



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

A division of the
Nevada Department of Conservation & Natural Resources

STATE OF NEVADA
Joe Lombardo, *Governor*
Vinson Guthreau, *Director*
Jennifer L. Carr, *Administrator*

901 S. Stewart Street, Suite 4001
Carson City, Nevada 89701
p: 775-687-4670 f: 775-687-5856
ndep.nv.gov

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

Web Posting: 6/3/2026

Deadline for Comments: 7/3/2026

**Third Creek Fisheries Management Structure
Washoe County**

**Stantec
P.O. Box 1533
Zephyr Cove, NV 89948**

Certification Action Number NV-401-26-015; SPK-2015-00456

The purpose of this project is to remove an existing fisheries management structure and construct a new structure within Third Creek in Incline Village, Washoe County, Nevada. The proposed structure is designed to accommodate and respond to Third Creek's flow regime and would allow Nevada Department of Wildlife (NDOW) to collect wild rainbow trout eggs annually and work towards the recovery of Lahontan cutthroat trout (LCT). The proposed fisheries management structure would be comprised of a concrete velocity barrier, weir with removable slide gate (fish collection pool, fish ladder, streambank revetment, grade controls boulders sited downgradient), and erosion and scour protection measures (rip rap and boulders) sited upgradient. Construction is anticipated to take place over an 8-week period between August 1, 2026, to October 15, 2026. The project proponent has requested certification for the use of Regional General Permit 16 (Aquatic Habitat Restoration and Enhancement Activities) 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 7/3/2026:

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.