



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

Web Posting: 2/5/2025

Deadline for Comments: 3/7/2025

**Baker Multi-Use Path
White Pine County**

**Civil Science
1453 S. Dixie Drive, Ste 150
St. George, UT 84770**

Certification Action Number NV-401-25-002

The purpose of this project is to construct an ADA-compliant multi-use trail between mile markers five and six along the west side of Nevada SR-487, for a distance of one mile from the town of Baker in White Pine County. The project proposes impacts within Lehman Creek which is located approximately 380 feet north of Pioche Street. The Lehman Creek crossing consists of three (3) 36-inch corrugated metal pipes (CMP) with concrete headwalls at both the upstream and downstream ends of the culvert system. The existing concrete headwall on the upstream end of Lehman Creek will be removed and the 36-inch CMP culverts will be extended approximately 11.5 feet. A compact excavator would be required to complete the headwall removal and extension of the triple barrel 36-inch CMP culvert. The project is anticipated to occur between spring and fall 2025. The project proponent has requested certification for the use of Nationwide Permit 14 (Linear Transportation Projects) 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 3/7/2025:

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.