



**Notice of Request for Section 401 Water Quality Certification Action - Bureau of Water Quality Planning**

**Web Posting: 12/9/2024**

**Deadline for Comments: 1/8/2025**

**Regional General Permit 16 - Aquatic Habitat Restoration and Enhancement Activities  
Applicable Statewide**

**U.S. Army Corps of Engineers  
Sacramento District Regulatory Division  
300 Booth Street, Room 3050  
Reno, Nevada, 89509-1328**

**Certification Action Number NV-401-24-048**

The proposed Regional General Permit (RGP) would authorize work or structures within navigable waters of the U.S. and/or the permanent or temporary discharge of fill material into waters of the U.S. for construction and maintenance activities associated with aquatic habitat restoration and enhancement activities. Typical activities to be authorized under this RGP include, but are not limited to, fish passage and screening improvements; bioengineered bank stabilization; engineering/designing with nature; nature-based solutions; water conservation; aquatic habitat restoration and enhancement of tidal and non-tidal streams, wetlands, and other waters; and removal of pilings, small dams, tide gates, flood gates, and other in-water structures. Compensatory mitigation is not required for activities authorized under this RGP since these activities must be restoration or enhancement in nature, resulting in no net loss of aquatic resource functions and services. The conversion of waters from one type to another is authorized as long as there is an overall no net loss of aquatic resource functions and services. The proposed RGP 16 would be valid for five years and would expire on August 14, 2029.

A 401 certification (or a waiver of certification) is required for any federal license or permit that authorizes activities that may result in any discharge into waters of the United States. Nevada Division of Environmental Protection is in receipt of a complete request for certification in compliance with Clean Water Act Section 401 Certification regulations which the U.S. Environmental Protection Agency promulgated in 2023, codified as 40 CFR 121.

The Administrator is evaluating whether the proposed activity will comply with applicable water quality requirements. Certification actions are valid for the duration of the federal license or permit (typically five years). Any conditions contained within the certification action become a condition of the federal license or permit.

Persons wishing to comment on the application for consideration by the Administrator in making a determination regarding the certification action should submit their comments or request a hearing in writing, emailed no later than 5:00 P.M. on 1/8/2025:

Bureau of Water Quality Planning  
901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701-5249  
[ndep401@ndep.nv.gov](mailto:ndep401@ndep.nv.gov)

The request for a hearing must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted. All water quality-related comments or objections received within the thirty (30) day period will be considered in the formulation of final certification action regarding the application. If written comments indicate a significant degree of public interest in the proposed permit, the Administrator shall hold a public hearing. A public notice of such hearing will be issued not less than thirty (30) days prior to the hearing date.

The applications, proposed permits, comments received, and other information are on file and may be copied, or copies may be obtained by writing to the above address or by contacting Zachary Carter, Bureau of Water Quality Planning, at (775) 687-9456 or [ndep401@ndep.nv.gov](mailto:ndep401@ndep.nv.gov). The public notice for this project can be viewed at the following website: <https://ndep.nv.gov/posts/category/water>.

Please bring the foregoing notice to the attention of all persons interested in this matter.