



Clean Water Act Section 401 Water Quality Certification Application

Please refer to the “Clean Water Act Section 401 Water Quality Certification Application Guidance” document for assistance with completing this application.

A. Pre-Filing Meeting	
Please provide the date that a pre-filing meeting was requested from Nevada Division of Environmental Protection (NDEP) Bureau of Water Quality Planning (BWQP).	WSP USA Inc. (WSP), on behalf of Tallgrass Energy L.P., requested a 30-day pre-filing meeting on 12/17/2024. The pre-filing meeting was conducted on January 9, 2025. Email documentation of the pre-filing meeting request is attached to this application for reference.
<i>Note: If a pre-filing meeting has not been requested, please schedule a pre-filing meeting with NDEP BWQP.</i>	

B. Contact Information	
Project Proponent Information	
Company Name: Ruby Pipeline, L.L.C.	Address: 370 Van Gordon Street
Applicant Name: Mark Miller	City: Lakewood
Phone: 970-441-0753	Fax: N/A
State: CO	
Email: mark.miller@tallgrass.com	Zip Code: 80228
Agent Information	
Company Name: WSP USA Inc.	Address: 1005 E 2 nd Ave
Agent Name: Brackett Mays	City: Durango
Phone: 970-260-2515	Fax: N/A
State: CO	
Email: brackett.mays@wsp.com	Zip Code: 81301

C. Project General Information	
Project Location	
Project/Site Name: Ruby Pipeline Low-Water Crossings	Name of receiving waterbody: Test Point 279: Thousand Springs Creek Test Point 288: Burnt Creek Test Point 329-330: Badger Creek Test Point 330-331: Pie Creek
Address: N/A	Type of waterbody present at project location (<i>select all that apply</i>):
City: N/A	<input checked="" type="checkbox"/> Perennial River or Stream
County: Elko	<input checked="" type="checkbox"/> Intermittent River or Stream
State: Nevada	<input checked="" type="checkbox"/> Ephemeral River or Stream
Zip Code: 89835 and 89801	<input type="checkbox"/> Lake/Pond/Reservoir
	<input type="checkbox"/> Wetland
	<input type="checkbox"/> Other: _____
Latitude (UTM or Dec/Deg): Test Point 279: 41.392930° Test Point 288: 41.363111°	Longitude (UTM or Dec/Deg): Test Point 279: -114.849664° Test Point 288: -115.015377°

Test Point 329-330: 41.244532° Test Point 330-331: 41.245731°		Test Point 329-330: -115.737529° Test Point 330-331: -115.749772°	
Township: Test Point 279: 41 North Test Point 288: 40 North Test Point 329-330: 39 North Test Point 330-331: 39 North	Range: Test Point 279: 63 East Test Point 288: 62 East Test Point 329-330: 55 East Test Point 330-331: 55 East	Section: Test Point 279: 33 Test Point 288: 07 Test Point 329-330: 26 Test Point 330-331: 26	¼ Section: Test Point 279: SE Test Point 288: SW Test Point 329-330: NE Test Point 330-331: NW

Project Details

Project purpose:

Project Purpose: Ruby Pipeline, L.L.C. (Tallgrass) is proposing improvements to four existing low-water creek crossings (referred to as Test Point 279, Test Point 288, Test Point 329-330, and Test Point 330-331 in this application) on existing two-track access roads currently utilized to conduct required Pipeline and Hazardous Materials Safety Administration (PHMSA) periodic corrosion surveys of the Ruby Pipeline in Elko County, Nevada (Project). Corrosion surveys are conducted a minimum of once per year. The access road improvements would consist of the following:

- Preparing the low-water crossings to facilitate reasonable approach angles for off-road vehicles;
- Placement of 6- to 8-inch angular granite rock for effective, long-term crossings at three of the Test Point locations (Test Points 279, 288, and 330-331); and
- Re-routing of the two-track at one Test Point location (Test Point 329-330) to avoid existing wetland areas and facilitate continued, sustainable crossing access.

All four existing two-track creek crossing locations are unarmored, which can result in increased erosion, stream bed and bank disturbance, vehicle tire rutting, and difficulty/safety issues for effective crossing of off-road vehicles.

Application Applicability and WOTUS Determination: One of the four creek crossings (Test Point 279) was observed to be located within an intermittent riverine feature. Two of the four creek crossings (Test Points 288 and 330-331) were observed to be located within perennial, riverine features, and one crossing associated with the re-routing of the two-track (Test Point 329-330) was observed to be located within an ephemeral riverine feature immediately upstream of a perennial wetland feature fed by springs. As such, the aquatic resources associated with the four Test Points are likely relatively permanent, standing or continuously flowing bodies of water.

Burnt Creek, Badger Creek, and Pie Creek, associated with Test Points 288, 329-330, and 330-331, flow downstream into the Humboldt River, which is located entirely within Nevada and flows into a closed basin; however, the Humboldt River feeds Rye Patch Reservoir, a Nevada State Park that offers camping, swimming, fishing, and boating opportunities to residents and tourists traveling on Interstate-80. Therefore, Rye Patch Reservoir provides for recreational navigational opportunities with potential for interstate commerce and would qualify as a Traditional Navigable Water (TNW).

Due to meeting the relatively permanent standard and acting as tributaries to a TNW, Test Points 288, 329-330, and 330-331 are likely "Waters of the United States" (WOTUS), and the low-water crossing improvements for the Ruby Pipeline for Test Points 288, 329-330, and 330-331 would be subject to Clean Water Act (CWA) Sections 401 and 404 permitting requirements.

One of the aquatic resources, Thousand Springs Creek, associated with Test Point 279, flows east within the Thousand Springs Valley, into 23 Mile Reservoir and Dake Reservoir, then into Grouse Creek before terminating into a closed basin within the Great Salt Lake Desert, southeast of the

	<p>Little Pigeon Mountains in Utah. Water is diverted from both 23 Mile Reservoir and Dake Reservoir for agriculture and ranching practices in the area. Thousand Springs Creek is an intermittent waterway at the Test Point 279 location and likely meets the relatively permanent standard. Without an Approved Jurisdictional Determination to exclude the stream as WOTUS due to the nature of the closed basin, the Project and this CWA Section 401 Water Quality Certification application are treating the waterway as jurisdictional and the low-water crossing improvements within Test Point 279 as subject to CWA Section 401 and Section 404 permitting requirements.</p> <p>Permitting: The proposed work is associated with construction and maintenance activities on access roads for an existing oil or natural gas pipeline. The proposed Project would not result in the loss of greater than ½-acre of non-tidal WOTUS, and the proposed Project would be authorized under Nationwide Permit (NWP) 12 – Oil and Natural Gas Pipeline Activities.</p> <p>Threatened and Endangered Species: There are no anticipated impacts to threatened and endangered species or designated critical habitat for those species listed under the Endangered Species Act (ESA). A table attached to this application lists the species with the potential to occur in the Project according to the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) tool, the proposed Project effect determination, and associated justification.</p> <p>Cultural Resources: There are no anticipated impacts to historic properties listed or eligible for listing in the National Register of Historic Places. WSP conducted a literature search for previous historic/cultural resource investigations within the Project Area. A total of 11 investigation surveys were previously completed. Of those surveys, none have identified resources of concern subject to permitting requirements under the National Historic Preservation Act (NHPA) within the Project Area. The Bureau of Land Management (BLM) – Tuscarora Field Office indicated via email (attached) that due to the previous investigations, no additional surveys were required on the two crossings located on BLM-managed lands. Although BLM’s evaluation was limited to the two locations on BLM-managed lands, the remaining two water crossings on private lands were included in same prior cultural resource surveys. Accordingly, those surveys should provide the necessary documentation to demonstrate compliance with Section 106 of the National Historic Preservation Act (NHPA).</p> <p>Pre-Construction Notification to the U.S. Army Corps of Engineers: There are no additional NWP General Conditions, Regional Conditions, or other Pre-Construction Notification (PCN) requirements for the U.S. Army Corps of Engineers (USACE) for Project authorization under NWP 12.</p>
<p>Describe current site conditions:</p> <p>Attachments can include, but are not limited to, relevant site data, photographs that represent current site conditions, or other relevant documentation.</p>	<p>WSP USA Inc. (WSP) wetland scientists performed a site visit and field delineation for the aquatic resources on November 19 and 20, 2024. All streams associated with the proposed Project were observed to be relatively permanent, standing or continuously flowing bodies of water. Photographs of the Test Points are included in the Photographic Log with this application for more information and reference.</p> <p>Vegetation at the Test Points generally consisted of shrub steppe habitat. All Test Point crossings were heavily grazed at the time of the field delineation, leaving minimal mid-story foliar cover. Common plant species observed included big sagebrush (<i>Artemisia tridentata</i>), rubber rabbitbrush (<i>Ericameria nauseosa</i>), curly dock (<i>Rumex crispus</i>), sand dropseed (<i>Sporobolus cryptandrus</i>), crested wheatgrass (<i>Agropyron cristatum</i>), cheatgrass (<i>Bromus tectorum</i>), Nebraska sedge (<i>Carex nebrascensis</i>), Colorado rush (<i>Juncus confusus</i>), Indian ricegrass (<i>Achnatherum hymenoides</i>), and thickspike wheatgrass (<i>Elymus lanceolatus</i>).</p> <p>The Test Points intersect four individual riverine features: Thousand Springs Creek (Test Point 279), Burnt Creek (Test Point 288), Badger Creek (Test Point 329-330), and Pie Creek (Test Point 330-331).</p>

All Test Points are located within the Upper Humboldt Plains (Central Basin) ecoregion, which is characterized by rhyolitic and tuffaceous soils, sagebrush steppe habitat, and interspersed buttes. Agriculture and livestock grazing are common practices within this ecoregion, as it experiences wetter and cooler climates than the surrounding ecoregions.

Test Points 279 and 288 are located on privately-owned lands. Test Point 330-331 is located on BLM managed lands. Test Point 329-330 is located on both privately-owned and BLM-managed lands.

Test Point 279 – Thousand Springs Creek: Thousand Springs Creek is mapped by the U.S. Geological Survey (USGS) National Hydrography Dataset (NHD) as a perennial stream/river and is mapped by the USFWS National Wetland Inventory (NWI) as a riverine system with an intermittent subsystem, a streambed class, and a temporarily flooded water regime (Cowardin Code R4SBA). During the delineation, the creek appeared to support intermittent flows fed by springs and other small tributaries originating approximately 6 miles southwest of Test Point 279 in mountains and hills north of Wells, NV. The overall watershed area that contributes flow to the Test Point location is 13.19 square miles according to USGS Streamstats. From the Test Point location, the creek flows east to 23 Mile Reservoir and Dake Reservoir where much of the water is diverted for irrigation and other agricultural use. The remaining water in the creek flows southeast into Grouse Creek before terminating in a closed basin in the Great Salt Lake Desert southeast of the Little Pigeon Mountains. At the Test Point, the creek supports slow-moving intermittent flows that wind through the valley bottom. The banks have low slope, and the bed substrate is primarily silty/sandy silty material. The ordinary high-water mark (OHWM) at the Test Point crossing location was approximately 12-15 feet with a maximum depth of approximately 6 to 8 inches.

Test Point 288 – Burnt Creek: Burnt Creek is mapped by the USGS NHD as a perennial stream/river and is mapped by the USFWS NWI as a riverine system with an intermittent subsystem, a streambed class, and a temporarily flooded flow regime (Cowardin Code R4SBA). At the time of the delineation, the creek was observed to support perennial flows fed by multiple springs originating in the hills approximately 3 miles northeast of Test Point 288. The watershed area that contributes to the Test Point location is 14.16 square miles according to USGS Streamstats. From the Test Point, the creek flows south-southwest into Bishop Creek and the Humboldt River. The Humboldt River flows west into Rye Patch Reservoir and then continues west terminating in the Humboldt Sink northeast of Reno, NV. At the Test Point location, the creek is incised within a narrow valley with steep banks. The bed substrate primarily consists of silty and sandy/silty material. The OHWM at the Test Point crossing location was approximately 8 feet with a maximum depth of approximately 6 to 8 inches.

Test Point 329-330 – Badger Creek: Badger Creek is mapped by the USGS NHD as an intermittent stream/river and is mapped by the USFWS NWI as a riverine system with an intermittent subsystem, a streambed class, and a seasonally flooded water regime (Cowardin Code R4SBC). Badger Creek supports a large wetland complex fed by Five Springs (a named spring complex) to the southwest of the existing two-track crossing. Immediately upstream of the existing two-track crossing, the flow regime was observed as ephemeral at the time of the delineation within a dry channel that begins near Tower Mountain approximately five miles southeast of Test Point 329-330. The watershed area that contributes to the Test Point location is 6.83 square miles according to USGS Streamstats. From Test Point 329-330, the creek/wetland complex flows north into Pie Creek which flows north to the North Fork Humboldt River and eventually into the Humboldt River. The OHWM at the new, dry, proposed crossing within the ephemeral channel upstream (southeast)

	<p>of the previous wetland crossing was approximately 12 feet. The creek bed substrate at the proposed crossing location primarily consists of sandy and silty material.</p> <p>Test Point 330-331 – Pie Creek: Pie Creek is mapped by the USGS NHD as a perennial river/stream and is mapped by the USFWS NWI as a riverine system with an upper perennial subsystem, an unconsolidated bottom class, and a semipermanently flooded water regime (Cowardin Code R3UBF). At the time of the delineation, Pie Creek was observed to support perennial flows fed by multiple tributaries originating in the Independence Mountains approximately 13 miles northwest of Test Point 330-331. The watershed area that contributes to the Test Point location is 273 square miles according to USGS Streamstats. From the Test Point, the creek continues to flow northeast into the North Fork of the Humboldt River and eventually into the Humboldt River. Adjacent to the existing Test Point crossing, the creek supports wetlands along the streambanks within a gentle, winding creek valley. The bed substrate within the creek is primarily gravelly, silty material. The OHWM at the Test Point crossing was approximately 20 feet wide and was observed to be artificially extended due to road travel. The maximum depth at the crossing location was approximately 3 feet.</p>
<p>Describe the proposed activity including methodology of each project element:</p>	<p>Test Point 279 – Thousand Springs Creek: Tallgrass proposes to excavate an approximately 8-foot x 45-foot x 1-foot area within and immediately adjacent to the OHWM of the creek in order to place 6-8-inch angular granite rock to create a low-water crossing while sustaining existing flows. Due to the low grade at the existing crossing point, minimal additional dirt work to the bank would be required. Work within the creek would be attempted to be conducted when the creek is not sustaining surface flows; however, if surface flows are unable to be avoided, Tallgrass would install two temporary sandbag dams on the upstream and downstream sides of the Test Point location and would pump water around the low-water crossing area within approximately 3-inch-diameter rubber discharge hoses to prevent sediment transport during construction activities. The sandbag dams would be approximately 8-feet-wide by 3-feet-tall with a 2-foot-width within the OHWM of the creek channel consisting of approximately 19 sandbags each. A filter bag or other energy dissipation device would be placed on the outlet side of end of the hose to prevent erosion in the stream channel during periods of discharge. An example of the sandbag dam is included at the end of this section and would be similar for all dam and pump activities associated with this Project.</p> <p>Due to the remote location of the crossing and limited infrastructure nearby, the granite rock would be directly hauled from a local source to the location with a small dump trailer or tandem-axle dump truck. Excavation within the creek would be conducted with a small excavator, and rock would be placed in the creek with a skid steer or small excavator as needed. A rock bucket would be utilized for placement which would remove any fines from the granite rock prior to placement in the channel. Excess fill dirt from excavation would be temporarily stockpiled away from the channel and would be disposed of at an approved disposal facility. Access to the Test Point would be from the Wilkins Ranch turnoff on Highway 93 to the east of the Test Point, and travel would be along the existing two-track road to the proposed Test Point low-water crossing. Refer to the diagrams and figures included with this application for more information.</p> <p>Test Point 288 – Burnt Creek: Tallgrass proposes to shore back the south bank of the creek to facilitate reasonable approach angles for off-road vehicles. This work would take place outside of the OHWM of the channel. Once the bank is shored back, Tallgrass is proposing to excavate an 8-foot x 6-foot x 1-foot area within and immediately adjacent to the OHWM of the channel to facilitate the placement 6-8-inch angular granite rock to create the low-water crossing while maintaining creek surface flows. Surface flows would be encountered during construction. To prevent sediment discharge into the creek during construction activities, Tallgrass would install two temporary sandbag dams on the upstream and downstream sides of the Test Point location and would pump water around the low-water crossing area within approximately 3-inch-diameter rubber discharge hoses. The sandbag dams would be approximately 8-feet-wide by 3-feet-tall with a 2-foot-width within the OHWM of the creek channel consisting of approximately 19 sandbags</p>

each. A filter bag or other energy dissipation device would be placed on the outlet side of end of the hose to prevent erosion in the stream channel during periods of discharge.

Due to the remote location of the crossing and limited infrastructure nearby, the granite rock would be directly hauled from a local source to the location with a small dump trailer or tandem-axle dump truck. Excavation within the creek would be conducted with a small excavator, and rock would be placed in the creek with a skid steer or small excavator as needed. A rock bucket would be utilized for rock placement which would remove any fines from the granite rock prior to placement in the channel. Excess fill dirt from excavation would be temporarily stockpiled away from the channel and would be disposed of at an approved disposal facility. Access to the Test Point would be from O'Neil-Deeth County Road to the west of the Test Point, with travel along the existing pipeline right-of-way and two-track road to the proposed Test Point low-water crossing location. Refer to the diagrams and figures included with this application for more information.

Test Point 329-330 – Badger Creek: Tallgrass proposes to avoid the current low-water crossing within the wetland complex and would instead create a new two-track route that would travel south of the existing road, cross the dry section of the creek, and tie into another existing two-track road to the west of the creek. The new two-track would be approximately 485-feet-long by approximately 12-feet-wide. No granite rock is proposed to be installed within the stream channel, and creation of the two-track reroute would only require vegetation removal and minimal grading to facilitate reasonable approach angles for off-road vehicles. Work would not be conducted during periods of surface flows, and water diversion would not be required. Dirt work would be conducted with a small excavator or skid steer as applicable. Within the OHWM of the ephemeral drainage, the contours would be returned to pre-existing conditions after construction is complete. No excess fill would be created, and removed vegetation would be spread out adjacent to the two-track as applicable. Access to the Test Point would be from Highway 225 to the west and along the existing two-track road.

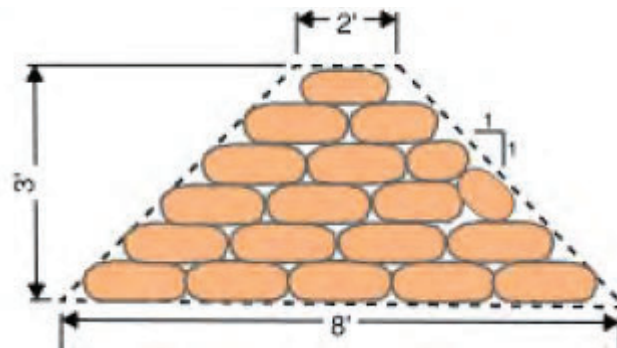
Test Point 330-331 – Pie Creek: The drainage crossing at Test Point 330-331 is deep enough to not require any excavation of existing material to prepare for angular rock placement. Tallgrass proposes to place 6-8-inch angular granite rock in an area measuring 25 feet x15 feet x 2 feet within and immediately adjacent to the OHWM of the creek. No excess fill dirt is anticipated. Tallgrass would install two temporary sandbag dams on the upstream and downstream sides of the Test Point location and would pump water around the low-water crossing area within approximately 3-inch-diameter rubber discharge hoses. The sandbag dams would be approximately 8-feet-wide by 3-feet-tall with a 2-foot-width within the OHWM of the creek channel consisting of approximately 19 sandbags each. A filter bag or other energy dissipation device would be placed on the outlet side of end of the hose to prevent erosion in the stream channel during periods of discharge.

Due to the location of the nearby compressor station to the west of the Test Point, direct haul would not be required, and the stone would be temporarily stored at the compressor station until work begins. The granite stone would then be hauled to the location with a small dump trailer or tandem-axle dump truck. Rock would be placed in the creek with a skid steer or small excavator using a rock bucket to remove any excess fines in the rock material prior to placement in the creek. No work would be conducted within the adjacent wetland areas next to the existing two-track. Access to the Test Point would be from Highway 225 to the west of the Test Point and along the existing two-track road.

Disturbance as a result of Project activities would be limited to the creek crossings, as the existing two-track access roads currently provide adequate access for off-road vehicles utilized for corrosion testing.

Sandbag Dams: The assumed sandbag dams utilized to pond low-flows and prevent sediment transport within the creeks during construction activities would be comprised of sandbags stacked at an approximate 1:1 side slope to a height of 3 feet with a 2-foot top crest width as shown in the

figure below. A functional equivalent like aqua-dam bladders may be utilized for dewatering if determined to be a better solution, but impacts will be less than described above.



Estimate the nature, specific location, and number of discharge(s) expected to be authorized by the proposed activity:

There would be four separate, distinct discharges within WOTUS to be authorized by the proposed activity at the Test Point low-water crossings.

Test Point 279 – Thousand Springs Creek: The discharge would consist of installation of a temporary water diversion feature if surface flows were encountered, and excavation within the creek to prepare for angular rock installation, followed by rock placement to create the low-water crossing while sustaining surface flows across the crossing.

Test Point 288 – Burnt Creek: The discharge would consist of installation of a temporary water diversion structure, excavation within the creek to prepare for angular rock installation, followed by rock placement to create the low-water crossing while sustaining surface flows across the crossing.

Test Point 329-330 – Badger Creek: The discharge would consist of surface disturbance within the ephemeral drainage channel to facilitate appropriate approach angles to facilitate off-road vehicle travel.

Test Point 330-331 – Pie Creek: The discharge would consist of installation of a temporary water diversion structure and rock installation to create the low-water crossing while sustaining surface flows across the crossing. No excavation would be required to prepare the creek bottom for rock installation.

Provide the date(s) on which the proposed activity is planned to begin and end and the approximate date(s) when any discharge(s) may commence:

The proposed Project would occur in late-2025, pending weather conditions, and material and personnel availability. Work would take approximately 10 days to 3 weeks to complete within the waterways.

Provide a list of the federal permit(s) or license(s) required to conduct the activity which may result in a discharge into regulated waters (see mandatory attachments):

Clean Water Act Section 404: Nationwide Permit 12 – Oil or Natural Gas Pipeline Activities

Provide a list of all other federal, state, interstate, tribal, territorial, or local agency authorizations required for the proposed

NDEP Working in Waterways Temporary Permit

activity and the current status of each authorization:	
Total area of impact to regulated waterbodies (acres):	<p>Test Point 279 – Thousand Springs Creek: Temporary Impacts (If surface flows cannot be avoided): - Sandbag Dam Structures: 0.0004 Acre - Bypass Hoses: 0.0001 Acre Permanent Impacts: - Rock Installation: 0.004 Acre</p> <p>Test Point 288 – Burnt Creek: Temporary Impacts: - Sandbag Dam Structures: 0.0004 Acre - Bypass Hoses: 0.000057 Acre Permanent Impacts: - Rock Installation: 0.002 Acre</p> <p>Test Point 329-330 – Badger Creek: Temporary Impacts: - Dirt Work in Drainage: 0.003 Acre Permanent Impacts: N/A</p> <p>Test Point 330-331 – Pie Creek: Temporary Impacts: - Sandbag Dam Structures: 0.0004 Acre - Bypass Hoses: 0.000057 Acre Permanent Impacts: - Rock Installation: 0.006 Acre</p> <p>Total Impacts to WOTUS: Temporary Impacts: 0.004414 Acre Permanent Impacts: 0.012 Acre</p>
Total distance of impact to regulated waterbodies (linear feet):	<p>Test Point 279 – Thousand Springs Creek: Temporary Impacts: 22 Feet Permanent Impacts: 8 Feet</p> <p>Test Point 288 – Burnt Creek: Temporary Impacts: 12 Feet Permanent Impacts: 8 Feet</p> <p>Test Point 329-330 – Badger Creek: Temporary Impacts: 12 Feet Permanent Impacts: N/A</p> <p>Test Point 330-331 – Pie Creek: Temporary Impacts: 12 Feet Permanent Impacts: 12 Feet</p> <p>Total Impacts to WOTUS: Temporary Impacts: 58 Feet</p>

	Permanent Impacts: 28 Feet	
Amount excavation and/or fill discharged within regulated waters (acres, linear feet, and cubic yards):	Temporary:	Permanent:
	Test Point 279 – Thousand Springs Creek: Sandbag Dam Structures: 0.59 yd ³ Bypass Hoses: 0.0463 yd ³ Test Point 288 – Burnt Creek: Sandbag Dam Structures: 0.59 yd ³ Bypass Hoses: 0.0231 yd ³ Test Point 329-330 – Badger Creek: Dirt Work: 4.62 yd ³ Test Point 330-331 – Pie Creek: Sandbag Dam Structures: 0.59 yd ³ Bypass Hoses: 0.0463 yd ³ Total Impacts to WOTUS = 6.5057 yd³	Test Point 279 – Thousand Springs Creek: Rock Installation: 6.48 yd ³ Test Point 288 – Burnt Creek: Rock Installation: 2.96 yd ³ Test Point 329-330 – Badger Creek: Total Fill: 0 yd ³ Test Point 330-331 – Pie Creek: Rock Installation: 19.04 yd ³ Total Impacts to WOTUS = 28.48 yd³
Amount of dredge material discharged within regulated waters (acres, linear feet, and cubic yards):	Temporary:	Permanent:
	Test Point 279 – Thousand Springs Creek: Total: 0 yd ³ Test Point 288 – Burnt Creek: Total: 0 yd ³ Test Point 329-330 – Badger Creek: Total: 0 yd ³ Test Point 330-331 – Pie Creek: Total: 0 yd ³ Total Impacts to WOTUS = 0.00 yd³	Test Point 279 – Thousand Springs Creek: Total: 0 yd ³ Test Point 288 – Burnt Creek: Total: 0 yd ³ Test Point 329-330 – Badger Creek: Total: 0 yd ³ Test Point 330-331 – Pie Creek: Total: 0 yd ³ Total Impacts to WOTUS = 0.00 yd³
Describe the reason(s) why avoidance of temporary fill in regulated waters is not practicable (if applicable):	Tallgrass is proposing to improve existing two-track roads that were previously constructed and utilized for pipeline maintenance. One of the crossings is proposed to be rerouted to avoid driving through a wetland complex. No other options are available to avoid impacts to WOTUS or to reduce impacts to WOTUS. Other options would require construction of new two-track roads that would impact WOTUS in previously undisturbed locations for required pipeline maintenance.	
Describe the Best Management Practices (BMPs) to be implemented to avoid and/or minimize impacts to regulated waters: Examples include sediment and erosion control measures, habitat preservation, flow diversions, dewatering, hazardous materials	Appropriate BMPs would be applied to prevent potential pollutant discharge to the aquatic resources during the access road improvements and low-water crossing installations. BMPs may include but are not limited to: perimeter erosion control measures (e.g., straw wattles, silt fence, straw bale barriers, etc.); maintaining vegetative buffers; and minimizing clearing and amount of exposed soil. Any stockpiled materials would be located at least 50 feet from the waterbodies, and an appropriate perimeter BMP (e.g., straw wattles) would be utilized to prevent material loss from stockpiles and potential discharge to aquatic resources. No material will be sidecast adjacent to the channel with the potential to erode back into the aquatic resource. All equipment refueling would occur at least 100 feet away from the aquatic resources. If there are any additional, unanticipated disturbances outside of the existing two-track roadway, the areas would be seeded with a native seed mix. For the water bypass structures, two pumps (one primary pump and one backup pump) will be utilized to ensure sustained water diversion throughout the construction time period. The pumps	

management, water quality monitoring, equipment or plans to treat, control, or manage discharges, etc.	<p>will be placed within a secondary containment area to ensure no fuel or other contaminants will enter aquatic resources. For the bypass hoses, a filter bag, or other energy dissipation BMP, will be installed at the outlet to prevent erosion within the streambed. The energy dissipation BMP impact amounts are assumed in the calculations above.</p> <p>Work will be scheduled during periods of low flow and outside of precipitation runoff events to the greatest extent possible.</p> <p>All vehicles and equipment would be cleaned and inspected for leaks prior to travel to the Project. Work would not be conducted during periods of high flows or precipitation runoff events. Tallgrass would reference the <i>Nevada Best Management Practices Handbook – Online Toolbox</i> for BMP design details and placement criteria.</p> <p>Per BLM requirements as part of their ROW grant amendment, the low-water crossings shall be constructed in a manner that will prevent any blockage or restriction of the existing channel. Material removed shall be stockpiled for use in rehabilitation of the crossings (as applicable). Construction to the drainages must be monitored by a representative from the Tuscarora Field Office (email correspondence indicating the requirements is attached with this application).</p>
Describe how the activity has been designed to avoid and/or minimize adverse effects, both temporary and permanent, to regulated waters:	The proposed low-water crossing areas are located within stable, low-velocity stream sections where excavation would be limited to the smallest extent possible. The approaches and crossings would be stabilized with appropriately sized, locally sourced, angular granite rock to protect both the streambed and banks, and the crossings would be installed to match the existing, natural stream profile. The rock is sized appropriately for off-road vehicle use and would be placed in a manner to prevent movement resulting from flow velocities. A rock bucket would be utilized for rock installation to clear excess fine materials from the rock prior to placement to prevent additional sediment discharge within the creeks. Areas with steep drop-offs or sudden changes in stream grade would be avoided. The low-water crossing approaches would be constructed with gentle slopes to reduce potential erosion and to provide a smooth transition. The low-water crossing rock placement would be installed to maintain existing surface flows, to prevent any potential for damming, interruption of surface flows, downstream scour, or narrowing of the channel, and to enable continued aquatic organism passage.
Describe any compensatory mitigation planned for this project (if applicable):	No compensatory mitigation is planned for this activity. The Project is intended to reduce impacts to WOTUS with continued use of the existing two-track roads by constructing low-water crossings that would reduce potential erosion, sedimentation, rutting, and other impacts from continued vehicle travel. The low-water crossings would also be designed to allow for continued surface flows through the crossings, maintaining upstream and downstream hydrologic connectivity.

D. Signature

Name and Title (Print):

Mark Miller

Senior Environmental Coordinator

Phone Number:

970-441-0753

Date:

08/28/2025



Signature of Responsible Official

Mandatory Attachments:

- **Federal Permit or License Application** - A copy of the federal permit or license application and any readily available water quality-related materials that informed the development of the federal license or permit application.
- **Site Map** - A map or diagram of the proposed project site including project boundaries in relation to regulated waters, local streets, roads, and highways.
- **Engineered Drawings** - Engineered drawings are preferred to be submitted at the 70% design level. If only conceptual designs are available at the time of application, plans for construction should be submitted prior to the start of the project. Specific locations of the proposed activities and details of specific work elements planned for the project should be identified (e.g., staging areas, concrete washouts, perimeter controls, water diversions, or other BMPs).

Submit the completed application materials to NDEP (ndep401@ndep.nv.gov) with the appropriate U.S. Army Corps of Engineers Regulatory Office copied on the communication (<http://www.spk.usace.army.mil/Missions/Regulatory/Contacts/Contact-Your-Local-Office/>).

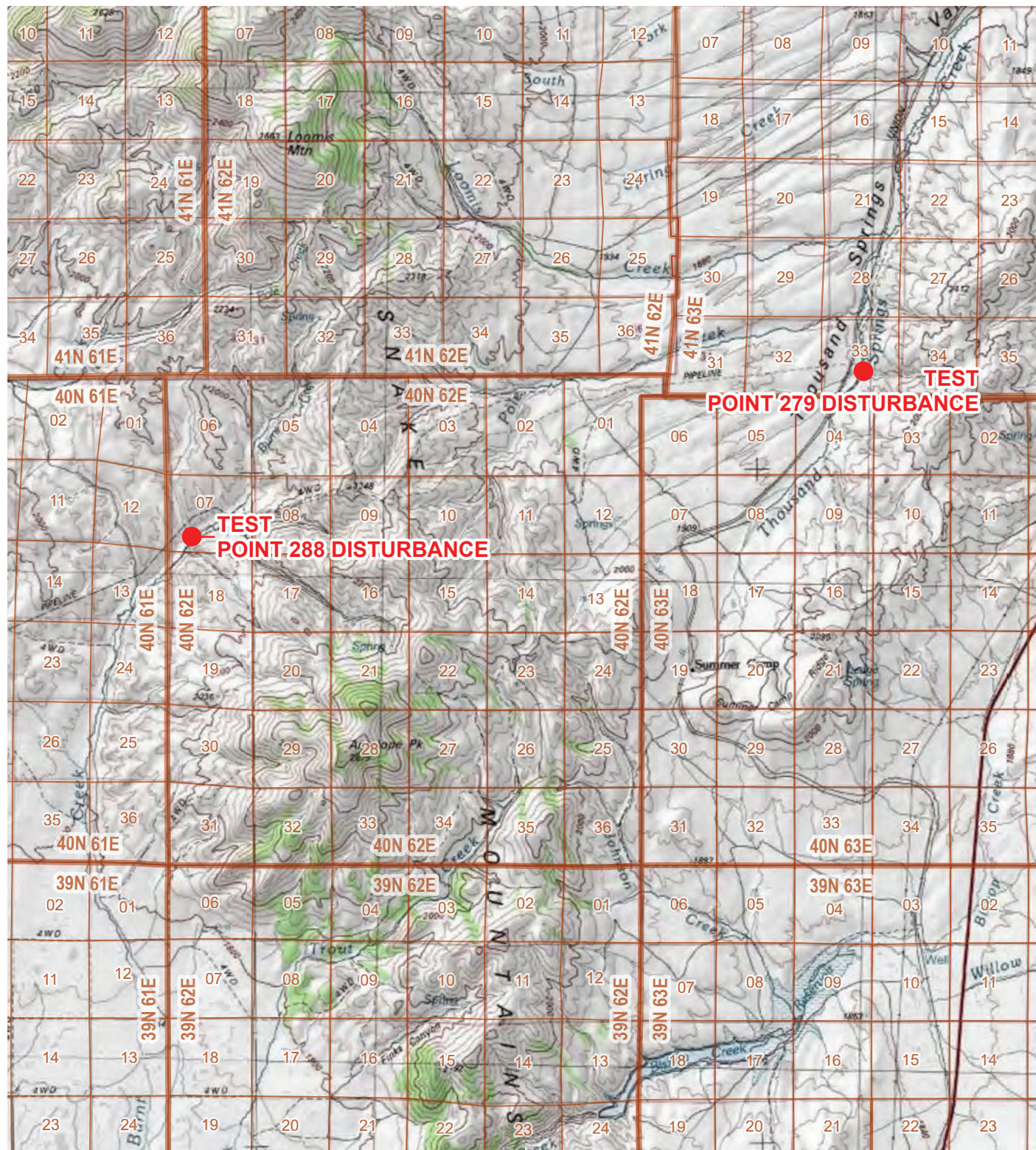


IMAGE COURTESY OF ESRI/USGS

LEGEND

- DISTURBANCE AREAS
- PLSS TOWNSHIP BOUNDARY
- PLSS SECTION BOUNDARY

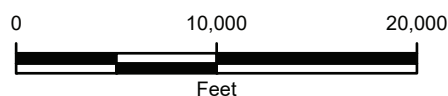
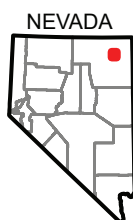


FIGURE 1
SITE VICINITY MAP
RUBY PIPELINE LOW-WATER
CROSSING IMPROVEMENTS
SEC 07 T40N R62E, SEC 33 T41N R63E
ELKO COUNTY, NEVADA



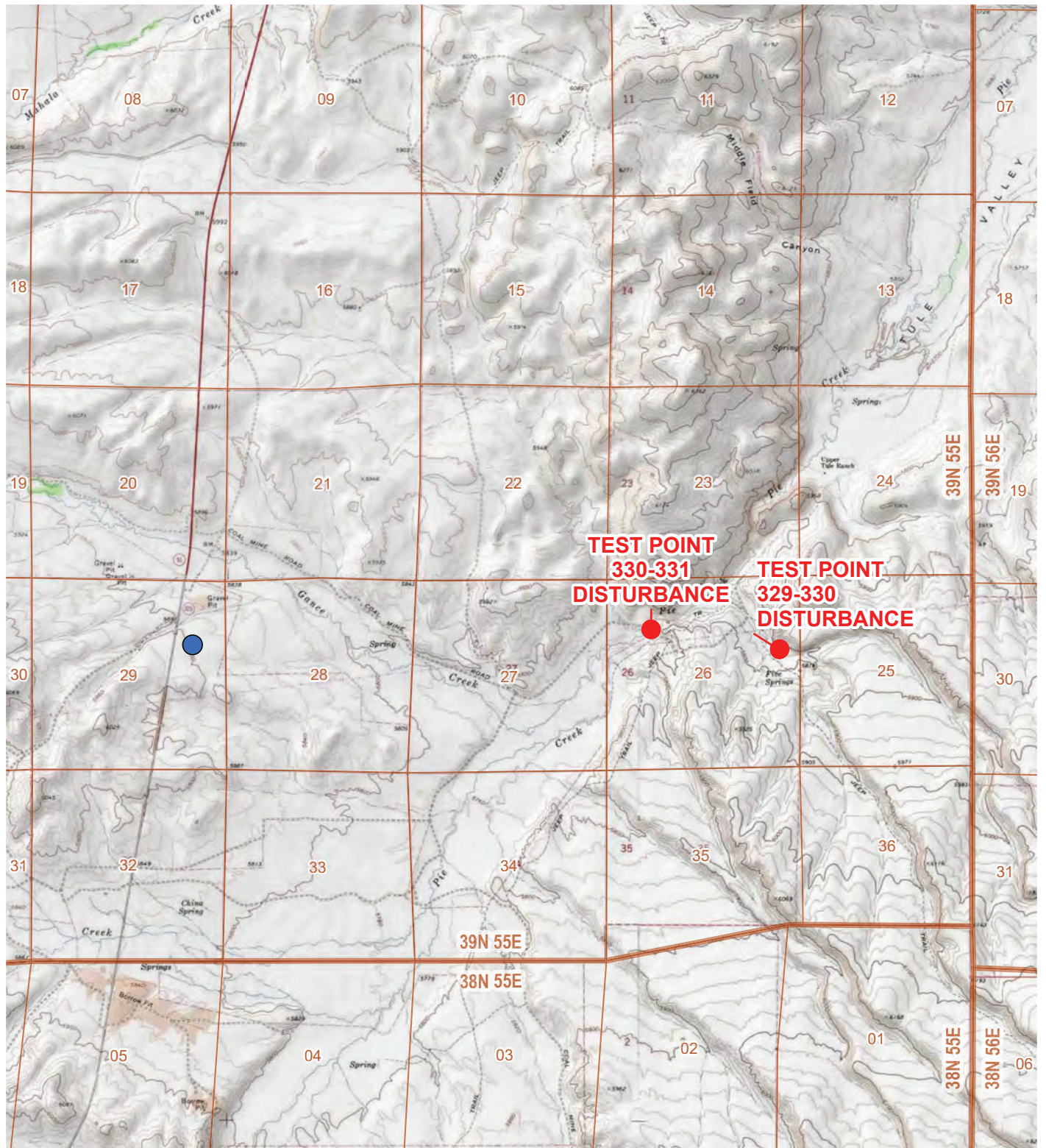


IMAGE COURTESY OF ESRI/USGS

LEGEND

- MATERIAL STAGING AREA
- DISTURBANCE AREAS
- PLSS TOWNSHIP BOUNDARY
- PLSS SECTION BOUNDARY

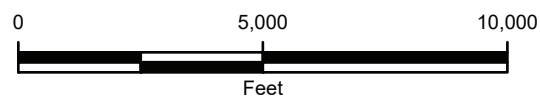
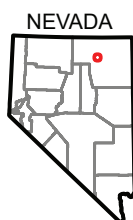


FIGURE 2
SITE VICINITY MAP
RUBY PIPELINE LOW-WATER
CROSSING IMPROVEMENTS
SEC 26 T39N R55E
ELKO COUNTY, NEVADA





IMAGE COURTESY OF ESRI/USGS

LEGEND

- FLOW DIRECTION
- DISTURBANCE AREA (0.008 ACRES)
- AQUATIC RESOURCE DATA
- AQUATIC RESOURCE DATA WITHIN DISTURBANCE AREA (0.004 ACRES)

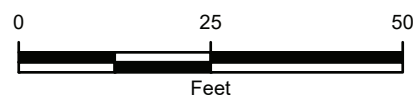
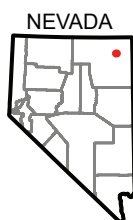







FIGURE 3
AQUATIC RESOURCE DELINEATION MAP
RUBY PIPELINE LOW-WATER
CROSSING IMPROVEMENTS
ELKO COUNTY, NEVADA





IMAGE COURTESY OF ESRI/USGS

LEGEND

-  ACCESS ROAD
-  FLOW DIRECTION
-  DISTURBANCE AREA (0.003 ACRES)
-  AQUATIC RESOURCE DATA
-  AQUATIC RESOURCE DATA WITHIN DISTURBANCE AREA (0.002 ACRES)

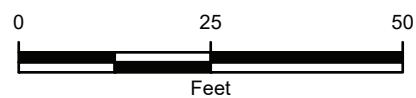
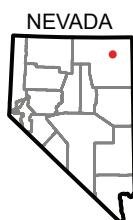


FIGURE 4
AQUATIC RESOURCE DELINEATION MAP
RUBY PIPELINE LOW-WATER
CROSSING IMPROVEMENTS
ELKO COUNTY, NEVADA





IMAGE COURTESY OF ESRI/USGS

LEGEND

- ACCESS ROAD
- FLOW DIRECTION
- DISTURBANCE AREA (0.004 ACRES)
- AQUATIC RESOURCE DATA
- AQUATIC RESOURCE DATA WITHIN DISTURBANCE AREA (0.003 ACRES)

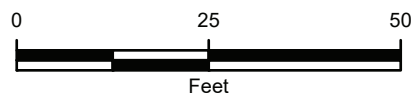
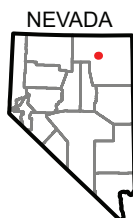


FIGURE 5
AQUATIC RESOURCE DELINEATION MAP
RUBY PIPELINE LOW-WATER
CROSSING IMPROVEMENTS
ELKO COUNTY, NEVADA





IMAGE COURTESY OF ESRI/USGS

LEGEND

- ACCESS ROAD
- FLOW DIRECTION
- DISTURBANCE AREA (0.008 ACRES)
- /// AQUATIC RESOURCE DATA WITHIN DISTURBANCE AREA (0.006 ACRES)
- AQUATIC RESOURCE DATA - WATERBODY
- AQUATIC RESOURCE DATA - WETLAND

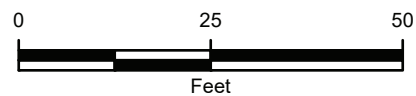
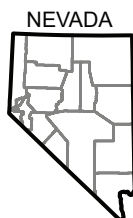


FIGURE 6
AQUATIC RESOURCE DELINEATION MAP
RUBY PIPELINE LOW-WATER
CROSSING IMPROVEMENTS
ELKO COUNTY, NEVADA



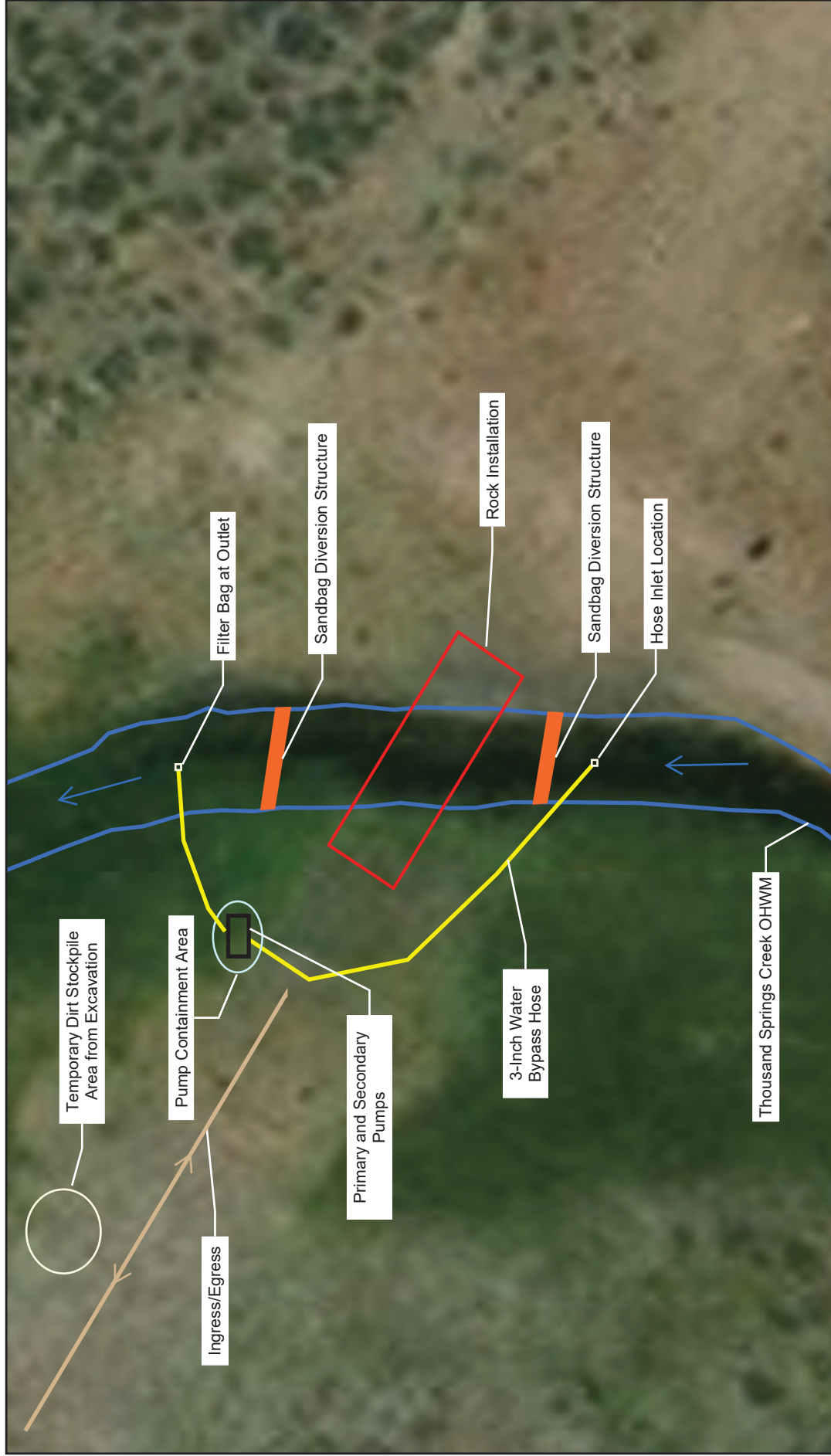


IMAGE COURTESY OF ESRI



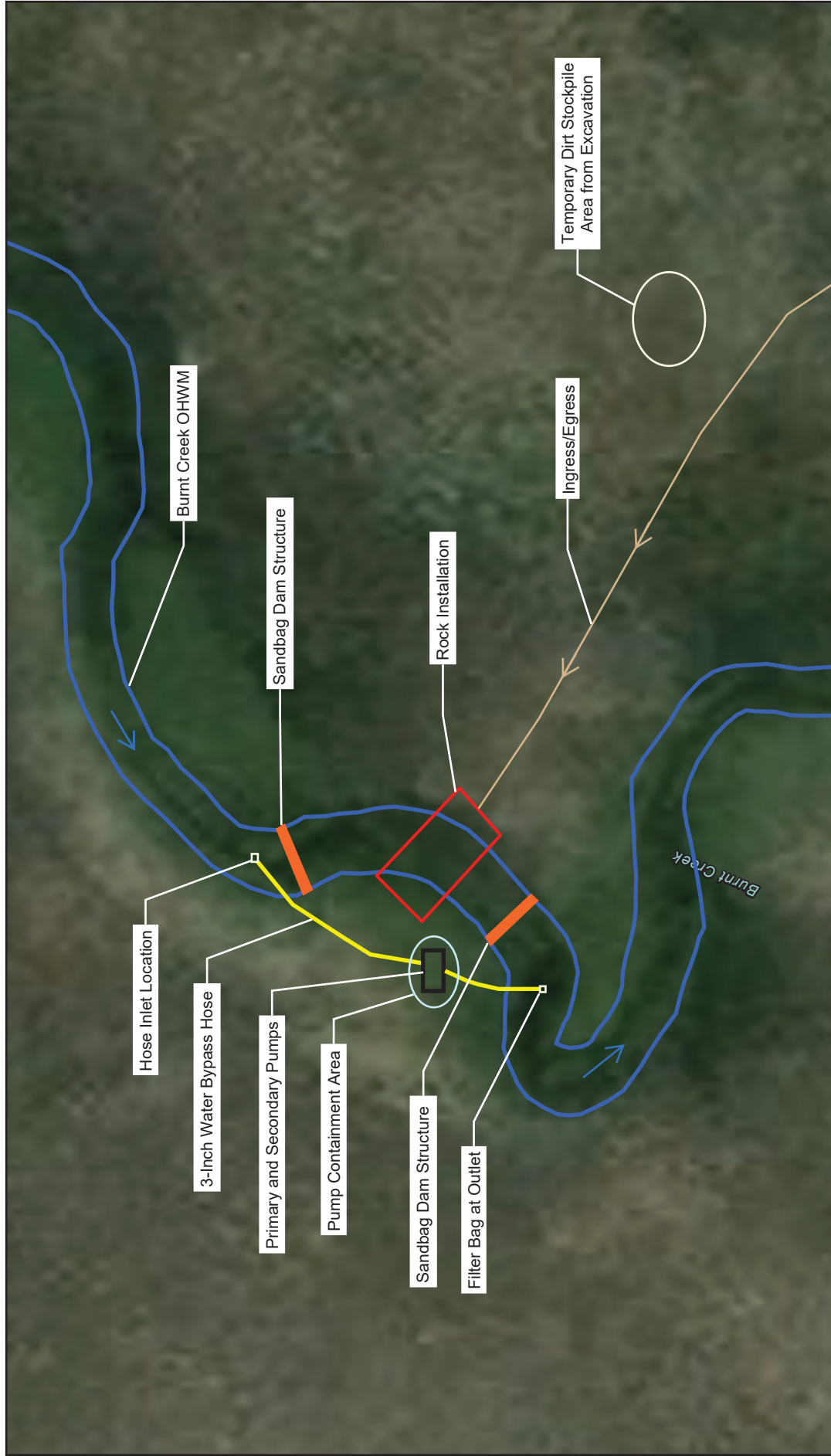
NOTES

Proposed Impacts to WOTUS:

- Rock Installation: 0.004 Acre; 8 Linear Feet; 6.48 Cubic Yards of Fill within the OHWM of the Creek.
- Sandbag Dam Structures: 0.0004 Acre; 2 Linear Feet; 0.59 Cubic Yards of Fill within the OHWM of the Creek.
- Bypass Hose: 0.0001 Acre; 20 Linear Feet; 0.0463 Cubic Yards of Fill within the OHWM of the Creek.
- Bypass structure will only be utilized if surface water is present during construction.

TEST POINT 279
LOW-WATER CROSSING
RUBY PIPELINE
SEC 33, R 63 EAST, T 41 NORTH
ELKO COUNTY, NEVADA
TALLGRASS ENERGY L.P.





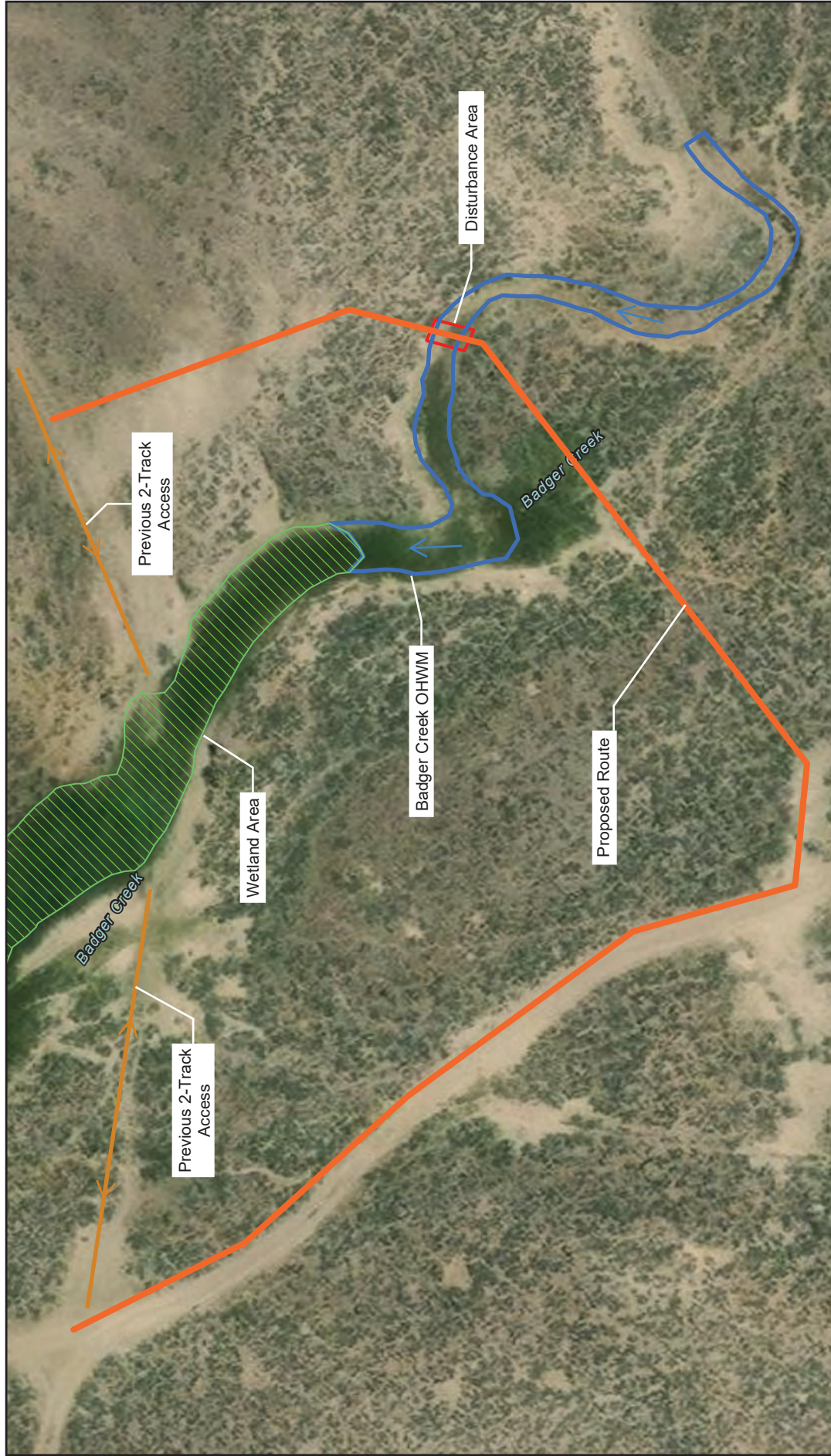
NOTES

Proposed Impacts to WOTUS:

- Rock Installation: 0.002 Acre; 8 Linear Feet; 2.96 Cubic Yards of Fill within the OHWM of the Creek.
- Sandbag Dam Structures: 0.0004 Acre; 2 Linear Feet; 0.59 Cubic Yards of Fill within the OHWM of the Creek.
- Bypass Hose: 0.000057 Acre; 10 Linear Feet; 0.0231 Cubic Yards of Fill within the OHWM of the Creek.

TEST POINT 288
LOW-WATER CROSSING
RUBY PIPELINE
SEC 07, R 62 EAST, T 40 NORTH
ELKO COUNTY, NEVADA
TALLGRASS ENERGY L.P.





NOTES

Proposed Impacts to WOTUS:

- Proposed Route: 0.003 Acre; 12 Linear Feet; 4.62 Cubic Yards of Fill within the OHWM of the Creek.
- No bypass structure required new access route. No rock installation required for new access route.

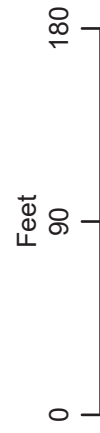
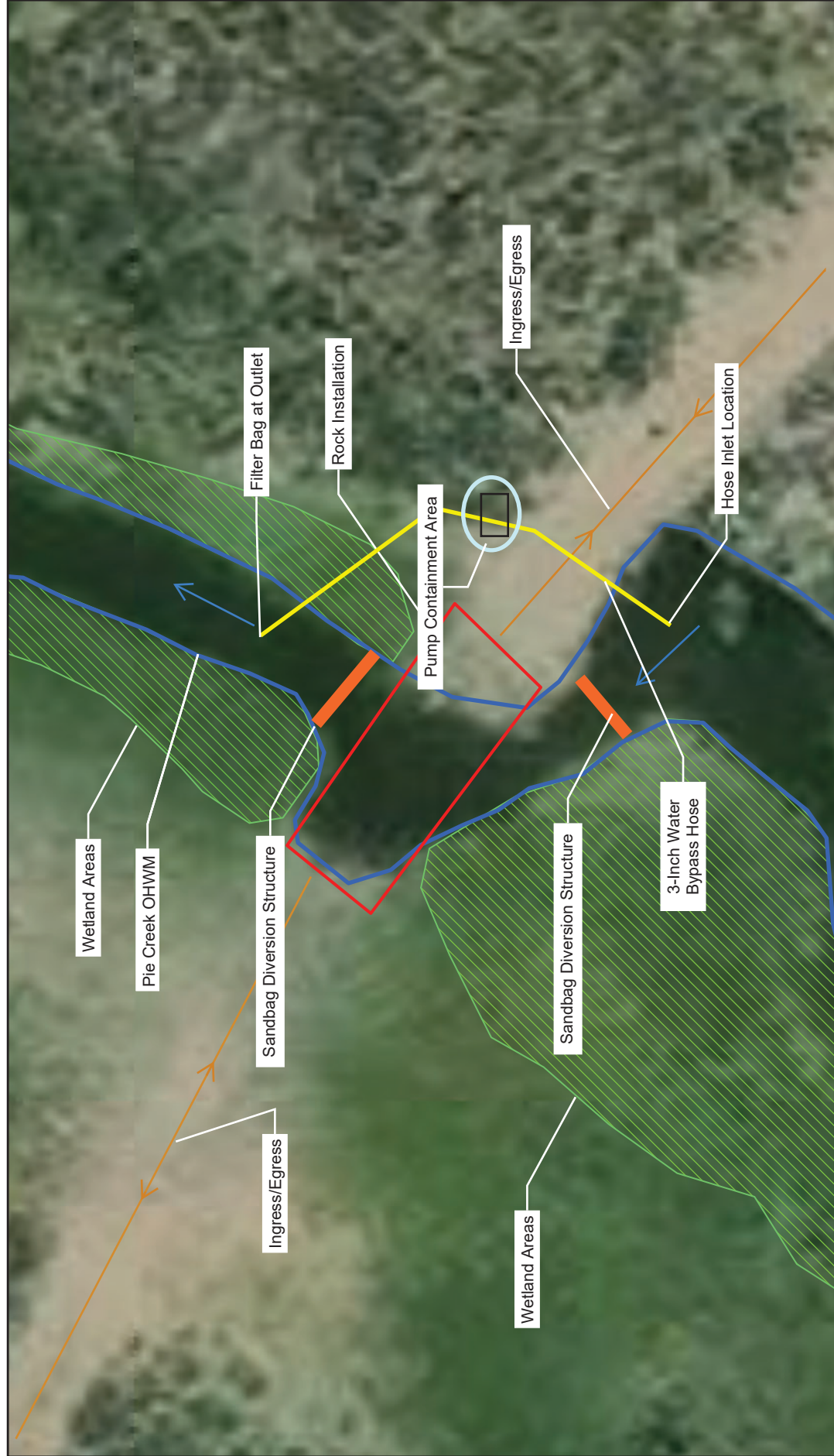


IMAGE COURTESY OF ESRI



TEST POINT 329-330
LOW-WATER CROSSING
RUBY PIPELINE
SEC 26, R 55 EAST, T 39 NORTH
ELKO COUNTY, NEVADA
TALLGRASS ENERGY L.P.



NOTES

Proposed Impacts to WOTUS:

- Rock Installation: 0.006 Acre; 12 Linear Feet; 19.04 Cubic Yards of Fill within the OHWM of the Creek.
- Sandbag Dam Structures: 0.0004 Acre; Bypass Hoses: 0.00057 Acre; 12 Linear Feet; 0.6363 Cubic Yards of Temporary Fill within the OHWM of the Creek.

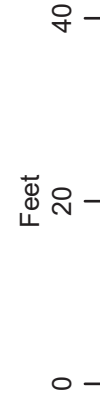
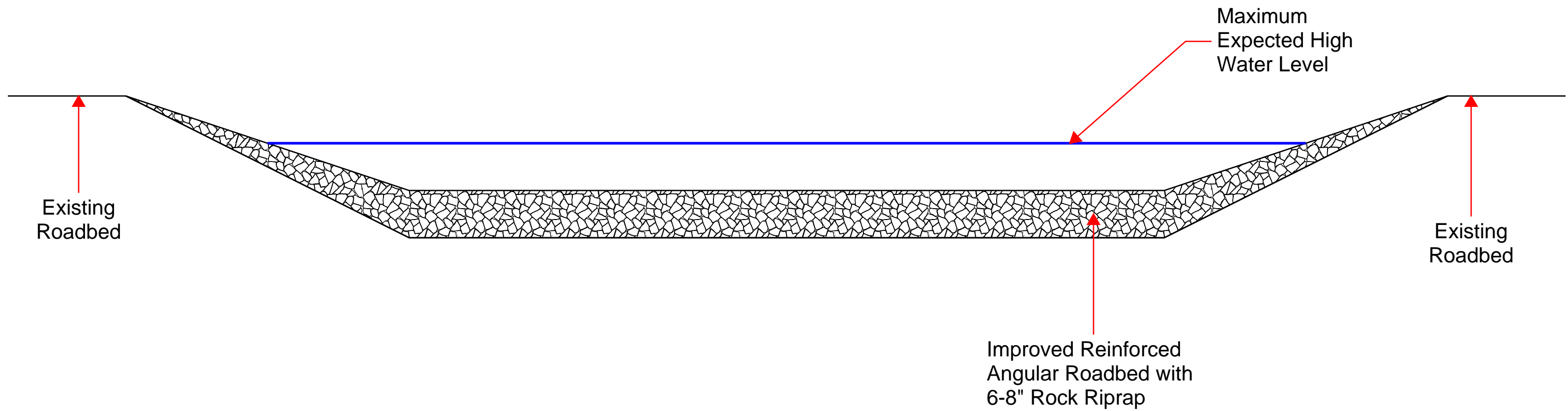


IMAGE COURTESY OF ESRI

TEST POINT 330-331
LOW-WATER CROSSING
RUBY PIPELINE
SEC 26, R 55 EAST, T 39 NORTH
ELKO COUNTY, NEVADA
TALLGRASS ENERGY L.P.





*Drawing Not to Scale