



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).	June 30 th , 2025
<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: Carson Valley Conservation District	Address: 1702 County Rd., Suite A
Applicant Name: Richard Wilkinson	City: Minden
Phone: 775-782-3661	Fax: N/A
State: Nevada	
Email: Richard.Wilkinson@nv.nacdnet.net	Zip Code: 89423
Agent Information	
Company Name: Carson Valley Conservation District	Address: 1702 County Rd., Suite A
Agent Name: Richard Wilkinson	City: Minden
Phone: 775-782-3661	Fax: N/A
State: Nevada	
Email: Richard.Wilkinson@nv.nacdnet.net	Zip Code: 89423

C. Project General Information			
Project Location			
Project/Site Name: Carnes #2 – Genoa Phase 4 2025 River Restoration Project		Name of receiving waterbody: Carson River	
Address: No physical address. APN: 1319-11-001-015		Type of waterbody present at project location (<i>select all that apply</i>): ☒ Perennial River or Stream ☐ Intermittent River or Stream ☐ Ephemeral River or Stream ☐ Lake/Pond/Reservoir ☐ Wetland ☐ Other: _____	
City: Genoa			
County: Douglas			
State: Nevada			
Zip Code: 89423			
Latitude (UTM or Dec/Deg): 39.007043		Longitude (UTM or Dec/Deg): -119.825971	
Township: 13N	Range: 19E	Section: 11	¼ Section:

Project Details

Project purpose:	The purpose of this project is to restore and stabilize a highly eroded section of the Carson Riverbank at site Carnes #2, one of six sites proposed as part of the Genoa Phase 4 River Restoration Project in Douglas County, NV. Excess instream materials deposited in the channel during flooding events in 2017 and 2023 will be used to reshape the banks and prevent erosion and degradation during future high-flow events. Some material will also be cut from the top of the bank to use for reshaping the bank. Approximately 548 linear feet along the straight sections of the project will be reshaped to a 3 to 1 slope with the intent to create a gradual connection of the river to the floodplain. Approximately 537 linear feet along the project bend will be reshaped with one swale installed at the top of the bank to allow for stepped overflow above the ordinary high-water mark (OHWM). Instream materials will be used as fill to reshape the bank and will be protected and reinforced by rock riprap with interspersed willow plantings on the bank toe and lower slope and bioengineering applications on the upper slope. Five rock stream barbs will be built at this site to reduce hydraulic energy that is directed towards the bank and encourage sediment deposition. Bioengineering and seeding applications will be used on the rock slope, terraces and upland areas with the aim of restoring vegetation at the site.
Describe current site conditions: Attachments can include, but are not limited to, relevant site data, photographs that represent current site conditions, or other relevant documentation.	This site was identified by CVCD in 2024 for priority restoration action as part of the Genoa Phase 4 project. Flood damage in 2017 and 2023, exacerbated by seasonal high flows in other years, has significantly eroded the riverbank at the bend and adjacent straights on the south and west banks. The project length is approximately 1,085 linear feet, and the average current bank height is 8 feet. Site characteristics include: vertical to concave banks, noxious and nuisance weed populations, noticeable sedimentation and turbidity of the river, and the landowner's boundary fence is undercut and has fallen into the river on the northwest end of the project. See attached initial photo monitoring reports.
Describe the proposed activity including methodology of each project element:	Upon project initiation, BMPs will be installed, and the site will be dewatered in order to work in the channel without creating a discharge. Live flows will be diverted towards the opposite bank or center of the work area by excavating a channel through or around the existing in-stream bar and then diverting flows into that excavated channel through the installation of k-rails or other BMP applications. Temporary impacts resulting from dewatering will include an 853 linear-foot channel (0.29 acres surface area and 1,137 CY of instream material temporarily dredged) and 145 linear feet of k-rails or other approved BMP applications will be placed as temporary fill. The damaged riverbank will be re-graded and restored by cutting from the proposed crest lines and through utilization of instream material as fill which will be dredged from specified

	borrow areas on attached Engineered Drawings. The project length is 1,085 linear feet. It is estimated that 18 cubic yards of material will be cut from the banks below the OHWM and that an additional 2,614 cubic yards of dredged instream material will be used as permanent bank fill. A total of 1,768 cubic yards of large riprap rock (Classes 300, 550, 700 and 900) will be placed at the project site as permanent fill. Rock will be placed at a height of 3 feet along the toe and lower slope to reinforce the shaped bank, prevent future erosion, and allow for sediment deposition in between the rock spaces. Five rock stream barbs will be built according to the engineer plans to reduce hydraulic energy directed at the bank. There will be no import or export of instream soil materials for this project. The project construction contractor will utilize the following equipment for the specified actions: a dozer to push in-stream materials to the bank, an excavator to load and place materials, a loader to haul and drop materials, haul trucks to transport materials to and from the site, a street sweeper to remove dirt tracked out onto roadways, water trucks for dust control, and a backhoe for similar functions of the loader and excavator. CVCD will apply bioengineering methods to stabilize and protect the banks within and above the riprap rock on the toe and upper slopes (willow poles and fascines). A stinger will be utilized to plant willow poles to a depth of ~3 feet. Coir fabric will be utilized on the upper slopes to protect from soil erosion. Bioengineering materials are estimated to be approximately 56 CY. The District plans to start this work as soon as possible and during the driest time of the year, likely between December and January, depending upon authorization of all permits. This work is proposed to be completed under a CWA 404 Letter of Permission Procedure (LOP) with the US Army Corps of Engineers (USACE). This pathway for authorization has been recommended by USACE due to the following project characteristics: • Risk of discharge of dredged or fill material into waters of the US (WOTUS) • Project will have minimal or less than significant impacts on the human environment under NEPA • Project will include dredging of more than 25 cubic yards of instream material • Project does not meet the terms of NWP 45 or NWP 13 • Project does not exceed one acre of permanent loss of WOTUS or 1,000 linear feet of streambed
Estimate the nature, specific location, and number of discharge(s) expected to be authorized by the proposed activity:	The District does not anticipate any significant discharges as construction is planned during the driest time of the year. This section of the river often dries out during the winter so that water levels are extremely low, however this is dependent on annual precipitation and runoff levels. A minor discharge is possible if water levels unexpectedly come up during construction or when first creating the dewatering channel.

	Responsible dewatering practices and the application of BMPs which will be determined in the construction contract will help minimize any potential discharges.	
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 project start date will be highly dependent upon the timing of authorization of permits by all regulatory agencies. Preferred timeframe: December – January 2025. Anticipated completion of heavy earthwork is Jan. 15st. Early to mid-December (possible minor discharge with creating a dewatering channel could happen around this time depending on water levels) If permitting is not authorized by December/January, the District may be able to push construction until February, though this will be dependent upon annual winter conditions and water levels. If weather does not permit for construction in February, the project can be implemented in the fall of 2026.	
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):	USACE CWA 404 Letter of Permission Procedure (LOP)	
Provide a list of all other federal, state, interstate, tribal, territorial, or local agency authorizations required for the proposed activity and the current status of each authorization:	NV Division of State Lands Authorization to Use State-Owned Submerged Lands (submitted) NDEP Temporary Working in Waterways (not yet submitted) Landowner Right of Entry Permit (complete) CVCD holds a General Permit for Routine Maintenance Activities	
Total area of impact to regulated waterbodies (acres):	2.8 acres	
Total distance of impact to regulated waterbodies (linear feet):	1,085 linear feet	
Amount excavation and/or fill discharged within regulated waters (acres, linear feet, and cubic yards): SEE ATTACHED IMPACTS TABLE FOR FULL DETAILS	Temporary:	Permanent:
	K-rails = 18 CY/0.01 acres/145 ln ft	Bank cut = 18 CY Bio. materials = 56 CY
Amount of dredge material discharged within regulated waters (acres, linear feet, and cubic yards):	Temporary:	Permanent:
	Dewatering channel = 1,137 CY/0.29 acres/853 ln ft	In-stream material = 2,614 CY/up to 0.58 acres/1,085 ln ft
Describe the reason(s) why avoidance of temporary fill in regulated waters is not practicable (if applicable):	The avoidance of temporary fill in regulated waters is not practicable due to the necessity of dewatering the construction site in order to avoid a discharge. K-rails or other BMP applications will be necessary to dewater the site and will be temporarily used during construction and removed afterwards. The movement of instream material across the channel is considered temporary fill and cannot be avoided in order to complete the project. Installation of BMPs will also contribute to temporary fill and cannot be avoided due to the necessary protection of water quality standards.	

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 management, water quality monitoring, equipment or plans to treat, control, or manage discharges, etc.

The District will require contractors to bring clean and leak free equipment to and from the project site. In addition, extensive BMPs for mitigation of discharges will be in place and stated within all contract documents. The proposed work will take place at the driest time of the year and if necessary, will dewater the site to ensure that the project does not create a discharge and increase turbidity of the river. Project boundaries and all desirable vegetation will be marked, and critical areas will be avoided to protect resources. The District will require contractors to water for dust control and sweep for any materials tracked out onto access roads. Reseeding with native or desirable vegetation will take place on all areas impacted by equipment and the staging of materials. Contractors will not work in water above a certain CFS (usually 600 CFS, written into contract) to not create significant discharge; the contractor has the flexibility to not work if not comfortable with water level and flows. Contractors will follow BMP guidelines determined within the contract and ensure that the storage of stockpiles and staging of equipment is at least 100ft from the OHWM. Stockpiles will likely only be used for rock riprap. Instream material will be pushed from the center of the riverbed over to the bank using the contractor's choice of equipment (loader, excavator, backhoe, and/or dozer). CVCD prefers the use of a loader, but this does not work with fine/silty material. Material that is moved that day will likely be utilized that day. CVCD requires that stored materials be wrapped, and that silt fencing and filtration waddles are utilized during storage.

The construction contractor is responsible for obtaining the approved SWPP for the proposed project. A construction contractor has not yet been selected for this project. An approved SWPP will be obtained prior to the start of work, and this will define specific work erosion control measures. Typical erosion control measure that will be required include:

- Limited site access.
- Stockpiles will have perimeter controls such as silt fencing and/or filtration wattles.
- Erosion prevention by implementing any or a combination of soil stabilization practices such as mulching, surface roughening, and temporary silt fencing.
- Work will be done during appropriate weather conditions and will shut down work during storms when wind, rain, or snow would cause increased site erosion due to active work.

Project boundaries will be marked to ensure that the minimum area necessary for project completion will be affected by construction activities. The site will likely be dewatered only once for construction. The low elevation of the streambed will be determined during the engineering survey and instream material will be dredged to no lower than the lowest current elevation. Attached Engineered Drawings depict the general

	conceptual plan for dewatering. The construction contractor will determine the final method for dewatering and will submit a plan to CVCD, with a seven-day review period. The most common method is to use K-rails to block upstream with BMP materials installed downstream. The contractor may choose to terminate the backend of the project into a sand and gravel pile. A dewater trench will be utilized downstream and will not reduce the elevation of the streambed. K-rails or other approved BMP applications will be used to direct materials into the trench, and a buffer will be left to keep flows in-channel. A small discharge may occur when first creating the dewatering channel. However, the District will utilize silt fencing and filtration waddles to capture any downstream sediment flow. The dewatering application at this site will remain in place for the duration of the completion of the Carnes #2 project site as well as the duration of the completion of the Running River #2 project site, which is directly downstream. The dewatering trench will begin at the Carnes #2 site and will continue into and through the Running River #2 site (which is being submitted for permitting under a separate application). The projects may be completed one after the other or at the same time, depending on the workload capacity of the awarded contractor. CVCD estimates that the site will be dewatered for a maximum of 10 weeks; this timeframe is dependent upon weather and the number of personnel available to work under the construction contractor and will likely be less than the maximum allotted. The method of removal for temporary fill used during dewatering will be to use a barrier lift attached to a chain attached to an excavator or loader bucket. The dewatering channel will be backfilled. There will be no piles of material remaining, and the area will be clear of debris. The removal of the diversion will allow for the return of the live stream flows to the original low flow channel. The work will be ordered so that equipment will not be driving through live stream flows.
Describe how the activity has been designed to avoid and/or minimize adverse effects, both temporary and permanent, to regulated waters:	CVCD has been implementing riverbank stabilization projects for over two decades and has continually worked to ensure that the bidding, contracting, and construction process includes detailed requirements to avoid adverse effects to regulated waters. Contract documents will specify the requirements mentioned above and CVCD staff will ensure that any known violations will result in the stoppage of all work until the violation is corrected. Safety of personnel and the preservation of regulated waters within and adjacent to the work site are of utmost importance. All the above-mentioned BMPs and work requirements will be in place to ensure the minimization of adverse effects.

Describe any compensatory mitigation planned for this project (if applicable):	CVCD has determined that compensatory mitigation is not necessary for this project as actions will not result in potentially significant impacts on the human environment. CVCD is responsible for ensuring that the project is designed to avoid and minimize effects to the aquatic environment to the maximum extent practicable. The project will not result in the loss of WOTUS, wetlands, stream bed, or aquatic resource functions.
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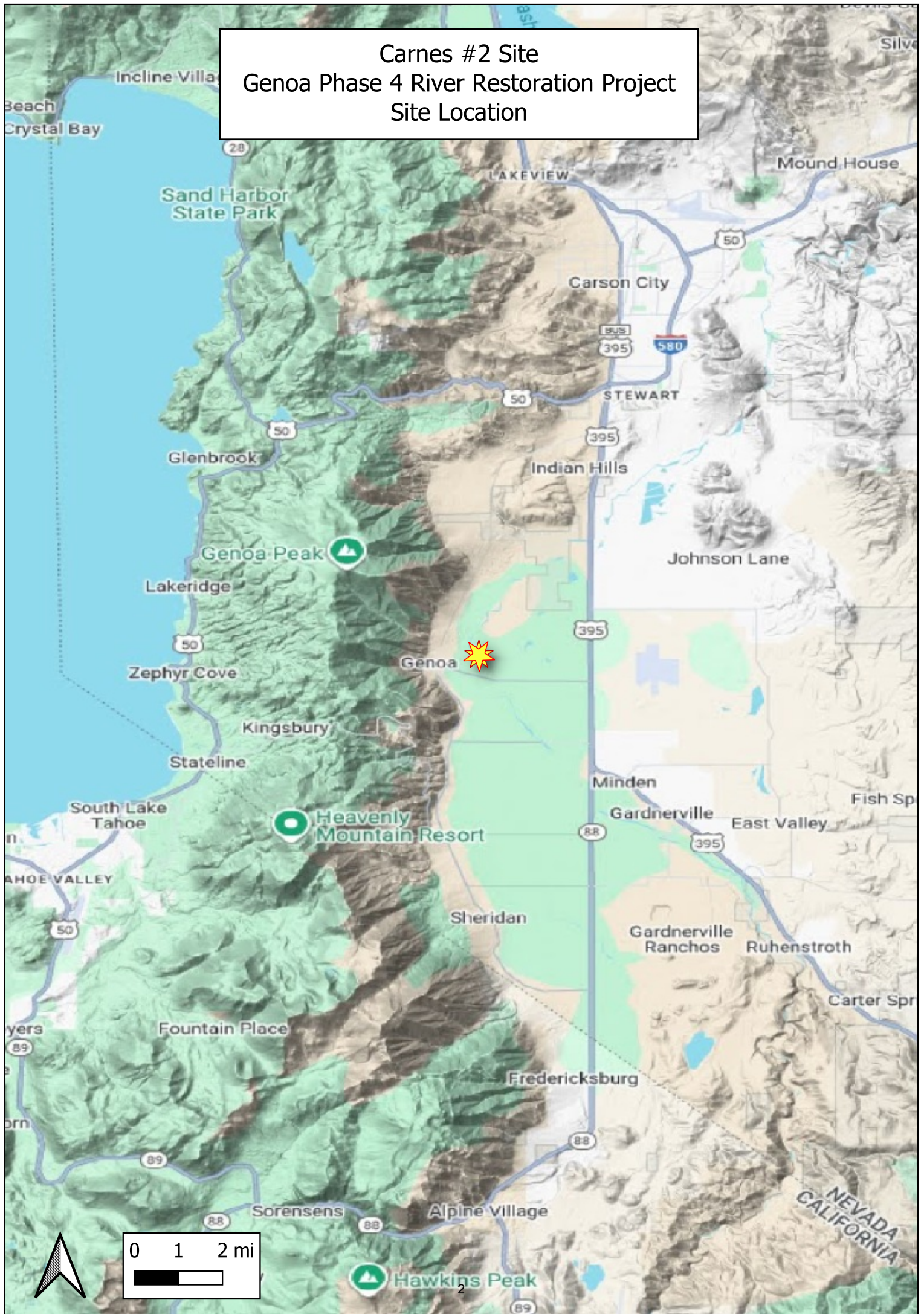
D. Signature		
Name and Title (Print): Richard Wilkinson, District Manager	Phone Number: (775) 782-3661	Date: 10/10/2025
X  Signature of Responsible Official		

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/>).

Carnes #2 Site
Genoa Phase 4 River Restoration Project
Site Location



Carnes #2 Site
Genoa Phase 4 River Restoration Project
Site Work Elements

Legend

-  Staging Area
-  Haul route/ingress/egress
-  Project work area

0 250 500 ft



Genoa Phase 4 2025 River Restoration Project - Impacts Table
Carson Valley Conservation District

Site	USACE	Impact Duration	Impact Description	Linear Feet	Area (acres)	Cubic Yards Fill	Cubic Yards Dredge/Cut
Carnes #2	Letter of Permission Procedure (LOP)	Temporary	Dewatering trench	Channel = 853 K-rails = 145	0.29	Channel = 1,137 K-rails = 18	Channel = 1,137
			Pushing instream material	1,085	0.92	-	-
		Permanent	Bank stabilization	1,085	1.01	Riprap = 1,768 Bio. materials = 56 Bank fill = 2,632	Bank cut = 18
			Borrow areas	-	0.58*	-	Instream material = 2,614
Total Site 2 Area:					2.8		

* Note: Borrow area acreages cover all potential areas where instream material may be dredged. Only enough of this acreage will be dredged to supply the specified instream material.

U.S. Army Corps of Engineers (USACE) APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT For use of this form, see 33 CFR 325. The proponent agency is CECW-COR.		Form Approved - OMB No. 0710- 0003 Expires: 2027-10-31	
The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil . Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.			
PRIVACY ACT STATEMENT			
Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: http://dpcl.dod.mil/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx			
(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)			
1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED 11/13/2025	4. DATE APPLICATION COMPLETE
(ITEMS BELOW TO BE FILLED BY APPLICANT)			
5. APPLICANT'S NAME First – Richard Middle – Last – Wilkinson Company – Carson Valley Conservation District E-mail Address – richard.wilkinson@nv.nacdn.net		8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First – Martha Middle – Last – Jenkins Company – NV Department of Conservation & Natural Resources E-mail Address – mjenkins@dnr.nv.gov	
6. APPLICANT'S ADDRESS: Address – 1702 County Rd City – Minden State – NV Zip – 89423 Country – US		9. AGENT'S ADDRESS: Address – 405 S 21st St City – Sparks State – NV Zip – 89431 Country – US	
7. APPLICANT'S PHONE NOs. w/AREA CODE a. Business b. c. Fax +17757823661 ext. 3830		10. AGENTS PHONE NOs. w/AREA CODE a. Mobile b. c. Fax +17753648045	
STATEMENT OF AUTHORIZATION			
11. I hereby authorize, Martha Jenkins to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.			
/s/ - provided on authorized agent form _____ SIGNATURE OF APPLICANT		11/13/2025 _____ Date	

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY		
12. PROJECT NAME OR TITLE (see instructions) Carnes #2 - Genoa Phase 4 2025 River Restoration Project		
13. NAME OF WATERBODY, IF KNOWN (if applicable) Carson River	14. PROJECT STREET ADDRESS (if applicable) Address -- City -- Genoa State -- NV Zip --	
15. LOCATION OF PROJECT Latitude: °N 39.0072995 Longitude: °W -119.8262435		
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) Section -- 10 Township -- 013 N Range -- 019 E County -- Douglas County Project Area -- 2.8 Acres State Tax Parcel ID --		
17. DIRECTIONS TO THE SITE From Carson City, NV: Head south on S Carson St. toward W Musser St. At the traffic circle, take the first exit to stay on S Carson St. Travel 2.8 miles and continue onto US-395 S. Continue 8.1 miles and turn right onto NV-206 (Genoa Lane). Travel 2.5 miles then turn right onto private driveway for 390 Genoa Lane. Travel 0.6 miles and the project site is north of the private residence on the south and west banks of the Carson River.		
18. Nature of Activity (Description of project, include all features) This project is to restore and stabilize a highly eroded section of the Carson Riverbank at site Carnes #2, one of six sites proposed as part of the Genoa Phase 4 River Restoration Project in Douglas County, NV. Excess instream materials deposited in the channel during flooding events in 2017 and 2023 will be used to reshape the banks and prevent erosion and degradation during future high-flow events. Some material will also be cut from the top of the bank to use for reshaping the bank. The total project length is 1,085 linear feet of bank and the total area of impact is 2.8 acres. The average current bank height is 8 feet. Site characteristics include: vertical to concave banks, noxious and nuisance weed populations, noticeable sedimentation and turbidity of the river, and the landowners boundary fence is undercut and has fallen into the river on the northwest end of the project. See attached initial photo monitoring reports. This work is proposed to be completed under a Letter of Permission Procedure (LOP). This pathway for authorization has been proposed due to the following characteristics: 1) risk of discharge of dredged or fill material into waters of the US (WOTUS), 2) project will have minimal or less than significant impacts on the human environment under NEPA, 3) project will include dredging of more than 25 cubic yards of instream material, 4) project does not meet the terms of NWP 45 or NWP 13, and 5) project does not exceed one acre of permanent loss of WOTUS or 1,000 linear feet of streambed. It is estimated that 803 cubic yards of material will be cut from the banks, of which 785 will be from above the Ordinary High Water Mark (OHWM) and 18 will be from below the OHWM. Approximately 2,614 cubic yards of instream material will be dredged from borrow areas and used as permanent bank fill. A total of 1,768 cubic yards of large riprap rock (Classes 300, 550, 700 and 900) will be placed at the project site as permanent fill. Rock will be placed at a height of 2-3 feet along the toe and lower slope to reinforce the shaped bank, prevent future erosion, and allow for sediment deposition in between the rock spaces. Five rock stream barbs will be built according to the engineer plans to reduce hydraulic energy directed at the bank. Upon project initiation, BMPs will be installed, and the site will be dewatered in order to work in the channel without creating a discharge. Live flows will be diverted towards the opposite bank by excavating a channel through or around the existing in-stream bar and then diverting flows into that excavated channel through the installation of k-rails. Temporary impacts resulting from dewatering will include an 853 linear-foot channel (0.29 acres surface area and 1,137 CY of instream material temporarily dredged) and 145 linear feet of k-rails placed as temporary fill. The project construction contractor will utilize the following equipment for the specified actions: a dozer to push in-stream materials to the bank, an excavator to load and place materials, a loader to haul and drop materials, haul trucks to transport materials to and from the site, a street sweeper to remove dirt tracked out onto		

roadways, water trucks for dust control, and a backhoe for similar functions of the loader and excavator. CVCD will apply bioengineering methods to stabilize and protect the banks with the interspaces of and above the riprap rock on the toe and upper slopes (willow poles, bundles and fascines). A stinger will be utilized to plant willow poles and bundles to a depth of ~3 feet. Coir fabric will be utilized on the upper slopes to protect from soil erosion. The District plans to start this work as soon as possible and during the driest time of the year, likely January through February, though timing will depend on the approval of permitting from all regulatory agencies.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The purpose of this project is to stabilize the riverbank, restore the connection of river to floodplain, and encourage the restoration and natural recovery of riparian habitat through bank stabilization and bioengineering applications. Approximately 548 linear feet along the straight sections of the project will be reshaped to a 3 to 1 slope with the intent to create a gradual connection of the river to the floodplain. Approximately 537 linear feet along the project bend will be reshaped with one swale installed at the top of the bank to allow for stepped overflow above the ordinary high-water mark (OHWM). Instream materials will be used as fill to reshape the bank and will be protected and reinforced by rock riprap with interspersed willow plantings on the bank toe and lower slope and bioengineering applications on the upper slope. Five rock stream barbs will be built at this site to reduce hydraulic energy that is directed towards the bank and encourage sediment deposition. Bioengineering and seeding applications will be used on the rock slope, terraces and upland areas with the aim of restoring vegetation at the site.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

The District does not anticipate any significant discharges as construction is planned during the driest time of the year. This section of the river often dries out during the winter so that water levels are extremely low, however this is dependent on annual precipitation and runoff levels. A minor discharge is possible if water levels unexpectedly come up during construction. A small discharge may occur when first creating the dewatering channel. Responsible dewatering practices and the application of BMPs which will be determined in the construction contract will help minimize any potential discharges. Contractors will not work in water above a certain CFS (usually 600 CFS, written into contract) to not create significant discharge; the contractor has the flexibility to not work if not comfortable with water level and flows.

21. Type(s) of Material Being Discharged and the Amount of Each Type:

See Appendix C

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

See Appendix C

23. Description of Avoidance, Minimization, and Compensation (see instructions)

The District will require contractors to bring clean and leak free equipment to and from the project site. In addition, extensive BMPs for mitigation of discharges will be in place and stated within all contract documents. The proposed work will take place at the driest time of the year and if necessary, will dewater the site to ensure that the project does not create a discharge and increase turbidity of the river. Project boundaries and all desirable vegetation will be marked, and critical areas will be avoided to protect resources. The District will require contractors to water for dust control and sweep for any materials tracked out onto access roads. Reseeding with native or desirable vegetation will take place on all areas impacted by equipment and the staging of materials. Contractors will not work in water above a certain CFS (usually 600 CFS, written into contract) to not create significant discharge; the contractor has the flexibility to not work if not comfortable with water level and flows. Contractors will follow BMP guidelines determined within the contract and ensure that the storage of stockpiles and staging of equipment is at least 100ft from the OHWM. Stockpiles will likely only be used for rock riprap. Instream material will be pushed from the center of the riverbed over to the bank using the contractors choice of equipment (loader, excavator, backhoe, and/or dozer). CVCD prefers the use of a loader, but this does not work with fine/silty material. Material that is moved that day will likely be utilized that day. CVCD requires that stored materials be wrapped, and that silt fencing and filtration waddles are utilized during storage.

The construction contractor is responsible for obtaining the approved SWPP for the proposed project. A construction contractor has not yet been selected for this project. An approved SWPP will be obtained prior to the start of work, and this will define specific work erosion control measures. Typical erosion control measure that will be required include:

Stockpiles will have perimeter controls such as silt fencing and/or filtration wattles.

Erosion prevention by implementing any or a combination of soil stabilization practices such as mulching, surface roughening, and temporary silt fencing.

Work will be done during appropriate weather conditions and will shut down work during storms when wind, rain, or snow would cause increased site erosion due to active work.

Project boundaries will be marked to ensure that the minimum area necessary for project completion will be affected by construction activities. The site will likely be dewatered only once for construction. The low elevation of the streambed will be determined during the engineering survey and instream material will be dredged to no lower than the lowest current elevation. Attached Engineered Drawings depict the general conceptual plan for dewatering. The construction contractor will determine the final method for dewatering and will submit a plan to CVCD, with a seven-day review period. The most common method is to use K-rails to block upstream with BMP materials installed downstream. The contractor may choose to terminate the backend of the project into a sand and gravel pile. A dewater trench will be utilized downstream and will not reduce the elevation of the streambed. K-rails or other approved BMP applications will be used to direct materials into the trench, and a buffer will be left to keep flows in-channel. A small discharge may occur when first creating the dewatering channel. However, the District will utilize silt fencing and filtration wattles to capture any downstream sediment flow.

24. Is Any Portion of the Work Already Complete?	Yes	No
If Yes, describe the completed work:		

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

/s/ - provided on authorized agent form		Martha Jenkins	11/13/2025
SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

404(b)(1) Alternatives Analysis

Project Information	
Applicant:	Carson Valley Conservation District
Contact:	Richard Wilkinson, Richard.wilkinson@nv.nacdnet.net , (775) 782-3661
Project Title:	Carnes #2 – Genoa Phase 4 2025 River Restoration Project
Project Location:	APN: 1319-11-001-015; 39.007043, -119.825971
Date:	October 8, 2025

1.0 Introduction

The Carson Valley Conservation District (CVCD) proposes the Carnes #2 – Genoa Phase 4 2025 River Restoration Project (Project) to address severe erosion and degradation of riparian habitat resulting from flood events in 2017 and 2023. The Carnes #2 site is one of six priority sites identified by CVCD in the Genoa, NV area which make up the Genoa Phase 4 River Restoration Project. This Project is designed to restore the stability of the riverbanks while minimizing environmental impacts to have a net positive effect on natural resources in the area. Under the Section 404(b)(1) guidelines, the U.S. Army Corps of Engineers (USACE) may only permit discharges of dredged or fill material into Waters of the United States (WOTUS) if they represent the Least Environmentally Damaging Practicable Alternative (LEDPA) and do not result in other significant adverse environmental consequences. This document evaluates potential alternatives and their associated impacts on WOTUS.

1.1 Project Purpose and Need

The purpose of the Project is to provide mitigation of flood damage and bank erosion on the Carson River near Genoa, NV through bank stabilization and bioengineering methods to meet local conservation and land management needs. The Project is necessary to address severe erosion and sediment transport which have resulted in bank destabilization, degradation of riparian habitat, property loss, and increased flood vulnerability.

The primary objectives of this Project are:

- To stabilize approximately 1,085 linear feet of the Carson Riverbank where severe erosion has occurred.
- To mitigate downstream sediment transport.

- To restore riparian habitat and improve flood resilience through bank stabilization and bioengineering techniques.
- To prevent further channel migration, flood-related damage, and property loss while maintaining the natural functions of the Carson River.

This Project is inherently dependent upon working within WOTUS, as the Project purpose cannot be fulfilled outside of open water in the Carson River.

2.0 Background Information and Existing Site Conditions

2.1 Site Location

The Project is located near Genoa, NV within the Carson River, a perennial, Section 10 river, and a traditionally navigable waterway (TNW). The Project is within the Upper Carson Watershed, hydrological unit code (HUC) 8-16050201. The surrounding area is influenced by agricultural and residential land-use. Access to the Project site is from a private residential driveway which runs north from Genoa Lane, and the approximate center point is 39.007043° N, -119.825971° W. The Project occurs on parcel APN:1319-11-001-015.

The Project is located below the confluence of the East and West Forks of the Carson River, and within Nevada Administrative Code (NAC) Reach 1812, Carson River at Genoa Lane to Cradlebaugh Bridge, which is approximately 4.6 miles in length (except for the length within exterior borders of Washoe Indian Reservation).

2.2 Current Site Conditions

Flood damage in 2017 and 2023, exacerbated by seasonal high flows in other years, has resulted in significant lateral erosion of the riverbank at the Project bend and adjacent straights on the south and west banks. The Project length is approximately 1,085 linear feet, and the average current bank height is 8 feet. Site characteristics include vertical to concave banks, noxious and nuisance weed populations, loss of riparian vegetation, noticeable sedimentation and turbidity of the river, and the landowner's boundary fence is undercut and has fallen into the river.

Reach 1812 is an EPA Category 5 Water, meaning it is impaired or threatened by pollutant(s) for one or more designated uses and requires a Total Maximum Daily Load (TMDL), and is thus included on the 303(d) List of Impaired Waters (NDEP, 2022). The impaired use identified at Reach 1812 is aquatic life (AQL). The standards which determine the impaired use include dissolved oxygen and temperature (non-TMDL) as well as the TMDL parameters of total phosphorus (TP), total suspended solids (TSS), and turbidity (CRC, 2017; NDEP, 2022). Reach 1812 is listed as a high restoration priority in the Carson

River Watershed Adaptive Stewardship Program 2017 update, a collaborative watershed based plan composed by local stakeholders to identify and address potential sources of nonpoint source pollution.

3.0 Resource Conservation and Protection Measures

The following conservation measures will be implemented throughout the Project, either under the selection of the Preferred Alternative or Reduced Impact Alternative.

3.1 Migratory Bird Protection Measures

Construction activities that require vegetation removal would be scheduled outside of the bird breeding season (March through July) and are planned to occur during low-flow conditions, typically in the fall or winter. If construction activities must take place during the bird breeding season, a qualified biological monitor with expertise in regional avian breeding behaviors would survey the habitat for active nests. If an active nest is identified, a 100-foot radius no-work buffer zone would be established around the nest until the young have fledged and vacated the area.

3.2 Federally Listed Threatened or Endangered Species

Through the use on online geospatial resources and collaboration with Project stakeholders and regulatory partners, CVCD has determined that there will be No Effect to any federally threatened, endangered, or at-risk species or their habitats. An IPAC (Information for Planning and Consultation) Resource List created for this Project indicates that no critical habitat exists at the Project site and that the following species could be *potentially* affected by activities in this location: Northwestern pond turtle (*Actinemys marmorata*), Carson wandering skipper (*Pseudocopaedes eunus*), Monarch butterfly (*Danaus plexippus*). However, surveys have determined that none of these species are present onsite, thus a determination of No Effect has been made and does not require concurrence from the US Fish and Wildlife Service (USFWS).

3.2 Best Management Practices

CVCD will require contractors to bring clean and leak free equipment to and from the Project site. In addition, extensive BMPs for mitigation of discharges will be in place and stated within all contract documents. The proposed work will take place at the driest time of the year and if necessary, will dewater the site to ensure that the Project does not create a discharge and increase turbidity of the river. Project boundaries and all desirable vegetation will be marked, and critical areas will be avoided to protect resources. The District will require contractors to water for dust control and sweep for any materials

tracked out onto access roads. Reseeding with native or desirable vegetation will take place on all areas impacted by equipment and the staging of materials. Contractors will not work in water above a certain CFS (usually 600 CFS, written into contract) to not create significant discharge; the contractor has the flexibility to not work if not comfortable with water level and flows. Contractors will follow BMP guidelines determined within the contract and ensure that the storage of stockpiles and staging of equipment is at least 100ft from the OHWM. Stockpiles will likely only be used for rock riprap. Instream material will be pushed from the center of the riverbed over to the bank using the contractor's choice of equipment (loader, excavator, backhoe, and/or dozer). CVCD prefers the use of a loader, but this does not work with fine/silty material. Material that is moved that day will likely be utilized that day. CVCD requires that stored materials be wrapped, and that silt fencing and filtration wattles are utilized during storage.

The construction contractor is responsible for obtaining the approved SWPP for the proposed Project. A construction contractor has not yet been selected for this Project. An approved SWPP will be obtained prior to the start of work, and this will define specific work erosion control measures. Typical erosion control measures that will be required include:

- Limited site access.
- Stockpiles will have perimeter controls such as silt fencing and/or filtration wattles.
- Erosion prevention by implementing any or a combination of soil stabilization practices such as mulching, surface roughening, and temporary silt fencing.
- Work will be done during appropriate weather conditions and will shut down work during storms when wind, rain, or snow cause increased site erosion due to active work.

Project boundaries will be marked to ensure that the minimum area necessary for completion will be affected by construction activities. The site will likely be dewatered only once for construction. The low elevation of the streambed will be determined during the engineering survey and instream material will be dredged to no lower than the lowest current elevation. Attached Engineered Drawings depict the general conceptual plan for dewatering. The construction contractor will determine the final method for dewatering and will submit a plan to CVCD, with a seven-day review period. The most common method is to use K-rails, sand/gravel bads, or EconoBlocks to block upstream with BMP materials installed downstream. The contractor may choose to terminate the backend of the Project into a sand and gravel pile. A dewater trench will be utilized downstream and will not reduce the elevation of the streambed. K-rails or other approved BMP applications will be used to direct materials into the trench, and a buffer will be left to keep flows in-

channel. A small discharge may occur when first creating the dewatering channel. However, the District will utilize silt fencing and filtration waddles to capture any downstream sediment flow.

The method of removing temporary fill used during dewatering will be to use a barrier lift attached to a chain attached to an excavator or loader bucket. The dewatering channel will be backfilled. There will be no piles of material remaining, and the area will be clear of debris. The removal of the diversion will allow for the return of the live stream flows to the original low flow channel. The work will be ordered so that equipment will not be driving through live stream flows.

3.3 Compensatory Mitigation

CVCD has determined that compensatory mitigation is not necessary for this Project as actions will not result in potentially significant impacts on the human environment. CVCD is responsible for ensuring that the Project is designed to avoid and minimize effects on the aquatic environment to the maximum extent practicable. The Project will not result in the loss of WOTUS, wetlands, stream bed, or aquatic resource functions.

4.0 Identification of Project Alternatives

4.1 Alternatives Considered

Table 1 provides a comparison of the three on-site alternatives evaluated for the Project. The table outlines the alternative description, potential benefits, disadvantages, and expected impacts to WOTUS. Off-site alternatives were not considered because the Project purpose is water dependent and site specific.

Table 1. Alternatives Considered

Alternative	Description	Benefits	Disadvantages	Impact to WOTUS
No Action Alternative	No bank stabilization measures implemented. Continued erosion would occur. Project Cost: \$0	No construction impact. No fill or dredge/ excavation.	No bank protection. No restoration occurs; riparian habitat loss continues. No reduction in sediment transport.	No impacts to WOTUS. However, future degradation to WOTUS would be expected through continued bank de-stabilization and contamination.
Reduced Impact Alternative	The work footprint (acres) is the same as the Preferred	Reduces fill material. Maintains some erosion	Less effective long-term stabilization, potential for bank	Permanent Impacts: Total Perm. Impact: 2.8 acres/ 1,085 linear feet

	Alternative, but the volume (cubic yards) of material of fill/dredge/cut would be reduced by 30%. Limited restoration potential due to decreased bank reinforcement. Project Cost: \$288,800	control and habitat restoration. Reduces project cost.	failure under high flows. Likely continued mobilization of some sediment. A dewatering trench is necessary regardless of fill quantities, so temporary impacts remain unchanged.	Total Perm. Fill: 3,120 cubic yards Total Perm. Dredge/Cut: 1,843 cubic yards Temporary Impacts: Total Temp. Impact: 1.21 acres/1,085 linear feet Total Temp. Fill: 1,155 cubic yards Total Temp. Dredge/Cut: 1,137 cubic yards
Preferred Alternative	Full bank stabilization using a combination of regraded bank slopes, riprap, and bioengineering techniques. Project Cost: \$361,000	Provides long-term stabilization and protection against continued erosion and high flows. Reduces sediment transport. Improves riparian habitat.	Requires the most fill material and construction effort.	Permanent Impacts: Total Perm. Impact: 2.8 acres/ 1,085 linear feet Total Perm. Fill: 4,456 cubic yards Total Perm. Dredge/Cut: 2,632 cubic yards Temporary Impacts: Total Temp. Impact: 1.21 acres/1,085 linear feet Total Temp. Fill: 1,155 cubic yards Total Temp. Dredge/Cut: 1,137 cubic yards

4.2 Criteria Used to Identify Alternatives

This section discusses the criteria used to assess on-site alternatives.

4.2.1 Criteria for On-Site Alternatives

On-site criteria for alternatives must meet the following criteria:

- Erosion control and sediment containment
- Long-term effectiveness
- Habitat restoration

4.2.2 USACE Criteria

The USACE applies criteria in the review of proposals to fill WOTUS to identify potential alternatives. CFR 230.10(a)(2) states that, “An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.”

Thus, an alternative can be eliminated if it:

- Does not meet the Project purpose and need
- Is not practicable because of cost
- Is not practicable because of existing technology
- Is not practicable because of logistics
- Is not least damaging to the aquatic ecosystem
- It has other significant adverse impacts to the natural environment.

5.0 Evaluation of Alternatives

This section evaluates the alternatives presented in Table 1 and how they correspond to the Project purpose and need and the Corps’ guidelines for practicable alternatives.

5.1 No Action Alternative

The No Action Alternative was eliminated because it does not provide erosion control or sediment containment. This alternative would allow continued bank destabilization and increased sediment transport. Additionally, this alternative lacks long-term effectiveness, as unchecked erosion would continue to encroach on adjacent infrastructure and property, requiring future, and potentially more costly, intervention. Finally, the absence of habitat restoration under this alternative fails to support riparian vegetation recovery, leading to further habitat degradation. Overall, the No Action Alternative does not satisfy the Project purpose and need.

5.2 Reduced Impact Alternative

The Reduced Impact Alternative was eliminated because while it provides some degree of erosion control and sediment containment, the 30% reduction in permanent fill volume compromises its ability to sustain long-term stabilization. Over time, insufficient stabilization could result in the need for additional corrective measures, increasing costs. Additionally, habitat restoration would be limited, as bioengineering elements such as willow staking and native vegetation plantings would also be scaled back to lower fill volume. While the Reduced Impact Alternative offers some erosion control and sediment containment, its limitations in stabilization and habitat restoration prevent it from fully

meeting the Project's long-term objectives and does not fully meet the Project's purpose and need.

5.3 Preferred Alternative

The Preferred Alternative was selected because it provides the most effective erosion control, sediment containment, and riparian habitat restoration. While it involves more initial cost and fill, this alternative ensures long-term stability, reducing the likelihood of future bank failures and minimizing the need for future additional corrective actions. The combination of regraded bank slopes, riprap reinforcement, and bioengineering techniques maximizes bank protection and reduces sediment transport. The preferred Alternative fully meets the Project purpose and need as well as meets requirements in Section 4.2.1 Criteria for On-Site Alternatives and the Corps as defined in Section 4.2.2 USACE Criteria.

6.0 Recommendation

It is the professional opinion of CVCD that the Preferred Alternative is recommended for implementation as the LEDPA. This alternative provides the most effective erosion control, sediment containment, and riparian habitat restoration while ensuring long-term bank stabilization. While it involves greater initial cost and fill, it minimizes long-term maintenance needs and prevents further environmental degradation.

7.0 References

Carson River Coalition (CRC). (2017). Carson River Watershed Adaptive Stewardship Plan, update. Carson Water Subconservancy District. Retrieved from chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/<https://www.cwsd.org/wp-content/uploads/2017/12/Final-CRWASP-2017-Update-Plan-Part-1.pdf>

Nevada Division of Environmental Protection (NDEP). (2022). Nevada 2020-2022 Water Quality Integrated Report. Bureau of Water Quality Planning. Retrieved from <https://ndep.nv.gov/water/rivers-streams-lakes/water-quality-standards/303d-305b-water-quality-integrated-report>

U.S. Army Corps of Engineers (USACE). (2024). Letter of Permission Procedure for Discharges of Dredged or Fill Material into Waters of the United States with Less Than Significant Impacts on the Human Environment. Sacramento District. Retrieved from https://www.spk.usace.army.mil/Portals/12/documents/regulatory/public_notices/FY2024/EXP-SEP-24/2024.09.20-Regional-CWA-404-LOP-202400011.pdf

U.S. Environmental Protection Agency (EPA) & U.S. Army Corps of Engineers (USACE). (1980). Guidelines for Specification of Disposal Sites for Dredged or Fill Material (40 CFR Part 230). Retrieved from <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-H/part-230>.



CWA 404 Letter of Permission Procedure

U.S. ARMY CORPS OF ENGINEERS

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LETTER OF PERMISSION PROCEDURE FOR DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES WITH LESS THAN SIGNIFICANT IMPACTS ON THE HUMAN ENVIRONMENT

EFFECTIVE: 20 September 2024

The U.S. Army Corps of Engineers (Corps), Albuquerque, Los Angeles, Sacramento, and San Francisco Districts, establish this procedure for issuing a Letter of Permission (LOP) to efficiently authorize activities that involve a discharge of dredged or fill material into waters of the United States (U.S.) under Section 404 of the Clean Water Act (CWA 404) which have minimal or less than significant impacts on the human environment under the National Environmental Policy Act (NEPA).

Note: The term “District” refers to the appropriate District office identified in the *Contacts and Additional Information* section.

ISSUING OFFICES: U.S. Army Corps of Engineers, Albuquerque, Los Angeles, Sacramento, and San Francisco Districts (Districts).

ACTION ID: SPK-2024-00011

AUTHORITY: Section 404 of the Clean Water Act (CWA) for the discharge of dredged or fill material in waters of the United States, including Section 10 of the Rivers and Harbors Act (RHA 10) of 1899 for structures or work in or affecting navigable waters of the U.S., only when the proposed activity requires authorization under both CWA 404 and RHA 10.

LOCATION: States of Arizona, California, Nevada, New Mexico, and Utah and counties in southern Colorado, and western Texas (see attachment).

BACKGROUND: In accordance with Title 33 of the Code of Federal Regulations (CFR) Part 325, district engineers are authorized to use alternative procedures, including LOPs, to authorize activities under the Corps’ Regulatory Program. LOPs are a type of individual permit issued through an abbreviated processing procedure which includes coordination with federal and state fish and wildlife agencies, as required by the Fish and Wildlife Coordination Act, and a public interest evaluation, but without publishing an individual public notice. In accordance with 33 CFR Part 325.2(e)(1), LOPs may be used in those cases subject to CWA 404 when:

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<https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>

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1. The district, through consultation with federal and state fish and wildlife agencies, the Regional Administrator, Environmental Protection Agency, and the state water quality certifying agency, develops a list of categories of activities proposed for authorization under LOP procedures.
2. The district issues a public notice advertising the proposed list and the LOP procedures, requesting comments and offering an opportunity for public hearing; and,
3. A CWA 401 water quality certification (WQC) has been issued or waived and, if appropriate, Coastal Zone Management (CZM) consistency concurrence obtained or presumed either on a generic or individual basis.

Most discharges of dredged or fill material into waters of the US with minimal impact are authorized under one or more general permits (nationwide, regional, or programmatic). Proposed discharges that could result in significant effects on the human environment require the preparation of an Environmental Impact Statement under the National Environmental Policy Act (NEPA). This procedure covers activities that cannot be authorized under a general permit but have less than significant individual and cumulative impacts on the human environment.

Under NEPA, the lead federal agency determines whether a federal action has the potential to have significant effects on the human environment.

CATEGORIES OF ACTIVITIES: Activities to be authorized include, but are not limited to: residential, commercial, industrial, recreational, agricultural, and municipal development; renewable energy; transportation, infrastructure, and utility lines; mining; flood and sea level rise protection; storm-water management and polishing; survey, research, testing and monitoring; environmental remediation, restoration, and enhancement; repair, rehabilitation, and maintenance; and hydropower, reclamation, and reuse facilities.

MITIGATION: Prospective permittees are responsible for ensuring the proposed activity is designed to avoid and minimize effects to the aquatic environment to the maximum extent practicable. In addition, prospective permittees are responsible for proposing necessary compensatory mitigation to ensure the LOP activity will not result in potentially significant impacts on the human environment.

For impacts to waters of the U.S., the amount of compensatory mitigation required must be, to the extent practicable, sufficient to replace lost aquatic resource functions and services (see 33 CFR Part 332.3(f)). If a functional or condition assessment or other suitable metric is not used to determine how much compensatory mitigation is required, a minimum one-to-one acreage or linear foot compensation ratio must be used. Compensatory mitigation proposals must comply with the applicable provisions of 33 CFR Part 332 and applicable regional guidance, such as the *Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines for South Pacific Division*, or most recent update available at: <http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences.aspx/>.

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The preferred mechanism for providing compensatory mitigation that appropriately offsets impacts to waters of the U.S. is through the purchase of credits from a Corps-approved mitigation bank. When no, or an insufficient number of, mitigation bank credits are available through a bank, compensatory mitigation may be achieved through a Corps-approved, in-lieu fee (ILF) program (see 33 CFR Part 332.3(b)(2) and (3)). If an appropriate number and type of mitigation bank or ILF credits are not available at the time a LOP is requested, the project proponent may submit a draft plan for permittee-responsible mitigation (PRM). A final mitigation plan will need to be approved by the District before a LOP is issued. Note that proposed activities which rely on PRM may require more review time by the District.

EXCLUSIONS:

1. This procedure does not apply to activities authorized solely under Section 10 of the Rivers and Harbors Act of 1899 (RHA 10). RHA Section 10-only activities are covered by LOP procedures at 33 CFR Part 325(e)(1)(i). However, this procedure may be used if the proposed activity requires authorization under both CWA 404 and RHA 10.
2. This procedure does not apply to bridges and pipelines constructed over waters covered under Section 10 of the Rivers and Harbors Act of 1899. Bridges and pipelines require authorization by the U.S. Coast Guard under Section 9 of the Rivers and Harbors Act of 1899.
3. This procedure does not apply to any activities in waters of the U.S. that have a potential to significantly impact the human environment under the NEPA, as determined by the District.
4. This procedure does not apply to any activities within Los Angeles District's San Diego Creek Watershed Special Area Management Plan (SAMP) and San Juan Creek/Western San Mateo Creek SAMP areas.

TERMS:

1. Activities proposed under this LOP procedure are subject to the following thresholds:
 - a. The permanent loss of waters of the U.S. shall not exceed one (1) acre.
 - b. The permanent loss of waters of the U.S. shall not exceed 1,000 linear feet of streambed. The permanent loss of streambed shall be included in the acreage threshold identified in 1(a).

For the purposes of this procedure, a permanent loss of waters of the U.S. would occur if the discharge of dredged or fill material would convert a water of the U.S. into dry land (i.e., upland). Conversion of one aquatic resource type to another aquatic resource type (e.g., wetland into open water) is not considered a permanent loss of waters of the U.S.

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2. No 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, available at: <https://www.rivers.gov/>.
3. No activity is authorized 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 Section 7 of 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.
4. No activity is authorized 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.
5. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
6. No activity may cause more than a minimal adverse effect on navigation. 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 U.S.
7. No activity may significantly 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 must 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.
8. The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S. 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).
9. The activity must comply with the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA). 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,

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including whether "incidental take" permits are necessary and available under the MBTA or BGEPA for any LOP activity.

10. For activities affecting the coastal zone, individual state CZM consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR Parts 325.2(b)(2) and 330.4(d)). The State CZM agency may require additional measures to ensure that the authorized activity is consistent with state CZM requirements. Conditions placed upon a CZM consistency concurrence by the State CZM agency will be incorporated by reference and become special conditions of the LOP.

11. For activities resulting in the discharge of dredged or fill material into waters of the U.S., individual Section 401 WQC, or waiver, must be obtained from the appropriate certifying agency. Conditions placed upon a Section 401 WQC by the certifying agency will be incorporated by reference and become special conditions of the LOP.

12. Activities occurring on the Colorado River, including the discharge of dredged or fill material, must comply with Los Angeles District's February 2022, *Colorado River Guidelines*, or most recent update available at:

<https://www.spl.usace.army.mil/Missions/Regulatory/Permit-Process/>.

13. Bioengineered techniques shall be used to the maximum extent practicable for bank stabilization. Bioengineered techniques include using a combination of biological, mechanical, and ecological concepts to control erosion and stabilize soil through the sole use of vegetation, or a combination of vegetation and construction materials. If bioengineering techniques are not practicable or appropriate, supporting rationale must be provided.

PROCEDURES: Applications must be submitted through the Corps' Regulatory Request System (<https://rrs.usace.army.mil>) using the "Apply for a Permit" function. To be considered for authorization under this LOP procedure, the application must include all information required for a standard permit application, pursuant to 33 CFR Part 325.1, as well as the following:

1. An aquatic resources delineation for the proposed activity area, conducted in accordance with the Corps' minimum standards for aquatic resource delineations, or information that an aquatic resources delineation has been verified (including Corps file number) and is still valid.

2. Site location map(s), including the site of the proposed activity, clearly outlined on U.S. Geological Survey 7.5-foot quad sheet drawings, with latitudes and longitudes for the site(s), name of the quad sheet(s) and directions to the site, as well as all appropriate aerial and other imagery available.

3. Plan and profile views of the proposed work, relative to potential or approved waters of the U.S. (e.g., wetlands, tidal waters below (seaward of the high tide line, and open waters below the ordinary high-water mark), showing areas, types, and acreages of waters of the U.S. to be

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impacted by the proposed activity. All available drawings must show proposed impacts on appropriately scaled figures, and should be prepared in accordance with the February 2016, *Updated Map and Drawing Standards for the South Pacific Division Regulatory Program*, or most recent update available at:

<http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences.aspx/>).

4. The total area (in acres), including length and width for linear features, volume (in cubic yards), and composition/type of material to be discharged into each type of aquatic resource.
5. A description of how impacts to waters of the U.S. and associated functions (e.g., water quality and habitat) have been avoided and minimized to the maximum extent practicable within the permit area.
6. A description of potential indirect (secondary) and cumulative impacts to waters of the U.S. and the human environment in the watershed and vicinity of the proposed activity. The description of impacts and any proposed mitigation measures should be sufficiently detailed to allow the District to determine that the adverse environmental effects of the activity will be less than significant on the human environment, and to determine the need for compensatory mitigation or other mitigation measures.
7. If compensatory mitigation is proposed at a Corps-approved mitigation bank and/or ILF program, the proposal must include the name of the bank/ILF, the number and resource type of credits to be secured, and a statement on how these were determined. If PRM is proposed, the project proponent must submit a comprehensive mitigation and monitoring plan, for review and approval by the District. The plan must include the mitigation location and design drawings, vegetation plans, and final success criteria, presented in the format of the *Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines for South Pacific Division*, or most recent update available at:
<http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences.aspx/>).
8. Information, in report form, concerning the practicability of on-site alternatives in accordance with 33 CFR Parts 325.1(e) and 323.6(a). The information must address compliance with U.S. Environmental Protection Agency's (USEPA's) Section 404(b)(1) Guidelines (404(b)(1) Guidelines) for Specification of Disposal Sites at 40 CFR Part 230. The report should include all applicable information for the District to determine whether an alternative meets the overall project purpose and is available, practicable (considering cost, existing technology, and logistics), would result in fewer adverse effects to the aquatic environment, or would have other significant adverse environmental consequences.
9. Documentation that a request for an individual section 401 WQC/CZM consistency concurrence was submitted to the appropriate certifying authority/State coastal zone agency, including the date of request. If a request for an individual section 401 WQC/CZM consistency concurrence has not been submitted, the project proponent must identify the date an individual section 401 WQC/CZM consistency concurrence is anticipated to be requested.

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10. For non-Federal permittees, if the 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 (collectively “historic properties”), the application must state which historic property(s) might have the potential to be affected by the proposed activity and include a vicinity map indicating the location of the historic property(s) relative to the proposed activity in waters of the U.S. so the District may determine the potential effect on historic properties and if necessary, consult with the State Historic Preservation Officer or Tribal Historic Preservation Officer (as appropriate) in accordance with Section 106 of the NHPA. Federal permittees must provide documentation demonstrating compliance with Section 106 of the NHPA.

11. 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 application must include:

- a. a description of the action to be considered;
- b. a description and map of the specific area that may be affected by the action;
- c. a description of any listed species or critical habitat that may be affected by the action;
- d. a description of the manner in which the action may affect any listed species or critical habitat and an analysis of any cumulative effects and a recommended determination of effect for each species and critical habitat; and,
- e. any other relevant available information on the action, the affected listed species, or critical habitat. Federal permittees must provide documentation demonstrating compliance with Section 7 of the ESA.

12. For non-Federal permittees, if the activity has the potential to adversely affect Essential Fish Habitat (EFH), as designated by the Pacific Fishery Management Council, the application must include an EFH assessment and analysis of effects of the action on EFH, in accordance with 50 CFR Part 600.920(e) so that the District may make a determination of effect on EFH and if necessary, consult with National Marine Fisheries Service in accordance with Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Federal permittees must provide documentation demonstrating compliance with the MSA.

13. For proposed activities where another Federal agency is the lead, the applicant must provide the District with the appropriate documentation to demonstrate compliance with all applicable federal laws, including Section 106 of the NHPA, Section 7 of the ESA, and/or Section 305(b)(2) of the MSA, and if available, documentation demonstrating compliance with

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the National Environmental Policy Act, such as a Categorical Exclusion, Environmental Assessment/Finding of No Significant Impact, or Environmental Impact Statement/Record of Decision.

14. A statement confirming if the proposed activity will require permission from the Corps pursuant to 33 U.S.C. 408 (Section 408) because it would (or “proposes to”) alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project. If yes, describe if a written request for Section 408 has been submitted. LOP decisions for activities that require Section 408 permission must be rendered concurrent with or following the final Section 408 permission decision and will be processed consistent with existing Corps policy (e.g., EC-1165-2-220), including the District’s procedures for integrating Regulatory and Section 408 programs, as applicable.

REVIEW AND DECISION:

1. The District will review each application package to determine if it is complete within 15 calendar days of receipt. If the application is not complete, the District will notify the project proponent within 30 calendar days of the information that is missing.
2. When the District determines an application is complete, but the activity cannot be authorized by a LOP, the District will notify the project proponent within 15 calendar days of the determination with guidance on a potential alternate permit type (general permit or standard permit) and the application will be withdrawn.
3. If at any time during the process the District determines the activity does not meet the requirements for authorization under a LOP, the District will immediately notify the applicant, terminate the LOP process, and proceed to an alternate permitting process. Reasons for terminating the LOP process include the potential for the proposed activity to result in significant impacts on the human environment, non-compliance with USEPA’s 404(b)(1) Guidelines, public interest, appreciable opposition, or controversy.
4. If the application is determined complete and appears to meet the requirements for authorization under a LOP, the District will notify the applicant that the proposed activity is being evaluated for a LOP.
5. The District will notify the applicable state and federal resource and permitting agencies of the proposed application for a LOP by email and request comments within 15 calendar days of receipt of the email notice. The District may extend the comment period at the request of a reviewing agency due to extenuating circumstances, by no more than seven (7) calendar days. Concurrently, the District will initiate consultation(s) as necessary under Section 106 of the NHPA, Section 7 of the ESA, and/or Section 305(b)(2) of the MSA with the appropriate state and federal agencies and/or Tribal governments. Any concerns identified during the notification process with the state and federal review agencies and/or Tribal governments will be resolved before a decision on the LOP application is made.

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6. The District will notify the project proponent of any additional information needed to complete its evaluation, including sufficient information to initiate any required consultation(s) under Section 106 of the NHPA, Section 7 of the ESA, and/or Section 305(b)(2) of the MSA. If the project proponent does not respond to the request for additional information within 30 calendar days, the application will be withdrawn.
7. The project proponent must provide a copy of the Section 401 WQC, or waiver thereof, to the District to ensure the activity complies with CWA 401.
8. The project proponent must provide a copy of the individual state CZM consistency concurrence, or evidence of presumed concurrence, to the District to ensure the activity complies with the Coastal Zone Management Act.
9. The District will make a LOP decision within 30 days of completing any necessary consultation or, if no consultation is necessary, within 30 days of the end of the agency comment period. The decision will be based on whether the activity meets the terms of this procedure, complies with USEPA's 404(b)(1) Guidelines and with other applicable laws, and would not be contrary to the public interest. To ensure less than significant effects and compliance with applicable laws, the District may add special conditions to the LOP.

CONTACTS AND ADDITIONAL INFORMATION:

For questions, please contact the appropriate District office below.

U.S. Army Corps of Engineers
Albuquerque District, Regulatory Division
Office: (505) 342-3419
Email: SPA-RD-NM@usace.army.mil
Website: <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>

U.S. Army Corps of Engineers
Los Angeles District, Regulatory Division
Office: (213) 452-3425
Email: SPLPermitInquiries@usace.army.mil
Website: <https://www.spl.usace.army.mil/Missions/Regulatory/>

U.S. Army Corps of Engineers
Sacramento District, Regulatory Division
Office: (916) 557-5150
Email: SPKRegulatoryMailbox@usace.army.mil
Website: <https://www.spk.usace.army.mil/Missions/Regulatory/>

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U.S. Army Corps of Engineers
San Francisco District, Regulatory Division
Office: (415) 503-6795
Email: cespn-regulatory-info@usace.army.mil
Website: <https://www.spn.usace.army.mil/Missions/Regulatory/>

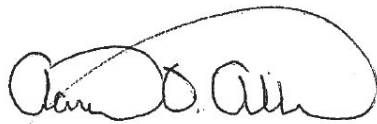
ATTACHMENTS:

Regulatory District Office Map

This CWA 404 LOP procedure becomes effective when signed below.

 Date: 20 SEP 2024

Kelly E. Allen
Chief, Regulatory Division
Albuquerque District

 Date: 20 SEP 2024

Aaron O. Allen, Ph.D.
Acting Chief, Regulatory Division
Los Angeles District

 Date: 20 SEP 2024

Michael S. Jewell
Chief, Regulatory Division
Sacramento District

 Date: 20 SEP 2024

James C. Mazza
Chief, Regulatory Division
San Francisco District

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Appendix C. Impact Inventory:

<i>Water Name</i>	<i>Impact Name</i>	<i>Activity</i>	<i>Type of Material Being Discharged</i>	<i>Resource Type</i>	<i>Permanent Loss (Y/N)</i>	<i>Impact Duration</i>	<i>Amount Type</i>	<i>Proposed Length</i>	<i>Proposed Width</i>	<i>Proposed Amount</i>	<i>Amount Units</i>
Carson River - riverine	Impact 1	Dredging (Section 10)		River/Stream	No	Temporary	Removal Volume			1137	Cubic Yards
Carson River - riverine	Impact 2	Discharge of fill material	K-rails	River/Stream	No	Temporary	Fill Area	145	2.5	362.5	Square Feet
Carson River - riverine	Impact 3	Discharge of fill material	Instream material	River/Stream	No	Permanent	Fill Area	1085	30	32550	Square Feet
Carson River - riverine	Impact 4	Discharge of fill material	Riprap	River/Stream	No	Permanent	Fill Area	1085	12	13020	Square Feet
Carson River - riverine	Impact 5	Ecological restoration	Bioengineering (willow poles)	River/Stream	No	Permanent	Fill Area	1085	4	4340	Square Feet
Carson River - riverine	Impact 6	Dredging (Section 10)		River/Stream	No	Permanent	Removal Volume			2614	Cubic Yards

Provide any additional information you may have about the proposed quantity of wetlands, streams, or other types of waters directly affected by the proposed activity. This level of detail is helpful to better understand the type of impacts that are proposed for your project.

This project will not result in the permanent loss of aquatic resources. It is estimated that 803 cubic yards of material will be cut from the banks, of which 785 will be from above the Ordinary High Water Mark (OHWM) and 18 will be from below the OHWM. Approximately 2,614 cubic yards of instream material will be dredged from borrow areas and used as permanent bank fill. A total of 1,768 cubic yards of large riprap rock (Classes 300, 550, 700 and 900) will be placed at the project site as permanent fill. Rock will be placed at a height of 2-3 feet along the toe and lower slope to reinforce the shaped bank, prevent future erosion, and allow for sediment deposition in between the rock spaces. Five rock stream barbs will be built according to the engineer plans to reduce hydraulic energy directed at the bank.

Upon project initiation, BMPs will be installed, and the site will be dewatered in order to work in the channel without creating a discharge. Live flows will be diverted towards the opposite bank by excavating a channel through or around the existing in-stream bar and then diverting flows into that excavated channel through the installation of k-rails. Temporary impacts resulting from dewatering will include an 853 linear-foot channel (0.29 acres surface area and 1,137 CY of instream material temporarily dredged) and 145 linear feet of k-rails placed as temporary fill.

Definitions and help text

Water Name: The name of the wetland, stream, or other type of water that would be impacted.

Impact Name: Useful if entering more than one impact for the same or multiple waters (e.g., linear projects) and name accordingly. This may be different than the Water Name; keep it short and simple. For example, if Stream-1 is the water, the impact name could be “Crossing-1,” “Crossing-2,” “Crossing-3.” A short name helps describe the impact and is useful when looking at a list of impacts.

Activity: Options are:

- Conversion of waters type (forested wetland to emergent wetland, stream to lake)
- Discharge of dredged material
- Discharge of fill material
- Dredging (Section 10)
- Ecological restoration
- Other (Aquaculture, Work, Aerial or Submarine cable crossings)
- Removal (Sec 10 structures)
- Structure (Sec 10 only)
- Transport of dredged material (Sec 103)

Type of Material Being Discharged: Describe the material to be discharged within USACE jurisdiction. Make sure this description is consistent with your illustrations.

Discharge material includes: rock, sand, clay, concrete, etc.

Resource Type: Options are Harbor/Ocean, Lake, Non-Tidal wetland, Other, Pond, River/Stream, and Tidal wetland.

Permanent Loss (Y/N): Only enter “YES” when the ‘discharge of dredged or fill material’ activity types are chosen. A permanent loss means the conversion of an aquatic resource to dry land.

Impact Duration: Options are Permanent or Temporary. An example of a temporary impact is the discharge of fill for temporary access roads that are later removed and returned to pre-construction contours.

Amount Type: Options are Area or Volume.

Amount Units: Options are Acre or Square Feet if Amount Type=Area, Cubic Yards if Amount Type=Volume.

Proposed Length and Proposed Width: Unit is linear feet.

Proposed Amount: Unit is square feet.