



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

Web Posting: 6/27/2024

Deadline for Comments: 7/29/2024

**Northeastern Nevada Sagebrush Ecosystem Enhancement Project
Elko County**

**U.S. Fish and Wildlife Service
815 E 4th Street
Winnemucca, NV 89445**

Certification Action Number NV-401-24-026

The purpose of this project is to construct low-tech instream structures, including beaver dam analogues (BDAs) and post assisted log structures (PALS) to improve riverscape health by increasing channel-floodplain connectivity. The proposed activities will occur within Frazer Creek and Rock Creek in Elko County, Nevada. Approximately, 83 BDAs and 36 PALS will be installed within Frazer Creek and 4 BDAs will be installed within Rock Creek. These structures mimic natural beaver dams and wood jams and are constructed using materials such as rocks, brush, etc. collected in the vicinity of the project area. The proposed activities will require the use of Nationwide Permit 27 (Aquatic Habitat Restoration, Enhancement, and Establishment Activities) administered by 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 7/29/2024:

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 forgoing notice to the attention of all persons interested in this matter.