
Central Valley Regional Water Quality Control Board

10 January 2024

Grey Tompkins
County of Tulare
5961 S. Mooney Blvd.
Visalia, CA 93277

NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE COUNTY OF TULARE, EMERGENCY REPAIR PROJECTS (WDID# 5C54CR00144), TULARE COUNTY

On 6 November 2023, the County of Tulare (Applicant) filed a notification requesting coverage under the 1 August 2023 State Water Resources Control Board Clean Water Act Section 401 General Water Quality Certification of the United States Army Corps of Engineers (USACE) Regional General Permit 8 (General Certification Order) for the County of Tulare Emergency Repair Projects (Project). After review of the notification and the supplemental material submitted by the Applicant, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the Project qualifies for enrollment under this General Certification Order.

The Central Valley Water Board is certifying this Project under United States Army Corps of Engineers Regional General Permit 8, Emergency Repair and Protection Activities, subject to the conditions and the notification requirements described in the Nationwide Permit ("Special Conditions"). This Notice of Applicability is being issued under the General Certification Order pursuant to Section 3838 of the California Code of Regulations.

A copy of the [General Certification Order](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2023/rgp-8-certification-mainbody.pdf) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2023/rgp-8-certification-mainbody.pdf) can be found on the State Water Resources Control Board's General Orders webpage.

The Project is being conducted in accordance with the requirements contained in this Notice of Applicability and General Certification Order. The Project is described in the notification form requesting coverage under the General Certification Order, dated 6 November 2023, and supplementary information (Application Package). Coverage under the General Certification Order is no longer valid if the Project (as described) is modified.

PROJECT DESCRIPTION:

The Project consists of repairs to damaged roadways that have been washed out due to extreme weather events in 2023. Repairs are anticipated to include debris removal, earthwork, lane/shoulder repairs, installation/maintenance of road/embankment stabilization, and roadside drainage features at the following locations:

Avenue 404 over Cottonwood Creek: Repairs will involve the installation of a temporary water diversion and installation of embankment stabilization features around the temporary bridge structure. Minor temporary impacts to jurisdictional waters may result from the installation and removal of the temporary water diversion and existing bridge structure within the ordinary high-water mark (OHWM) of Cottonwood Creek. Additional impacts to jurisdictional waters are anticipated from the installation of rock slope protection (RSP) within the OHWM of Cottonwood Creek.

M112 over Deer Creek: Repairs involve installation of a temporary water diversion structural (TWDS) excavation, backfill, demolition of the existing bridge, and installation of RSP on the banks of Deer Creek. Minor temporary impacts to jurisdictional waters may result from the installation and removal of the TWDS within the OHWM of Deer Creek.

Eshom Valley Drive over unnamed tributary to Eshom Creek: Minor permanent impacts to jurisdictional waters may result from the placement of RSP and a slurry structure within the OHWM of Eshom Creek and an unnamed tributary to Eshom Creek. All additional roadway repairs will occur within the roadway prism and associated shoulders. A water diversion was not necessary to complete the construction activities proposed at this location.

Diagonal 60 at Cross Creek: Repairs would involve installation of RSP beneath the roadway for increased bank stabilization. This work would occur from the existing roadway, no water diversion or in-water work is necessary for repairs at this location. Additional activities include removing debris from the roadway and repairing the existing roadway to allow for safe passage of traffic. Minor permanent impacts to jurisdictional waters may result from installation of RSP within the OHWM of Cross Creek.

Mountain Road 99 over Salmon Creek: Minor impacts to jurisdictional waters are anticipated to result from the placement of RSP as roadway reinforcement and erosion control within the OHWM of the local stream channels at Salmon Creek. A water diversion will not be necessary to complete the construction activities proposed at these locations.

Mountain Road 99 over Golden Ledge Creek: Minor impacts to jurisdictional waters are anticipated to result from the placement of RSP as roadway reinforcement and erosion control within the OHWM of the local stream channels at Golden Ledge Creek. A water diversion will not be necessary to complete the construction activities proposed at these locations.

The Project will permanently impact 0.027 acre and temporarily impact 0.27 acre of waters of the United States.

PROJECT LOCATION:

The Project is located at several sites within Tulare County:

Avenue 404 over Cottonwood Creek

Latitude: 36.5217 Degrees, and Longitude: -119.1312 Degrees

M112 over Deer Creek

Latitude: 35.9772 Degrees, and Longitude: -118.8804 Degrees

Eshom Valley Drive over unnamed tributary to Eshom Creek

Latitude: 36.6231 Degrees, and Longitude: -118.9626 Degrees

Diagonal 60 at Cross Creek

Latitude: 36.4043 Degrees, and Longitude: -119.4568 Degrees

Mountain Road 99 over Salmon Creek

Latitude: 35.8958 Degrees, and Longitude: -118.4663 Degrees

Mountain Road 99 over Golden Ledge Creek

Latitude: 35.8777 Degrees, and Longitude: -118.4565 Degrees

PROJECT SCHEDULE:

The Project started construction in October of 2023 and will continue through January 2024.

REPORTING AND NOTIFICATION REQUIREMENTS:

The Applicant shall submit reports in accordance with the report submittal instructions in Attachment B of Order No. WQ 2023-0061-DWQ, and this Notice of Applicability and email them to centralvalleyfresno@waterboards.ca.gov with a cc to Brandon Salazar at brandon.salazar@waterboards.ca.gov. The WDID No. for this Project is 5C54CR00144.

APPLICATION FEE RECEIVED:

An application fee of \$2,985.00 was received on 18 December 2023.

The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category F - Emergency Projects authorized by a Water Board General Order (fee code 85) with the dredge and fill fee calculator.

If you have any questions regarding this Notice of Applicability, please contact Brandon Salazar at (559) 445-6287 or at Brandon.Salazar@waterboards.ca.gov.

Original Signed by Alexander S. Mushegan for:
For Patrick Pulupa
Executive Officer

cc: Via email only:

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