



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).	02/12/24
<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: Vero Fiber Networks	Address: 1023 Walnut Street
Applicant Name: Karen Collins	City: Boulder
Phone: 630-660-5506 Fax:	State: Colorado
Email: kcollins@veronetworks.com	Zip Code: 80302
Agent Information	
Company Name: Stantec Consulting Services	Address: 555 Capital Mall Suite 650
Agent Name: John Holson	City: Sacramento
Phone: 916-397-9832 Fax:	State: California
Email: john.holson@stantec.com	Zip Code: 95814

C. Project General Information	
Project Location	
Project/Site Name: Reno to Las Vegas Fiber Optic Project	Name of receiving waterbody: See attachment
Address: N/A	Type of waterbody present at project location (<i>select all that apply</i>): <input checked="" type="checkbox"/> Perennial River or Stream <input checked="" type="checkbox"/> Intermittent River or Stream <input checked="" type="checkbox"/> Ephemeral River or Stream <input type="checkbox"/> Lake/Pond/Reservoir <input checked="" type="checkbox"/> Wetland <input checked="" type="checkbox"/> Other: _____ Playa_____
City: Reno	
County: Churchill, Clark, Esmeralda, Lyon, Mineral, Nye, Storey, Washoe.	
State: Nevada	
Zip Code: 89502	
Latitude (UTM or Dec/Deg): 39.523271°	Longitude (UTM or Dec/Deg): -119.811680°

Township:	Range:	Section:	¼ Section:
Project Details			
Project purpose:	Vero Fiber Networks (Vero) proposes to construct and operate the Desert Storm Project, a 445 mile long, underground shielded dark fiber optic network from Reno to Enterprise, Nevada (Project). The dark fiber is the installation of the fiber cable, line markers, handhole vaults, and Inline Amplifiers (ILAs).		
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.	The site conditions vary throughout the alignment, as the project goes through large swaths of open desert in addition to towns (i.e. Tonopah) and urban areas such as Las Vegas and Reno. Considering the roadside nature of the project and it's adjacency to major highways and existing infrastructure, general site conditions are disturbed.		
Describe the proposed activity including methodology of each project element:	The construction method used to install conduit includes a combination of plowing, trenching, boring and attaching to existing structures (e.g., bridges). Aquatic resources (AR)s not avoided by boring or attachment would be subject to trenching and/or plowing. In areas where soils are rocky, trenching techniques may be used for conduit installation. Trenching would use an excavator to dig a trench 6 to 12 inches wide and from 36 to 42 inches deep for placement of the conduit. In areas where soils are relatively free of rocks, "plowing in" construction techniques would be used for the conduit installations. Plowing would be conducted using an excavator to dig a trench from 36 to 42 inches deep for placement of the conduit, 6-12" wide for conduit installation.		
Estimate the nature, specific location, and number of discharge(s) expected to be authorized by the proposed activity:	262 crossings of ARS, wetlands and other waters, are proposed, with all impacts being temporary.		
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:	Construction is proposed to begin April 1, 2024 and finish approximately one year later on April 1, 2025.		
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):	<ul style="list-style-type: none"> • Section 404 Permit, USACE, finalized in February 2024, Nationwide Permit #57 • Temporary Permit for Working in Waters, NDEP; NVW-53540 • Stormwater Construction Permit NVR100000, NDEP; CSW - 53559 • Section 401 Permit, NDEP • Section 408 Permit, USACE (encroachment permit) 		
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:	<ul style="list-style-type: none"> • EA approval, BLM, will be finalized March 2024 • BO final approval, USFWS, will be finalized March 2024 • Division of State Lands Permit, Nevada State Lands, will be finalized March 2024 • NOI, NDEP, finalized February 2024 		

Total area of impact to regulated waterbodies (acres):	See attached supplemental information for details.	
Total distance of impact to regulated waterbodies (linear feet):	See attached supplemental information for details.	
Amount excavation and/or fill discharged within regulated waters (acres, linear feet, and cubic yards):	Temporary:	Permanent:
	See attached supplemental information	NONE
Amount of dredge material discharged within regulated waters (acres, linear feet, and cubic yards):	Temporary:	Permanent:
	See attached supplemental information	NONE
Describe the reason(s) why avoidance of temporary fill in regulated waters is not practicable (if applicable):	In some locations, delineated aquatic resources bisect (i.e. are perpendicular to) the larger temporary impact area and are therefore unavoidable due to the linear nature of the fiber project. A total of 157 aquatic resources are being avoided via boring or avoidance by design.	
<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>The following protection measures will be put into place to protect water resources and wetland and riparian areas:</p> <ul style="list-style-type: none"> • A Storm Water Protection Plan (SWPP), Bore Mud Control Plan, Spill Prevention and Control Plan, Hazardous Materials and Solid Waste Control Plan have been developed for the project. If waters of the United States are disturbed during construction of the underground segment of the Project, the bed and banks would be restored to the pre-construction bed and bank configuration and stability by the Contractor. • Vero would maximize the use of areas already in a disturbed condition (roads and previously cleared areas) for the proposed access, staging and fiber installation. Vero would confine access to the Vero alignment (with consideration of operational buffers) for construction to that approved by BLM on public lands. Existing disturbed areas on private lands would be used for construction staging of equipment. • A Drainage Crossing Protection Plan would be developed. <p>In addition, the project SWPPP outlines the implementation of BMPs for each activity that could affect neighboring properties or degrade surrounding water quality through erosion, sediment runoff, dewatering, and discharge of other pollutants. BMPs to be part of the Project-specific SWPPP include the following control measures:</p> <ul style="list-style-type: none"> • Implementing temporary erosion control measures, such as silt fences, staked straw bales and wattles, silt and sediment basins and traps, check dams, geofabric, sandbag dikes, grass buffer strips, high-infiltration substrates, grassy swales, and temporary revegetation or other ground cover, to control erosion from disturbed areas. 	

	<ul style="list-style-type: none"> Protecting the quality of surface water from non-stormwater discharges, such as equipment leaks, hazardous materials spills, and groundwater discharge from dewatering operations.
<p>Describe how the activity has been designed to avoid and/or minimize adverse effects, both temporary and permanent, to regulated waters:</p>	<ul style="list-style-type: none"> Vero would maximize the use of areas already in a disturbed condition (roads and previously cleared areas) for the proposed access, staging and fiber installation. Vero would confine access to the Vero alignment (with consideration of operational buffers) for construction to that approved by BLM on public lands. Existing disturbed areas on private lands would be used for construction staging of equipment. Following trenching, intermittent waterways and ephemeral drainages would be restored to their original condition and contours. In order to comply with the USACE Nationwide Permit 57, the condition prior to construction and post construction will be documented with photographs. For all trenching or plowing in intermittent and ephemeral streams, ground disturbance and side-casting (i.e., the controlled depositing of excavated material) would be done in a manner that would minimize potential for off-site sediment input into stream channels.
<p>Describe any compensatory mitigation planned for this project (if applicable):</p>	<p>No compensatory mitigation for the project is planned.</p>

D. Signature		
Name and Title (Print): John Holson Senior Biologist	Phone Number: 916-397-9832	Date: 03/19/2024
<div style="display: flex; align-items: center;">  Recoverable Signature </div> <div style="text-align: center; margin-top: 10px;">  <hr style="width: 100%; border: 0.5px solid black;"/> <p style="margin: 0;">Signature of Responsible Official</p> <p style="margin: 5px 0 0 0;">Signed by: Holson, John</p> </div>		

Mandatory Attachments:

- Federal Permit or License Identification:**

- Project proponents seeking a federal general permit or license must include a copy of the draft federal license or permit and any readily available water quality-related materials that informed the development of the draft federal license or permit, or;
- Project proponents seeking a federal individual permit or license must include 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/>).

Summary Tables for Aquatic Resources and Temporary Impacts for the Reno to Las Vegas Fiber Project

Table 1 Summary of Temporary Impacts to Potential Waters of the U.S.

Type	Maximum Temporary Impacts			
	Number	Area (acre[s])	Linear Feet	Excavation/Fill Cubic Yards
Wetlands				
Vegetated ditch/canal	3	0.017	--	95.993
Alkali Grasslands	1	0.001	--	5.647
Scrub-Shrub, canal adjacent	1	0.010	--	56.467
Wetlands Subtotal	5	0.028	--	158.107
Other Waters				
Ephemeral				
Drainage	192	1.773	10,803.818	10,016.210
Ditch	11	0.434	5,072.178	2,450.653
Culvert	18	0.050	314.959	281.769
Playa	4	21.620	--	122,080.933
<i>Ephemeral Subtotal</i>	<i>225</i>	<i>23.877</i>	<i>16,190.96</i>	<i>134,829.565</i>
Intermittent				
Drainage	26	0.997	3,464.569	5,630.291
Canal/ditch	2	0.003	82.021	16.940
Culvert	1	0.001	13.123	5.647
<i>Intermittent Subtotal</i>	<i>29</i>	<i>1.001</i>	<i>3,559.713</i>	<i>5,652.878</i>
Perennial				
Canal/ditch	3	0.026	78.740	146.813
Other Waters Subtotal	257	24.904	19,829.413	140,629.256
Total	262	24.932	19,829.413	140,787.363

Table 1. Wetlands Delineated in the Survey Area and Temporary Impacts

Features marked with an asterisk (*) are included in the NWP 57 PCN

Feature ID	Delineated Acres	Temporary Impact Acres	Temporary Excavation/Fill Cubic Yards	Wetland Type	Cowardin Code	Description
<i>Truckee Subbasin (HUC-8 16050102)</i>						
W-01	0.026	--	--	Riparian Wetland	RP1SS	Forested riparian wetland associated with the Truckee River.
<i>Carson Desert Subbasin (HUC-8 16050203)</i>						
W-02	0.007	--	--	Riparian Wetland	RP1SS	Riparian wetland associated with T Line Canal
W-03	0.004	--	--	Riparian Wetland	RP1SS	Riparian wetland associated with T Line Canal
W-04	0.021	--	--	Riparian Wetland	RP1SS	Riparian wetland associated with an unnamed canal.
W-05	0.031	--	--	Riparian Wetland	RP1SS	Riparian wetland associated with an unnamed canal.
W-06*	0.003	0.001	5.647	Riparian Wetland	RP1SS	Riparian wetland associated with an unnamed canal.
W-07	0.005	--	--	Vegetated Ditch	RP1EM	Emergent aquatic wetland associated with S Line Canal.
W-08*	0.062	0.005	28.233	Vegetated Ditch	RP1EM	Emergent wetland associated with an unnamed ditch.
W-09*	0.093	0.010	56.467	Riparian Wetland	RP1SS	Scrub-shrub wetland associated with L-12 canal and dominated by <i>Salix exigua</i> .
W-10	0.095	--	--	Riparian Wetland	RP1SS	Scrub-shrub wetland associated with L-12 canal and dominated by <i>Salix exigua</i> .
W-11*	0.095	0.011	62.113	Riparian Wetland	RP1SS	Scrub-shrub wetland associated with L-12 canal and dominated by <i>Salix exigua</i> .
<i>Middle Carson Subbasin (HUC-8 16050202)</i>						
W-12	0.064			Seasonal Wetland	PEM2	Seasonal wetland dominated by <i>Distichlis spicata</i> .
<i>Cactus-Sarcobatus Flats Subbasin (HUC-8 16060013)</i>						
W-13	0.028	--	--	Alkali Grassland	RP1EM	Herbaceous wetland associated with a ditch and dominated by <i>Distichlis spicata</i> .
W-14	0.028	--	--	Alkali Grassland	RP1EM	Herbaceous wetland associated with a ditch and dominated by <i>Distichlis spicata</i> .
W-15	0.018	--	--	Alkali Grassland	RP1EM	Herbaceous wetland associated with a ditch and dominated by <i>Distichlis spicata</i> .
W-16	0.018	--	--	Alkali Grassland	RP1EM	Herbaceous wetland associated with a ditch and dominated by <i>Distichlis spicata</i> .
<i>Upper Amargosa Subbasin (HUC-8 18090202)</i>						
W-17	0.982	--	--	Alkali Grassland	RP1EM	Herbaceous wetland associated with the Amargosa River and dominated by <i>Distichlis spicata</i> .
W-18*	6.277	0.001	5.647			
W-19	0.377	--	--			

Feature ID	Delineated Acres	Temporary Impact Acres	Temporary Excavation/Fill Cubic Yards	Wetland Type	Cowardin Code	Description
W-19a	2.051	--	--			
W-19b	1.241	--	--			
W-19c	0.387	--	--			
W-19d	0.659	--	--			
W-19e	0.478	--	--			
W-20	0.331	--	--			
W-21	0.09	--	--	Riparian Wetland	RP1FO	Forested riparian wetland associated with the Amargosa River and dominated by <i>Salix</i> spp. and <i>Populus fremontii</i> .
W-22	1.252	--	--			
W-23	0.511	--	--			
W-24	0.275	--	--			
W-25	1.436	--	--			
W-26	1.347	--	--			
W-26a	0.08	--	--			
W-26b	0.042	--	--			

Table 2. Other Waters Delineated in the Survey Area and Temporary Impacts

ID	Feature Name	OHWM Width (feet)	OHWM Depth (feet)	Delineated		Temporary Impacts			Regime	Cowardin Code	Type
				Linear Feet	Acre(s)	Linear Feet	Acre(s)	Excavation/ Fill Cubic Yards			
<i>Truckee Subbasin (HUC-8 16050102)</i>											
OW-001	Truckee River	20	5	155.896	0.074	--	--	--	perennial	R3UB	drainage
OW-002*	none	35	4	381.274	0.188	111.549	0.024	135.520	intermittent	R4SB	drainage
OW-003	Truckee River	35	5	183.079	0.155	--	--	--	perennial	R3UB	drainage
OW-004	none	5	1	73.695	0.008	26.247	0.003	16.940	ephemeral	R6	drainage
OW-004a	none	4	4	96.769	0.007	--	--	--	ephemeral	R6	culvert
OW-005	none	15	1	279.559	0.094	167.323	0.058	327.507	ephemeral	R6	drainage
OW-006	none	6	2	86.931	0.012	22.966	0.003	16.940	ephemeral	R6	drainage
OW-006a	none	4	4	85.844	0.006	--	--	--	ephemeral	R6	culvert
OW-007	none	12	2	495.122	0.137	82.021	0.024	135.520	ephemeral	R6	drainage

ID	Feature Name	OHWM Width (feet)	OHWM Depth (feet)	Delineated		Temporary Impacts			Regime	Cowardin Code	Type
				Linear Feet	Acre(s)	Linear Feet	Acre(s)	Excavation/ Fill Cubic Yards			
OW-007a	none	3	3	34.664	0.002	--	--	--	ephemeral	R6	culvert
OW-007b	none	3	3	33.038	0.002	--	--	--	ephemeral	R6	culvert
OW-007c	none	3	3	36.966	0.002	--	--	--	ephemeral	R6	culvert
OW-007d	none	2.5	0.5	42.796	0.002	19.685	0.001	5.647	ephemeral	R6	drainage
<i>Middle Carson Subbasin (HUC-8 16050202)</i>											
OW-008	none	35	5	215.796	0.133	55.774	0.026	146.813	Intermittent	R4SB	drainage
OW-008a	none	10	10	44.725	0.008	19.685	0.004	22.587	ephemeral	R6	culvert
OW-008b	none	10	10	45.56	0.008	19.685	0.004	22.587	ephemeral	R6	culvert
OW-008c	none	10	10	42.641	0.007	19.685	0.003	16.940	ephemeral	R6	culvert
OW-008d	none	10	10	42.674	0.007	19.685	0.003	16.940	ephemeral	R6	culvert
OW-008e	none	10	10	42.298	0.007	19.685	0.004	22.587	ephemeral	R6	culvert
OW-008f	none	10	10	41.811	0.007	19.685	0.004	22.587	ephemeral	R6	culvert
OW-008g	none	10	10	40.818	0.007	19.685	0.004	22.587	ephemeral	R6	culvert
OW-008h	none	10	10	38.915	0.007	19.685	0.004	22.587	ephemeral	R6	culvert
OW-008i	none	10	10	38.893	0.007	19.685	0.004	22.587	ephemeral	R6	culvert
OW-008j	none	10	10	39.424	0.007	19.685	0.004	22.587	ephemeral	R6	culvert
OW-008k	none	6	3	196.59	0.027	--	--	--	ephemeral	R6	drainage
OW-008l	none	6	6	189.035	0.020	13.123	0.001	5.647	ephemeral	R6	culvert
OW-008m	none	6	0.5	25.311	0.003	13.123	0.001	5.647	ephemeral	R6	drainage
OW-009	none	30	0.5	59.187	0.051	39.37	0.018	101.640	intermittent	R4SB	drainage
OW-009a	none	30	0.5	27.291	0.012	--	--	--	intermittent	R4SB	culvert
OW-009b	none	4	4	16.511	0.001	--	--	--	ephemeral	R6	culvert
OW-009c	none	6	1	120.253	0.016	--	--	--	ephemeral	R6	drainage
OW-009d	none	15	1	53.109	0.018	--	--	--	ephemeral	R6	drainage
OW-009e	none	5	1	87.942	0.014	--	--	--	ephemeral	R6	drainage
OW-010	none	30	0.5	199.341	0.137	177.165	0.054	304.920	intermittent	R4SB	drainage
OW-010a	none	30	0.5	30.965	0.010	--	--	--	intermittent	R4SB	culvert
OW-011	none	40	1	249.94	0.169	55.774	0.026	146.813	intermittent	R4SB	drainage
OW-011a	none	40	1	25.449	0.007	--	--	--	intermittent	R4SB	culvert
OW-012	none	4	0.5	74.521	0.007	26.247	0.002	11.293	ephemeral	R6	drainage
OW-013	none	2	0.25	115.698	0.005	22.966	0.001	5.647	ephemeral	R6	drainage
OW-014	none	2	0.25	140.638	0.006	22.966	0.001	5.647	ephemeral	R6	drainage
OW-015	none	2	0.25	733.772	0.035	52.493	0.003	16.940	ephemeral	R6	drainage
OW-016	none	2	0.25	1697.549	0.079	1660.105	0.074	417.853	ephemeral	R6	drainage
OW-017	none	6	0.5	193.591	0.030	--	--	--	intermittent	R4SB	drainage

ID	Feature Name	OHWM Width (feet)	OHWM Depth (feet)	Delineated		Temporary Impacts			Regime	Cowardin Code	Type
				Linear Feet	Acre(s)	Linear Feet	Acre(s)	Excavation/ Fill Cubic Yards			
OW-018	none	2	0.25	429.277	0.021	--	--	--	ephemeral	R6	drainage
<i>Carson Desert Subbasin (HUC-8 16050203)</i>											
OW-019	Truckee Canal	30	8	129.714	0.057	--	--	--	intermittent	R4SB	canal
OW-020	T Line Canal	45	8	50.318	0.017	--	--	--	perennial	R3UB	canal
OW-021	Carson River	65	1	126.173	0.126	--	--	--	perennial	R3UB	drainage
OW-022	none	8	4	37.333	0.006	19.685	0.003	16.940	ephemeral	R6	ditch
OW-022a	none	2	0.5	917.971	0.088	656.168	0.032	180.693	ephemeral	R6	ditch
OW-022b	none	25	5	30.892	0.010	--	--	--	ephemeral	R6	ditch
OW-022c	none	20	5	33.459	0.008	--	--	--	ephemeral	R6	culvert
OW-022d	none	15	5	32.897	0.011	19.685	0.007	39.527	ephemeral	R6	culvert
OW-022e*	none	8	4	27.333	0.003	19.685	0.003	16.940	perennial	R3UB	canal
OW-022f	none	8	4	8.599	0.001	--	--	--	perennial	R3UB	culvert
OW-022g*	none	7	4	119.884	0.017	68.898	0.002	11.293	intermittent	R4SB	canal
OW-022h*	none	12	4	15.105	0.002	13.123	0.001	5.647	intermittent	R4SB	canal
OW-022i*	none	4	4	29.527	0.003	13.123	0.001	5.647	intermittent	R4SB	culvert
OW-022j	S-One Canal	3	3	54.969	0.004	--	--	--	perennial	R3UB	culvert
OW-023	S-One Canal	15	6	56.659	0.020	--	--	--	perennial	R3UB	canal
OW-023a	S-One Canal	15	6	20.923	0.005	--	--	--	perennial	R3UB	culvert
OW-024	New River Drain	20	8	188.119	0.110	--	--	--	perennial	R3UB	canal
OW-025*	L-12 Canal	25	5	588.393	0.250	26.247	0.007	39.527	perennial	R3UB	canal
OW-026	L Line Canal	25	2	215.9	0.053	--	--	--	perennial	R3UB	canal
OW-026a	L Line Canal	13	4	24.327	0.006	--	--	--	perennial	R3UB	culvert
OW-027	Lower Diagonal Number 1 Drain	20	3	184.644	0.096	--	--	--	perennial	R3UB	canal
OW-027a	Lower Diagonal Number 1 Drain	4	4	40.713	0.004	--	--	--	perennial	R3UB	culvert
OW-028*	Lower Diagonal Drain	30	2	265.691	0.187	32.808	0.016	90.347	perennial	R3UB	canal
OW-028a	Lower Diagonal Drain	11	5	33.354	0.008	--	--	--	perennial	R3UB	culvert
OW-029	Eightmile Flat	200	0	31943.259	150.130	30895.67	14.279	80628.753	ephemeral	L2US	playa
OW-029a	Eightmile Flat	20	4	31.012	0.014	--	--	--	ephemeral	L2US	culvert
OW-029b	Eightmile Flat	2	2	31.298	0.002	--	--	--	ephemeral	L2US	culvert
OW-029c	Eightmile Flat	2	2	34.262	0.002	--	--	--	ephemeral	L2US	culvert
OW-029d	Eightmile Flat	2	2	31.445	0.002	--	--	--	ephemeral	L2US	culvert
OW-029e	Eightmile Flat	2	2	25.348	0.001	--	--	--	ephemeral	L2US	culvert
OW-029f	Eightmile Flat	2	2	19.067	0.001	--	--	--	ephemeral	L2US	culvert

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				Linear Feet	Acre(s)	Linear Feet	Acre(s)	Excavation/ Fill Cubic Yards			
OW-029g	Eightmile Flat	3	2	39.909	0.003	--	--	--	ephemeral	L2US	culvert
OW-029h	Eightmile Flat	3	2	30.617	0.002	--	--	--	ephemeral	L2US	culvert
OW-029i	Eightmile Flat	4	4	34.483	0.003	--	--	--	ephemeral	L2US	culvert
OW-029j	Eightmile Flat	20	0	628.435	0.664	--	--	--	ephemeral	L2US	playa
OW-030	Fourmile Flat	150	0	14507.83	52.556	14356.956	6.601	37273.647	ephemeral	L2US	playa
OW-030a	Fourmile Flat	12	5	29.154	0.008	--	--	--	ephemeral	L2US	culvert
OW-030b	Fourmile Flat	12	5	18.881	0.005	--	--	--	ephemeral	L2US	culvert
OW-031*	none	20	2	312.272	0.131	19.685	0.009	50.820	intermittent	R4SB	drainage
OW-031a	none	20	2	17.174	0.002	--	--	--	intermittent	R4SB	culvert
OW-032*	none	20	2	802.433	0.355	6.562	0.0001	0.565	intermittent	R4SB	drainage
OW-033	none	20	2	353.676	0.090	--	--	--	intermittent	R4SB	drainage
OW-034*	none	20	2	1003.754	0.278	328.084	0.067	378.327	intermittent	R4SB	drainage
OW-034a	none	3	2	100.681	0.006	--	--	--	intermittent	R4SB	drainage
<i>Dixie Valley Subbasin (HUC-8 16060001)</i>											
OW-035	none	3	0.25	63.656	0.005	9.843	0.001	5.647	ephemeral	R6	drainage
OW-35a	none	2	2	18.795	0.001	13.123	0.0005	2.823	ephemeral	R6	culvert
OW-036	none	7	0.25	127.807	0.025	19.685	0.004	22.587	ephemeral	R6	drainage
OW-036a	none	3	3	15.01	0.001	13.123	0.001	5.647	ephemeral	R6	culvert
<i>Gabbs Valley Subbasin (HUC-8 16060002)</i>											
OW-037	none	9	0.5	141.301	0.027	36.089	0.007	39.527	ephemeral	R6	drainage
OW-038	none	8	2	85.49	0.015	--	--	--	ephemeral	R6	culvert
OW-039*	Finger Rock Wash	40	0.5	109.208	0.123	88.583	0.041	231.513	intermittent	R4SB	drainage
OW-39a	Finger Rock Wash	40	0.5	91.721	0.028	--	--	--	intermittent	R4SB	culvert
OW-040	none	2	0.5	76.9	0.034	26.247	0.01	56.467	ephemeral	R6	drainage
OW-041*	none	16	1.5	19.241	0.004	19.685	0.004	22.587	intermittent	R4SB	culvert
OW-042	none	8	0.75	76.225	0.026	62.336	0.023	129.873	ephemeral	R6	drainage
OW-043	none	8	1	496.441	0.193	495.407	0.152	858.293	ephemeral	R6	culvert
<i>Southern Big Smoky Valley Subbasin (HUC-8 16060003)</i>											
OW-044*	none	9	0.5	19.709	0.005	19.685	0.005	28.233	intermittent	R4SB	drainage
OW-045*	none	12	1	146.152	0.033	144.357	0.028	158.107	intermittent	R4SB	drainage
OW-046*	none	25	1	50.697	0.016	49.213	0.015	84.700	intermittent	R4SB	drainage

ID	Feature Name	OHWM Width (feet)	OHWM Depth (feet)	Delineated		Temporary Impacts			Regime	Cowardin Code	Type
				Linear Feet	Acre(s)	Linear Feet	Acre(s)	Excavation/ Fill Cubic Yards			
OW-047*	none	18	0.33	149.599	0.021	147.638	0.01	56.467	intermittent	R4SB	drainage
OW-048*	none	10	0.4	23.466	0.003	19.685	0.002	11.293	intermittent	R4SB	drainage
OW-049*	Cloverdale Creek	12	0.5	31.136	0.005	29.528	0.003	16.940	intermittent	R4SB	drainage
OW-050*	none	4	1	196.368	0.018	190.289	0.011	62.113	intermittent	R4SB	drainage
OW-051*	none	12	1	33.71	0.006	26.247	0.003	16.940	intermittent	R4SB	drainage
<i>Ralston-Stone Cabin Valleys Subbasin (HUC-8 16060011)</i>											
OW-052*	none	20	0.5	117.818	0.051	26.247	0.01	56.467	intermittent	R4SB	drainage
OW-053	none	15	0.5	99.266	0.039	19.685	0.008	45.173	ephemeral	R6	drainage
OW-054	none	2.5	0.5	100.636	0.006	19.685	0.001	5.647	ephemeral	R6	drainage
OW-055	none	15	0.5	160.086	0.063	22.966	0.007	39.527	ephemeral	R6	drainage
OW-056	none	3	0.5	100.764	0.007	22.966	0.001	5.647	ephemeral	R6	drainage
OW-057	none	20	0.25	495.542	0.247	137.795	0.065	367.033	ephemeral	R6	drainage
OW-058	Big Wash	25	2	212.282	0.122	55.774	0.017	95.993	ephemeral	R6	drainage
OW-059	none	2	0.5	185.074	0.009	39.37	0.002	11.293	ephemeral	R6	drainage
OW-060	none	4.5	0.25	122.948	0.013	26.247	0.002	11.293	ephemeral	R6	drainage
OW-061	none	1.5	0.5	302.907	0.011	26.247	0.001	5.647	ephemeral	R6	drainage
OW-062	none	2.5	0.5	221.712	0.014	22.966	0.001	5.647	ephemeral	R6	drainage
OW-063	none	4	0.5	15.473	0.001	16.404	0.001	5.647	ephemeral	R6	drainage
OW-064	none	3.5	0.5	131.883	0.011	32.808	0.002	11.293	ephemeral	R6	drainage
OW-065	none	2	0.5	236.41	0.012	22.966	0.001	5.647	ephemeral	R6	drainage
OW-066	none	4	0.5	148.584	0.014	39.37	0.003	16.940	ephemeral	R6	drainage
OW-067	none	4	0.5	212.546	0.021	39.37	0.002	11.293	ephemeral	R6	drainage
OW-068	none	2	0.5	156.577	0.008	22.966	0.001	5.647	ephemeral	R6	drainage
OW-069	none	1	0.5	132.753	0.004	19.685	0.0005	2.823	ephemeral	R6	drainage
<i>Cactus-Sarcobatus Flats Subbasin (HUC-8 16060013)</i>											
OW-070	none	8	0.5	206.064	0.073	39.37	0.01	56.467	ephemeral	R6	drainage
OW-071	none	15	0.5	304.332	0.098	65.617	0.017	95.993	ephemeral	R6	drainage
OW-072	none	15	0.5	176.101	0.092	26.247	0.018	101.640	ephemeral	R6	drainage
OW-073	none	6	0.5	369.619	0.053	42.651	0.005	28.233	ephemeral	R6	drainage
OW-074	none	6	0.5	645.064	0.091	104.987	0.015	84.700	ephemeral	R6	drainage
OW-075	none	6	0.5	108.892	0.014	95.144	0.013	73.407	ephemeral	R6	drainage
OW-076	none	3	0.5	192.927	0.014	29.528	0.002	11.293	ephemeral	R6	drainage
OW-077*	none	3	1	153.337	0.011	22.966	0.002	11.293	intermittent	R4SB	drainage

ID	Feature Name	OHWM Width (feet)	OHWM Depth (feet)	Delineated		Temporary Impacts			Regime	Cowardin Code	Type
				Linear Feet	Acre(s)	Linear Feet	Acre(s)	Excavation/ Fill Cubic Yards			
OW-078	none	100	0	1243.627	2.679	1036.745	0.496	2800.747	ephemeral	L2US	playa
OW-079*	none	12	2.5	138.245	0.042	32.808	0.007	39.527	intermittent	R4SB	drainage
OW-080	none	2	0.5	123.045	0.025	26.247	0.003	16.940	ephemeral	R6	drainage
OW-081	none	80	0	545.836	1.020	538.058	0.244	1377.787	ephemeral	L2US	playa
OW-082	none	7	1	656.784	0.111	65.617	0.008	45.173	ephemeral	R6	drainage
OW-083	none	5	0.5	79.791	0.010	29.528	0.003	16.940	ephemeral	R6	drainage
OW-084	none	2.5	0.5	397.252	0.025	--	--	--	ephemeral	R6	drainage
OW-084a	none	3	3	63.331	0.003	--	--	--	ephemeral	R6	culvert
OW-085	none	3	3	63.331	0.003	--	--	--	ephemeral	R6	drainage
OW-085a	none	2.5	0.5	265.399	0.015	--	--	--	ephemeral	R6	culvert
OW-086	none	3	3	63.367	0.003	--	--	--	ephemeral	R6	drainage
OW-087	none	2.5	0.5	485.195	0.028	22.966	0.001	5.647	ephemeral	R6	drainage
OW-088	none	2	0.5	78.706	0.004	19.685	0.001	5.647	ephemeral	R6	drainage
OW-089	none	1.5	0.5	85.798	0.003	19.685	0.0005	2.823	ephemeral	R6	drainage
OW-090	none	1	0.5	56.722	0.001	19.685	0.001	5.647	ephemeral	R6	drainage
<i>Upper Amargosa (HUC-8 18090202)</i>											
OW-091	none	1	0.5	104.79	0.002	19.685	0.0005	2.823	ephemeral	R6	drainage
OW-092	none	3	1	105.623	0.007	--	--	--	ephemeral	R6	drainage
OW-093	Beatty Wash	15	2	18.668	0.006	19.685	0.006	33.880	ephemeral	R6	drainage
OW-093a	Beatty Wash	20	10	41.377	0.012	13.123	0.002	11.293	ephemeral	R6	culvert
OW-094	Amargosa River	6	0.5	600.504	0.083	--	--	--	intermittent	R4SB	drainage
OW-095	Amargosa River	70	2	1564.576	2.518	--	--	--	intermittent	R4SB	drainage
OW-095a	Amargosa River	20	2	119.354	0.059	--	--	--	intermittent	R4SB	drainage
OW-096	Amargosa River	6	2	901.565	0.126	--	--	--	intermittent	R4SB	drainage
OW-097	Amargosa River	75	2	852.656	1.245	--	--	--	intermittent	R4SB	drainage
OW-097a	Amargosa River	50	2	180.08	0.153	--	--	--	intermittent	R4SB	drainage
OW-098	none	5	0.5	594.427	0.074	22.966	0.002	11.293	ephemeral	R6	drainage
OW-099	none	3	0.5	393.69	0.028	29.528	0.002	11.293	ephemeral	R6	drainage
OW-100	none	2	0.5	338.054	0.015	82.021	0.004	22.587	ephemeral	R6	drainage
OW-101	none	2	0.5	397.101	0.018	52.493	0.002	11.293	ephemeral	R6	drainage
OW-102	none	20	0.5	672.425	0.242	49.213	0.012	67.760	ephemeral	R6	drainage
OW-103	none	35	1	165.183	0.120	49.213	0.023	129.873	ephemeral	R6	drainage
OW-104	Fortymile Wash	60	1	151.81	0.169	78.74	0.036	203.280	ephemeral	R6	drainage
OW-105	none	10	1	236.373	0.054	22.966	0.005	28.233	ephemeral	R6	drainage
OW-106	Rock Valley Wash	12	0.5	120.309	0.032	--	--	--	ephemeral	R6	drainage

ID	Feature Name	OHWM Width (feet)	OHWM Depth (feet)	Delineated		Temporary Impacts			Regime	Cowardin Code	Type
				Linear Feet	Acre(s)	Linear Feet	Acre(s)	Excavation/ Fill Cubic Yards			
OW-107	none	4	1	100.958	0.009	101.706	0.009	50.820	ephemeral	R6	ditch
OW-108	none	6	1	173.163	0.023	42.651	0.005	28.233	ephemeral	R6	ditch
OW-109	none	2.5	0.5	102.342	0.006	19.685	0.001	5.647	ephemeral	R4SBC	drainage
OW-110	none	12	2	108.075	0.044	22.966	0.008	45.173	ephemeral	R6	drainage
OW-111	none	2	0.5	100.669	0.005	19.685	0.001	5.647	ephemeral	R6	drainage
OW-112	none	12	2	107.587	0.035	22.966	0.007	39.527	ephemeral	R6	drainage
OW-113	none	4	0.5	101.953	0.009	19.685	0.002	11.293	ephemeral	R6	drainage
OW-114	none	2	0.5	173.91	0.008	42.651	0.002	11.293	ephemeral	R6	ditch
OW-115	none	3	1	95.535	0.007	22.966	0.001	5.647	ephemeral	R6	drainage
OW-116	none	4	1.5	106.903	0.010	19.685	0.002	11.293	ephemeral	R6	drainage
OW-117	none	3	0.5	100.296	0.007	19.685	0.001	5.647	ephemeral	R6	drainage
OW-118	none	2	0.5	101.308	0.005	19.685	0.001	5.647	ephemeral	R6	drainage
OW-119	none	3	1	108.645	0.007	26.247	0.002	11.293	ephemeral	R6	drainage
OW-120	none	20	2	100	0.043	22.966	0.008	45.173	ephemeral	R6	drainage
OW-121	none	4	1	101.927	0.010	22.966	0.002	11.293	ephemeral	R6	drainage
OW-122	none	2.5	0.5	117.208	0.007	22.966	0.001	5.647	ephemeral	R6	drainage
OW-123	none	2	0.5	100.32	0.005	45.932	0.002	11.293	ephemeral	R6	drainage
OW-124	none	3	0.5	43.261	0.003	--	--	--	ephemeral	R6	drainage
OW-125	none	3	0.5	100.391	0.007	19.685	0.001	5.647	ephemeral	R6	drainage
OW-126	none	3	0.5	45.792	0.003	3.281	0.001	5.647	ephemeral	R6	drainage
OW-127	none	2.5	0.5	100.267	0.006	19.685	0.001	5.647	ephemeral	R6	drainage
OW-128	none	2.5	0.5	61.851	0.004	--	--	--	ephemeral	R6	drainage
OW-129	none	2	0.5	105.289	0.005	26.247	0.001	5.647	ephemeral	R6	drainage
OW-130	none	3	0.5	100.11	0.007	19.685	0.001	5.647	ephemeral	R6	drainage
OW-131	none	2	0.5	99.999	0.005	19.685	0.001	5.647	ephemeral	R6	drainage
OW-132	none	4	1	117.195	0.011	22.966	0.002	11.293	ephemeral	R6	drainage
OW-133	none	2.5	1	119.617	0.007	26.247	0.001	5.647	ephemeral	R6	drainage
OW-134	none	2.5	1	103.254	0.028	19.685	0.005	28.233	ephemeral	R6	drainage
OW-135	none	3	0.5	101.244	0.007	19.685	0.001	5.647	ephemeral	R6	drainage
OW-136	none	3	0.5	100.004	0.007	19.685	0.001	5.647	ephemeral	R6	drainage
OW-137	none	5	1	107.785	0.062	32.808	0.012	67.760	ephemeral	R6	drainage
OW-138	none	6	1	109.782	0.015	26.247	0.003	16.940	ephemeral	R6	drainage
OW-139	none	3	0.5	95.799	0.007	26.247	0.002	11.293	ephemeral	R6	drainage
OW-140	none	3.5	1	101.349	0.008	19.685	0.002	11.293	ephemeral	R6	drainage
OW-141	none	25	1	100	0.058	32.808	0.014	79.053	ephemeral	R6	drainage
OW-142	none	4	1.5	101.213	0.009	19.685	0.002	11.293	ephemeral	R6	drainage
OW-143	none	2	0.5	100.931	0.005	22.966	0.001	5.647	ephemeral	R6	drainage

ID	Feature Name	OHWM Width (feet)	OHWM Depth (feet)	Delineated		Temporary Impacts			Regime	Cowardin Code	Type
				Linear Feet	Acre(s)	Linear Feet	Acre(s)	Excavation/ Fill Cubic Yards			
OW-144	none	2	0.5	109.806	0.005	22.966	0.001	5.647	ephemeral	R6	drainage
OW-145	none	3	0.5	108.141	0.007	19.685	0.001	5.647	ephemeral	R6	drainage
OW-146	none	4	0.5	123.643	0.011	32.808	0.003	16.940	ephemeral	R6	drainage
OW-147	none	3	0.5	104.354	0.007	29.528	0.002	11.293	ephemeral	R6	drainage
OW-148	none	2	0.5	109.18	0.005	22.966	0.001	5.647	ephemeral	R6	drainage
OW-149	none	15	1	135.05	0.055	26.247	0.009	50.820	ephemeral	R6	drainage
OW-150	none	35	3	145.478	0.104	55.774	0.022	124.227	ephemeral	R6	drainage
OW-151	none	3	0.5	112.244	0.008	--	--	--	ephemeral	R6	drainage
OW-152	none	3	0.5	107.522	0.007	--	--	--	ephemeral	R6	drainage
OW-153	none	12	2	144.759	0.045	--	--	--	ephemeral	R6	drainage
OW-154	none	2.5	1	565.366	0.033	104.987	0.006	33.880	ephemeral	R6	ditch
OW-155	none	1	0.5	66.671	0.002	--	--	--	ephemeral	R6	drainage
OW-156	none	6	1	141.858	0.019	--	--	--	ephemeral	R6	ditch
OW-157	none	2	0.33	103.105	0.005	19.685	0.001	5.647	ephemeral	R6	drainage
OW-158	none	6	1	42.247	0.005	--	--	--	ephemeral	R6	ditch
OW-159	none	3	0.5	102.28	0.008	22.966	0.002	11.293	ephemeral	R6	drainage
OW-160	none	6	0.5	103.065	0.015	29.528	0.003	16.940	ephemeral	R6	drainage
OW-161	none	3	1	109.226	0.008	32.808	0.002	11.293	ephemeral	R6	drainage
OW-162	none	2	0.5	126.517	0.006	26.247	0.001	5.647	ephemeral	R6	drainage
OW-163	none	10	0.5	144.947	0.033	19.685	0.008	45.173	ephemeral	R6	drainage
OW-164	none	6	0.75	131.313	0.018	29.528	0.004	22.587	ephemeral	R6	drainage
OW-165	none	2	0.5	105.693	0.005	19.685	0.001	5.647	ephemeral	R6	drainage
OW-166	none	25	0.5	99.952	0.056	19.685	0.008	45.173	ephemeral	R6	drainage
OW-167	none	9	1	126.383	0.025	26.247	0.004	22.587	ephemeral	R6	drainage
OW-168	none	20	1	113.045	0.050	26.247	0.01	56.467	ephemeral	R6	drainage
OW-169	none	3	0.5	217.449	0.016	111.549	0.008	45.173	ephemeral	R6	drainage
OW-170	none	8	1	123.129	0.022	29.528	0.005	28.233	ephemeral	R6	drainage
OW-171	none	8	1	289.767	0.058	29.528	0.005	28.233	ephemeral	R6	drainage
OW-172	none	35	1.5	207.66	0.102	--	--	--	ephemeral	R6	drainage
OW-173	none	10	1.5	384.019	0.083	62.336	0.014	79.053	ephemeral	R6	drainage
OW-174	none	40	1	314.93	0.194	32.808	0.012	67.760	ephemeral	R6	drainage
OW-175	none	30	1	132.52	0.090	29.528	0.013	73.407	ephemeral	R6	drainage
OW-176	none	4	0.5	131.877	0.012	32.808	0.003	16.940	ephemeral	R6	drainage
<i>Ivanpah-Pahrump Valleys Subbasin (HUC-8 16060015)</i>											
OW-177	none	3	0.33	142.053	0.010	29.528	0.002	11.293	ephemeral	R6	drainage

ID	Feature Name	OHWM Width (feet)	OHWM Depth (feet)	Delineated		Temporary Impacts			Regime	Cowardin Code	Type
				Linear Feet	Acre(s)	Linear Feet	Acre(s)	Excavation/ Fill Cubic Yards			
OW-178	none	5	0.5	97.15	0.012	26.247	0.003	16.940	ephemeral	R6	drainage
OW-179	none	6	1	2354.9	0.325	1574.803	0.217	1225.327	ephemeral	R6	ditch
OW-180	none	15	1	404.715	0.122	59.055	0.025	141.167	ephemeral	R6	drainage
OW-181	none	6	1	68.589	0.010	22.966	0.003	16.940	ephemeral	R6	drainage
OW-181a	none	6	1	33.553	0.002	--	--	--	ephemeral	R6	culvert
OW-182	none	1.5	0.5	36.141	0.001	19.685	0.001	5.647	ephemeral	R6	drainage
OW-182a	none	3	3	66.203	0.004	--	--	--	ephemeral	R6	culvert
OW-183	none	30	1	250.499	0.092	0.033	0.033	186.340	ephemeral	R6	drainage
OW-184	none	8	0.5	68.019	0.012	0.033	0.033	22.587	ephemeral	R6	drainage
OW-184a	none	3	3	37.477	0.002	--	--	--	ephemeral	R6	culvert
OW-185	none	3	1	79.128	0.005	0.002	0.002	11.293	ephemeral	R6	drainage
OW-186	none	3	1	83.448	0.044	0.013	0.013	73.407	ephemeral	R6	drainage
OW-187	none	5	1	21.927	0.002	0.002	0.002	11.293	ephemeral	R6	drainage
OW-187a	none	3	3	83.408	0.005	0.0002	0.0002	1.129	ephemeral	R6	culvert
OW-188	none	12	1	79.292	0.021	0.006	0.006	33.880	ephemeral	R6	drainage
OW-189	none	12	0.5	102.233	0.028	0.009	0.009	50.820	ephemeral	R6	drainage
OW-190	none	6	0.5	73.505	0.010	0.003	0.003	16.940	ephemeral	R6	drainage
OW-191	none	8	0.5	252.171	0.047	0.01	0.01	56.467	ephemeral	R6	drainage
OW-191a	none	3	3	28.744	0.002	--	--	--	ephemeral	R6	culvert
OW-192	none	10	1	66.597	0.015	22.966	0.005	28.233	ephemeral	R6	drainage
OW-192a	none	2	2	44.977	0.002	--	--	--	ephemeral	R6	culvert
OW-193	none	10	1	70.932	0.016	26.247	0.005	28.233	ephemeral	R6	drainage
OW-194	none	6	0.5	77.884	0.011	26.247	0.003	16.940	ephemeral	R6	drainage
OW-195	none	8	0.75	93.001	0.016	39.37	0.005	28.233	ephemeral	R6	drainage
OW-196	none	15	1.5	105.637	0.034	55.774	0.012	67.760	ephemeral	R6	drainage
OW-196a	none	3	3	34.914	0.002	--	--	--	ephemeral	R6	culvert
OW-197	none	4	1	53.451	0.005	19.685	0.002	11.293	ephemeral	R6	drainage
OW-198	none	3	0.5	81.405	0.006	26.247	0.002	11.293	ephemeral	R6	drainage
OW-198a	none	5	0.5	31.074	0.002	--	--	--	ephemeral	R6	culvert
OW-199	none	35	3	945.517	0.704	246.063	0.124	700.187	ephemeral	R6	drainage
OW-200	none	45	1	350.148	0.304	131.234	0.063	355.740	ephemeral	R6	drainage
OW-201*	none	30	1	1798.742	1.332	426.509	0.095	536.433	intermittent	R4SB	drainage

ID	Feature Name	OHWM Width (feet)	OHWM Depth (feet)	Delineated		Temporary Impacts			Regime	Cowardin Code	Type
				Linear Feet	Acre(s)	Linear Feet	Acre(s)	Excavation/ Fill Cubic Yards			
OW-202*	none	35	1	727.942	0.655	492.126	0.219	1236.620	intermittent	R4SB	drainage
OW-203*	none	25	1	1379.316	0.794	377.297	0.145	818.767	intermittent	R4SB	drainage
OW-204*	none	30	1	783.949	0.453	164.042	0.07	395.267	intermittent	R4SB	drainage
OW-205*	none	22	1	1805.627	0.897	393.701	0.103	581.607	intermittent	R4SB	drainage
OW-206	none	12	1	30.759	0.006	26.247	0.005	28.233	ephemeral	R6	drainage
OW-206a	none	12	1	23.49	0.002	--	--	--	ephemeral	R6	culvert
OW-207	none	3	0.5	178.658	0.012	19.685	0.001	5.647	ephemeral	R6	drainage
OW-208	none	3	1	108.662	0.008	22.966	0.001	5.647	ephemeral	R6	drainage
OW-209	none	2	1	100.002	0.005	19.685	0.001	5.647	ephemeral	R6	drainage
OW-210	none	5	0.5	26.967	0.003	19.685	0.002	11.293	ephemeral	R6	drainage
OW-210a	none	4	4	51.872	0.004	--	--	--	ephemeral	R6	culvert
OW-211	none	10	1	45.933	0.009	42.651	0.007	39.527	ephemeral	R6	drainage
OW-211a	none	4	4	48.839	0.004	--	--	--	ephemeral	R6	culvert
OW-212	none	5	1	26.682	0.003	19.685	0.002	11.293	ephemeral	R6	drainage
OW-212a	none	3	3	50.582	0.003	--	--	--	ephemeral	R6	culvert
OW-212b	none	3	3	51.372	0.003	--	--	--	ephemeral	R6	culvert
OW-212c	none	3	3	51.331	0.003	--	--	--	ephemeral	R6	culvert
OW-213	none	3.5	0.5	55.861	0.004	39.37	0.003	16.940	ephemeral	R6	drainage
OW-213a	none	3	3	44.319	0.002	--	--	--	ephemeral	R6	culvert
OW-214	none	3	0.5	34.126	0.002	22.966	0.002	11.293	ephemeral	R6	drainage
OW-214a	none	3	3	45.292	0.003	--	--	--	ephemeral	R6	culvert
OW-215	none	3	1	59.81	0.004	22.966	0.001	5.647	ephemeral	R6	drainage
OW-216	none	6	0.5	69.036	0.009	19.685	0.003	16.940	ephemeral	R6	drainage
OW-217	none	9	0.5	99.999	0.021	22.966	0.004	22.587	ephemeral	R6	drainage
OW-218	none	3	1	104.691	0.007	19.685	0.001	5.647	ephemeral	R6	drainage
OW-219	none	55	0.5	208.384	0.253	137.795	0.064	361.387	ephemeral	R6	drainage
OW-220	none	20	10	55.457	0.020	32.808	0.008	45.173	ephemeral	R6	culvert
OW-221	none	15	0.5	154.095	0.048	--	--	--	ephemeral	R6	drainage
OW-222	none	2.5	1	82.491	0.005	36.089	0.006	33.880	ephemeral	R6	drainage
OW-223	none	10	0.5	177.972	0.041	29.528	0.003	16.940	ephemeral	R6	drainage
OW-224	none	5	0.5	109.056	0.013	26.247	0.002	11.293	ephemeral	R6	drainage
OW-225	none	4	0.5	123.339	0.011	26.247	0.002	11.293	ephemeral	R6	drainage
OW-226	none	6	1	115.525	0.016	22.966	0.003	16.940	ephemeral	R6	drainage

ID	Feature Name	OHWM Width (feet)	OHWM Depth (feet)	Delineated		Temporary Impacts			Regime	Cowardin Code	Type
				Linear Feet	Acre(s)	Linear Feet	Acre(s)	Excavation/ Fill Cubic Yards			
OW-227	none	10	0.5	120.434	0.027	29.528	0.005	28.233	ephemeral	R6	drainage
OW-228	none	3	0.33	2769.901	0.196	2132.546	0.133	751.007	ephemeral	R6	ditch
OW-229	none	5	0.5	148.978	0.018	--	--	--	ephemeral	R6	ditch
OW-230	none	8	1	208.75	0.041	49.213	0.007	39.527	ephemeral	R6	drainage
OW-231	none	2.5	0.3	166.56	0.010	--	--	--	ephemeral	R6	drainage
OW-232	none	1.5	0.25	85.5	0.003	59.055	0.002	11.293	ephemeral	R6	drainage
OW-233	none	20	1	148.26	0.048	--	--	--	ephemeral	R6	drainage
OW-234	none	25	0.5	145.92	0.066	--	--	--	ephemeral	R6	drainage
OW-235	Lovell Wash	10	10	97.302	0.145	39.37	0.01	56.467	ephemeral	R6	drainage
OW-236	none	2	0.25	364.896	0.017	--	--	--	ephemeral	R6	drainage
OW-237	none	1.5	0.25	195.139	0.007	52.493	0.002	11.293	ephemeral	R6	drainage
OW-238	none	3	0.25	146.999	0.010	32.808	0.002	11.293	ephemeral	R6	ditch
OW-239	none	2	2	125.055	0.006	--	--	--	ephemeral	R6	drainage
OW-240	none	50	1	580.801	0.429	331.365	0.078	440.440	ephemeral	R6	drainage
OW-240a	none	25	10	162.315	0.088	--	--	--	ephemeral	R6	culvert
OW-241	none	5	1	279.531	0.033	114.829	0.012	67.760	ephemeral	R6	drainage
OW-242	none	2	0.5	118.065	0.006	108.268	0.005	28.233	ephemeral	R6	drainage
OW-243	none	2	0.5	511.699	0.026	131.234	0.006	33.880	ephemeral	R6	drainage
OW-243a	none	3	3	65.503	0.004	--	--	--	ephemeral	R6	culvert
OW-244	none	2	0.5	192.274	0.012	22.966	0.001	5.647	ephemeral	R6	drainage
OW-245	none	20	3	1004.322	0.395	32.808	0.007	39.527	ephemeral	R6	drainage
OW-246	none	50	3	403.392	0.353	104.987	0.045	254.100	ephemeral	R6	drainage
OW-247	none	20	3	2745.553	1.608	656.168	0.121	683.247	ephemeral	R6	drainage
OW-247a	none	25	3	62.992	0.034	--	--	--	ephemeral	R6	culvert
OW-248	none	3	0.5	159.636	0.011	19.685	0.001	5.647	ephemeral	R6	drainage
OW-249	none	2	0.5	94.009	0.004	--	--	--	ephemeral	R6	drainage
OW-250	none	2	0.5	111.212	0.005	--	--	--	ephemeral	R6	drainage
OW-251	none	25	2	1161.316	0.542	--	--	--	ephemeral	R6	ditch
OW-251a	none	15	8	61.921	0.020	--	--	--	ephemeral	R6	culvert
OW-251b	none	20	2	590.555	0.217	22.966	0.0001	0.565	ephemeral	R6	culvert
OW-252	none	20	1	391.708	0.175	49.213	0.02	112.933	ephemeral	R6	drainage

ID	Feature Name	OHWM Width (feet)	OHWM Depth (feet)	Delineated		Temporary Impacts			Regime	Cowardin Code	Type
				Linear Feet	Acre(s)	Linear Feet	Acre(s)	Excavation/ Fill Cubic Yards			
OW-253	none	2	0.5	223.258	0.010	223.097	0.01	56.467	ephemeral	R6	drainage
OW-254	none	2	4	107.875	0.005	42.651	0.002	11.293	ephemeral	R6	drainage
OW-255	none	0.5	4	249.56	0.004	--	--	1.694	ephemeral	R6	drainage
OW-256	none	0.5	4	104.641	0.001	26.247	0.0003	56.467	ephemeral	R6	drainage
<i>Las Vegas Wash Subbasin (HUC-8 15010015)</i>											
OW-257a	none	3	3	26.25	0.001	--	--	--	ephemeral	R6	drainage
OW-257b	none	3	3	40.247	0.002	--	--	--	ephemeral	R6	drainage
OW-258	none	3	0.5	392.929	0.031	32.808	0.001	5.647	ephemeral	R6	drainage
OW-259	none	2	0.25	64.034	0.003	62.336	0.003	16.940	ephemeral	R6	drainage
OW-260	none	3	3	100.147	0.038	22.966	0.005	28.233	ephemeral	R6	drainage
OW-260a	none	9	9	108.73	0.018	--	--	--	ephemeral	R6	drainage
OW-261	none	3	2	112.439	0.008	22.966	0.001	5.647	ephemeral	R6	drainage
OW-262	none	2	0.5	21.499	0.001	--	--	--	ephemeral	R6	drainage
OW-263	none	20	2	746.286	0.340	82.021	0.007	39.527	ephemeral	R6	drainage
OW-263a	none	10	8	423.266	0.078	--	--	--	ephemeral	R6	drainage
OW-265	none	2	0.25	215.831	0.010	--	--	--	ephemeral	R6	drainage
OW-267	none	5	10	177.658	0.027	--	--	--	ephemeral	R6	drainage
OW-267a	none	5	0.75	173.359	0.016	--	--	--	ephemeral	R6	drainage
OW-267b	none	10	10	129.873	0.023	--	--	--	ephemeral	R6	drainage
OW-268	none	1	0.2	51.699	0.001	--	--	--	ephemeral	R6	drainage
OW-269	none	2	0.28	75.465	0.004	--	--	--	ephemeral	R6	drainage
OW-270	none	1	0.75	231.341	0.005	--	--	--	ephemeral	R6	drainage
OW-271	none	25	10	220.496	0.155	--	--	--	ephemeral	R6	drainage
OW-271a	none	45	2	87.824	0.066	--	--	--	ephemeral	R6	drainage
OW-271b	none	40	10	92.239	0.061	--	--	--	ephemeral	R6	culvert
OW-272	none	2	0.25	69.453	0.003	42.651	0.002	11.293	ephemeral	R6	drainage
OW-273	none	3	0.5	207.69	0.014	85.302	0.006	33.880	ephemeral	R6	drainage
OW-274	none	2	4	1168.238	0.055	393.701	0.015	84.700	ephemeral	R6	drainage
OW-274a	none	4	4	48.877	0.004	--	--	--	ephemeral	R6	culvert
OW-274b	none	4	4	54.407	0.004	--	--	--	ephemeral	R6	culvert
OW-274c	none	4	4	62.347	0.005	--	--	--	ephemeral	R6	culvert
OW-275	none	3	3	320.454	0.024	--	--	--	ephemeral	R6	ditch
OW-275a	none	3	3	31.818	0.002	--	--	--	ephemeral	R6	culvert
OW-276	none	4	0.25	104.276	0.010	29.528	0.002	11.293	ephemeral	R6	drainage
OW-277	none	2	2	171.392	0.008	--	--	--	ephemeral	R6	drainage

ID	Feature Name	OHWM Width (feet)	OHWM Depth (feet)	Delineated		Temporary Impacts			Regime	Cowardin Code	Type
				Linear Feet	Acre(s)	Linear Feet	Acre(s)	Excavation/ Fill Cubic Yards			
OW-278	none	1	0.25	118.083	0.003	--	--	--	ephemeral	R6	drainage
OW-279	none	2	2	91.76	0.004	3.281	0.00027	0.152	ephemeral	R6	drainage
OW-280	none	2	2	78.105	0.004	49.213	0.002	11.293	ephemeral	R6	drainage
OW-280a	none	2	2	74.635	0.003	19.685	0.0001	0.565	ephemeral	R6	culvert
OW-280b	none	2	2	72.288	0.003	--	--	--	ephemeral	R6	culvert
OW-281	none	2	2	236.261	0.011	141.076	0.006	33.880	ephemeral	R6	drainage
OW-282	none	2	2	335.792	0.015	26.247	0.001	5.647	ephemeral	R6	drainage
OW-283	none	4	0.25	21.868	0.002	19.685	0.002	11.293	ephemeral	R6	drainage
OW-284	none	25	2	182.012	0.114	39.37	0.018	101.640	ephemeral	R6	drainage
OW-285	none	6	0.25	32.324	0.004	22.966	0.003	16.940	ephemeral	R6	drainage
OW-285a	none	8	3	88.91	0.013	--	--	--	ephemeral	R6	culvert
OW-286	none	10	3	1011.063	0.232	--	--	--	ephemeral	R6	ditch
OW-286a	none	6	4	102.239	0.011	--	--	--	ephemeral	R6	culvert
OW-287	none	5	1	589.251	0.068	308.399	0.002	11.293	ephemeral	R6	ditch
OW-287a	none	3	3	36.86	0.002	--	--	--	ephemeral	R6	culvert
OW-287b	none	45	2	76.039	0.063	55.774	0.023	129.873	ephemeral	R6	ditch



ATTACHMENT D: PRECONSTRUCTION NOTIFICATION: SUPPLEMENTAL INFORMATION

BLOCK 13. NAME OF WATERBODY, IF KNOWN

See OMBIL Regulatory Module (ORM) Upload Sheet (Attachment B, Appendix H) for a listing of all Aquatic Resources (ARs) and any known waterbody names.

BLOCK 14. PROPOSED ACTIVITY STREET ADDRESS

See Geodatabase (Attachment B, Appendix I) for all AR locations.

BLOCK 15. LOCATION OF PROPOSED ACTIVITY

See Geodatabase (Attachment B, Appendix I) for all AR locations.

BLOCK 17. DIRECTIONS TO THE SITE

The aquatic resource crossings are located within larger survey area that crosses several counties between Reno and Las Vegas including Clark, Nye, Esmeralda, Mineral, Churchill, Lyon, Storey, and Washoe. To reach the eastern terminus of the SA from Las Vegas, travel south on United States (US)-15 for 12.7 miles, take exit 30 for Cactus Avenue, turn right onto Cactus Avenue and continue for 3.5 miles. The SA begins just west of the intersections of West Cactus Avenue and South Rainbow Boulevard. To reach the western terminus of the SA from Reno, travel 0.5 mile South on Old US-395 from its intersection with East 4th Street, to its intersection with Pine Street. The SA begins at this intersection.

The SA leaves the Las Vegas area via West Cactus Avenue – a quarter mile east of the intersection of South Rainbow Boulevard and West Cactus Avenue - and turns north onto South Buffalo Drive. The route heads west on West Cactus Avenue for 1.3 miles and turns north onto South Buffalo Drive. The route then turns west onto West Gomer Road for 1.5 miles until turning north onto South El Capitan Way. From South El Capitan Way, the route turns west onto West Meranto Avenue, then turns north onto Quarterhorse Lane where it intersects with State Route (SR) 160. The route follows SR 160 through Pahrump and north until US-95, where the route heads west onto US-95 through the Amargosa Valley, Beatty, Goldfield, and Tonopah.

West of Tonopah, the route turns north onto SR 89 through the Big Smoky Valley towards SR 361. At the junction between SR 89 and SR 361, the route turns left onto SR 361 and extends for approximately 8 miles towards the Gabbs Mountain, where the route turns north onto Rawhide Road. The route traverses the Gabbs Valley via Rawhide Road, Rabbit Springs Road, Poleline Road, and Ryan Canyon Road (SR 839) until US-50. The route follows US-50 until 2.5 miles southwest of Silver Springs, where the selected route turns north onto SR 439 towards Clark. After Clark, the route follows existing pipelines and unnamed/unpaved roads through the Pah Rah Range and Virginia Mountains until the route crosses Culpepper Dr. and continues towards the High Point apartment complex at Los Altos Parkway near Reno. From here, the selected route proceeds through Reno via the following roadways: Los Altos Parkway, Vista Boulevard, East Prater Way, Prater Way, East 4th Street, and Alt US-395.

Reference: Reno to Las Vegas Fiber Project – Nationwide Permit Request Preconstruction Notification and Request for Preliminary Jurisdictional Determination

BLOCK 19. DESCRIPTION OF THE PROPOSED NATIONWIDE PERMIT ACTIVITY

The proposed Project is a 450-mile-long fiber-optic line proposed for the southwestern portion of Nevada, between Reno and Las Vegas and will principally consist of installing a fiber-optic line underground within a maximum 20-foot impact corridor to account for construction activities. Underground placement of the line likely will use a combination of horizontal directional drilling (HDD) and trench and plow construction methods; the trench and plow methods are the proposed NWP activity. The conduit package will be placed a 36 to 42 inches below grade and will consist of two 1.25-inch, SDR-11 high density polyethylene (HDPE) conduits and one 7-way conduit equipped with seven 16/13-millimeter microducts, and the 7-way sheath will have an integrated locate wire. Additional Project components will not impact waters of the U.S. including HDPE handholes, line markers, and ILA installation. The width of proposed temporary impacts to aquatic resources as a result of trenching or plowing will be 12' wide. However, temporary impacts were calculated as a 20' wide corridor to account for site-specific placement of the conduit and potential indirect temporary impacts to ARs. Details regarding construction activities are included below.

Construction Activities

Workspace Preparation

Clearing prior to placement of the conduit line within the ROW is not proposed given the amount of disturbance will be minimal. As vegetation is encountered along the conduit line, it will be driven over, crushed, and left in place, unless it is set to be avoided based on agency feedback (e.g., cactus, yucca, etc.). If vegetation is encountered that would damage equipment, it would be cut at the base and left at the side of the ROW. For ILAs, the fenced area will be cleared, but there is not expected to be enough vegetation to need disposal. The cleared vegetation will be spread across the site, or possibly buried in the case of larger shrubs.

Fiber-Optic Conduit Installation

The construction method used to install conduit includes a combination of plowing, trenching, boring and attaching to existing structures (e.g., bridges). Construction would include several construction teams operating concurrently, each with its own crew or crews of construction workers and equipment. The proposed alignment would be within previously disturbed areas to the extent feasible. However, in ROW areas where previously disturbed vegetation has regrown, some minor clearing of vegetation may be performed using hand tools (e.g., clipper, chainsaw). Removal of trees or brush outside of the ROWs is not anticipated. Consistent with conditions of approval, all sensitive areas would be flagged or otherwise tracked for avoidance. Agency-approved monitors may be required to help ensure these are maintained for the duration of the proposed action's construction and site restoration. Where other utilities are nearby, ground penetrating radar will be used to locate these features and reduce the possibility of accidental cutting of existing utilities.

Overnight staging and parking of equipment and installation materials on existing developed land within the ROW may be needed during construction. Currently, the only proposed temporary use areas on federal

Reference: Reno to Las Vegas Fiber Project – Nationwide Permit Request Preconstruction Notification and Request for Preliminary Jurisdictional Determination

land are existing developed land within the proposed ROW. If staging areas outside of the ROW are determined necessary, they would be located on previously disturbed private leased land with existing similar uses along the route.

The various construction methods as well as typical drawings for the installation of the fiber-optic line are discussed further below.

PROJECT DETAILS:

The technical drawings show four methods of fiber optic installation:

- PLOW DETAIL:** Shows a cross-section of a plow cutting through existing ground to a depth of 18" MIN. It contains 2 - 1.25" conduits and a 1-7 way future path. A 10" MIN width is shown for the future path. Labels include 'EXISTING', 'GRADE', 'WARNING TAPE', and 'NATIVE SOIL'.
- TRENCH DETAIL:** Shows a cross-section of a trench 12" MIN wide and 42" MIN deep. It contains 2 - 1.25" conduits and a 1-7 way future path. Labels include 'EXISTING', 'GRADE', 'WARNING TAPE', and '1 SACK SLURRY BACKFILL'.
- BORE DETAIL:** Shows a cross-section of a borehole 42" MIN deep. It contains 2 - 1.25" conduits and a 1-7 way future path. Labels include 'EXISTING' and 'GRADE'.
- 30"x48" VAULT SGLB-3048:** A perspective view of a vault with a 45" width and 7.6" height.

Engineering Firm: BPG DESIGN
 3700 S. Virginia Ave., Suite 1
 Reno, NV 89502
 Phone: 775-784-2222
 Fax: 775-784-2222

APPLICANT: VERO
 1400 E. 10th Street
 Reno, NV 89502
 Phone: 775-784-2222
 Fax: 775-784-2222

CONTACTS:
 VERO Project Manager: [Name]
 VERO Project Engineer: [Name]
 VERO Project Designer: [Name]
 VERO Project Checker: [Name]
 VERO Project Approver: [Name]
 VERO Project Coordinator: [Name]
 VERO Project Assistant: [Name]
 VERO Project Secretary: [Name]

Call at least two following days before you begin excavation.
811 Know what's below. Call 811 before you dig.

DATE: 1/12/2023
 DRAWN BY: JMM
 REVISIONS:

NO.	DESCRIPTION	BY	DATE

SCALE
 HORIZONTAL: 1" = 30'
 VERTICAL: NA
 HP: TO HP
 SHEET: 2 OF 32
 FILE: 4023_VAULT

Trenching

In areas where soils are rocky, trenching techniques may be used for conduit installation. Trenching would use an excavator to dig a trench 6 to 12 inches wide and from 36 to 42 inches deep for placement of the conduit. Excavated soil would temporarily be placed adjacent to the trench until the conduit is placed. If needed, a bulldozer equipped with a specialized single ripper would loosen the soil and rocks along the installation path ahead of the trenching excavator. Where soils are extremely rocky or bedrock is present, a rock hammer or rock saw may be required to prepare the ground before trenching. Conduit would either be fed from the plow bulldozer or from a separate truck-mounted reel through a plow chute attached to the

Reference: Reno to Las Vegas Fiber Project – Nationwide Permit Request Preconstruction Notification and Request for Preliminary Jurisdictional Determination

plow and would be laid directly in the bottom of the trench. The trench would then be backfilled by an excavator using the soil that was excavated on-site, followed by a compaction machine that would restore the ground surface to its original contour. Each work area would be restored to preconstruction topography immediately following conduit installation. Photograph 1 below provides an example of trenching activities.



Photograph 1. Trenching Example

Plowing

In areas where soils are relatively free of rocks and directional boring is not required to avoid sensitive resources on or near the surface, “plowing in” construction techniques would be used for the conduit installations. Plowing would be conducted using an excavator to dig a trench from 36 to 42 inches deep for placement of the conduit. This method would insert a plow shank into the ground to loosen soil at depth. Soil disturbance from the plow shank would be approximately 4 inches wide. This method would simultaneously excavate and place the conduit in a single operation. As the plow shank moves forward, the conduit would be fed into the space created by the plow shank. The plowing is anticipated to disturb no more than a 12-inch width of ground. Photograph 2 depicts an example of the plowing method.

Reference: Reno to Las Vegas Fiber Project – Nationwide Permit Request Preconstruction Notification and Request for Preliminary Jurisdictional Determination

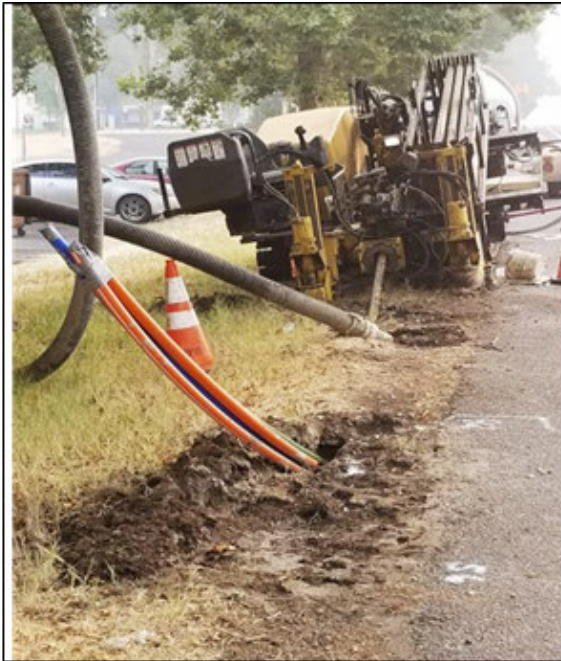


Photograph 2. Plow Example

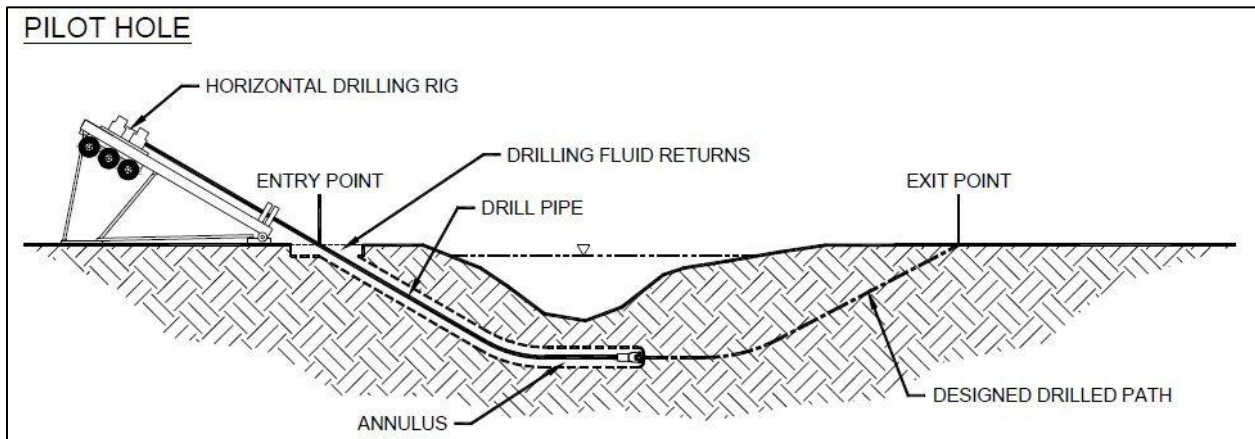
Horizontal Directional Drilling

Horizontal directional drilling (HDD) is conducted by specialized drill equipment that places conduit by an underground drill-and-push method, which allows placement of conduit with minimal ground disturbance (Photographs 3 and 4). This method is not a proposed NWP activity but is a component of the larger proposed Project. HDD is commonly used to install utility lines under waterbodies and beneath roads and in other areas where the avoidance of surface disturbance is desirable. HDD would also be used to avoid or minimize encroachment into certain sensitive surface resources such as listed species habitat, waterbodies, and cultural sites. Each HDD begins with the creation of a pilot hole through which the drill bit is guided by the operator as it progresses along the desired boring path. After the pilot hole has been bored, conduit is attached to the end of the drill string and is pulled back through the bore. Bores would be approximately four to six inches, and the conduit would typically be placed at a depth of 36 to 42 inches below the feature that requires avoidance. The entry and exit bore pits would be 4 feet by 6 feet by 1 foot deep and would be accompanied by a ground-level “setup area.” Bores range from 500 feet to 2,500 feet in length.

Reference: Reno to Las Vegas Fiber Project – Nationwide Permit Request Preconstruction Notification and Request for Preliminary Jurisdictional Determination



Photograph 3. Horizontal Directional Drilling Rig and Conduit



Photograph 4. Horizontal Directional Drilling Boring Schematic

(photo credit: <https://dwinirestu.files.wordpress.com/2015/02/13.jpg>)

Reference: Reno to Las Vegas Fiber Project – Nationwide Permit Request Preconstruction Notification and Request for Preliminary Jurisdictional Determination

The proposed action would not discharge any wastes to the ground. No waste materials would be allowed to enter ground or surface waters. All equipment is maintained regularly to prevent fuel or lubricant leaks. All boring activity would be conducted with a directional drill that uses a slurry of water and bentonite. The bentonite slurry coats the side of the borehole. Very little bentonite (i.e., less than 5 gallons) comes out of circulation while the hole is being bored. A sump would be excavated within the bore pit at locations approved by the BLM to collect this small amount of excess drilling mud, and the mud would be removed with a vacuum trailer prior to regrading the site. Sensitive areas would be flagged prior to construction. A frac-out plan would be developed in consultation with BLM and any other applicable regulatory agencies.

Potential Bridge Attachments

Bridge attachments may be used at the Truckee River crossings, which would span and avoid any impacts to Waters of the U.S. If utilized, the conduit would be attached to the existing bridges. Prior to bridge work, the contractor would establish safe access points and traffic control measures to protect workers on the bridge. Anchors would be drilled and installed onto the side or underside of the bridge, and conduit would be placed into hangers at each of the anchor locations. Conduit would then be connected with couplers or would tie in at each end of the bridge. Alternatively, cable would be placed within existing conduit. Measures would be put into place to prevent construction debris (e.g., drillings, fasteners) from falling into the Truckee River. Bridge attachment is shown in Photograph 5.



Reference: Reno to Las Vegas Fiber Project – Nationwide Permit Request Preconstruction Notification and Request for Preliminary Jurisdictional Determination

Photograph 5. Bridge Attachments

In-line Amplifier Installation

The ILAs are the primary aboveground infrastructure related to the fiber-optic line. An ILA consists of a collection of equipment that regenerates signals. The ILAs are currently planned approximately every 60 miles along the ROW. Location windows where the ILAs would be constructed are shown on Figure 2. Each ILA would consist of a prefabricated concrete or steel regeneration hut erected on a concrete pad with a surrounding perimeter fence. The ILAs are collocated next to existing infrastructure. Access to each ILA would be from existing roads, and power would be supplied by existing adjacent sources and fenced for security. If ROW modifications are necessary to provide power to these facilities, these modifications would be made by the power company and/or the project proponent. In addition to the ILA building, each site would include a trench to connect the fiber-optic line to the main alignment. At least one power pole for the power connection to the building may be needed. Power may also be connected via an underground connection. Power would be connected to adjacent existing infrastructure. All ILA disturbances would be within the 0.5 acre of disturbance identified for each ILA. Photograph 6 shows an example ILA.



Photograph 6. Typical In-Line Amplifier

Handhole Vault Installation

Handhole vaults would be spaced approximately every 2,500 feet along the fiber-optic line. Vaults would be approximately 36 inches by 48 inches. The dimensions of each handhole excavation area would be approximately 10 feet wide by 10 feet long (Photograph 7). The excavation area would be backfilled and compacted. Additional excavation space may be needed at splice locations or when transitioning from one installation method to another. Splice boxes (i.e., small, rectangular plastic or HDPE enclosures) would be

Reference: Reno to Las Vegas Fiber Project – Nationwide Permit Request Preconstruction Notification and Request for Preliminary Jurisdictional Determination

installed within the vaults to hold wire connections. Vaults would be covered by a secure hatch laid flush with the ground.



Photograph 7. Vault Construction Before and After

Access

Access along the ROW would be via existing adjacent roadways. No new roads would be constructed. Locations for access would be included on construction design drawings.

Stabilization and Rehabilitation

Following construction activities, the disturbance from the installation would be stabilized and reclaimed. This would include regrading to blend with the surrounding topography and ripping where necessary to reduce compaction.

Imported soil or gravel is anticipated to be used where plow and boring methods take place adjacent to the roadway or in locations where gravel would need to be restored to preconstruction conditions. For trenched sections, native materials would be temporarily placed within the authorized alignment and used to backfill the excavation. Backfill from commercially available sources approved by BLM may be used if the quality or quantity of native material is inadequate. Backfill of the trench would be placed and compacted consistent with BLM requirements. Material excavated for handhole vaults would be removed and disposed of at approved disposal sites outside BLM lands, unless another disposal site is specifically authorized by the BLM.

The proposed alignment would be within previously disturbed areas; therefore, removal of vegetation for construction is anticipated to be limited. However, in ROW areas where previously disturbed vegetation has

Reference: Reno to Las Vegas Fiber Project – Nationwide Permit Request Preconstruction Notification and Request for Preliminary Jurisdictional Determination

regrown, some minor clearing of vegetation may be performed using hand tools (e.g., clipper, chainsaw). The cleared material would be left in place, unless another disposal site is specifically authorized by the BLM.

Reseeding will not be performed due to the lack of vegetation clearing during construction activities. Seed mixes, if determined necessary, would be coordinated with BLM, and appropriate seed mixes for the habitat communities would be used. No fertilizer is anticipated to be used during reclamation due to the lack of seeding needed following construction activities.

The proposed action would occur adjacent to existing roadways within the ROW; therefore, access to the construction area would be directly from the existing roadways. Access to the areas during construction would be limited due to safety concerns, but access would be returned to preconstruction conditions following construction.

No roads are anticipated to be built during construction; therefore, no road reclamation is anticipated.

Workforce, Equipment, and Duration

The contractor would determine the number of people and specific vehicles. The duration of construction would vary depending on how many construction crews are deployed at any one time. Construction would begin once the respective permits and approvals have been obtained. Sequencing of construction would be implemented to accommodate snowmelt and runoff conditions and efficiencies in crew coordination, depending on site-specific requirements along each section of the route. Construction would typically take place during daytime hours unless an exception is prearranged.

The number of construction workers present on the running line would vary each day. Construction activities would occur simultaneously across multiple locations, likely five to 10 construction crews. It is assumed that each construction crew would have the ability to mobilize a crew for plowing in, open trenching, directional boring, or bridge attachments. Therefore, it is assumed up to 14 crews of up to three people (or a maximum of 42 construction workers) may be working at various locations at the same time. On-site construction workers would be supplemented by construction supervisors, construction managers, administrative personnel, maintenance and cleaning staff, and security guards.

Equipment would be operating 10 hours per day, 5 days per week. A summary of possible equipment is below in Table 3.

Table 1. List of Typical Construction Equipment to be used for the Proposed Action

Construction Method (number of crews working simultaneously)	Equipment Type	Equipment Count	Horsepower	Load Factor	Work Days
Plow (8 crews)	Crawler Tractor	8	212	0.43	400

Reference: Reno to Las Vegas Fiber Project – Nationwide Permit Request Preconstruction Notification and Request for Preliminary Jurisdictional Determination

	Excavator	8	158	0.38	
	Off-Highway Truck	8	402	0.38	
	Tractor/Loader/Backhoe	8	97	0.37	
Directional Bore (2 crews)	Bore Rig/Vac Truck	2	221	0.5	50
	Tractor/Loader/Backhoe	2	97	37	50
Bridge Attachment (1 crew)	Excavator	1	158	0.38	10
Fiber Placement (3 crews)	Air Compressor	9	78	0.48	100

Construction Schedule

Construction schedules would be coordinated with the Nevada Department of Transportation. The proposed action is projected to start in late 2023 and run through 2024, taking approximately a year to complete. Seasonal windows for yellow-billed cuckoo and southwestern willow flycatcher would be implemented, with any work within 0.5 mile of suitable habitat for yellow-billed cuckoo and southwestern willow flycatcher timed to occur outside of the breeding season (April 15–September 15).

OPERATION AND MAINTENANCE

Operation and maintenance activities would be implemented along the fiber-optic running line over the life of the proposed action. The utility owner would be required to apply for, obtain, and maintain an encroachment permit from the Nevada Department of Transportation to operate and maintain the telecommunications facilities along the highway ROW.

Local contractors or applicant staff would perform routine maintenance checks, as appropriate. Maintenance staff would access the infrastructure via existing roads. Routine maintenance activities would include checking aboveground infrastructure and stopping to open vault hatches. Ground disturbance during routine maintenance would typically be minor—if it occurs at all—and would center on repair of cable conduits in the event of storm damage, landslides, or other damage. Most maintenance activities would take place within the ROW. The appropriate agencies would be contacted if maintenance activities are required outside previously authorized areas. No long-term vegetation disturbance, trimming, or maintenance is anticipated to be required during operations.

TERMINATION AND RESTORATION

When the fiber-optic line and associated ancillary facilities are decommissioned, the vaults and signage would be removed from BLM land and disposed of at a permitted landfill. Stabilization and revegetation would be completed as determined necessary at the time of termination. The bundle of conduit would be left in the ground. Vaults would be removed, and the remaining pits would be backfilled with material

Reference: Reno to Las Vegas Fiber Project – Nationwide Permit Request Preconstruction Notification and Request for Preliminary Jurisdictional Determination

approved by BLM. Any cable placed aboveground, such as attachments to bridges, would be cut and removed. Following the removal of these features, the ground would be regraded consistent with the surrounding contour where necessary for stabilization. Since the proposed action would be within an existing cleared ROW, the need for revegetation and/or reseeding would be determined in consultation with the BLM at the time of termination.

BLOCK 20. DESCRIPTION OF PROPOSED MITIGATION MEASURES

Mitigation is described in Block 19 (above) and for trenching includes temporarily placing excavated soil adjacent to the trench until the conduit is placed. The trench would then be backfilled by an excavator using the soil that was excavated on-site, followed by a compaction machine that would restore the ground surface to its original contour. Each work area would be restored to preconstruction topography immediately following conduit installation.

BLOCK 21. PURPOSE OF THE NATIONWIDE PERMIT ACTIVITY

The overall purpose of the proposed Project and nationwide permit activity is to provide the infrastructure to improve the quality of rural broadband in Nevada. The proposed Project would provide the infrastructure for a direct, low latency, and high bandwidth fiber route, providing a unique and diverse fiber network to existing routes. The proposed Project would function as a main linkage for distribution lines throughout the fiber-optic system. This region needs redundant and alternative bandwidth services to improve network quality and reliability associated with existing limited bandwidth infrastructure.

BLOCK 22. QUANTITY OF WETLANDS, STREAMS, OR OTHER TYPES OF WATERS DIRECTLY AFFECTED BY PROPOSED NATIONWIDE PERMIT ACTIVITY

See the Impact sheet in the ORM Upload Sheet and Geodatabase (Appendices H and I in Attachment B: Aquatic Resources Delineation Report) for a listing of each crossing and the temporary impact acreage. Each proposed crossing with temporary impacts is shown in the attached figure (Impacts to Potential Waters of the U.S.).

Nationwide Permit 57 - Electric Utility Line and Telecommunications Activities

Effective Date: March 15, 2021; Expiration Date: March 14, 2026

(NWP Final Notice, 86 FR 2744)

Nationwide Permit 57 - Electric Utility Line and Telecommunications Activities.

Activities required for the construction, maintenance, repair, and removal of electric utility lines, telecommunication lines, and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Electric utility lines and telecommunication lines: This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of electric utility lines and telecommunication lines. There must be no change in pre-construction contours of waters of the United States. An “electric utility line and telecommunication line” is defined as any cable, line, fiber optic line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and internet, radio, and television communication.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the electric utility line or telecommunication line crossing of each waterbody.

Electric utility line and telecommunications substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with an electric utility line or telecommunication line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for overhead electric utility line or telecommunication line towers, poles, and anchors: This NWP authorizes the construction or maintenance of foundations for overhead electric utility line or telecommunication line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of electric utility lines or telecommunication lines, including overhead lines and substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize electric utility lines or telecommunication lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Electric utility lines or telecommunication lines constructed over section 10 waters and electric utility lines or telecommunication lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing electric utility lines or telecommunication lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing electric utility lines or telecommunication lines.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the electric utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) a section 10 permit is required; or (2)

the discharge will result in the loss of greater than 1/10-acre of waters of the United States. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: Where the electric utility line is constructed, installed, or maintained in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, a copy of the NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the electric utility line to protect navigation.

Note 2: For electric utility line or telecommunications activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Electric utility line and telecommunications activities must comply with 33 CFR 330.6(d).

Note 3: Electric utility lines or telecommunication lines consisting of aerial electric power transmission lines crossing navigable waters of the United States (which are defined at 33 CFR part 329) must comply with the applicable minimum clearances specified in 33 CFR 322.5(i).

Note 4: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the electric utility line or telecommunication line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 5: This NWP authorizes electric utility line and telecommunication line maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 6: For overhead electric utility lines and telecommunication lines authorized by this NWP, a copy of the PCN and NWP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Note 7: For activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

2021 Nationwide Permit General Conditions

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

1. **Navigation.** (a) No activity may cause more than a minimal adverse effect on navigation.

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

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

2. **Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18. **Endangered Species.** (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of “effects of the action” for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA

section 7 regarding “activities that are reasonably certain to occur” and “consequences caused by the proposed action.”

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

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

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

(e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where

"take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

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

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

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

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

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate

documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

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

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

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

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

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

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

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

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

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

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

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

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

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address

documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

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

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

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

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

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

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

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

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

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

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

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

25. **Water Quality.** (a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401,

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

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

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

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

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

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

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

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

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

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

(Transferee)

(Date)

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

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

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the

certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

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

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

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

32. **Pre-Construction Notification.** (a) *Timing.* Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

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

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33

CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

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

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

(2) Location of the proposed activity;

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

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

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

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided

results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

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

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

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

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

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

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

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

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

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

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

consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

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

2021 District Engineer's Decision

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

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

engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

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

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

submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

2021 Further Information

1. District engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

2021 Nationwide Permit Definitions

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

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

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

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

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

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat

type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

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

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

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

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

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

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

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

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

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

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

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

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

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

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The

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

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

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

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

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

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

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

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable

substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

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

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

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

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

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

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

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef,

permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

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

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

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

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

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

ADDITIONAL INFORMATION

Information about the U.S. Army Corps of Engineers Regulatory Program, including nationwide permits, may also be accessed at <http://www.swt.usace.army.mil/Missions/Regulatory.aspx> or <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx>