



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

Web Posting: 11/26/2025

Deadline for Comments: 12/26/2025

**Regional General Permit - National Energy Emergency Activities
Statewide**

**United States Army Corps of Engineers
Sacramento District
1325 J Street, Room 860
Sacramento, California 95814-2922**

Certification Action Number NV-401-25-024

The U.S. Army Corps of Engineers, Sacramento District, has requested general certification of a proposed Regional General Permit (RGP) to expedite the authorization of activities involving the discharge of dredged or fill material into waters of the United States (U.S.) and/or structures or work in or affecting navigable waters of the U.S. for energy and critical minerals production, transportation, refining, and generation activities, as described in Executive Order 14156, *Declaring a National Energy Emergency*. Activities covered under this RGP would include, but are not limited to, the construction, expansion, modification, maintenance, and repair of:

- Mining and drilling facilities
- Electric, oil, and natural gas facilities
- Production, enrichment, and refining facilities
- Hydropower generation facilities
- Transmission pipelines
- Aerial transmission lines and poles
- Energy storage facilities, such as batteries and tanks
- Docks, piers, and terminals
- Access roads, rail lines, and canals
- Temporary construction, access, staging, and stockpile areas
- Temporary dewatering structures and fills
- Temporary return water from upland contained disposal areas

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 permit will comply with applicable water quality requirements. Certification actions are valid for the duration of the federal license or permit (three years from the date of authorization of this RGP). 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 12/26/2025:

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 RGP 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.