# Clean Water Act Section 401 Water Quality Certification Application

Please refer to the "Clean Water Act Section 401 Water Quality Certification Application Guidance" document for assistance with completing this application.

| A. Pre-Filing Meeting | |
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| Please provide the date that a pre-filing meeting was requested from Nevada Division of Environmental Protection (NDEP) Bureau of Water Quality Planning (BWQP).<br><br>*Note: If a pre-filing meeting has not been requested, please schedule a pre-filing meeting with NDEP BWQP.* | **December 3, 2025** |

| B. Contact Information | | |
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| **Project Proponent Information** | | |
| Company Name: City of Las Vegas | | Address: 495 S. Main Street, 5th Floor |
| Applicant Name: Nicole Melton, P.E. | | City: Las Vegas |
| Phone: (702) 229-6691 | Fax: | State: Nevada |
| Email: nmelton@lasvegasnevada.gov | | Zip Code: 89101 |
| **Agent Information** | | |
| Company Name: CA Group | | Address: 8630 Technology Way, Suite C |
| Agent Name: Charles Wolf | | City: Reno |
| Phone: (775) 443-5470 | Fax: | State: Nevada |
| Email: charlie.wolf@c-agroup.com | | Zip Code: 89521 |

| C. Project General Information | |
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| **Project Location** | |
| Project/Site Name: Stewart Avenue Complete Streets Phase 1: Sandhill Rd. to Nellis Blvd. | Name of receiving waterbody: Las Vegas Wash |
| Address: Stewart Avenue at the Las Vegas Wash<br>City: Las Vegas<br>County: Clark County<br>State: Nevada<br>Zip Code: 89110 | Type of waterbody present at project location (*select all that apply*):<br>☒ Perennial River or Stream<br>☐ Intermittent River or Stream<br>☐ Ephemeral River or Stream<br>☐ Lake/Pond/Reservoir<br>☐ Wetland<br>☐ Other: _____ |
| Latitude (UTM or Dec/Deg): 36.16633 N | Longitude (UTM or Dec/Deg): -115.0645 W |

| Township: 20 | Range: 62 | Section:32 | ¼ Section: |
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**Project Details**

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| Project purpose: | The Stewart Avenue Complete Streets Project, Phase 1, reconfigures Stewart Avenue from Sandhill Road to Nellis Boulevard. The project includes the Clark County Regional Flood Control District (CCRFCD) Master Plan flood control facility Las Vegas Wash – Stewart, designation numbers LVST 0000 and 0088. This facility is referred to as the Stewart Avenue Storm Drain and is in Stewart Avenue from Sandhill Road to the Las Vegas Wash.<br><br>The Stewart Avenue Storm Drain is proposed as a 20-ft wide by 7-ft tall Reinforced Concrete Box (RCB) that will collect flows discharged into Stewart Avenue. The facility increases the level of flood protection for the traveling public and adjacent property owners. The Stewart Avenue Storm Drain discharges into the Las Vegas Wash, requiring the construction of a connection to the wash. This connection to the Las Vegas Wash is the focus of this 401 activity. Figure 1.1, Vicinity Map, shows the project location and the location of the storm drain connection to the Las Vegas Wash. The Las Vegas Wash is designated as a Waters Of The United States (WOTUS) and also a CCRFCD facility. The MPU designation number for the wash at the connection is LVMD 1105. |
| Describe current site conditions:<br><br>Attachments can include, but are not limited to, relevant site data, photographs that represent current site conditions, or other relevant documentation. | Stewart Avenue is an urbanized developed corridor with a mix of residential and commercial development. Stewart Avenue is primarily paved with asphalt, with concrete pavement in some intersections. Sidewalks and driveway approaches exist on both sides of the roadway through the project. Vegetation generally consists of residential lawns, commercial landscaping, with sparce native species observed between sidewalk cracks, adjacent to lawns, and in commercial properties where weeds are present.<br><br>At the Stewart Avenue Storm Drain outfall, the Las Vegas Wash is an 89-feet wide concrete channel with a 14-feet high east channel wall and a 19-feet high west channel wall (image follows).<br>  <br>Maintenance access roads exist adjacent to the channel on both sides, and access is restricted with fencing. As-built plan sheets are provided in Attachment 1. |
| Describe the proposed activity including methodology of each project element: | The proposed activity is to construct the Stewart Avenue Storm Drain connection to the Las Vegas Wash. For this connection, a segment of the west channel wall and channel invert will be removed and reconstructed “in-kind”. An opening in the wall will be provided for the RCB connection. The length of construction is approximately 100- |

feet along the west channel wall, and the width extends 25-feet into the channel to the existing construction joint that parallels the channel wall. The location of these improvements is shown on Figure 1.2, Location Map.
Excavation is limited to removal of a portion of the existing concrete channel wall and channel invert within the area shown on Figure 2.1. Fill is limited to material required to reconstruct and backfill the concrete wall and channel invert at their existing locations and elevations. Required excavation and fill are shown on Figure 2.2, an annotated section from the as-built plans. Special Provisions detailing the material requirements for the construction fill materials is included in Attachment 2. A brief description of these materials follow:

Select Backfill: Free of organic matter, low expansion with a plasticity index (PI) less than 15, 100% passing through the 6" sieve, 80-100% passing through the 3" sieve, 35-100% passing through the No. 4 sieve, and 0-75% passing the No. 200 sieve.

¾" Drain Backfill: Free of organic matter, low expansion with a plasticity index (PI) less than 15, 100% passing through the 2" sieve, 95-100% passing through the 1 ½ " sieve, 70-90% passing the 1" sieve, 30-65% passing through the No. 4 sieve, 15-40% passing through the No. 16 sieve, and 2-12% passing the No. 200 sieve.

Structural Fill: Free of organic matter, low expansion with a plasticity index (PI) less than 15, 100% passing through the ¾ " sieve, 95-100% passing through the ½ " sieve, 70-100% passing the 3/8 " sieve, 0-70% passing through the No. 4 sieve, and 0-3% passing the No. 200 sieve.

The demolition of the west channel wall and bottom is anticipated to be completed utilizing a hydraulic hammer. The debris removal is expected to be completed from within the channel using a loader and haul trucks gaining access from an existing maintenance access ramp, approximately 0.4 miles south of the project. Placement and compaction of fill material will occur from inside the wash as well as from the property west of the wash where the RCB will be constructed. Concrete forms with multiple pours are expected, beginning from the channel bottom and continuing to the channel wall where the confluence connects.

The expected equipment for this project includes a rubber tire excavator (Cat M320) with hydraulic hammer, rubber tire excavator (Cat M320), loader (Cat 950), 10K forklift, 5k forklift, roller (Cat CS34), legal haul trucks and a concrete pump truck. A crane may be used from the Las Vegas Wash maintenance road, outside the wash, for placement of K-rails as an exclusionary BMP. The contractor may also choose to install sand bags, water-filled coffer dams or other exclusionary BMP measures. Placement of a water filled coffer dam would likely involve a trailer for transportation into the wash, and a pump to fill them with water from the wash. Sand bags would be filled from material stockpiles located in APN 140-32-711-060. The sandbags would be hauled into the wash in trucks via the maintenance access road shown on Figure 1.1. The exclusionary BMP will act as temporary fill in the wash, with a temporary fill quantity of 7.5 cubic yards below the Ordinary High Water Mark as indicated on Table 1.1 (attached). Temporary fill material will not be discharged into the wash, or any other aquatic environment.

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| | Removal of these exclusionary BMP's is assumed to require the same equipment and generally follow the same process, in reverse.<br><br>Post construction restoration of the Las Vegas Wash will include removal of all equipment and temporary BMPs. Sediment and debris will be removed from the work area by hand and hauled off-site for disposal. Removed materials will not be discharged into the Las Vegas Wash or any other aqueous environments.<br><br>No dredged or fill material will be discharged into waters of the United States. | |
| Estimate the nature, specific location, and number of discharge(s) expected to be authorized by the proposed activity: | The Stewart Avenue Storm Drain will have a single discharge location into the Las Vegas Wash. It will be located in the west channel wall approximately 70-feet south of the Stewart Avenue bridge over the Las Vegas Wash (Figure 1.2). The connection is approximately 700-feet west of the intersection of Stewart Avenue and Nellis Boulevard. | |
| Provide the date(s) on which the proposed activity is planned to begin and end and the approximate date(s) when any discharge(s) may commence: | The proposed project is estimated to start construction in Q1 2027 and complete in Q4 2028. It is expected that the connection to the Las Vegas Wash will be one of the first items of work to commence in Q1 2027 and be completed within approximately 10 months. The exclusionary BMP is anticipated to remain in place for this duration, roughly January to October of 2027. Discharge from the Stewart Avenue Storm Drain is anticipated to commence with the completion of the storm drain system in 2028. | |
| 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 (see mandatory attachments): | 404 Permit: U.S. Army Corps of Engineers (USACE) Nationwide Permit 3, Maintenance. The project does not meet 404 Permit thresholds requiring a USACE Pre-Construction Notice. Due to administrative uncertainty, a 404 Permit will be prepared in the event that it becomes a project requirement.<br>Working in Waterways Permit, to be obtained by construction contractor from NDEP Bureau of Water Quality Planning. | |
| 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: | The Contractor shall be responsible for obtaining the required De Minimis Permit, including preparing and submitting all necessary documentation to the Nevada Department of Environmental Protection. Acquisition of the De Minimis Permit shall be completed prior to commencement of any work subject to this requirement.<br>The Contractor will also be responsible for obtaining the National Pollutant Discharge Elimination System (NPDES) Permit, including preparing and submitting all documentation necessary for approval by the appropriate regulatory agency. The Contractor shall secure the NPDES Permit prior to initiating any land-disturbing activities or operations subject to NPDES requirements. | |
| Total area of impact to regulated waterbodies (acres): | 0.088-acres; measurement includes total area inside the flow exclusionary BMP, as described in the BMP section of this form. | |
| Total distance of impact to regulated waterbodies (linear feet): | 110-feet, which includes additional length for the placement of exclusionary BMP's outside of the work area | |
| | Temporary: | Permanent: |

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| Amount excavation and/or fill discharged within regulated waters (acres, linear feet, and cubic yards): | 56.7 cuyd (Total volume of flow exclusion device, no material will be discharged into the wash, see Figure 2.2 and Table 1.1) | 0 cuyd |
| Amount of dredge material discharged within regulated waters (acres, linear feet, and cubic yards): | Temporary:<br>0 cuyd (removed concrete and aggregate base material will replaced with new material for net zero impact; no material will be discharged into the wash, see Figure 2.2 and Table 1.1) | Permanent:<br>0 cuyd |
| Describe the reason(s) why avoidance of temporary fill in regulated waters is not practicable (if applicable): | Flow exclusionary BMP's, such as water-filled coffer dams, K-rails, or sand bags are anticipated to be used by contractor to isolate work area from Las Vegas Wash. These exclusionary BMPs will temporarily add volume to the Las Vegas Wash. Temporary fill material will not be discharged into waters of the United States. | |
| Describe the Best Management Practices (BMPs) to be implemented to avoid and/or minimize impacts to regulated waters:<br><br>Examples include sediment and erosion control measures, habitat preservation, flow diversions, dewatering, hazardous materials management, water quality monitoring, equipment or plans to treat, control, or manage discharges, etc. | Construction site BMP implementation, notably temporary sediment control, flow exclusionary measures, and general housekeeping measures (including concrete and material stockpile management), will follow the "Las Vegas Valley Construction Site Best Management Practices Guidance Manual" (Las Vegas Valley Construction Site - Best Management Practices - Guidance Manual - January 2009). Control Measures will also be implemented in accordance with the Clark County Area Uniform Standard Specifications (https://rtcws.rtcsnv.com/mpo/streets/streets_specifications.html) as amended by the Project's Special Provisions. Sections from the special provisions describing permit requirements for construction in the Las Vegas Wash are included in Attachment 2.<br>Requirements and specific BMP's include:<br>- Preconstruction surveys will be performed by a qualified biologist prior to starting construction activities to ensure migratory birds and bat species are not affected by the project, and to determine if any milkweed is present and appropriate mitigation is required to avoid disturbing<br>- Implement nonstructural BMP's such as weather monitoring via the national weather service, to prepare for runoff events and prevent material from entering the waterways. Construction equipment will be removed in preparation for precipitation events, site BMPs will be monitored before and after these events for structural integrity.<br>- Concrete wash outs, equipment fueling, and equipment cleaning will be located a minimum of 100 ft from the Las Vegas Wash.<br>- Materials will not be stockpiled in the wash. Stockpiling will be permitted in APN 140-32-711-060. This property is approximately 20 ft west of the wash; therefore, sediment control measures such as straw wattles and silt fence be installed along the boundaries of this parcel.<br>- Protection of the regulated waters from the work area by isolating the construction area from the flowline of the channel with exclusionary BMPs such as a coffer dam, K-rail, or sandbags.<br>- Anticipated BMP placement around parcel APN 140-32-711-060 and the conceptual layout for the flow exclusionary BMP is shown on Figure 1.2. | |

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| Describe how the activity has been designed to avoid and/or minimize adverse effects, both temporary and permanent, to regulated waters: | The project was designed to minimize adverse effects by replacing portions of the existing concrete channel invert and wall "in-kind", providing no net loss below the Ordinary High Water Mark (OHWM) of the existing cross section area. The Aquatic Resource Delineation report, Attachment 3, documents the establishment of the OHWM.<br>Construction is proposed during the dry season to minimize the likely-hood of weather events. Flow exclusionary BMP's will be placed in the wash to protect the wash and the work area. Sediment control BMP's will be placed around the boundary of parcel APN 140-32-711-060, which is anticipated to be used for material stockpiling. These BMP's are described in more detail in the previous section. |
| Describe any compensatory mitigation planned for this project (if applicable): | N/A; the project is reconstructing an existing concrete channel in-kind with negligible impact below the OHWM, compensatory mitigation is not being proposed. |

| **D. Signature** | | |
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| Name and Title (Print):<br>Nicole Melton, P.E.<br>Engineering Project Manager | Phone Number:<br>(702) 229-6691 | Date:<br>1/12/26 |
| X Digitally signed by Nicole Melton<br>Date: 2026.01.12 08:00:09-08'00'<br>Signature of Responsible Official | | |

**Mandatory Attachments:**

- **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/).