



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

Web Posting: 9/16/2025

Deadline for Comments: 10/16/2025

**Ruby Pipeline Low-Water Crossings
Elko County**

**WSP USA Inc.
1005 E 2nd Avenue
Durango, CO 81301**

Certification Action Number NV-401-25-020

The purpose of this project is to improve four existing low-water creek crossings on existing two-track access roads currently utilized to conduct periodic corrosion surveys of the Ruby Pipeline in Elko County, Nevada. The access road improvements would consist of preparing the low-water crossings to facilitate reasonable approach angles for off-road vehicles, placement of 6- to 8-inch angular granite rock for effective, long-term crossings at three of the crossings, and rerouting of the two-track at one location to avoid existing wetlands and facilitate continued, sustainable crossing access. All four existing creek crossing locations are unarmored, which can result in increased erosion, stream bed and bank disturbance, vehicle tire rutting, and difficulty/safety issues for effective crossing of off-road vehicles. The project proponent has requested certification for the use of Nationwide Permit 12 (Oil or Natural Gas Pipeline Activities) under Clean Water Act Section 404 administered by the U.S. Army Corps of Engineers.

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 10/16/2025:

Bureau of Water Quality Planning
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249
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. 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.