



# STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

*Jim Gibbons, Governor*

*Allen Biaggi, Director*

*Leo M. Drozdoff, P.E., Administrator*

May 7, 2007

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

Dear Mr. Jewell:

On March 12, 2007 the U.S. Army Corps of Engineers (Corps) published in the Federal Register (Volume 72, Number 47, Part II 11092-11198) the Final Notice to reissue all existing Nationwide Permits (NWP), general conditions and definitions, with some modifications. The Corps also issued six new NWPs, two new general conditions and 13 new definitions.

In Nevada, the Division of Environmental Protection, Bureau of Water Quality Planning (BWQP) is responsible for issuing or denying 401 Water Quality Certification (WQC) for NWPs.

In deciding to issue WQC, there needs to be reasonable assurance that the proposed discharge will comply with all applicable State and Federal laws, policies and regulations governing the protection of the beneficial uses of the State's Waters. In determining WQC the State must make the determination that the NWPs will adequately protect the Waters of the State.

Based on the review of the available information on the potential impacts of discharges authorized by the NWPs the NWPs are certified as follows:

**NATIONWIDE PERMITS FOR WHICH 401 CERTIFICATION IS WAVED**

<b>No.</b>	<b>Description</b>	<b>Special Conditions</b>
8	Oil and Gas Structures on the Outer Continental Shelf	None
21	Surface Coal Mining Operations	None
24	Indian Tribe of State Administered Section 404 Programs	None
34	Cranberry Production Activities	None
48	Existing Commercial Shellfish Aquaculture Activities	None
49	Coal Remining Activities	None
50	Underground Coal Mining Activities	None

**NATIONWIDE PERMITS FOR WHICH 401 CERTIFICATION IS CERTIFIED**

<b>No.</b>	<b>Description</b>	<b>Special Conditions</b>
1	Aids to Navigation	Notification Required
4	Fish and Wildlife Harvesting, Enhancement, Attraction Devices and Activities	Notification Required
5	Scientific Measurement Devices	Notification Required
6	Survey Activities	Notification Required
9	Structures in Fleeting and Anchorage Areas	Notification Required
10	Mooring Buoys	Notification Required
11	Temporary Recreational Structures	Notification Required
20	Oil Spill Cleanup	Notification Required
22	Removal of Vessels	Notification Required
28	Modifications of Existing Marinas	Notification Required
30	Moist Soil Management for Wildlife	Notification Required
32	Completed Enforcement Actions	Notification Required
38	Cleanup of Hazardous and Toxic Waste	Notification Required

**NATIONWIDE PERMITS FOR WHICH 401 CERTIFICATION IS DENIED**  
**WITHOUT PREJUDICE**

<b>No.</b>	<b>Description</b>	<b>Special Conditions</b>
2	Structures in Artificial Canals	None
3	Maintenance	None
7	Outfall Structures and Associated Intake Structures	None
12	Utility Line Activities	None
13	Bank Stabilization	None
14	Linear Transportation Projects	None
15	U.S. Coast Guard Approved Bridges	None
16	Return Water From Upland Contained Disposal Areas	None
17	Hydropower Projects	None
18	Minor Discharges	None
19	Minor Dredging	None
23	Approved Categorical Exclusions	None
25	Structural Discharges	None
26	(Reserved)	None
27	Aquatic Habitat Restoration, Establishment, and Enhancement Activities	None
29	Residential Developments	None
31	Maintenance of Existing Flood Control Facilities	None
33	Temporary Construction, Access, and Dewatering	None
35	Maintenance Dredging of Existing Basins	None
36	Boat Ramps	None
37	Emergency Watershed Protection and Rehabilitation	None
39	Commercial and Institutional Developments	None
40	Agricultural Activities	None
41	Reshaping Existing Drainage Ditches	None
42	Recreational Facilities	None
43	Stormwater Management Facilities	None
44	Mining Activities	None
45	Repair of Uplands Damaged by Discrete Events	None
46	Discharges in Ditches	None
47	Pipeline Safety Program Designated Time Sensitive Inspections and Repairs	None

For those NWP's for which Notification is required, WQC is conditioned on submittal of a "Notification" as specified below.

NOTIFICATION:

Permittees proceeding under those NWP's which require notification must provide Notification to the BWQP. Notification must be submitted not later than 15 days prior to commencing work on the proposed activity. If a "Notification" is required as part of the Corps CWA section 404 permit, a copy of the "Notification" to the Corps can be used instead. To avoid project delays, the applicant should submit the "Notification" as early as possible. If the applicant is not contacted by BWQP within 30 days of the date the "Notification" is received, the applicant may assume that the project meets the conditions of certification and may proceed with the project.

Notification shall include:

1. The name, address, telephone number and email address of the applicant and/or the applicant's agent.
2. Identify all applicable Federal, State and Local permits being sought for the proposed activity, including the Permitting Agencies Name, Type of Permit and Permit Number (if available).
3. A complete project description including purpose and goal of the activity, location of project including address and latitude/longitude of the project site along with a map of the project area.
4. Name(s) of affected waterbodies.
5. Amounts and type of fill material to be reported in acres or linear feet. Dredge discharges shall be reported in cubic yards.

The "Notification" must be signed by the applicant or the applicant's agent (if an agent is submitting the "Notification"). The "Notification" must include a statement that the submitted information is complete and accurate.

If you have any questions about the certification of these Nationwide Permits, please contact me at (775) 687-9448 (email [gentry@ndep.nv.gov](mailto:gentry@ndep.nv.gov)).

Sincerely,



Glen Gentry  
Monitoring Branch Supervisor  
Bureau of Water Quality Planning