted occurrences of several species of special concern and target species for conservation as outlined by the Nevada Wildlife Action Plan within a 10-mile buffer of the Project: bald eagle, burrowing owl (*Athene cunicularia*), ferruginous hawk (*Buteo regalis*), flammulated owl (*Psiloscops flammeolus*), golden eagle, American goshawk (*Accipiter atricapillus*), peregrine falcon (*Falco peregrinus*), prairie falcon (*F. mexicanus*), and short-eared owl (*Asio flammeus*). The entire Project area is within occupied mule deer distribution, and pronghorn antelope distribution is within the 4-mile buffer but absent in the Project area. No NDOW protected species were observed during the reconnaissance-level surveys.

Discussion and Recommendations

Two SSS were observed during the reconnaissance-level surveys. A monarch butterfly, a proposed threatened species under the Endangered Species Act, was observed in the southern portion of the Project area along the west shoulder of Clear Acre Lane. The monarch butterfly was nectaring on one of its potential host plants, narrow leaf milkweed, among rabbitbrush and various grasses on a rock slope between the apartment buildings and the sidewalk. Narrow leaf milkweed (approximately 34 individual plants) was observed along the western shoulder of the roadway in sparse patches south of 1st Street in the Project area. Eggs and/or larvae were not observed on the narrow leaf milkweed plants during the reconnaissance-level surveys. Per the USFWS Consultation Handbook, conferencing with USFWS is necessary if proposed actions are likely to jeopardize the continued existence of proposed threatened species (USFWS 1998). It is unlikely conferencing with USFWS for impacts to monarch butterfly will be necessary for the Project. The avoidance and minimization measures described below will be implemented to prevent impacts on monarch butterflies as they pass through the vicinity along their western North America migration route.

The other SSS observed during the reconnaissance-level surveys was altered andesite buckwheat, which was located outside of the Project area but within the BSA. Prior to surveying the Project area, NCE's biologist visited the known population in the western portion of the BSA returned by the NDNH database search. Hundreds of individuals were observed on the exposed, sparsely vegetated slopes north of Truckee Meadows Community College. This plant is a habitat specialist, requiring hydrothermally altered andesite soils that are dry, gravelly clay, shallow, and highly acidic. During the reconnaissance-level surveys, it was confirmed that these unique habitat and soil conditions are absent in the Project area, and there is no potential for altered andesite buckwheat to be impacted by the Project. Representative photographs of the altered andesite buckwheat and habitat are included in **Attachment B**. According to the U.S. Department of Agriculture, Natural Resource Conservation Service Web Soil Survey (USDA 2025), the Project area contains:

- 8.0% Jowec variant sandy loam, 4 to 8 percent slopes
- 36.4% Greenbrae fine sandy loam, 0 to 2 percent slopes
- 9.9% Greenbrae sandy loam, 2 to 4 percent slopes
- 3.6% Indian Creek gravelly sandy loam, 0 to 4 percent slopes
- 7.1% Indian Creek sandy loam, 4 to 8 percent slopes
- 17.5% Manogue cobbly clay, 2 to 8 percent slopes
- 17.1% Manogue cobbly clay, 8 to 15 percent slopes
- 0.4% Reywat extremely stony loam, 15 to 30 percent slopes

The Manogue cobbly clay soils are mapped by the NRCS in the southern end of the Project area between Dandini Boulevard and Scottsdale Avenue. While potentially similar to gravelly clay, these soils are almost entirely paved over or disturbed in the Project area and are different than the Smallcone soils altered andesite buckwheat requires, which occurs on hills and mountains and is derived from hydrothermally altered andesitic rock.

It is unlikely that any bat species, including those protected under NAC 503.030, are roosting in the Project area considering the lack of suitable structures such as large trees with cavities or peeling bark, snags, caves, cliffs, and abandoned buildings/mine workings. However, it is reasonable to assume that some bat species would occur in the Project area at night. If night work is required, there are no foreseeable conflicts with bats potentially utilizing the Project area as bats can easily avoid the Project area, forage in other areas in the BSA, and are likely acclimated to existing lighting and human disturbance along Sun Valley Boulevard.

Despite the level of development in the Project area, vegetation and man-made structures within the Project area (and immediate vicinity) provide nesting habitat for migratory birds and raptors. If a migratory bird or raptor, regardless of its federal or state status, were to nest within or near the Project area prior to or during proposed construction activities, such activities could result in the abandonment of active nests or direct mortality to these birds. Construction activities that adversely affect the nesting success of special-status or non-special status migratory birds, including tree-nesting raptors, or result in mortality of individual birds constitute a violation of NRS 503.610, NRS 503.620, and the MBTA, which prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior.

Given the presence of monarch butterflies, their host plant, nesting bird and raptor habitat, and presence of noxious weeds, the following avoidance and minimization measures are recommended for the Project:

- **Avoidance and minimization measure BIO-1:** Removal of milkweed and other flowering nectar plants, if they cannot be avoided/preserved, will occur outside of the monarch butterfly breeding/migration season (March 15th – November 30th) to prevent potential impacts to monarch butterfly adults, eggs, and/or larvae. If milkweed plants require removal during the breeding season, NCE recommends a pre-disturbance survey for eggs and larvae prior to removal, and USFWS conferencing or consultation be implemented as appropriate for the listing status. Additionally, Washoe RTC should consider adding native milkweed (*Asclepias* spp.) and native flowering plants into seed mixes planned for soil stabilization and landscaping post-construction.
- **Avoidance and minimization measure BIO-2:** Project activities that could result in nesting migratory bird and raptor take, such as disturbance of tree, shrub, grassland, and other vegetation or nesting habitat removal, will be conducted outside the migratory bird and raptor nesting season (typically February 15th through September 15th). If Project activity, including vegetation removal, will occur during the nesting season, Washoe RTC will hire a qualified biologist to conduct a nesting bird and raptor survey no more than 14 days prior to the initiation of construction activities. A copy of the survey shall be submitted to Washoe RTC prior to the start of construction. If nesting birds or raptors are detected within or near the Project area during the nesting bird survey, Washoe RTC will implement an activity-free buffer around active nest site(s). The size of the buffer, duration of buffer, acceptable activities, etc. will be determined by the qualified biologist. Coordination with NDOW may be required, such as for nesting raptor species identified as Species of Conservation Priority.
- **Avoidance and minimization measure BIO-3:** Non-native plants designated as noxious (as provided in NRS 555.130) in the Project area shall be treated in a manner specified by the State Quarantine Officer prior to construction to prevent the spread of noxious weeds within the Project area and adjacent habitats. Proper treatment typically involves mechanical removal via hand tools to remove the entire root

and shoot system (plants shall be carefully bagged and properly disposed of off-site) or herbicide application following approved specifications and applied at the proper life-stage.

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Attachments:

Attachment A – Figures

Attachment B – Photographs

Attachment C – USFWS IPaC Report

References

Alldredge, A.W., R.D. Deblinger, and J. Peterson. 1991. "Birth and fawn bed site selection by pronghorns in a sagebrush-steppe community." *Journal of Wildlife Management* 55: 222–227.

Beedy, E.C. and W.J. Hamilton, III. 1999. "Tricolored blackbird (*Agelaius tricolor*)." The Birds of North America Online. Ithaca: Cornell Lab of Ornithology.

Clark, R.J. 1975. "A field study of the short-eared owl (*Asio flammeus*) Pontoppidan in North America." *Wildlife Monographs* 47: 1–67.

Green, G.A. and R.G. Anthony. 1989. "Nesting success and habitat relationships of burrowing owls in the Columbia Basin, Oregon." *Condor* 91: 347–354.

Handley, C.O., Jr. 1959. "A revision of American bats of the genera Euderma and Plecotus." *Proceedings of the U.S. National Museum* 110: 95–246.

Holt, D.W. and S.M. Melvin. 1986. *Population dynamics, habitat use, and management needs of the short-eared owl in Massachusetts: summary of 1985 research*. Boston: Massachusetts Division of Fish and Wildlife, Natural Heritage Program.

Koford, C.B. 1953. "The California Condor." National Audubon Society Res. Report. No. 4:1-154.

Kunz, T.H. and R.A. Martin. 1982. "*Plecotus townsendii*." *Mammalian Species* 175: 1–6.

McCallum, D.A. 1994a. "Review of technical knowledge: flammulated owls." In *Flammulated, boreal and great gray owls in the United States: a technical conservation assessment*, edited by G.D. Hayward and J. Verner. USFS General Technical Report GTR RM-253.

McCallum, D.A. 1994b. "Flammulated Owl *(Otus flammeolus)*." In *The Birds of North America, No. 93*, edited by A. Poole and F. Gill. Academy of Natural Sciences and American Ornithologists' Union.

Mikkola, H. 1983. *Owls of Europe*. Buteo Books.

Morefield, J.D. 2001. "Nevada Rare Plant Atlas". Compiled by the Nevada Natural Heritage Program, Carson City, for the U.S. Fish and Wildlife Service, Reno, Nevada.

NatureServe. 2024a. "Ferruginous Hawk." NatureServe Explorer. https://explorer.natureserve.org/Taxon/ELEMENT_GLOBAL.2.103222/Buteo_regalis.

NatureServe. 2024b. "Altered Andesite Buckwheat." NatureServe Explorer. https://explorer.natureserve.org/Taxon/ELEMENT_GLOBAL.2.142833/Eriogonum_robustum.

NatureServe. 2025. "Peregrine Falcon." NatureServe Explorer. https://explorer.natureserve.org/Taxon/ELEMENT_GLOBAL.2.102654/Falco_peregrinus.

Nevada Department of Wildlife. 2012. *Nevada Wildlife Action Plan*. Reno: Nevada Department of Wildlife, Wildlife Action Plan Team.

Nevada Division of Natural Heritage. n.d. "Species Info." Accessed July 3, 2024. http://species.heritage.nv.gov/

Schmutz, J.K. and R.W. Fyfe. 1987. "Migration and mortality of Alberta ferruginous hawks." *Condor* 89: 169–174.

Schroeder, M.A., J.R. Young, and C.E. Braun. 1999. "Sage Grouse *(Centrocercus urophasianus)*." In *The Birds of North America, No. 425*, edited by A. Poole and F. Gill. Academy of Natural Sciences and American Ornithologists' Union.

Snyder, N.F.R., R.R. Ramey, and F.C. Sibley. 1986. "Nest-site biology of the California condor." *Condor* 88:228–241.

Tiehm, A. 2000. "The taxonomic history, identity, and distribution of the Nevada endemic, *Plagiobothrys glomeratus (Boraginaceae)*." *Madrono* 47 (3): 159–163.

U.S. Department of Agriculture. 2024. *Natural Resources Conservation Service. Plant List of Attributes, Names, Taxonomy, and Symbols Database*.

U.S. Department of Agriculture. 2025. *Natural Resources Conservation Service. Soils survey data for the project survey area*. http://websoilsurvey.nrcs.usda.gov/app/.

U.S. Fish and Wildlife Service. 1994. *Lahontan cutthroat trout, Oncorhynchus clarki henshawi, Recovery Plan*.

U.S. Fish and Wildlife Service. 1996. "California condor recovery plan, third revision." USFWS, Pacific Region, Portland, OR.

U.S. Fish and Wildlife Service. 1998. *Consultation Handbook*. Procedures for Conducting Consultation and Conference Activities Under Section 7 of the Endangered Species Act. https://www.fws.gov/media/endangered-species-consultation-handbook.

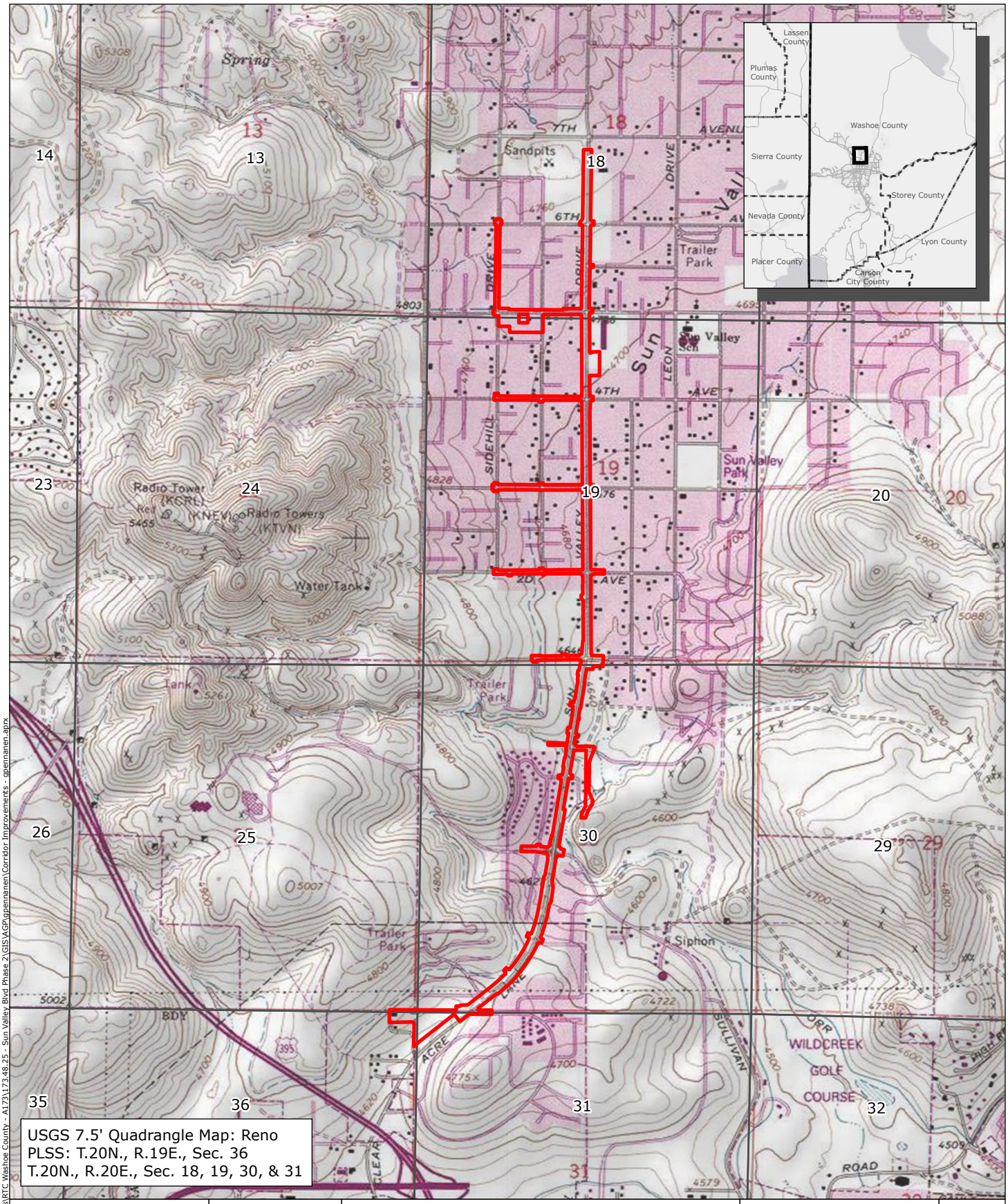
U.S. Fish and Wildlife Service. 2006. *Recovery plan for the Carson wandering skipper (Pseudocopaeodes eunus obscurus)*. Sacramento: U.S. Fish and Wildlife Service.

U.S. Fish and Wildlife Service. n.d. "Monarch." Accessed July 3, 2024. https://www.fws.gov/species/monarch-danaus-plexippus.

Witham, C.W. 2000. *Current Knowledge and Conservation Status of Ivesia webberi Gray (Rosaceae), the Webber Ivesia, in Nevada*. Unpublished status report prepared for the Nevada Natural Heritage Program and U.S. Fish and Wildlife Service.

Attachment A

Figures



USGS 7.5' Quadrangle Map: Reno
PLSS: T.20N., R.19E., Sec. 36
T.20N., R.20E., Sec. 18, 19, 30, & 31

Legend

- Project Area
- Sections

NCE

RTC

Sun Valley Boulevard Corridor Improvements Project

Project Location Map

N

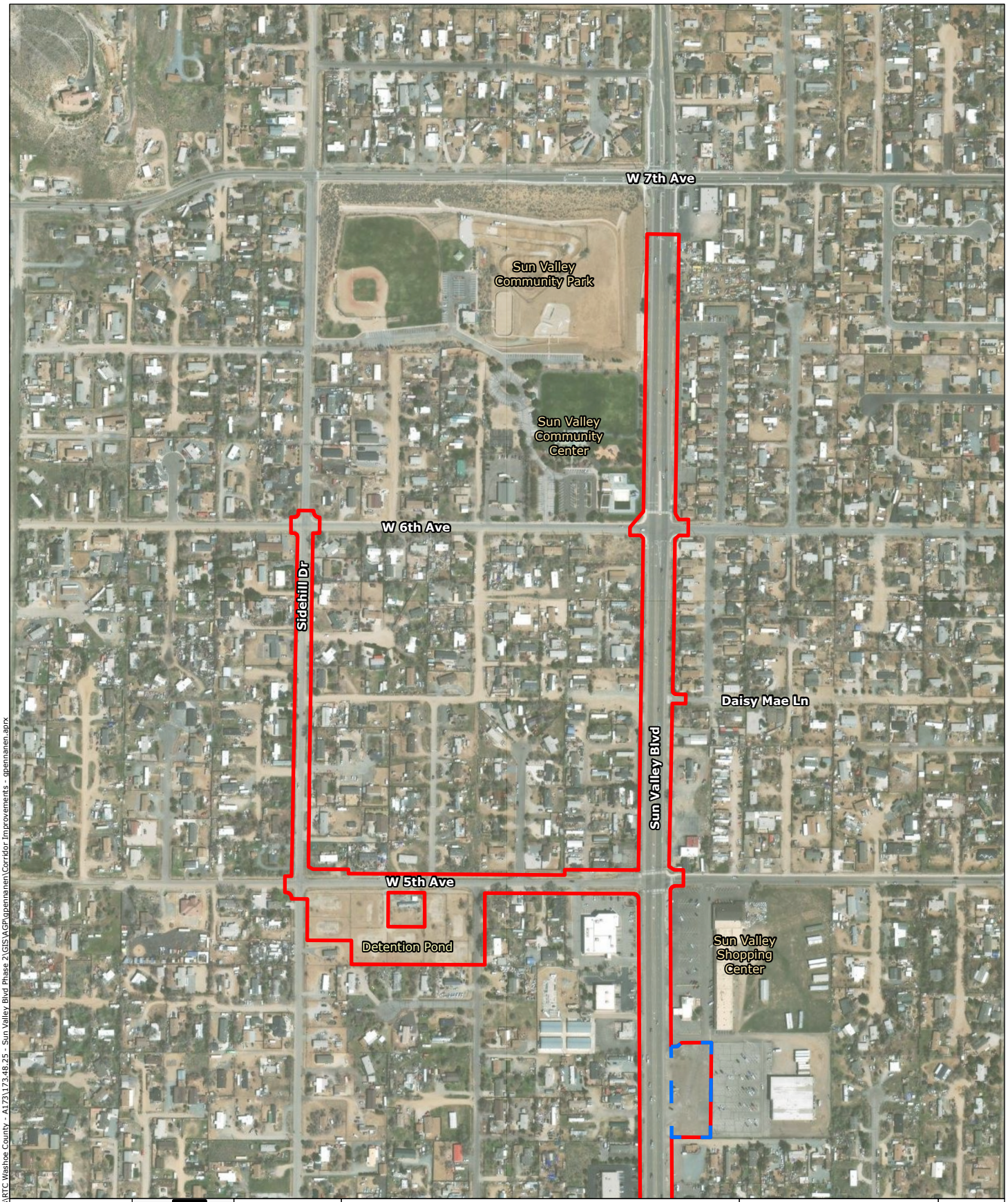
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FIGURE 1

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Legend

- Project Area
- Staging Area

RTC Sun Valley Boulevard Corridor Improvements Phase 2

Project Area Detail Map

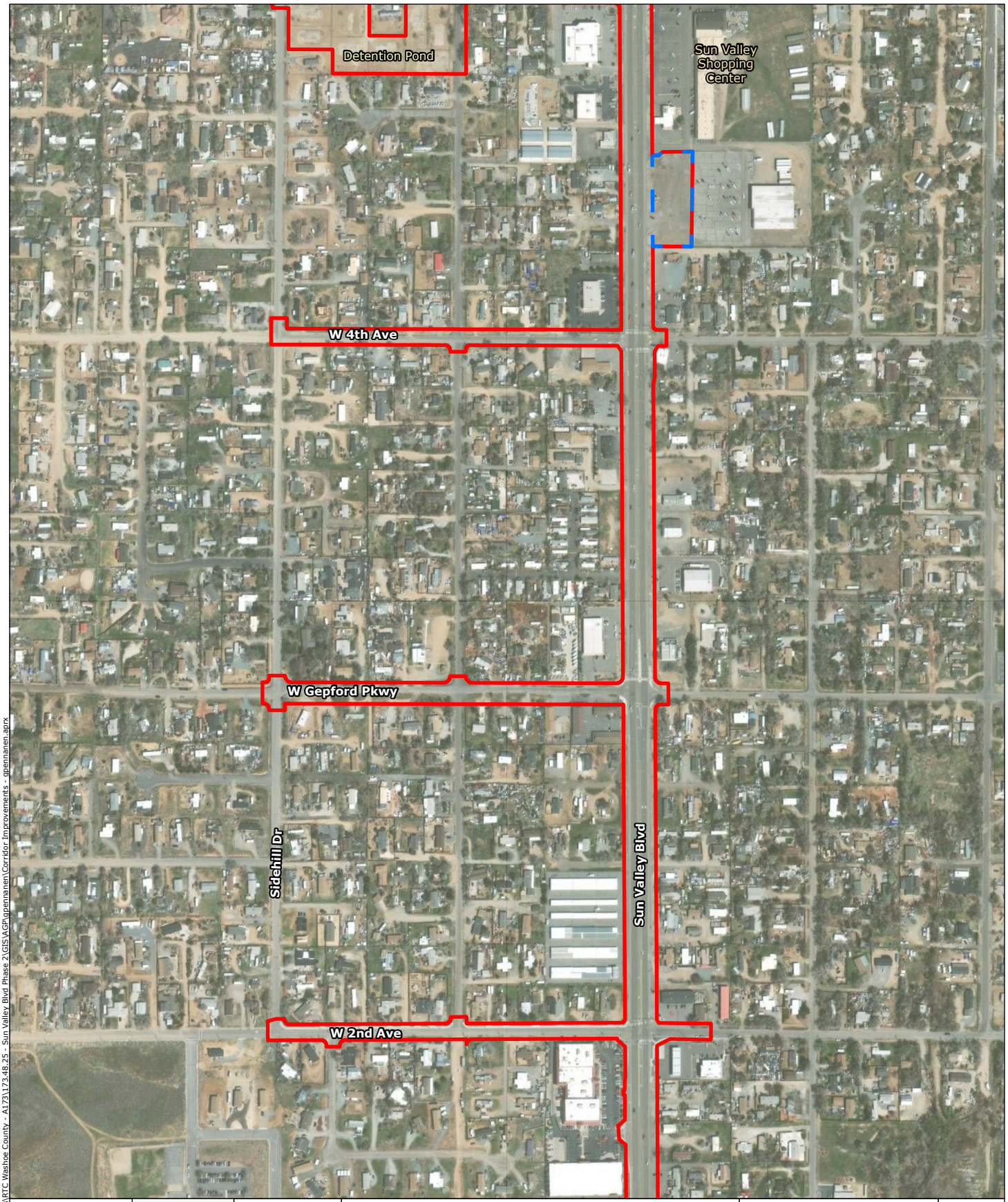
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FIGURE 2-1

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Legend

- Project Area
- Staging Area

NCE

RTC

RTC Sun Valley Boulevard Corridor Improvements Phase 2

Project Area Detail Map

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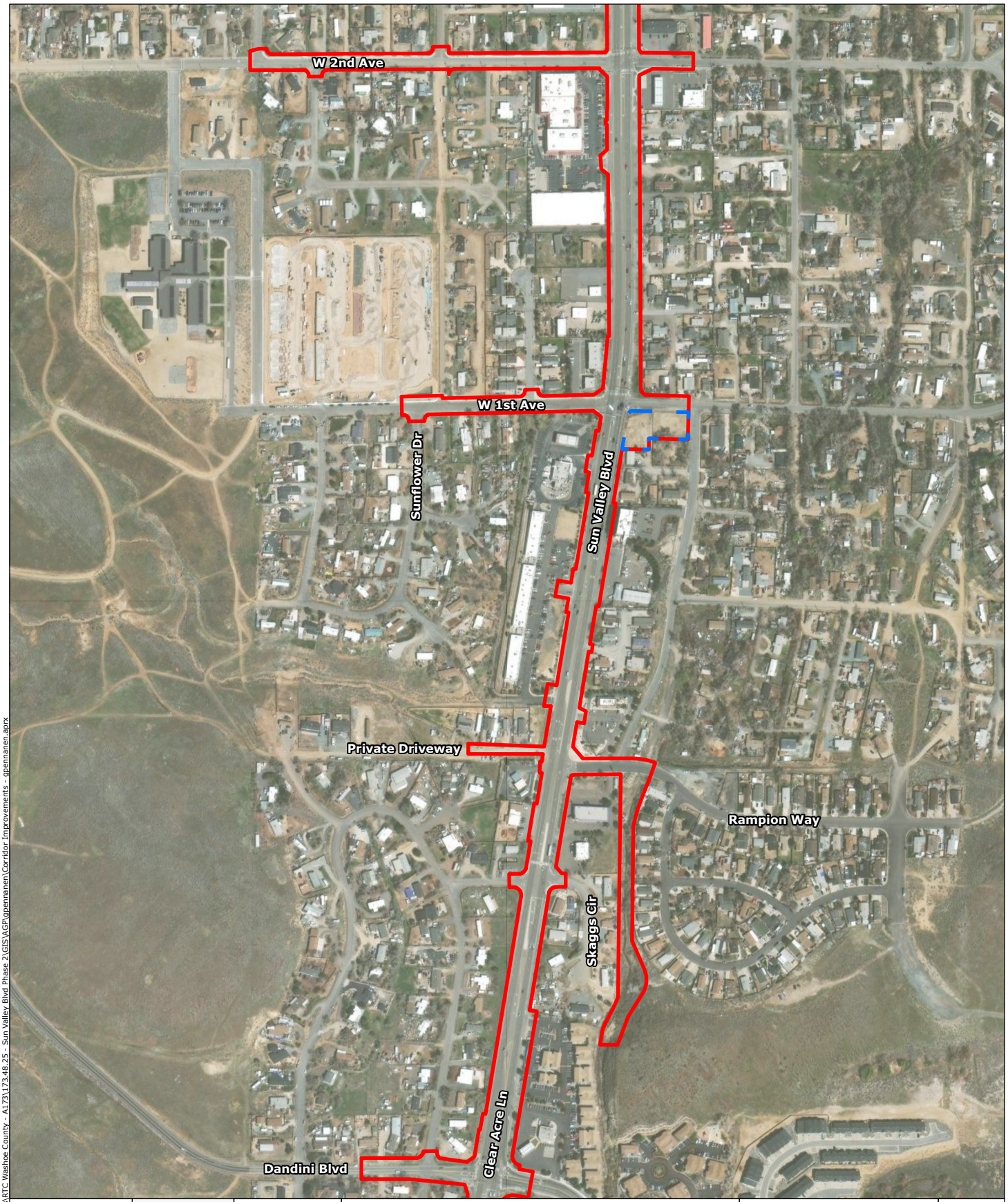
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FIGURE 2-2

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Legend

- Project Area
- Staging Area

RTC Sun Valley Boulevard
Corridor Improvements Phase 2

Project Area Detail Map

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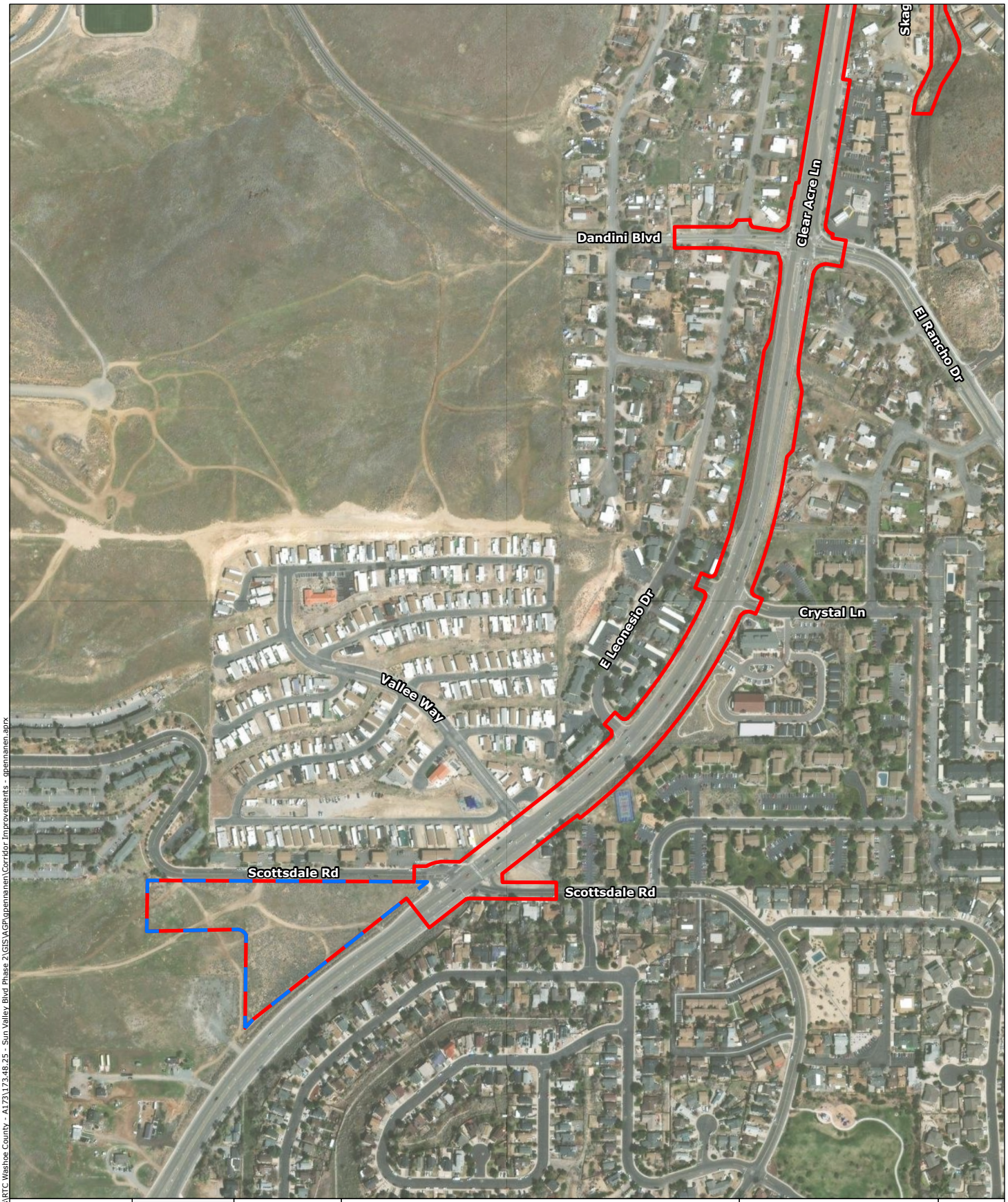
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FIGURE 2-3

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Legend

- Project Area
- Staging Area

RTC Sun Valley Boulevard Corridor Improvements Phase 2

Project Area Detail Map

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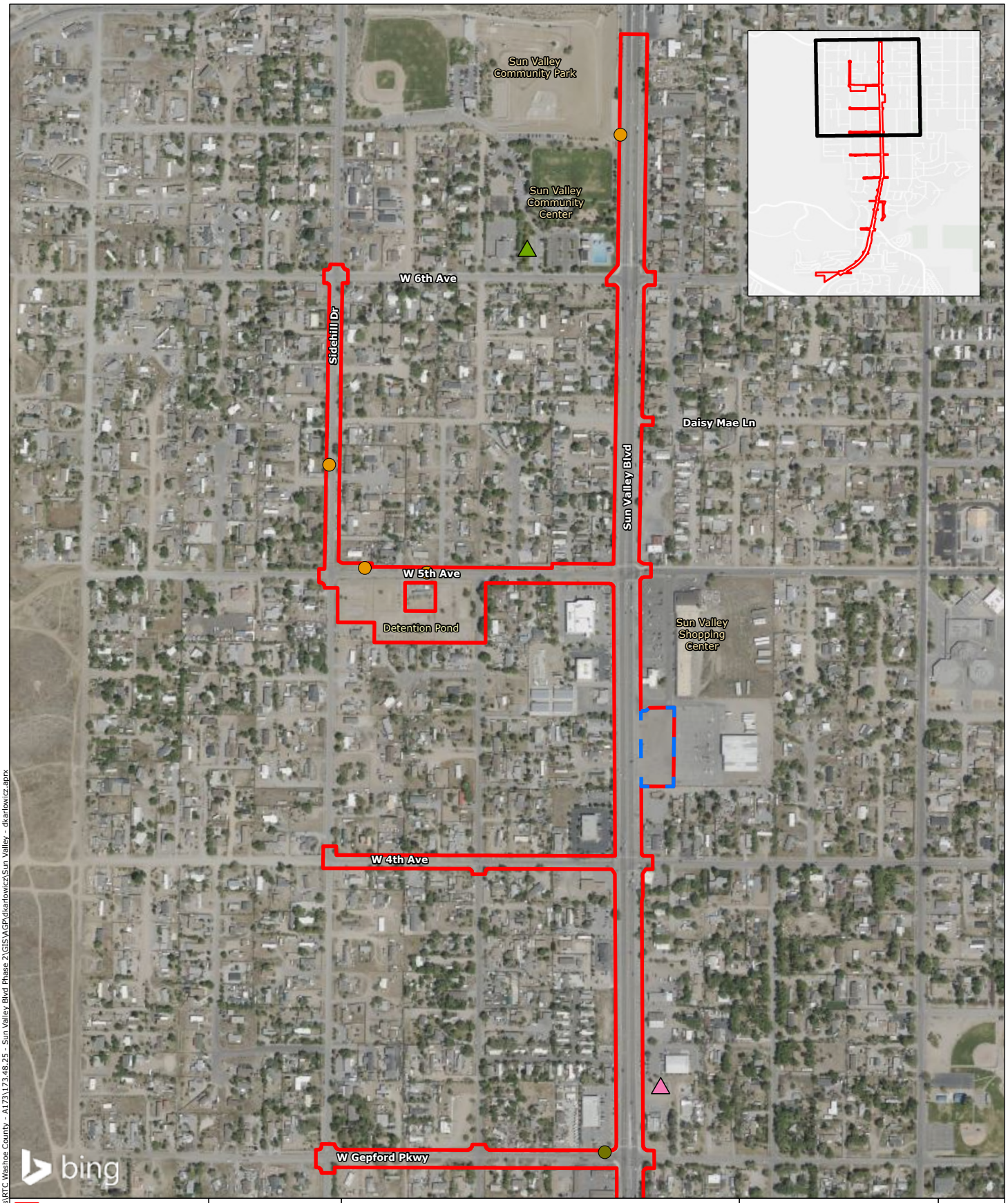
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FIGURE 2-4

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Project Area
Staging Area
American crow nest
Cooper's hawk nest
Scotch thistle
puncture vine

NCE
RTC

Sun Valley Boulevard Corridor Improvements Project

Biological Survey Observations

N

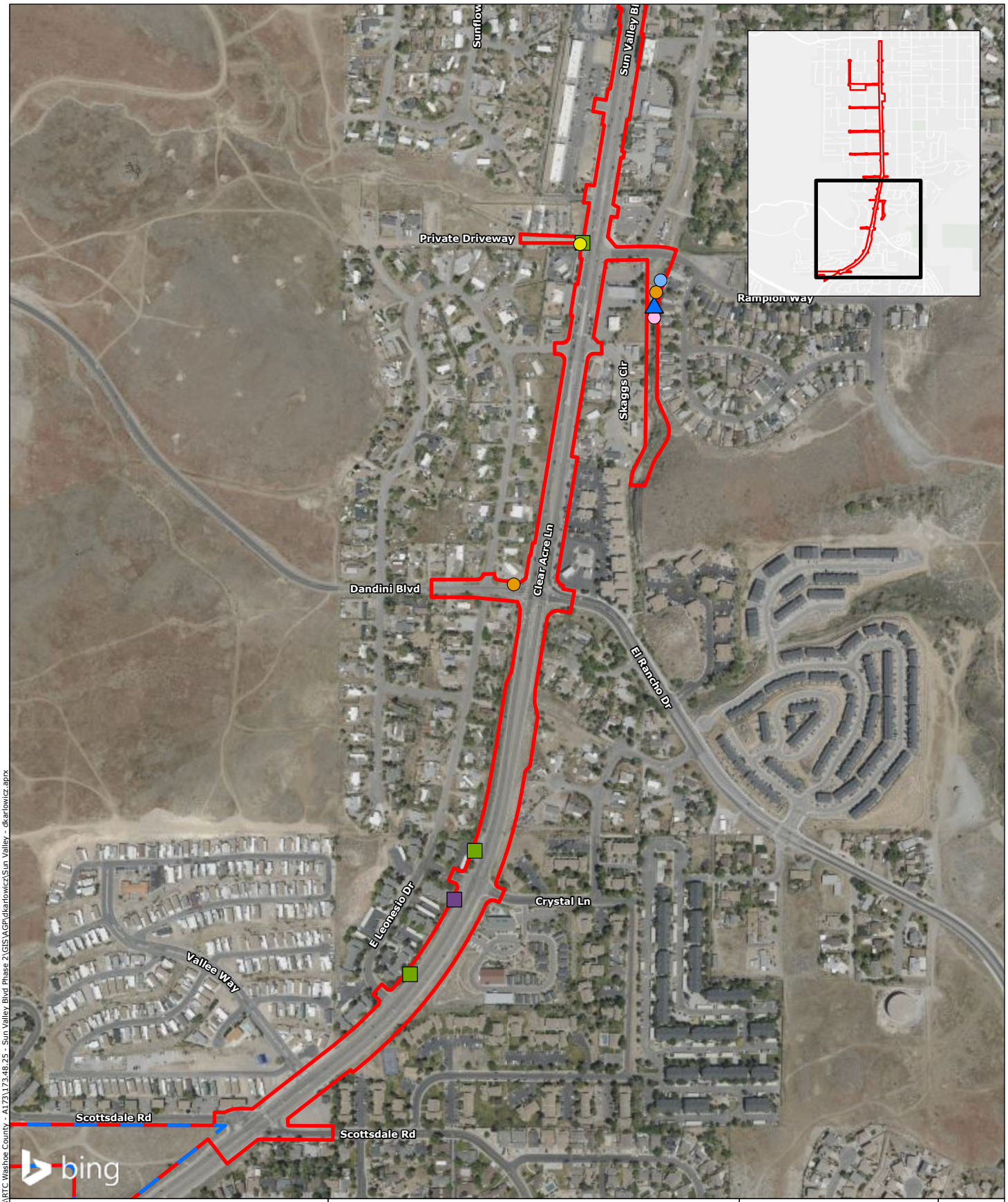
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FIGURE 3-1

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Project Area
Staging Area
monarch butterfly
narrow leaf milkweed
mallard nest
Scotch thistle
yellow starthistle
poison hemlock
perennial pepperweed

Sun Valley Boulevard Corridor Improvements Project

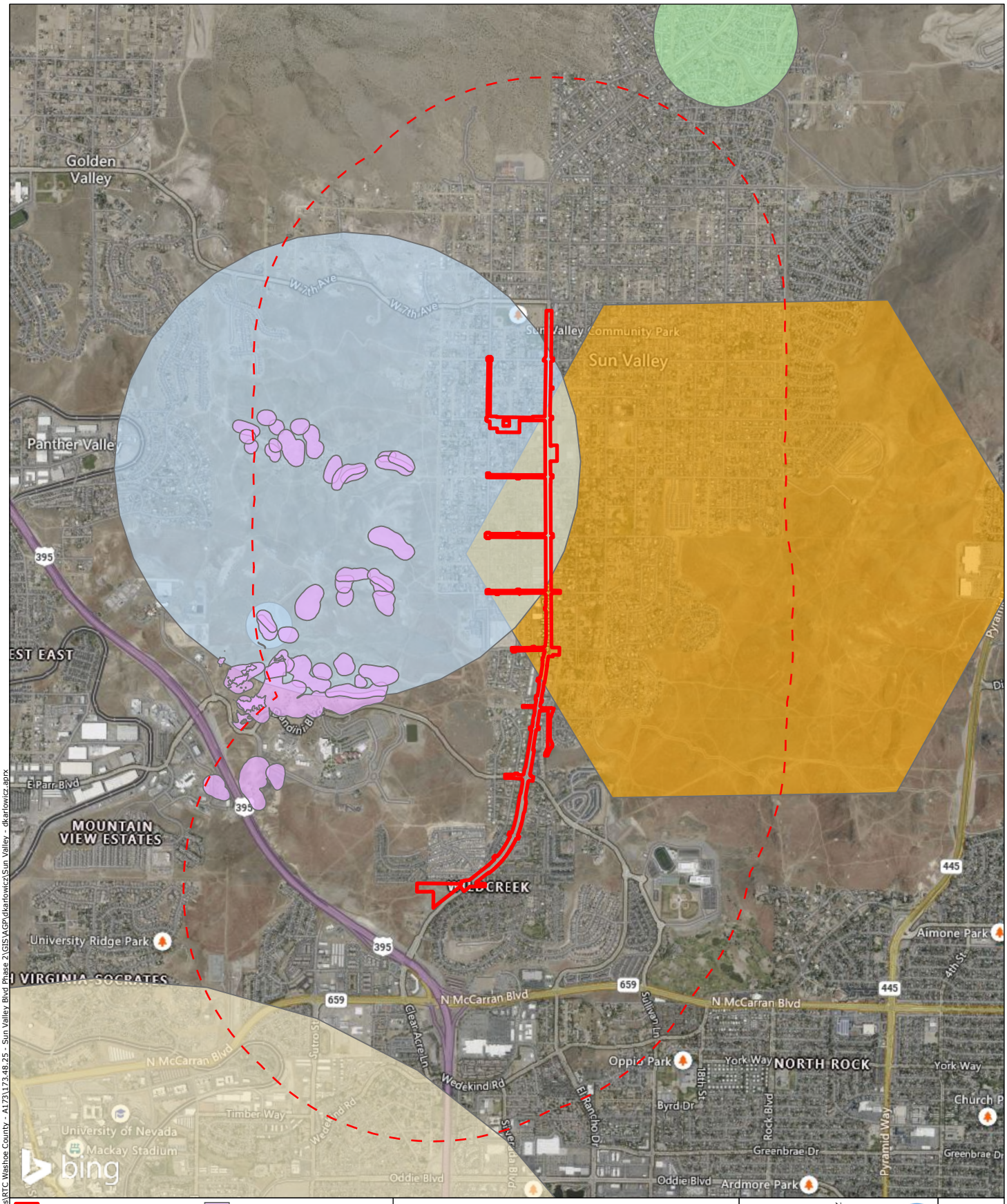
Biological Survey Observations

NCE
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RTC
1 in. = 600 ft.
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FIGURE 3-2

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Project Area
1-mile buffer
tricolored blackbird
alt. andesite popcorn flower
altered andesite buckwheat
starcup
Townsend's big-eared bat

Sun Valley Boulevard Corridor Improvements Project

Nevada Division of Natural Heritage Map

NCE

N

RTC

1 in. = 3,000 ft.

0 1,000 2,000 3,000 ft.

FIGURE 4

SOURCE	JOB NUMBER	DRAWN	DATE	REVISED	APPROVED
Bing Aerial Basemap, NDNH, NCE	173.48.25	D. Karlowicz	9/8/2025	-	D. Rios

Document Path: P:\Active Projects\RTC Washoe County - A173\173.48.25 - Sun Valley Blvd Phase 2\GIS\AGP\dkarlowicz\Sun Valley - dkarlowicz.aprx

Attachment B

Photographs



Photograph 1: South-facing view of the paved roadway and trees on the shoulders of Sun Valley Boulevard at the north end of the Project area.



Photograph 2: South-facing view of the paved roadway and vegetation in the roadside ditch on the west shoulder of Sun Valley Boulevard.



Photograph 3: North-facing view of the paved roadway and grasses, shrubs, and ruderal forbs on the shoulders of Sun Valley Boulevard.



Photograph 4: North-facing view of the Sun Valley clocktower approximately 75 feet east of the Project area. An American crow (*Corvus brachyrhynchos*) nest was observed inside the clocktower during the April 3, 2025, survey.



Photograph 5: North-facing view of the paved roadway and shrubs, grasses, and ruderal forbs on the shoulders of Clear Acre Lane.



Photograph 6: West-facing view of narrow leaf milkweed (*Asclepias fascicularis*), monarch butterfly host plant, along the vegetated rock slope between apartments and Clear Acre Lane at the south end of the Project area.



Photograph 7: West-facing view of the staging area southwest of the Clear Acre Lane and Scottsdale Road intersection.



Photograph 8: South-facing view of the drainage between Sun Valley Bouldevard and Sugar Hill Drive. A mallard (*Anas platyrhynchos*) nest was observed in the drainage during the April 3, 2025, survey.



Photograph 9: East-facing view of the paved roadway, private properties, overhead utilities, and vegetation in the roadside ditch for a typical Sun Valley Boulevard side street (West 2nd Avenue) in the Project area.



Photograph 10: West-facing view of a Cooper's hawk (*Accipiter cooperii*) nest in the Sun Valley Boulevard Communtiy Center Parking lot approximately 400 feet west of the Project area along Sun Valley Boulevard.



Photograph 11: Northwest-facing view of altered andesite buckwheat (*Eriogonum robustum*) and suitable habitat in the western portion of the BSA.



Photograph 12: Altered andesite buckwheat and representative suitable soil.

Attachment C

USFWS IPaC Report

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Reno Fish And Wildlife Office
1340 Financial Boulevard, Suite 234
Reno, NV 89502-7147
Phone: (775) 861-6300 Fax: (775) 861-6301

In Reply Refer To: 06/27/2025 20:16:13 UTC
Project Code: 2025-0015853
Project Name: SUN VALLEY BOULEVARD CORRIDOR IMPROVEMENTS PROJECT

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through IPaC by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at: https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see Migratory Bird Permit | What We Do | U.S. Fish & Wildlife Service (fws.gov).

It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see https://www.fws.gov/library/collections/threats-birds.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/partner/council-conservation-migratory-birds.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries

- Bald & Golden Eagles
- Migratory Birds
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Reno Fish And Wildlife Office
1340 Financial Boulevard, Suite 234
Reno, NV 89502-7147
(775) 861-6300

PROJECT SUMMARY

Project Code: 2025-0015853

Project Name: SUN VALLEY BOULEVARD CORRIDOR IMPROVEMENTS PROJECT

Project Type: Road/Hwy - Maintenance/Modification

Project Description: This Project is located north of Reno in Sun Valley (Clear Acre Lane/Sun Valley Boulevard from just south of Scottsdale Road to 7th Avenue), Washoe County, Nevada. Sun Valley Boulevard is the main corridor and the gateway to the community of Sun Valley. It serves as an important north/south connector to residential neighborhoods, schools, community services, and commercial businesses. It also acts as the primary access to US 395. Transit ridership and pedestrian activity are prevalent in Sun Valley; however, there is currently limited pedestrian infrastructure along Sun Valley Boulevard and within the valley to serve pedestrian needs. The project builds upon prior planning efforts, including pedestrian, bicycle, transit, and traffic improvements. It will feature a shared use path on both sides of the roadway, new or improved crosswalks, pedestrian crossing enhancements, signal modifications, fiber optics, improved signage and striping, landscaping and aesthetics, accessible bus stop pads and amenities, and pavement rehabilitation.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@39.58078785,-119.7802958126027,14z



Counties: Washoe County, Nevada

ENDANGERED SPECIES ACT SPECIES

There is a total of 7 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

---

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

BIRDS

NAME	STATUS
California Condor *Gymnogyps californianus* Population: Pacific Northwest NEP No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8193	Experimental Population, Non-Essential

REPTILES

NAME	STATUS
Northwestern Pond Turtle *Actinemys marmorata* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1111	Proposed Threatened

FISHES

NAME	STATUS
Cui-ui *Chasmistes cujus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/456	Endangered
Lahontan Cutthroat Trout *Oncorhynchus clarkii henshawi* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/3964	Threatened

INSECTS

NAME	STATUS
Carson Wandering Skipper *Pseudocopaeodes eunus obscurus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/674	Endangered
Monarch Butterfly *Danaus plexippus* There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

FLOWERING PLANTS

NAME	STATUS
Webber's Ivesia *Ivesia webberi* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4682	Threatened

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

REFUGE INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act [2] and the Migratory Bird Treaty Act (MBTA) [1]. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

---

1. The Bald and Golden Eagle Protection Act of 1940.
2. The Migratory Birds Treaty Act of 1918.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are Bald Eagles and/or Golden Eagles in your project area.

Measures for Proactively Minimizing Eagle Impacts
For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the National Bald Eagle Management Guidelines. You may employ the timing and activity-specific distance recommendations in this document when designing your project/ activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to Bald Eagle Nesting and Sensitivity to Human Activity.

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional Migratory Bird Office or Ecological Services Field Office.

If disturbance or take of eagles cannot be avoided, an incidental take permit may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the Do I Need A Permit Tool. For assistance making this determination for golden eagles, please consult with the appropriate Regional Migratory Bird Office or Ecological Services Field Office.

Ensure Your Eagle List is Accurate and Complete

If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the Supplemental Information on Migratory Birds and Eagles, to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 1 to Aug 31
Golden Eagle *Aquila chrysaetos* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

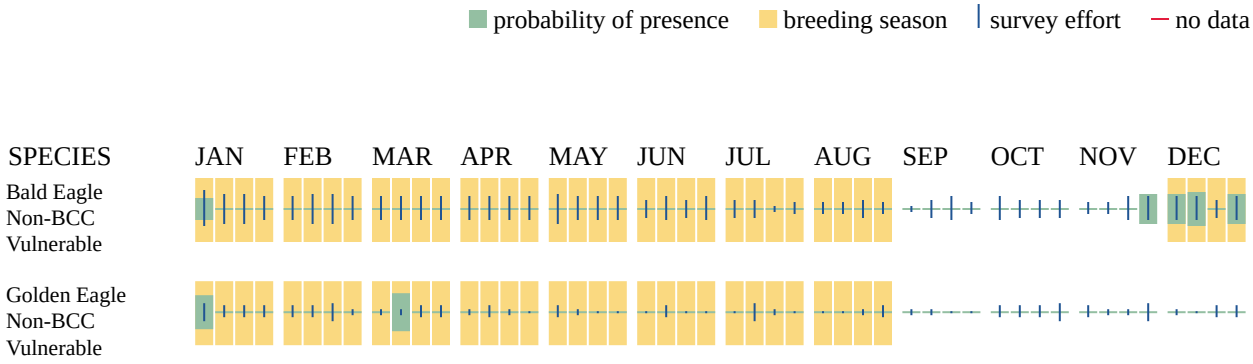
Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (–)
A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide avoidance and minimization measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

MIGRATORY BIRDS

The Migratory Bird Treaty Act (MBTA) [1] prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service).

---

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Avocet *Recurvirostra americana* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/11927	Breeds Apr 21 to Aug 10

NAME	BREEDING SEASON
American White Pelican *pelecanus erythrorhynchos* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/6886	Breeds Apr 1 to Aug 31
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 1 to Aug 31
California Gull *Larus californicus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10955	Breeds Mar 1 to Jul 31
Calliope Hummingbird *Selasphorus calliope* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9526	Breeds May 1 to Aug 15
Cassin's Finch *Haemorhous cassinii* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9462	Breeds May 15 to Jul 15
Evening Grosbeak *Coccothraustes vespertinus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9465	Breeds May 15 to Aug 10
Flammulated Owl *Psiloscops flammeolus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/7728	Breeds May 10 to Aug 15
Forster's Tern *Sterna forsteri* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/11953	Breeds Mar 1 to Aug 15
Golden Eagle *Aquila chrysaetos* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31
Long-eared Owl *asio otus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3631	Breeds Mar 1 to Jul 15

NAME	BREEDING SEASON
Marbled Godwit *Limosa fedoa* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9481	Breeds elsewhere
Northern Harrier *Circus hudsonius* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8350	Breeds Apr 1 to Sep 15
Rufous Hummingbird *Selasphorus rufus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8002	Breeds Apr 15 to Jul 15
Western Grebe *aechmophorus occidentalis* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/6743	Breeds Jun 1 to Aug 31
Willet *Tringa semipalmata* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10669	Breeds Apr 20 to Aug 5

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

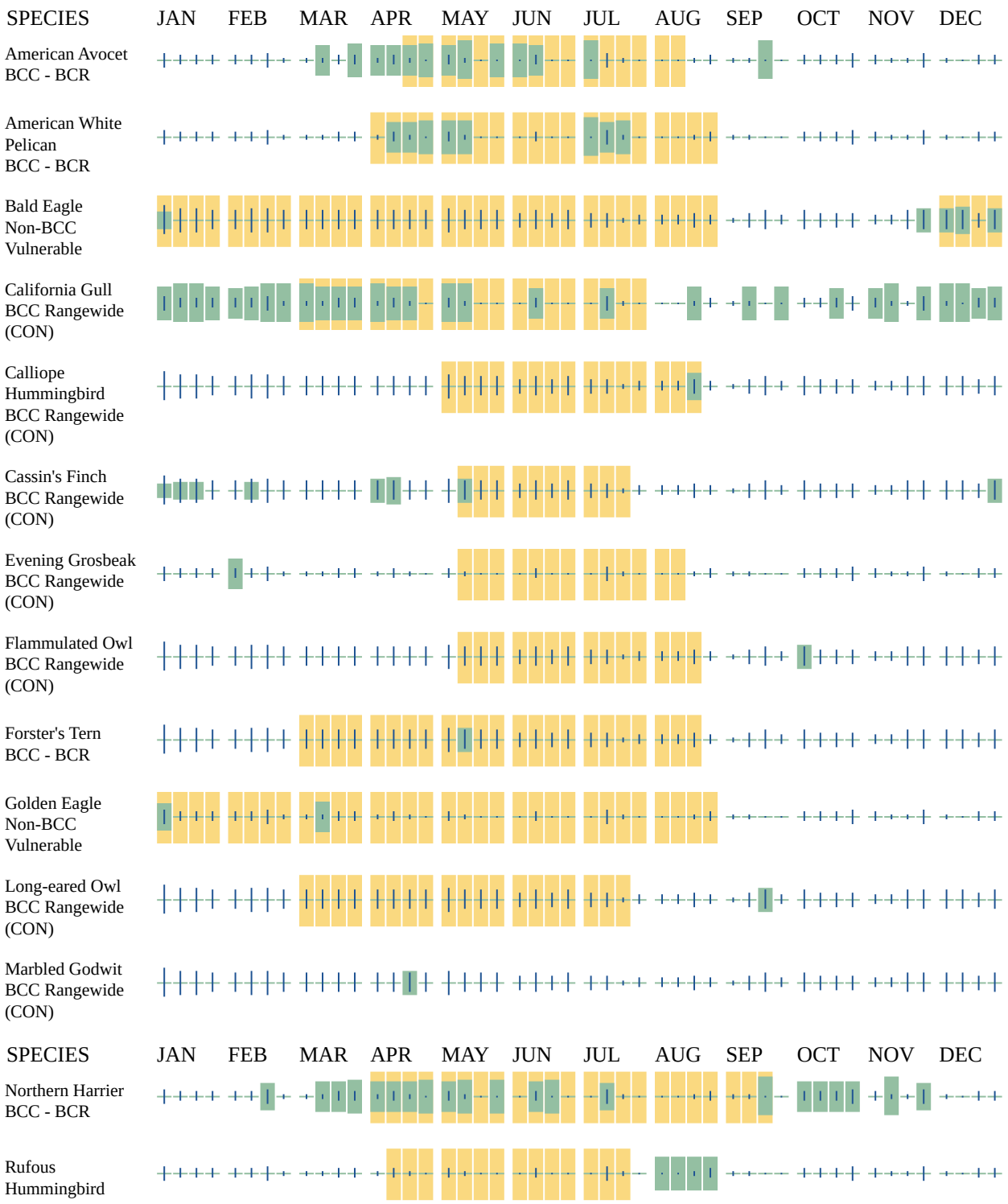
Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

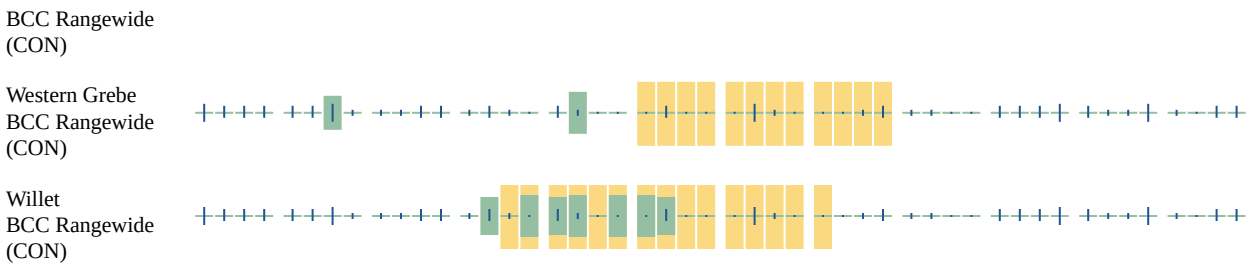
Breeding Season (■)
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

probability of presence | breeding season | survey effort | no data





Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

WETLANDS

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- R4SBJx
- R4SBCx

IPAC USER CONTACT INFORMATION

Agency: NCE
Name: Dylan Karlowicz
Address: PO Box 1760
City: Zephyr Cove
State: NV
Zip: 89448
Email dkarlowicz@ncenet.com
Phone: 7755882505

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Highway Administration

From:	Ian Fox
To:	NDEP 401 Certifications
Cc:	Debra Lemke; Angela Hueftle; jdover@rtcwashoe.com; Bohannon, Samuel T CIV USARMY CESPK (USA)
Subject:	Regional Transportation Commission of Washoe County Sun Valley Boulevard Corridor Improvements Project - Pre-filing Meeting Request
Date:	Wednesday, September 2, 2026 11:00:20 AM
Attachments:	image001.jpg Fig 4 - Channel Improvements.pdf Fig 1 - Project Vicinity Map.pdf Fig 2 - Project Location Map.pdf Fig 3 - Project Area Map.pdf

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Good morning,

On behalf of the Regional Transportation Commission of Washoe County, per the Clean Water Act Section 401 Certification Rule, this email serves as a request for the Sun Valley Boulevard Corridor Improvements Project prefiling meeting request.

The Regional Transportation Commission of Washoe County (RTC) is implementing the Sun Valley Boulevard Corridor Improvements Project (Project). The Project is located within the City of Reno and Washoe County situated within Sections 18, 19, and 30 of Township 20 North and Range 20 East of the Mount Diablo Principal Meridian, and within the United States Geological Survey Reno 7.5-minute quadrangle map (**Appendix A, Figures 1 and 2**). The Project includes improvements to Clear Acre Lane/Sun Valley Boulevard from Scottsdale Road to approximately 140 feet south of West 7th Avenue and portions of Dandini Boulevard, Rampion Way, West 1st Avenue, West 2nd Avenue, West Gepford Parkway, West 4th Avenue, West 5th Avenue, and Sidehill Drive (**Appendix A, Figure 3**). Improvements from Scottsdale Road to north of Crystal Lane are within the City of Reno and the remaining Project area north of this location is within Washoe County.

The Project is composed of a wide variety of improvements within the Project Area:

- Transportation and Traffic Operations
- Pedestrian Commute Improvements
- Bicycle Improvements
- Public Transit Enhancements
- Drainage and Flood Control Improvements
- Safety Improvements
- Aesthetic and Community Enhancement

However, the aspect of the Project relevant to Section 401 of the Clean Water Act includes improvements to approximately 1,000 linear feet of Sun Valley Wash, downstream of Rampion Way, which will be improved to convey the maximum outflow of the Project storm drain. The Sun Valley Wash is considered a Waters of the United

States (WOUS); therefore, best management practices (BMPs) will be implemented prior to construction and maintained during construction per the 2015 Truckee Meadows Construction Site BMP Handbook. Channel improvements will include a riprap or concrete lined trapezoidal channel with a 15-foot bottom width, 3:2 (H:V) side slopes, and a minimum depth of 52 inches or a 12-foot by 6-foot box culvert (**Appendix A, Figure 4**). Changes to the existing channel flow line grade will be limited. The bottom of the channel will be widened up to 5 feet and the existing channel side banks will be cut up to 5 feet through this reach to increase the overall conveyance and reduce localized flooding that currently exists in large storm events. It is anticipated that the Project will be permitted under the USACE NWP 43: Stormwater Management Facilities.

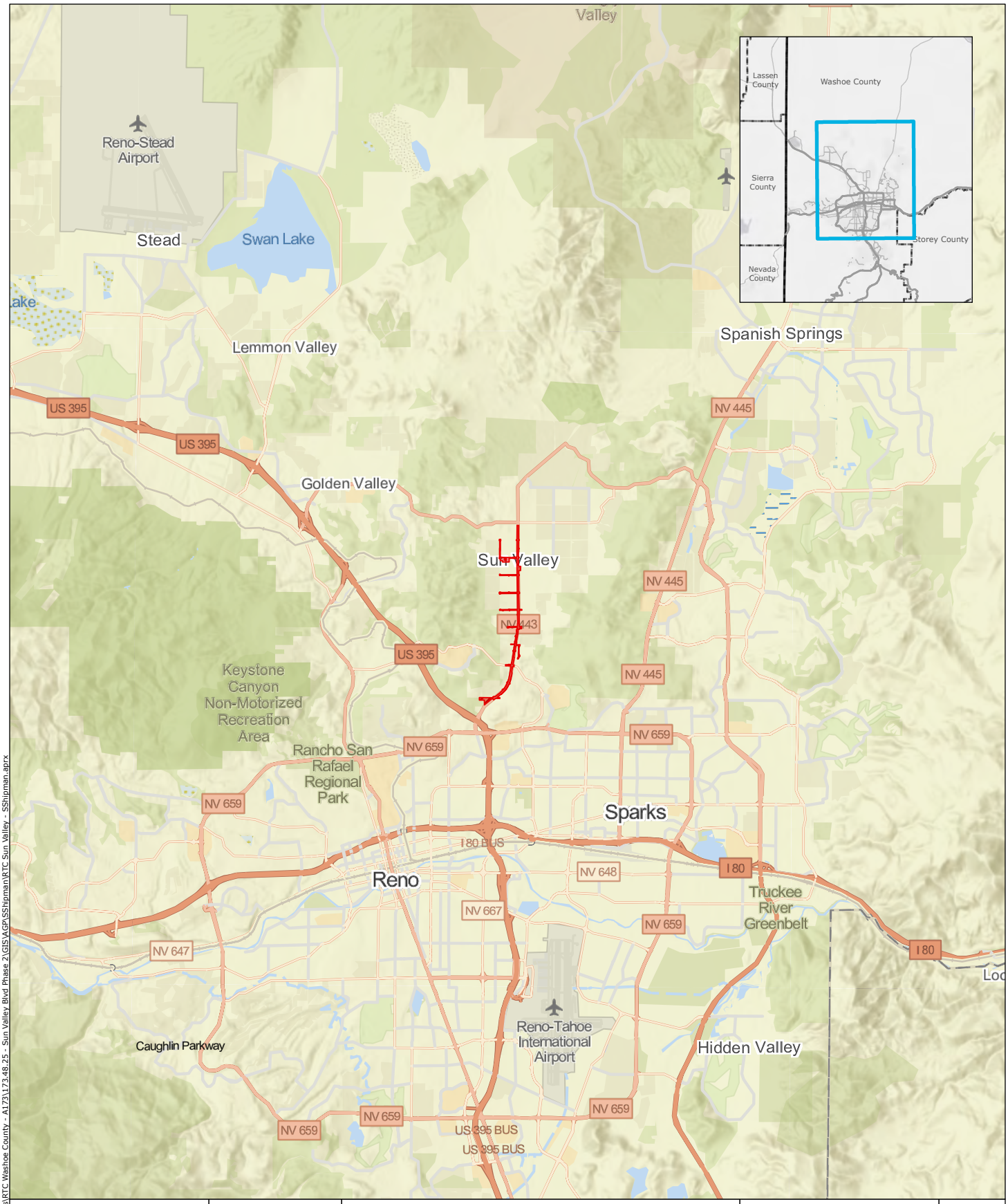
Please see the four figures mentioned above for reference. To access the Project area from Reno, Nevada, follow US 395 north and take exit 70B to merge onto Clear Acre Lane. Then continue along Clear Acre Lane for approximately 0.65 miles to the intersection of Scottsdale Road and Clear Acre Lane. The Project area spans approximately 2.58 miles to the intersection of Sun Valley Boulevard and 7th Avenue.

Please let me know if the Nevada Department of Environmental Protection would like to host a pre-filing meeting, and if so, which dates and times are best.

Thank you,

Ian Fox
Staff Scientist
p (775) 329-4955 **c** (702)579-5941
e ifox@ncenet.com

300 E. 2nd Street, Suite 1210, Reno, NV 89501
www.ncenet.com
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Legend

Project Area

NCE

RTC

Sun Valley Corridor Improvements Project

Project Vicinity Map

N

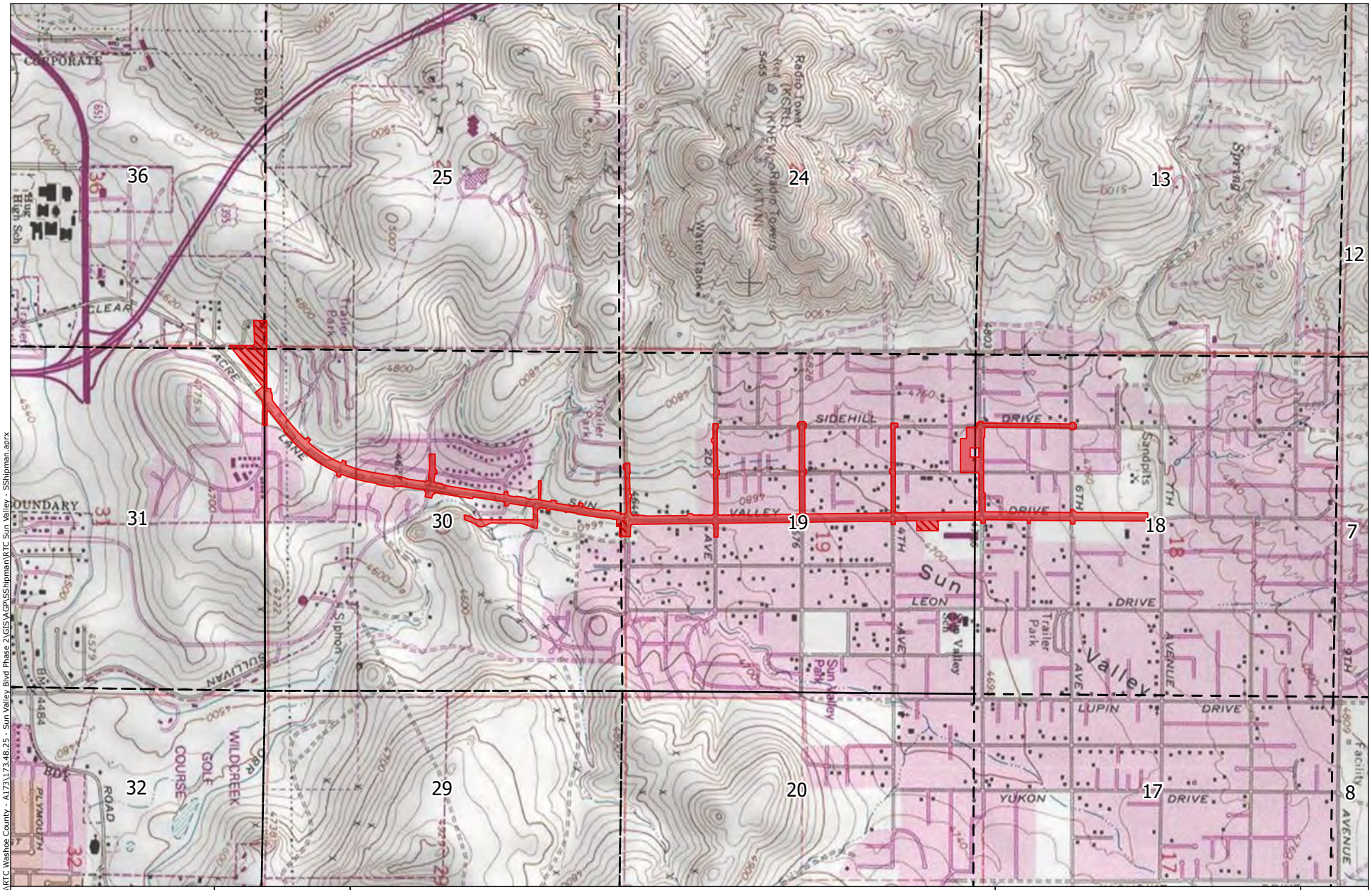
1 in. = 10,000 ft.

0 5,000 10,000 ft.

FIGURE 1

SOURCE	JOB NUMBER	DRAWN	DATE	REVISED	APPROVED
OpenStreetMap	173.48.25	S. Shipman	8/7/2025	1/20/2026	G. Pennanen

Document Path: P:\Active Projects\RTC Washoe County - A173\173.48.25 - Sun Valley Blvd Phase 2\GIS\AGP\SShipman\RTC Sun Valley - SShipman.aprx



USGS 7.5' Quad Map: Reno, NV
TRS T.20N., R.19E., Sec 25, 36
TRS T.20N., R.20E Sec 18, 19, 30, 31

Legend

- Project Area
- Staging Area
- Sections

NCE

RTC

Sun Valley Corridor Improvements Project

Project Location Map

N

1:24,000

0 1,000 2,000 ft.

FIGURE 2

SOURCE	JOB NUMBER	DRAWN	DATE	REVISED	APPROVED
USGS Topographic Basemap	173.48.25	S. Shipman/G. Pennanen	8/7/2025	1/20/2026	G. Pennanen

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Legend

- Project Area
- Staging Area

NCE

RTC

Sun Valley Corridor Improvements Project

Project Area Detail Map

N

1 in. = 2,000 ft.

0 1,000 2,000 ft.

FIGURE 3

SOURCE	JOB NUMBER	DRAWN	DATE	REVISED	APPROVED
Bing World Imagery	173.48.25	S. Shipman	8/7/2025	9/9/2025	G. Pennanen

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Legend

- Project Area
- Channel Improvements

NCE

RTC

Sun Valley Corridor Improvements Project

Channel Improvement Location Map

N

1 in. = 300 ft.

0 100 200 300 ft.

FIGURE 4

SOURCE	JOB NUMBER	DRAWN	DATE	REVISED	APPROVED
ESRI World Imagery	173.48.25	S. Shipman	8/15/2025	9/9/2025	D. Karlowicz

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U S Army Corps of Engineers
Sacramento District

2021 Nationwide Permit Summary

33 CFR Part 330; Issuance of Nationwide Permits – March 15, 2021

43. Stormwater Management Facilities. Discharges of dredged or fill material into non-tidal waters of the United States for the construction of stormwater management facilities, including stormwater detention basins and retention basins and other stormwater management facilities; the construction of water control structures, outfall structures and emergency spillways; the construction of low impact development integrated management features such as bioretention facilities (e.g., rain gardens), vegetated filter strips, grassed swales, and infiltration trenches; and the construction of pollutant reduction green infrastructure features designed to reduce inputs of sediments, nutrients, and other pollutants into waters, such as features needed to meet reduction targets established under Total Maximum Daily Loads set under the Clean Water Act.

This NWP authorizes, to the extent that a section 404 permit is required, discharges of dredged or fill material into non-tidal waters of the United States for the maintenance of stormwater management facilities, low impact development integrated management features, and pollutant reduction green infrastructure features. The maintenance of stormwater management facilities, low impact development integrated management features, and pollutant reduction green infrastructure features that are not waters of the United States does not require a section 404 permit.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters. This NWP does not authorize discharges of dredged or fill material for the construction of new stormwater management facilities in perennial streams.

Notification: For discharges of dredged or fill material into non-tidal waters of the United States for the construction of new stormwater management facilities or pollutant reduction green infrastructure features, or the expansion of existing stormwater management facilities or pollutant reduction green infrastructure features, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) Maintenance activities do not require pre-construction notification if they are limited to restoring the original design capacities of the stormwater management facility or pollutant reduction green infrastructure feature. (Authority: Section 404).

A. **2021 Regional Conditions**

1. **Regional Conditions for California**
2. **Regional Conditions for Nevada and Utah**

B. **2021 Nationwide Permit General Conditions**

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

☐ 1. **Navigation**.

☐ (a) No activity may cause more than a minimal adverse effect on navigation.

☐ (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

☐ (c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

☐ 2. **Aquatic Life Movements**. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of

those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

☐ 3. **Spawning Areas**. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

☐ 4. **Migratory Bird Breeding Areas**. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

☐ 5. **Shellfish Beds**. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

☐ 6. **Suitable Material**. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

☐ 7. **Water Supply Intakes**. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

☐ 8. **Adverse Effects From Impoundments**. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

☐ 9. **Management of Water Flows**. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

☐ 10. **Fills Within 100-Year Floodplains**. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

☐ 11. **Equipment**. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

☐ 12. **Soil Erosion and Sediment Controls**. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

☐ 13. **Removal of Temporary Fills**. Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

☐ 14. **Proper Maintenance**. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

☐ 15. **Single and Complete Project**. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

☐ 16. **Wild and Scenic Rivers**.

☐ (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

☐ (b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

☐ (c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: https://www.rivers.gov/.

☐ 17. **Tribal Rights**. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

☐ 18. **Endangered Species**.

☐ (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which "may affect" a listed species or critical

habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding "activities that are reasonably certain to occur" and "consequences caused by the proposed action."

☐ (b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

☐ (c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

☐ (d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

☐ (e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

☐ (f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

☐ (g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at https://www.fws.gov/ or https://www.fws.gov/ipac/ and https://www.fisheries.noaa.gov/topic/endangered-species-conservation respectively.

☐ 19. **Migratory Birds and Bald and Golden Eagles**. The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird

Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

☐ 20. **Historic Properties**.

☐ (a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

☐ (b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

☐ (c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

☐ (d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

☐ (e) Prospective permittees should be aware that section 110(k) of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

☐ 21. **Discovery of Previously Unknown Remains and Artifacts**. Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

☐ 22. **Designated Critical Resource Waters**. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

☐ (a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

☐ (b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

☐ 23. **Mitigation**. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

☐ (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

☐ (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

☐ (c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

☐ (d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

☐ (e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

☐ (f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

☐ (1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

☐ (2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

☐ (3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

☐ (4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

☐ (5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

☐ (6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

☐ (g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

☐ (h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

☐ (i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

☐ 24. **Safety of Impoundment Structures**. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

☐ 25. **Water Quality**.

☐ (a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

☐ (b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

☐ (c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

☐ 26. **Coastal Zone Management**. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

☐ 27. **Regional and Case-By-Case Conditions**. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

☐ 28. **Use of Multiple Nationwide Permits**. The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

☐ (a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

☐ (b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

☐ 29. **Transfer of Nationwide Permit Verifications**. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____

(Transferee)

_____

(Date)

☐ 30. **Compliance Certification**. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

☐ (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

☐ (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

☐ (c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

☐ 31. **Activities Affecting Structures or Works Built by the United States**. If an NWP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

☐ 32. **Pre-Construction Notification**.

☐ (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN

complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

☐ (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

☐ (2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

☐ (b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

☐ (1) Name, address and telephone numbers of the prospective permittee;

☐ (2) Location of the proposed activity;

☐ (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

☐ (4)

☐ (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

☐ (ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project and does not change those non-PCN NWP activities into NWP PCNs.

☐ (iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

☐ (5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

☐ (6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required.

As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

☐ (7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

☐ (8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

☐ (9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

☐ (10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

☐ (c) Form of Pre-Construction Notification: The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

☐ (d) Agency Coordination:

☐ (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

☐ (2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

☐ (3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

☐ (4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section

305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

☐ (5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

C. **2021 District Engineer's Decision**

☐ 1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the single and complete crossings of waters of the United States that require PCNs to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by an NWP. If an applicant requests a waiver of an applicable limit, as provided for in NWPs 13, 36, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects.

☐ 2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by an NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

☐ 3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters. The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure that the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

☐ 4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

D. **2021 Further Information**

1. District engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

E. **2021 Nationwide Permit Definitions**

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term "discharge" means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s) but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance but are still reasonably foreseeable.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands

contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high-water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has surface water flowing continuously year-round during a typical year.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required, and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23).

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term "single and complete project" is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of "independent utility"). Single and complete non-linear projects may not be "piecemealed" to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high-water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high-water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized jurisdictional stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channel ward of the high tide line.

Tribal lands: Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a "water of the United States." If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)).