



Clean Water Act Section 401 Water Quality Certification Application Guidance

This guidance document outlines the required content of an application for a Clean Water Act Section 401 certification administered by the Nevada Division of Environmental Protection (NDEP).

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. The certifying authority shall evaluate whether the activity will comply with applicable water quality requirements. To complete this evaluation the required contents of an application are detailed below.

Electronic submittals are required and should be directed to ndep401@ndep.nv.gov.

Section A. Pre-Filing Meeting

Provide the date that a pre-filing meeting was requested from NDEP Bureau of Water Quality Planning (BWQP). If a pre-filing meeting has not been requested, please schedule a pre-filing meeting with NDEP BWQP.

Section B. Contact Information

Provide contact information for both the project proponent and the authorized agent for the project proponent.

Section C. Project General Information

Project Location

Provide the name and location of the project/site, the name(s) of the receiving waterbodies, and the type(s) of waterbodies to be impacted by the proposed activity. Indicate the location of the project using latitude and longitude in decimal degrees or UTM coordinates. If latitude and longitude is not available use Township, Range, Section, and ¼ Section. Include a GIS map or USGS 7.5 min topographic map (or equivalent) indicating the area of the project site and clearly identify where the proposed activities will be conducted relative to the waterbodies.

Project Details

Project purpose - A narrative description providing the nature and scope of the project including the purpose of the project.

Site condition - A narrative description of the current site conditions. Attachments to the application can include, but are not limited to, relevant site data, photographs that represent current site conditions, or other relevant documentation.

Project methodology – A narrative description of the proposed activities including construction methodologies for each element of the project.

Discharges - Estimate the nature, the specific location, and the number of discharge(s) expected to be authorized by the proposed activity.

Timeline - Provide the date(s) on which the proposed activity is planned to begin and end. Provide the approximate date(s) when any discharge(s) to waters may commence within the timeframe of the project.

Federal authorization - Provide a list of the federal permit(s) or license(s) required to conduct the activity which may result in a discharge into regulated waters. Please review the "Mandatory Attachments" section below regarding appropriate identification of the federal permit or license.

Other authorizations – Provide a list of all other federal, state, interstate, tribal, territorial, or local agency authorizations required for the proposed activity and the current status of each authorization.

Impact quantification – Provide the total temporary and permanent discharge of dredge and fill to regulated waters that will result from the proposed activity in both acres and linear feet.

Excavation/fill – Provide temporary and permanent quantities of excavation and fill discharged within regulated waters (acres, linear feet, and/or cubic yards).

Dredge - Provide temporary and permanent quantities of dredge material discharged within regulated waters (acres, linear feet, and/or cubic yards).

Temporary fill justification – If applicable, describe the reason(s) why avoidance of temporary fill in regulated waters is not practicable.

Best Management Practices - Describe the Best Management Practices (BMPs) to be implemented to avoid or minimize impacts to regulated waters, including sediment/erosion control measures, habitat preservation, flow diversions, dewatering, hazardous materials management, water quality monitoring, equipment or plans to treat, control, or manage discharges, etc. Attachments can include erosion and sediment control plans and/or Stormwater Pollution Prevention Plans (SWPPP).

Please note, if the proposed project includes a water diversion or bypass, please include the following details:

- Proposed methods for diverting or bypassing flows around the area of impact within the channel,
- Equipment that will be used to construct the diversion,
- Length of time the area is proposed to be diverted or bypassed,
- Area (acres) and length (linear feet) of regulated waters impacted by the structure and/or fill,
- Volume of temporary fill material (cubic yards),
- Method for removal of the structures and/or fill,
- Method for restoration of the area affected by the structure or fill upon project completion,
- Diversion or bypass designs.

Impact minimization - A narrative description of how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to regulated waters.

Compensatory mitigation – Provide a description of any compensatory mitigation associated with the proposed activities if it is a requirement of the federal license or permit. If available, compensatory mitigation plans can be attached to the application.

Section D. Signature

Provide the name, phone number, date, and signature of the project proponent. All applications must be signed by the project proponent or authorized agent. This entity will be the responsible party named to ensure the terms and conditions of the Section 401 certification are satisfied and are responsible for any certification violations noted by the Division.

Mandatory Attachments

Attachments to be included in a request for certification submitted to NDEP:

- **Federal Permit or License Application** - A copy of the federal permit or license application and any readily available water quality-related materials that informed the development of the federal license or permit application.
- **Site Map** - A map or diagram of the proposed project site including project boundaries in relation to regulated waters, local streets, roads, and highways.
- **Engineered Drawings** - Engineered drawings are preferred to be submitted at the 70% design level. If only conceptual designs are available at the time of application, plans for construction should be submitted prior to the start of the project. Specific locations of the proposed activities and details of specific work elements planned for the project should be identified (e.g., staging areas, concrete washouts, perimeter controls, water diversions, or other BMPs).

Submit the completed application materials to NDEP (ndep401@ndep.nv.gov) with the appropriate U.S. Army Corps of Engineers Regulatory Office copied on the communication (<http://www.spk.usace.army.mil/Missions/Regulatory/Contacts/Contact-Your-Local-Office/>).