



November 25, 2025

Mr. Michael S. Jewell
Chief, Regulatory Division
U.S. Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, California 95814-2922

Subject: Nevada Division of Environmental Protection's Clean Water Act Section 401 Water Quality Certification Action (NV-401-25-016) for the 2026 Nationwide Permits

Dear Mr. Jewell:

Enclosed is the Clean Water Act section 401 Water Quality Certification (401 Certification) action issued by Nevada Division of Environmental Protection for the 2026 Nationwide Permits proposed by United States Army Corps of Engineers (USACE). On June 18, 2025, USACE requested general 401 Certification of the 2026 Nationwide Permits to be issued or reissued in 2026 as published in the Federal Register (Docket Number: COE-2025-0002).

Nevada Division of Environmental Protection is responsible for evaluating whether an activity will comply with applicable water quality requirements when a federal license or permit authorizing any activity may result in any discharge from a point source into waters of the United States within the State of Nevada's jurisdiction. This 401 Certification action has been issued in compliance with public notice procedures in the State of Nevada pursuant to Clean Water Act section 401(a)(1) and Nevada Revised Statutes section 445A.620.

If further assistance is required, please contact Zachary Carter via email at zcarter@ndep.nv.gov or at (775) 687-9456.

Sincerely,

Zachary Carter
Environmental Scientist III
Nonpoint Source Branch
Bureau of Water Quality Planning

Enclosure: Clean Water Act Section 401 Certification Action for the 2026 Nationwide Permits (NV-401-25-016)

cc: Jennifer Carr, Administrator, Nevada Division of Environmental Protection
Danilo Dragoni, Deputy Administrator, Nevada Division of Environmental Protection
Jason Kuchnicki, Water Quality Planning Chief, Nevada Division of Environmental Protection
Christian Fritsen, Nonpoint Source Branch Supervisor, Nevada Division of Environmental Protection
Sahrye Cohen, Wetland Section Manager, U.S. Environmental Protection Agency
Russell Huddleston, Ecologist, U.S. Environmental Protection Agency
Leah Fisher, Regional Permit Specialist, U.S. Army Corps of Engineers
Philip Shannin, U.S. Army Corps of Engineers
Chandra Jenkins, Acting Chief Regulatory Division Nevada Section, U.S. Army Corps of Engineers



**Nevada Division of Environmental Protection
Clean Water Act Section 401 Water Quality Certification**

Nevada Division of Environmental Protection submits the following Clean Water Act section 401 Water Quality Certification Actions for:

2026 Nationwide Permits and Regional Conditions for the State of Nevada (NV-401-25-016)

The U.S. Army Corps of Engineers (USACE) authorizes certain categories of activities under section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act of 1899 where federal authorization is required for discharges of dredged or fill material into waters of the United States. Clean Water Act section 401 Certification or waiver is required for any Federal license or permit that authorizes any activity which may result in any discharge from a point source into waters of the United States (40 CFR 121.2).

Nevada Division of Environmental Protection (NDEP) is responsible for administering the Clean Water Act section 401 Certification (401 Certification) process for the State of Nevada. This 401 Certification action applies to potential point source discharges authorized under the Nationwide Permits to be issued or reissued in 2026 as published in the Federal Register (Docket Number: COE-2025-0002). On June 18, 2025, USACE requested general certification of the 2026 Nationwide Permits including definitions, general conditions, and regional conditions. The reasonable period of time to act on the request for certification of the 2026 Nationwide Permits is December 15, 2025.

This 401 Certification action has been issued in compliance with public notice procedures in the State of Nevada pursuant to Clean Water Act section 401(a)(1) and Nevada Revised Statutes section 445A.620. The regional conditions for Nevada were also proposed and found to be acceptable controls to minimize impacts to waters of the United States in the State of Nevada. This 401 Certification does not convey any property rights or exclusive privileges, nor does it authorize access or injury to private property.

This 401 Certification action is formatted as follows:

- A.** Certification Actions for the 2026 Nationwide Permits
- B.** General Conditions (including statements of necessity and citations)
- C.** Special Conditions (including statements of necessity and citations)

A. Certification Actions for the 2026 Nationwide Permits¹

The following 401 Certification actions apply to activities in the State of Nevada where NDEP is the appropriate certifying authority. A table of certification actions for each Nationwide Permit is provided in Attachment A.

¹ USACE has determined that Nationwide Permit 8 (Oil and Gas Structures on the Outer Continental Shelf) does not require 401 Certification since potential activities would occur seaward of the territorial seas. A 401 Certification action has not been issued by NDEP associated with Nationwide Permit 8.

1. **Conditional Certification** - 401 Certification is granted with conditions for the following Nationwide Permits. NDEP certifies that there is reasonable assurance that these activities will comply with water quality requirements (Nevada Revised Statute (NRS) Chapter 445A, Nevada Administrative Code (NAC) Chapter 445A, and Clean Water Act sections 301, 302, 303, 306, and 307), provided that the project proponent complies with all 401 Certification conditions listed in sections B and C. All Certification conditions contained herein shall be incorporated as a condition of the federal permit for the project (Clean Water Act section 401(d)). All conditions include statements justifying why a condition is necessary to comply with applicable water quality requirement(s) and citations to appropriate federal and/or State water quality regulation(s) that authorizes the condition (40 CFR 121.7(d)(3)). Activities that do not meet the conditions of the conditional certification require an individual 401 Certification from NDEP.

Conditional Certification: Nationwide Permit 1, 4, 5, 6, 9, 10, 11, 20, 21, 22, 28, 30, 32, 34, 49, 50

2. **Waiver** - 401 Certification is expressly waived for the following Nationwide Permits. This 401 Certification action fulfills the requirement that the certifying authority provides written notification of an express waiver of authority to act on the request for certification (40 CFR 121.7(f)). Project proponents may proceed in securing all other applicable authorizations necessary for the proposed project without 401 Certification from NDEP.

Waiver: Nationwide Permit 24, 48, 54, 55

3. **Denial** - 401 Certification is denied for the following Nationwide Permits. NDEP does not have reasonable assurance that the Nationwide Permits listed below will comply with applicable water quality requirements (e.g., NRS Chapter 445A, NAC Chapter 445A, and Clean Water Act sections 301, 302, 303, 306, and 307). Since project locations, nature of discharges, construction methodologies, and best management practices for these activities can vary substantially, activities conducted under these Nationwide Permits may result in the degradation of water quality. This denial does not preclude a project proponent from submitting an individual certification request to NDEP. Nationwide Permits that have not received general certification will be evaluated as an individual certification request to determine whether discharges will comply with applicable water quality requirements. Applications, guidance, and submission procedures are available on the NDEP Certification Program webpage (<https://ndep.nv.gov/water/rivers-streams-lakes/401-certification>).

Denial: Nationwide Permit 2, 3, 7, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 25, 27, 29, 31, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 51, 52, 53, 57, 58, 59, A²

² "Nationwide Permit A" refers to the permit entitled "Activities to Improve Passage of Fish and Other Aquatic Organisms" as published in the federal Register on June 18, 2025. USACE may assign a numeric designation upon finalization and issuance of this permit type. NDEP's certification action applies to this nationwide permit type regardless of the numeric designation.

B. General Conditions

The Nationwide Permits identified in section A.1. are conditionally certified and are subject to the following conditions. These conditions ensure compliance with applicable water quality requirements, minimization of individual and cumulative adverse effects on the aquatic environment, and continued use and enjoyment of Nevada's water resources for future generations. The State has an obligation to protect the beneficial uses of waterbodies across its jurisdiction through the development of water quality standards including designated uses and water quality criteria (NRS 445A.305; NRS 445A.530; NAC 445A.118 - 445A.2234). Projects which require a federal license or permit must first receive certification from the state in which the discharge originates, or will originate, to verify that any proposed activity complies with federal and State regulation (33 U.S.C. 1341; 40 CFR 121; NRS 445A.620; NRS 445A.720). The conditions below have been developed for a subset of Nationwide Permits because these activities have been determined to have an increased potential to pollute waters of the United States and steps must be taken to ensure compliance with applicable water quality requirements. NDEP must develop limitations necessary to meet water quality standards, treatment standards, and schedules of compliance established pursuant to the laws of this State and any other federal law or regulation and is required to implement any applicable water quality requirement established pursuant to (NRS Chapter 445A, NAC Chapter 445A, and Clean Water Act sections 301, 302, 303, 306, and 307), such limitations shall be established (NRS 445A.300 - 445A.730; NRS 445A.530; NAC 445A.118 - 445A.2234). Pursuant to 40 CFR 121.7(d)(3), each condition includes a statement explaining why the condition is necessary to assure that the activity will comply with water quality requirements.

1. **Certification Limits** – General 401 Certification is conditionally granted for the subset of Nationwide Permits identified in section A.1. up to 0.25 acres or 300 linear feet of total impacts to waters of the United States. Any activity exceeding either 0.25 acres or 300 linear feet of impact to waters of the United States must request individual certification from NDEP. Projects exceeding these thresholds have an increased potential to degrade the physical, chemical, and biological integrity of aquatic resources. Individual 401 Certification is required for projects exceeding these thresholds since these activities cannot be guaranteed to comply with water quality standards and other applicable water quality requirements in the State of Nevada.

Applicable water quality requirements that authorize this condition: 33 U.S.C. 1313; NRS 445A.300 - 445A.730; NAC 445A.121; NAC 445A.122; NAC 445A.1236; NAC 445A.1252 - 445A.2234.

2. **Permits and Licenses** – All other required federal and State authorizations must be obtained prior to construction commencement to ensure compliance with all federal and State regulations. Additional permits may include Temporary Working in Waterways Permit and Construction Stormwater General Permit administered by NDEP Bureau of Water Pollution Control. This condition is necessary to ensure compliance with permit requirements that regulate water quality and the discharge of pollutants in the State of Nevada.

Applicable water quality requirements that authorize this condition: 33 U.S.C. 1342, NRS 445A.300 - 445A.730; NRS 445A.485; NRS 445A.490; NRS 445A.500; NAC 445A.228.

3. **Water Quality Standards and Beneficial Uses** – Any discharge associated with the proposed activity shall not exceed State water quality standards or impair the beneficial uses of any waters of the United States. Beneficial uses define the water quality criteria required to protect the uses of a

waterbody and exceedances are a violation of State water quality requirements. Water quality standards are established at a level designed to protect and ensure a continuation of the designated beneficial use or uses determined to be applicable to each stream segment or other body of surface water in the State. To prevent the proposed activities from interfering with attainment of applicable beneficial uses, this 401 Certification does not authorize exceedances of water quality standards or impairment of any beneficial uses of the waterbody.

Applicable water quality requirements that authorize this condition: 33 U.S.C. 1313, NRS 445A.520; NRS 445A.720; NAC 445A.118 - 445A.2234.

4. **High Quality Waters** – Any surface waters of the United States whose quality is higher than the applicable water quality standards, as of the date when those standards become effective, must be maintained in their higher quality. Potential point source discharges authorized by Nationwide Permits must result in no more than minimal adverse impacts to the aquatic environment. Discharges authorized by this certification have the potential to degrade the physical, chemical, and biological integrity of high-quality waterbodies. To protect the continued attainment of high-quality waterbodies, no discharges of a pollutant from a point source may be made which will result in lowering the quality of these waters. This 401 Certification does not authorize activities that will violate applicable numeric or narrative water quality standards of high-quality waterbodies.

Applicable water quality requirements that authorize this condition: 33 U.S.C. 1313, NRS 445A.565; NRS 445A.720; NAC 445A.228.

5. **Impaired Waters** – Impaired waterbodies identified on the Clean Water Act section 303(d) list are not meeting one or more of the designated beneficial uses. If the proposed project would discharge into a waterbody listed as impaired on the Clean Water Act section 303(d) list, or if the waterbody has an approved Total Maximum Daily Loads (TMDL), no discharges of a pollutant may be made which will result in further degradation of these waters. To ensure that water quality standards are not violated as a result of the proposed discharges, project proponents are responsible for ensuring that discharges will not exceed numeric or narrative water quality criteria or cause impairment of beneficial uses. Project proponents are encouraged to review the current impairment status for waterbodies impacted by the project by referencing the current 303(d) list included in the Water Quality Integrated Report for Nevada (<https://ndep.nv.gov/water/rivers-streams-lakes/water-quality-standards/303d-305b-water-quality-integrated-report>). Best management practices for the project should be implemented to prevent further degradation and should comply with requirements of applicable TMDLs.

Applicable water quality requirements that authorize this condition: 33 U.S.C. 1313; NRS 445A.520; NRS 445A.720; NAC 445A.121; NAC 445A.122; NAC 445A.228.

6. **Best Management Practices** – Since discharges authorized by Nationwide Permits have the potential to degrade the physical, chemical, and biological integrity of aquatic resources, management measures must be implemented to prevent violations of water quality standards. Work in or adjacent to waters of the United States shall be performed in such a way that minimizes discharges of pollutants to the receiving waterbody. Best Management Practices (BMPs) are measures to control and mitigate point source discharges of pollutants into a waterbody. Prior to commencement of any

work in waters of the United States, appropriate sediment and erosion control measures must be in place and shall be monitored and maintained throughout the duration of the project to ensure that the water quality standards are met. BMPs shall not be installed in a manner that may result in excessive erosion, sedimentation, and instability of aquatic resources. This condition is necessary to minimize and prevent the discharge of pollutants, such as sediment, nutrients, and other pollutants to waters of the United States that may result in a violation of water quality standards and other water quality requirements. Pollutants are defined as artificially made or induced alterations to the physical, chemical, or biological integrity of the water. NDEP maintains a list of recommended BMPs and encourages the use of locally- or regionally-developed BMP manuals: <https://ndep.nv.gov/water/rivers-streams-lakes/bmp-nv-bmp-handbook>.

Applicable water quality requirements that authorize this condition: 33 U.S.C. 1313; NRS 445A.525; NAC 445A.121; NAC 445A.122; NAC 445A.1252 - 445A.2234.

7. **Equipment Use** – Equipment used during project implementation must be in proper working condition and free from leaks to prevent discharge of debris, oil, grease, scum, and other floating materials to waters of the United States which could have adverse effects on the chemical, physical, or biological function of the waterbody. Equipment fueling, staging, maintenance, and repair must be conducted in an upland position where discharge of pollutants, incidental to these activities, do not have the potential to discharge debris, oil, grease, scum, or other floating materials to waters of the United States which could have adverse effects on the aquatic environment. Equipment use within waters of the United States has an increased likelihood of disturbing soils and sediment during construction. Soil and sediment disturbance can result in increased erosion, sedimentation, siltation, and turbidity issues within the aquatic environment. Equipment operation shall be conducted in a manner that minimizes ground disturbance, soil compaction, rutting, and other mechanical impacts. Equipment use within the aquatic resources should be the minimum necessary to complete the project. This condition is necessary to prevent discharges of toxic materials and violations of water quality standards, including numeric criteria for turbidity, total suspended solids, and water clarity.

Applicable water quality requirements that authorize this condition: 33 U.S.C. 1313; 33 U.S.C. 1317; NRS 445A.520; NAC 445A.121; NAC 445A.122; NAC 445A.1236; NAC 445A.1252 - 445A.2234.

8. **Construction** – Unauthorized pollutants, construction-related materials, or hazardous wastes associated with this project shall be prevented from being discharged or allowed to remain in a position where a pollutant can be carried to waters of the United States by any means. Material permitted to enter waters of the United States must be stabilized in a position to prevent excessive erosion, sedimentation, or siltation. Pollutants are defined as artificially made or induced alterations to the physical, chemical, or biological integrity of the water. Pollutants can include, but are not limited to, debris, soil, sand, silt, rock, dredge material, chemical waste, biological material, heat, cement, oil, petroleum, concrete, concrete washings, and discarded equipment. This condition is necessary to prevent violations of water quality standards applicable to all surface waters and beneficial uses, discharges of toxic materials, and violations of numeric criteria.

Applicable water quality requirements that authorize this condition: 33 U.S.C. 1313; 33 U.S.C. 1317; NRS 445A.363; NRS 445A.400; NRS 445A.465; NAC 445A.121; NAC 445A.122; NAC 445A.1236; NAC 445A.1252 - 445A.2234.

9. **Concrete** – Wet and uncured concrete can negatively impact the chemical and physical integrity of water if allowed to enter a waterbody and pose a serious hazard to aquatic life. No wet or uncured concrete shall be allowed to enter waters of the United States by any means. Impermeable covers shall be placed over any wet or uncured concrete to prevent leaching of this pollutant into a waterbody. This condition is necessary to prevent exceedances of water quality standards, such as pH and toxic materials, within aquatic resources.

Applicable water quality requirements that authorize this condition: 33 U.S.C. 1313; 33 U.S.C. 1317; NRS 445A.465; NAC 445A.1236; NAC 445A.1252 - 445A.2234.

10. **Invasive Species Management** – Equipment, supplies, and materials must be free from invasive species that could be discharged or carried into the waters of the United States by any means. If BMPs incorporate natural materials, such as seeds, mulch, straw bales, or coir logs, they shall be certified as weed free. Equipment and materials must be free from invasive species to protect the physical, chemical, and biological integrity of waters of the United States and to prevent the spread of invasive species throughout the State. This condition is necessary to prevent the spread of invasive and nuisance species which can negatively impact water quality and biological integrity of waters of the United States.

Applicable water quality requirements that authorize this condition: NRS 445A.465; NRS 555.010; NRS 555.150.

11. **Vegetation Disturbance and Revegetation** – Disturbance of existing vegetation shall not exceed the minimum necessary to complete the project. If revegetation is proposed to restore and stabilize areas affected during construction, site-appropriate plant materials shall be used with an emphasis on preserving existing vegetation and topsoil as well as utilizing native and/or adapted perennial plant materials. Site stabilization is necessary to prevent erosion, decrease sediment inputs into waters of the United States, and reduce encroachment of invasive and nuisance species in denuded areas since invasive species are associated with modified hydrologic regimes and deleterious impacts to the aquatic environment. Revegetation with native or adapted species present prior to construction or based on conditions from a reference site can promote bank and shoreline stabilization, reduce erosion, and minimize inputs of sediment, nutrients, and toxic materials. This condition is necessary to maintain the physical and biological integrity of the impacted aquatic resources and to prevent exceedances of water quality standards, such as turbidity, total suspended solids, nitrogen, phosphorus, and temperature.

Applicable water quality requirements that authorize this condition: 33 U.S.C. 1313; NRS 445A.305; NRS 445A.465; NAC 445A.1252 - 445A.2234.

12. **Site Restoration** – Upon completion of the project, affected areas must be stabilized and returned to pre-construction elevations and contours to the maximum extent practicable to prevent pollutants from entering waters of the United States by any means. All temporary and excess materials and installments used during construction shall be removed from the site to prevent the discharge of construction-related pollutants and toxic materials into aquatic resources following project

completion. This condition is necessary to prevent excessive erosion, sedimentation, or siltation that may cause water quality impairments in the receiving waterbody.

Applicable water quality requirements that authorize this condition: 33 U.S.C. 1313; 33 U.S.C. 1317; NRS 445A.305; NRS 445A.465; NAC 445A.1236; NAC 445A.1252 - 445A.2234.

13. **Pre-Construction Notification** – Project proponents shall notify NDEP prior to commencing activities authorized under a Nationwide Permit that has been conditionally certified by NDEP. Where USACE requires pre-construction notification (PCN) for the applicable Nationwide Permit, the project proponent can notify NDEP by providing the PCN. Notification must be provided to NDEP Bureau of Water Quality Planning at NDEP401@ndep.nv.gov. This condition is necessary to provide NDEP with the opportunity to verify that the discharges from the proposed project will comply with this 401 Certification. If the scope of the proposed project changes following notification, the project proponent must notify NDEP to ensure the general certification applies to the proposed project.

Applicable water quality requirements that authorize this condition: 40 CFR 121.3(b); NRS 445A.720; NRS 445A.530; NRS 445A.525; NAC 445A.121.

14. **Dewatering** – All activities conducted in waters of the United States must be effectively isolated from standing or flowing water to the maximum extent practicable to mitigate impacts to water quality during construction activities. Construction area isolation or dewatering can be achieved by timing the project to occur during naturally dewatered conditions or by implementing a dewatering or flow diversion plan. Dewatering or diversion activities must be appropriately sized for reasonably foreseeable flows and water levels that could be expected during construction. The dewatering activities must prevent erosion, sedimentation, and siltation within the waterbody. Natural flows and water levels must be maintained while the diversion is in place and flows restored to pre-disturbance conditions upon project completion. This condition is necessary to minimize point source discharges of pollutants during construction, such as sediment, toxic materials, and construction debris, since construction within active or standing water can result in exceedances of water quality standards and impairments of beneficial uses. Dewatering plans should be submitted to NDEP as an element of the Pre-Construction Notification and should include the following information:

- a. Methods for dewatering the project area
- b. Designs or sketches of the dewatering operation
- c. Equipment that will be used to implement the dewatering plan
- d. Duration that the area is proposed to be dewatered
- e. Volume (cubic yards), area (acres), and length (linear feet) of structure and/or fill material to be discharged during dewatering operations
- f. Adaptive management actions if the dewatering operation causes erosion or exceedances of water quality standards
- g. Method for removal of the structures and/or fill
- h. Method for restoration of the area affected by the structure or fill upon project completion.

Applicable water quality requirements that authorize this condition: 33 U.S.C. 1313; NRS 445A.465; NAC 445A.121; NAC 445A.122; NAC 445A.1236; NAC 445A.1252 - 445A.2234.

15. **Post-Project Reporting** – Following project completion, the project proponent shall send NDEP as-built drawings or sketches representative of the completed project. The project proponent shall also provide digital color photographs (jpg/jpeg preferred) that are representative of waters impacted by the activity. Photographs must include BMPs used to prevent erosion, control sediment, and protect water quality. Before, during, and after photos should be taken from a consistent photo point in the same direction using the same zoom and aspect. Post-project reporting is necessary to ensure that BMPs were installed as required in the general conditions of this 401 Certification.

Applicable water quality requirements that authorize this condition: 33 U.S.C. 1313; 40 CFR 121.3(b); NRS 445A.525; NRS 445A.530; NAC 445A.121; NAC 445A.122; NAC 445A.1252 - 445A.2234.

C. Special Conditions

1. **Nationwide Permits 1, 9, 10, 11, and 28** – Placement, reconfiguration, and relocation of structures and facilities (buoy anchor blocks, slips, docks, etc.) may potentially disturb lake bottom sediments leading to excess turbidity in the adjacent water column. To minimize turbidity impacts, activities should occur during calm conditions within the waterbody. Structures shall not be dragged when placing or relocating to the proposed location. This condition is necessary to prevent violations of narrative water quality standards applicable to all surface waters and exceedances of numeric water quality standards for turbidity and total suspended solids during project implementation.

Applicable water quality requirements that authorize this condition: 33 U.S.C. 1313; NRS 445A.720; NRS 445A.530; NRS 445A.525; NAC 445A.121; NAC 445A.122; NAC 445A.1252 - 445A.2234.

2. **Nationwide Permit 5: Scientific Measuring Devices** – Scientific measuring device projects installed within waters of the United States that permanently restrict streamflow or involve the discharge of thermal pollutants are not authorized through this general 401 Certification and will require individual 401 Certification action from NDEP. This condition is necessary to prevent violations of narrative water quality standards applicable to all surface waters and exceedances of numeric water quality standards for temperature and dissolved oxygen.

Applicable water quality requirements that authorize this condition: 33 U.S.C. 1313; NRS 445A.720; NRS 445A.530; NRS 445A.525; NAC 445A.121; NAC 445A.122; NAC 445A.1252 - 445A.2234.

Attachment A. 401 Certification Actions for the 2026 Nationwide Permits

Table 1. Nationwide Permits for which 401 Certification is conditionally certified.

Nationwide Permit (NWP) Number	Description
NWP 1	Aids to Navigation
NWP 4	Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
NWP 5	Scientific Measurement Devices
NWP 6	Survey Activities
NWP 9	Structures in Fleeting and Anchorage Areas
NWP 10	Mooring Buoys
NWP 11	Temporary Recreational Structures
NWP 20	Response Operations for Oil or Hazardous Substances
NWP 21	Surface Coal Mining Activities
NWP 22	Removal of Vessels
NWP 28	Modifications of Existing Marinas
NWP 30	Moist Soil Management for Wildlife
NWP 32	Completed Enforcement Actions
NWP 34	Cranberry Production Activities
NWP 49	Coal Remining Activities
NWP 50	Underground Coal Mining Activities

Table 2. Nationwide Permits for which 401 Certification is waived.

Nationwide Permit (NWP) Number	Description
NWP 24	Indian Tribe or State Administered Section 404 Program
NWP 48	Commercial Shellfish Mariculture Activities
NWP 54	Living Shorelines
NWP 55	Seaweed Mariculture Activities

Table 3. Nationwide Permits for which general 401 Certification is denied and individual 401 Certification is required.

Nationwide Permit (NWP) Number	Description
NWP 2	Structures in Artificial Canals
NWP 3	Maintenance
NWP 7	Outfall Structures and Associated Intake Structures
NWP 12	Oil or Natural Gas Pipeline Activities
NWP 13	Bank Stabilization
NWP 14	Linear Transportation Projects
NWP 15	U.S. Coast Guard Approved Bridges
NWP 16	Return Water From Upland Contained Disposal Areas
NWP 17	Hydropower Projects
NWP 18	Minor Discharges
NWP 19	Minor Dredging
NWP 22	Removal of Vessels
NWP 23	Approved Categorical Exclusions
NWP 25	Structural Discharges
NWP 27	Aquatic Ecosystem Restoration, Enhancement, and Establishment Activities
NWP 29	Residential Developments
NWP 31	Maintenance of Existing Flood Control Facilities
NWP 33	Temporary Construction, Access, and Dewatering
NWP 35	Maintenance Dredging of Existing Basins
NWP 36	Boat Ramps
NWP 37	Emergency Watershed Protection and Rehabilitation
NWP 38	Cleanup of Hazardous and Toxic Waste
NWP 39	Commercial and Institutional Developments
NWP 40	Agricultural Activities
NWP 41	Reshaping Existing Drainage and Irrigation Ditches
NWP 42	Recreational Facilities
NWP 43	Stormwater Management Facilities
NWP 44	Mining Activities
NWP 45	Repair of Uplands Damaged by Discrete Events
NWP 46	Discharges in Ditches
NWP 51	Land-Based Renewable Energy Generation Facilities
NWP 52	Water-Based Renewable Energy Generation Pilot Projects
NWP 53	Removal of Low-Head Dams
NWP 57	Electric Utility Line and Telecommunications Activities
NWP 58	Utility Line Activities for Water and Other Substances
NWP 59	Water Reclamation and Reuse Facilities
NWP A	Activities to Improve Passage of Fish and Other Aquatic Organisms



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 NWPs and associated general conditions and definitions, with some modifications. The USACE is also proposing to issue one new NWP. The proposed modifications to the NWPs general conditions and definitions are intended to reduce burdens on the regulated public and continue to comply with the statutory requirement that NWPs 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.