



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

Web Posting: 5/12/2025

Deadline for Comments: 6/12/2025

**Marlette Creek Restoration and State Route 28 Crossing Realignment
Washoe County**

**Nevada Tahoe Conservation District
P.O. Box 915
Zephyr Cove, NV 89448**

Certification Action Number NV-401-25-013

The purpose of this project is to restore and enhance Marlette Creek and South Fork Marlette Creek in the vicinity of State Route (SR) 28 in Washoe County to improve in-channel aquatic habitat, provide additional habitat access, expand riparian areas, reduce degradation of nearby infrastructure, and improve water quality. The proposed restoration activities would impact 3.8 acres/1,670 linear feet and are designed to improve channel morphology and floodplain connectivity of both Marlette Creek channels and expand the overall extent of potential aquatic resources. The realignment of the channels upstream and downstream of the SR 28 crossing would require excavation and the installation of appropriate natural grade controls made of wood, rock, and native vegetation to stabilize the eroding bed and banks, reconnect the creek with an inset floodplain, and create riffle-pool aquatic habitat. Additionally, an existing box culvert at SR 28 will be modified and extended to reduce road embankment erosion and allow for juvenile trout passage. The proposed fill materials primarily include sand, stream gravel, rock, boulders, wood (beaver dam analogs), native earthwork fill, and concrete. The proposal includes a diversions/bypass plan to conduct in-channel construction activities in dewatered conditions. The project proponent has requested certification for the use of Nationwide Permit 27 (Aquatic Habitat Restoration, Enhancement, and Establishment Activities) and Nationwide Permit 33 (Temporary Construction, Access, and Dewatering) 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 6/12/2025:

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.