



**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.

<b>A. Pre-Filing Meeting</b>	
<p>Please provide the date that a pre-filing meeting was requested from Nevada Division of Environmental Protection (NDEP) Bureau of Water Quality Planning (BWQP).</p> <p><i>Note: If a pre-filing meeting has not been requested, please schedule a pre-filing meeting with NDEP BWQP.</i></p>	<p>Pre-filing meeting request was submitted on April 8, 2026, with the pre-filing meeting held with NDEP and USACE staff on April 23, 2026, from 0900 to 1000</p>


<b>B. Contact Information</b>	
<b>Project Proponent Information</b>	
Company Name: Nevada Department of Wildlife	Address: 1100 Valley Road
Applicant Name: Sam Sedillo, Fisheries Biologist	City: Reno
Phone: 775.688.1882      Fax:	State: Nevada
Email: Samuel.sedillo@ndow.org	Zip Code: 89512
<b>Agent Information</b>	
Company Name: Stantec	Address: PO BOX 1533
Agent Name: Melanie Greene, Senior Envir Planner	City: Zephyr Cove
Phone: 775.339.3328      Fax:	State: Nevada
Email: melanie.greene@stantec.com	Zip Code: 89948

<b>C. Project General Information</b>			
<b>Project Location</b>			
Project/Site Name: <b>Third Creek Fisheries Management Structure</b>		Name of receiving waterbody: Third Creek, Lake Tahoe downstream	
Address: 967 Lakeshore Boulevard		Type of waterbody present at project location ( <i>select all that apply</i> ): <input checked="" type="checkbox"/> Perennial River or Stream <input type="checkbox"/> Intermittent River or Stream <input type="checkbox"/> Ephemeral River or Stream <input type="checkbox"/> Lake/Pond/Reservoir <input type="checkbox"/> Wetland <input type="checkbox"/> Other: _____	
City: Incline Village			
County: Washoe			
State: Nevada			
Zip Code: 89512			
Latitude (UTM or Dec/Deg): 39.239742		Longitude (UTM or Dec/Deg): -119.94660	
Township: T16N	Range: R18E	Section: S22	¼ Section: --

Project Details	
Project purpose:	<p>The purpose of the Project is to remove the existing structure and construct a fisheries management structure designed to accommodate and respond to Third Creek’s flow regime that will allow NDOW to collect wild Rainbow trout eggs annually and work towards the recovery of Lahontan cutthroat trout (LTC) using a realistic and replicable approach.</p> <p>The Project will implement Tahoe Regional Planning Agency (TRPA) Environmental Improvement Program (EIP) projects 02.02.03.0024 - Lahontan Cutthroat Trout Priority Tributary Management and 02.02.03.0025 - Lake Tahoe Lahontan Cutthroat Trout Feasibility Study.</p>
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.	Refer to: Detailed Project Description, Section 1.4, Existing Site Conditions, and <b>Attachment E</b> , Site Condition Photos
Describe the proposed activity including methodology of each project element:	Refer to enclosure: Detailed Project Description, Section 2
Estimate the nature, specific location, and number of discharge(s) expected to be authorized by the proposed activity:	Diversion of creek flows and controlled discharge (1 discharge point) is proposed to establish and maintain a dry work environment.
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:	August 1, 2026, through October 15, 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):	Request for Authorization under Regional General Permit (RGP) 16, Aquatic Habitat Restoration and Enhancement Activities submitted concurrently through the Regulatory Registration System (RRS); refer to <b>Attachment J</b> , Project Agreements and Regulatory Requests for Review / Approval / Authorization
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:	Refer to <b>Attachment J</b> : TRPA – EIP Project Review Application (EIPC2026-0005; \$TBD fee) IVGID – MOA for use of APNs 127-280-01 and 127-010-004 Temporary Working in Waters Permit (NDEP BWPC; \$250 fee) – To be applied for
Total area of impact to regulated waterbodies (acres):	Refer to Detailed Project Description <b>Table 2</b> : Up to 0.26-acres temporary disturbance, 0.10-acre of temporary fill (i.e., diversion system components) up to 40 cubic yards within bed and bank of Third Creek, with permanent fill and discharge (i.e., fisheries management structure and streambed materials) estimated at up to 0.08-acre and 430 cubic yards.
Total distance of impact to regulated waterbodies (linear feet):	Fisheries management structure will be installed (up to 280-linear feet of temporary disturbance) and then operated and maintained within up to 65-linear-feet of Third Creek channel. The Lake Tahoe shoreline is approximately 350 feet down stream.

<p>Amount excavation and/or fill discharged within regulated waters (acres, linear feet, and cubic yards):  <b>Refer to Detailed Project Description Table 2</b></p>	<p>Temporary:          0.26-acre          280-linear-feet (total length of channel altered by diversion system)          40-cubic yards (coffer dam, sediment dams, discharge dissipator)</p>	<p>Permanent:          0.08-acre          65-linear-feet          430-cubic yards (fisheries management structure and new streambed components)</p>
<p>Amount of dredge material discharged within regulated waters (acres, linear feet, and cubic yards):  <b>Refer to Detailed Project Description Table 2</b></p>	<p>Temporary:          0.26-acre          280-linear-feet          100-cubic yards (salvaged streambed materials)</p>	<p>Permanent:          0.06-acre          65-linear-feet          100-cubic yards (salvaged streambed materials)</p>
<p>Describe the reason(s) why avoidance of temporary fill in regulated waters is not practicable (if applicable):</p>	<p>Refer to: Detailed Project Description Section 2.4.2, Diversion and Contingency Dewatering and <b>Attachment A, Sheet DW-1.</b></p> <p>Temporary fill (40 cubic yards) is necessary to create and maintain dry work conditions to install and operate the project's diversion system during construction of the fisheries management structure and stream bed grade. Temporary fill is associated with cofferdam, sediment dams, and discharge dissipator device and will be removed with completion of construction.</p> <p>Fill used for scour protection and grade control materials will remain as permanent fill to stabilize the channel and protect the fisheries management structure.</p>	
<p>Describe the Best Management Practices (BMPs) to be implemented to avoid and/or minimize impacts to regulated waters:</p> <p>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.</p>	<p>Refer to: Detailed Project Description, Section 2.5, Resource Protection Measures and Best Management Practices.</p>	
<p>Describe how the activity has been designed to avoid and/or minimize adverse effects, both temporary and permanent, to regulated waters:</p>	<p>The activity has been designed to avoid and minimize temporary and permanent adverse effects to regulated waters by restricting construction to the minimum area necessary within the existing bed and bank, sequencing work during the low-flow construction window, and isolating the active work area with a temporary diversion and dewatering system to maintain dry conditions during structure installation. Temporary disturbance and temporary fill have been limited to the quantities necessary to install the cofferdam, sediment control measures, and discharge dissipator, thereby minimizing sediment mobilization, turbidity, and the potential for downstream water quality degradation. Upon completion of construction, all temporary diversion components, temporary fill, and accumulated construction-related materials will be removed from regulated waters, and the disturbed channel margins will be restored and stabilized. Permanent fill has been limited to the minimum volume required for the fisheries management structure, associated grade control, and scour protection necessary to maintain channel stability, structural integrity, and compatibility</p>	

	with Third Creek flow conditions. By siting the facility within an already managed reach and incorporating durable channel stabilization features, the design reduces the likelihood of future emergency repairs, repeated in-water disturbance, and long-term effects on aquatic habitat and downstream beneficial uses.
Describe any compensatory mitigation planned for this project (if applicable):	No compensatory mitigation is proposed.  Refer to Detailed Project Description, Section 3.3, compensatory Mitigation.

<b>D. Signature</b>		
Name and Title (Print):	Phone Number:	Date:
Melanie Greene	775.339.3328	May 20, 2026
 Signature of Responsible Offic...		

**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](mailto: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/>).

U.S. Army Corps of Engineers (USACE)  
**NATIONWIDE PERMIT PRE-CONSTRUCTION NOTIFICATION (PCN)**

For use of this form, see 33 CFR 330; the proponent agency is CECW-CO-R.

**Form Approved -**  
**OMB No. 0710-**  
**0003**  
**Expires: 2027-10-31**

**DATA REQUIRED BY THE PRIVACY ACT OF 1974**

**Authority** Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Regulatory Program of the Corps of Engineers (Corps); Final Rule 33 CFR 320-332.

**Principal Purpose** Information provided on this form will be used in evaluating the nationwide permit pre-construction notification.

**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 the agency coordination process.

**Disclosure** Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can

The public reporting burden for this collection of information, 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](mailto: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 RESPONSE TO THE ABOVE EMAIL.**

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.

**(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)**

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
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**(ITEMS BELOW TO BE FILLED BY APPLICANT)**

<p>5. APPLICANT'S NAME</p> <p>First – Samuel                      Middle –                      Last – Sedillo</p> <p>Company – Nevada Department of Wildlife</p> <p>Company Title –</p> <p>E-mail Address – samuel.sedillo@ndow.org</p>	<p>8. AUTHORIZED AGENT'S NAME AND TITLE (<i>agent is not required</i>)</p> <p>First – Melanie                      Middle –                      Last – Greene</p> <p>Company – Stantec</p> <p>E-mail Address – melanie.greene@stantec.com</p>
<p>6. APPLICANT'S ADDRESS</p> <p>Address – 1100 Valley Rd</p> <p>City – Reno    State – NV    ZIP – 89512                      Country – US</p>	<p>9. AGENT'S ADDRESS</p> <p>Address – PO BOX 1533</p> <p>City – Zephyr Cove    State – NV    ZIP – 89449                      Country – US</p>
<p>7. APPLICANT'S PHONE NOS. with AREA CODE</p> <p>a. Business                      b.                      c. Fax</p> <p>+17756881882</p>	<p>10. AGENT'S PHONE NOS. with AREA CODE</p> <p>a. Primary                      b.                      c. Fax</p> <p>+17753393328</p>



up-gradient). Refer to the attached Detailed Project Description and attachments for additional details on construction sequencing, equipment and materials, best management practices (BMPs) and resource protection measures (RPMs), and monitoring and reporting, along with Environmental Improvement Program (EIP) project findings.

Overall activity or project:

Refer to Detailed Project Description Attachment A for Engineering Drawings, model results, and diversion, dewatering and return of flow plan in support of the fish management structural design. Section 2 of the project description describes the phasing, equipment, installation approach, and project-RPMs and BMPs for project construction.

Dimensions of structures, fills and/or excavation (length, width, and depth): Refer to Detailed Project Description Table 2. Permanent fill within waters of the U.S. necessary to construct NDOW's fisheries management structure with fisher ladder, bank revetment and scour and grade control components will be up to 0.08-acre, 85-linear-feet of Third Creek, 430 cubic yards of new fill with up to 100 cubic yards of salvaged streambed materials augmenting washed engineered materials.

The project would not include the construction of a filled or pile or float-supported platform.

20. DESCRIPTION OF PROPOSED MITIGATION MEASURES (*see instructions*)

Refer to Detailed Project Description Section 2.5 for RPMs and construction BMPs.

21. PURPOSE OF NATIONWIDE PERMIT ACTIVITY (*Describe the reason or purpose of the project, see instructions*)

The purpose of the Project is to remove the existing structure and construct a fisheries management structure designed to accommodate and respond to Third Creeks flow regime that will allow NDOW to collect wild Rainbow trout eggs annually and work towards the recovery of Lahontan cutthroat trout (LTC) using a realistic and replicable approach.

The implementation of the Third Creek Fisheries Management Structure (Project) will contribute towards Nevadas Biodiversity Initiative with the United States Fish and Wildlife Service (USFWS), specifically Lahontan cutthroat trout (LCT) and rainbow trout and has been designed and located to address the following Project objectives:

To measurably increase wildlife populations, wildlife use, or habitat for the benet of public use and angler success, specifically with LCT in Tahoe Tributaries and wild Rainbow Trout Spawned on siteTo stock sh and manage a native stocked fish in order to increase recreational angler use and success, Third Creek is a viable source of eggs for sportfish production.

To conduct population surveys that inform management or monitoring needs and to promote species recovery or expansion.

To provide a blueprint for future projects in the Tahoe Basin that directly benefit native fish to promote native sh recovery actions.

To work towards the comprehensive management of non-native fish within Third Creek, to see if it is feasible to have a Tahoe Tributary that can be managed for LCT, through potential relocation efforts or other mitigation once the structure is in place.

22. QUANTITY OF WETLANDS, STREAMS, OR OTHER TYPES OF WATERS DIRECTLY AFFECTED BY PROPOSED NATIONWIDE PERMIT ACTIVITY (*see instructions*)

Acres	Linear Feet	Cubic Yards Dredged or Discharged
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**Each PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site.**

25. List any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. (*see instructions*)

Nationwide Permit

26. If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and/or the loss of greater than 3/100-acre of stream bed and requires pre-construction notification, explain how the compensatory mitigation requirement in paragraph (c) and/or paragraph (d) of general condition 23 will be satisfied, or explain why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required for the proposed activity.

27. Is any portion of the nationwide permit activity already complete?		Yes	No
If Yes, describe the completed work:			
28. List the name(s) of any species listed as endangered or threatened under the Endangered Species Act that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity. <i>(see instructions)</i>			
Lahontan cutthroat trout, Sierra Nevada Yellow-legged Frog, Northwestern Pond Turtle			
ADDITIONAL AFFECTED SPECIES:			
None			
29. List any historic properties that have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic property or properties. <i>(see instructions)</i>			
None			
30. For a proposed NWP activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, identify the Wild and Scenic River or the "study river":			
31. If the proposed NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, have you submitted a written request for section 408 permission from the Corps district having jurisdiction over that project?		Yes	No
If "yes", please provide the date your request was submitted to the Corps district:			
32. If the terms of the NWP(s) you want to use require additional information to be included in the PCN, please include that information in this space or provide it on an additional sheet of paper marked Block 30. <i>(see instructions)</i>			
Not applicable			
33. Pre-construction notification is hereby made for one or more nationwide permit(s) to authorize the work described in this notification. I certify that the information in this pre-construction notification 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		Melanie Greene	
SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE
The pre-construction notification must be signed by the person who desires to undertake the proposed activity (applicant) and, if the statement in Block 11 has been filled out and signed, the authorized agent.			
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.			

**Instructions for Preparing a  
Department of the Army  
Nationwide Permit (NWP) Pre-Construction Notification (PCN)**

**Blocks 1 through 4.** To be completed by the Corps of Engineers.

**Block 5. Applicant's Name.** Enter the name and the e-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the preconstruction notification, please attach a sheet of paper with the necessary information marked Block 5.

**Block 6. Address of Applicant.** Please provide the full address of the party or parties responsible for the PCN. If more space is needed, attach an extra sheet of paper marked Block 6.

**Block 7. Applicant's Telephone Number(s).** Please provide the telephone number where you can usually be reached during normal business hours.

**Blocks 8 through 11.** To be completed, if you choose to have an agent.

**Block 8. Authorized Agent's Name and Title.** Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, consultant, or any other person or organization. Note: An agent is not required.

**Blocks 9 and 10. Agent's Address and Telephone Number.** Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

**Block 11. Statement of Authorization.** To be completed by the applicant, if an agent is to be employed.

**Block 12. Proposed Nationwide Permit Activity Name or Title.** Please provide a name identifying the proposed NWP activity, e.g., Windward Marina, Rolling Hills Subdivision, or Smith Commercial Center.

**Block 13. Name of Waterbody.** Please provide the name (if it has a name) of any stream, lake, marsh, or other waterway to be directly impacted by the NWP activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

**Block 14. Proposed Activity Street Address.** If the proposed NWP activity is located at a site having a street address (not a box number), please enter it in Block 14.

**Block 15. Location of Proposed Activity.** Enter the latitude and longitude of where the proposed NWP activity is located. Indicate whether the project location provided is the center of the project or whether the project location is provided as the latitude and longitude for each of the "corners" of the project area requiring evaluation. If there are multiple sites, please list the latitude and longitude of each site (center or corners) on a separate sheet of paper and mark as Block 15.

**Block 16. Other Location Descriptions.** If available, provide the Tax Parcel Identification number of the site, Section, Township, and Range of the site (if known), and / or local Municipality where the site is located.

**Block 17. Directions to the Site.** Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide a description of the location of the proposed NWP activity, such as lot numbers, tract numbers, or you may choose to locate the proposed NWP activity site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed NWP activity site if known. If there are multiple locations, please indicate directions to each location on a separate sheet of paper and mark as Block 17.

**Block 18. Identify the Specific Nationwide Permit(s) You Propose to Use.** List the number(s) of the Nationwide Permit(s) you want to use to authorize the proposed activity (e.g., NWP 29).

**Block 19. Description of the Proposed Nationwide Permit Activity.** Describe the proposed NWP activity, including the direct and indirect adverse environmental effects the activity would cause. The description of the proposed activity should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal. Identify the materials to be used in construction, as well as the methods by which the work is to be done.

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

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 19.

**Block 20. Description of Proposed Mitigation Measures.** Describe any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed NWP activity. The description of any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or additional mitigation measures.

**Block 21. Purpose of Nationwide Permit Activity.** Describe the purpose and need for the proposed NWP activity. What will it be used for and why? Also include a brief description of any related activities associated with the proposed project. Provide the approximate dates you plan to begin and complete all work.

**Block 22. Quantity of Wetlands, Streams, or Other Types of Waters Directly Affected by the Proposed Nationwide Permit Activity.** For discharges of dredged or fill material into waters of the United States, provide the amount of wetlands, streams, or other types of waters filled, flooded, excavated, or drained by the proposed NWP activity. For structures or work in navigable waters of the United States subject to Section 10 of the Rivers and Harbors Act of 1899, provide the amount of navigable waters filled, dredged, or occupied by one or more structures (e.g., aids to navigation, mooring buoys) by the proposed NWP activity.

For multiple NWPs, or for separate and distant crossings of waters of the United States authorized by NWPs 12 or 14, attach an extra sheet of paper marked Block 21 to provide the quantities of wetlands, streams, or other types of waters filled, flooded, excavated, or drained (or dredged or occupied by structures, if in waters subject to Section 10 of the Rivers and Harbors Act of 1899) for each NWP. For NWPs 12 and 14, include the amount of wetlands, streams, or other types of waters filled, flooded, excavated, or drained for each separate and distant crossing of waters or wetlands. If more space is needed, attach an extra sheet of paper marked Block 22.

**Block 23. Identify Any Other Nationwide Permit(s), Regional General Permit(s), or Individual Permit(s) Used to Authorize Any Part of Proposed Activity or Any Related Activity.** List any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. For linear projects, list other separate and distant crossings of waters and wetlands authorized by NWPs 12 or 14 that do not require PCNs. If more space is needed, attach an extra sheet of paper marked Block 23.

**Block 24. Compensatory Mitigation Statement for Losses of Greater Than 1/10-Acre of Wetlands and/or of Greater Than 3/100-Acre of Stream Bed When Pre-Construction Notification is Required.** Paragraphs (c) and (d) of NWP general condition 23 require compensatory mitigation at a minimum one-for-one replacement ratio for all wetland losses that exceed 1/10-acre and/or for all losses of stream bed that exceed 3/100-acre, unless the district engineer determines in writing that either some other form of mitigation is more environmentally appropriate or the adverse environmental effects of the proposed NWP activity are no more than minimal without compensatory mitigation, and provides an activity-specific waiver of this requirement. Describe the proposed compensatory mitigation for wetland losses greater than 1/10 acre and/or for losses of stream bed that exceed 3/100-acre, or provide an explanation of why the district engineer should not require wetland and/or stream compensatory mitigation for the proposed NWP activity. If more space is needed, attach an extra sheet of paper marked Block 24.

**Block 25. Is Any Portion of the Nationwide Permit Activity Already Complete?** Describe any work that has already been completed for the NWP activity.

**Block 26. List the Name(s) of Any Species Listed As Endangered or Threatened under the Endangered Species Act that Might be Affected by the Nationwide Permit Activity.** If you are not a federal agency, and if any listed species or designated critical habitat might be affected or is in the vicinity of the proposed NWP activity, or if the proposed NWP activity is located in designated critical habitat, list the name(s) of those endangered or threatened species that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity. If you are a Federal agency, and the proposed NWP activity requires a PCN, you must provide documentation demonstrating compliance with Section 7 of the Endangered Species Act.

**Block 27. List Any Historic Properties that Have the Potential to be Affected by the Nationwide Permit Activity.** If you are not a Federal agency, and if any historic properties have the potential to be affected by the proposed NWP activity, list the name(s) of those historic properties that have the potential to be affected by the proposed NWP activity. If you are a Federal agency, and the proposed NWP activity requires a PCN, you must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

**Block 28. List the Wild and Scenic River or Congressionally Designated Study River if the Nationwide Permit Activity Would Occur in such a River.**

If the proposed NWP activity will occur in a river in the National Wild and Scenic River System or in a river officially designated by Congress as a "study river" under the Wild and Scenic Rivers Act, provide the name of the river. For a list of Wild and Scenic Rivers and study rivers, please visit <http://www.rivers.gov/>.

**Block 29. Nationwide Permit Activities that also Require Permission from the Corps Under 33 U.S.C. 408.** If the proposed NWP activity also requires permission from the Corps under 33 U.S.C. 408 because it will temporarily or permanently alter, occupy, or use a Corps federal authorized civil works project, indicate whether you have submitted a written request for section 408 permission from the Corps district having jurisdiction over that project.

**Block 30. Other Information Required For Nationwide Permit Pre Construction Notifications.** The terms of some of the Nationwide Permits include additional information requirements for preconstruction notifications:

- \* NWP 3, Maintenance –information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals.
- \* NWP 31, Maintenance of Existing Flood Control Facilities –a description of the maintenance baseline and the dredged material disposal site.
- \* NWP 33, Temporary Construction, Access, and Dewatering –a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre project conditions.
- \* NWP 44, Mining Activities –if reclamation is required by other statutes, then a copy of the final reclamation plan must be submitted with the pre construction notification.
- \* NWP 45, Repair of Uplands Damaged by Discrete Events –documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration.
- \* NWP 48, Commercial Shellfish Aquaculture Activities –(1) a map showing the boundaries of the project area, with latitude and longitude coordinates for each corner of the project area; (2) the name(s) of the species that will be cultivated during the period this NWP is in effect; (3) whether canopy predator nets will be used; (4) whether suspended cultivation techniques will be used; and (5) general water depths in the project area (a detailed survey is not required).
- \* NWP 49, Coal Remining Activities –a document describing how the overall mining plan will result in a net increase in aquatic resource functions must be submitted to the district engineer and receive written authorization prior to commencing the activity.
- \* NWP 50, Underground Coal Mining Activities –if reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with the pre construction notification.

If more space is needed, attach an extra sheet of paper marked Block 30.

**Block 31. Signature of Applicant or Agent.** The PCN must be signed by the person proposing to undertake the NWP activity, and if applicable, the authorized party (agent) that prepared the PCN. The signature of the person proposing to undertake the NWP activity shall be an affirmation that the party submitting the PCN possesses the requisite property rights to undertake the NWP activity (including compliance with special conditions, mitigation, etc.).

### **DELINEATION OF WETLANDS, OTHER SPECIAL AQUATIC SITES, AND OTHER WATERS**

Each PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current wetland delineation manual and regional supplement published by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. The 45 day PCN review period will not start until the delineation is submitted or has been completed by the Corps.

### **DRAWINGS AND ILLUSTRATIONS**

#### **General Information.**

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross Section Map. Identify each illustration with a figure or attachment number. For linear projects (e.g. roads, subsurface utility lines, etc.) gradient

drawings should also be included. Please submit one original, or good quality copy, of all drawings on 8½x11 inch plain white paper (electronic media may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations. Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross section). While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.

#### **ADDITIONAL INFORMATION AND REQUIREMENTS**

For proposed NWP activities that involve discharges into waters of the United States, water quality certification from the State, Tribe, or EPA must be obtained or waived (see NWP general condition 25). Some States, Tribes, or EPA have issued water quality certification for one or more NWPs. Please check the appropriate Corps district web site to see if water quality certification has already been issued for the NWP(s) you wish to use. For proposed NWP activities in coastal states, state Coastal Zone Management Act consistency concurrence must be obtained, or a presumption of concurrence must occur (see NWP general condition 26). Some States have issued Coastal Zone Management Act consistency concurrences for one or more NWPs. Please check the appropriate Corps district web site to see if Coastal Zone Management Act consistency concurrence has already been issued for the NWP(s) you wish to use.