



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

Web Posting: 6/24/2025

Deadline for Comments: 7/24/2025

**2026 Nationwide Permits and Regional Conditions
Statewide**

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

Certification Action Number NV-401-25-016

The United States Army Corps of Engineers (USACE) has requested programmatic certification from Nevada Division of Environmental Protection for the 2026 Nationwide Permits (NWP), including Regional Conditions for Nevada, under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. The USACE is proposing to reissue its existing NWP and associated general conditions and definitions, with some modifications. The USACE is also proposing to issue one new NWP. The proposed modifications to the NWP general conditions and definitions are intended to reduce burdens on the regulated public and continue to comply with the statutory requirement that NWP authorize only activities with no more than minimal individual and cumulative adverse environmental effects. General permits issued under the USACE's permitting authorities can be in effect for no more than 5 years (see 33 CFR 325.2(e)(2) and 33 CFR 330.6(b)).

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 7/24/2025:

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.