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## Central Valley Regional Water Quality Control Board

23 August 2023

Carlos Gonzalez  
County of Tulare  
5961 South Mooney Boulevard  
Visalia, CA 93277

### **NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE COUNTY OF TULARE, AVENUE 428 OVER SAND CREEK BRIDGE REPLACEMENT PROJECT, (WDID# 5C54CR00137), TULARE COUNTY**

On 27 June 2023, the County of Tulare (Permittee) filed a notification requesting coverage under the 12 October 2021 State Water Resources Control Board Clean Water Act Section 401 General Water Quality Certification of the United States Army Corps of Engineers (USACE) Nationwide Permits (Order No. WQ 2021-0048-DWQ) for the Avenue 428 over Sand Creek Bridge Replacement Project (Project). After review of the notification and the supplemental material submitted by the Permittee, 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 proposed activity will take place within less than 0.03 acres of waters of the United States.

The Central Valley Water Board is certifying this Project under United States Army Corps of Engineers Nationwide Permit 3a, Maintenance, 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/2021/certification-denial-corps-nationwide-permit-project-general-order-10122021.pdf) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/2021/certification-denial-corps-nationwide-permit-project-general-order-10122021.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/certification-denial-corps-nationwide-permit-project-general-order-10122021.pdf)) can be found on the State Water Resources Control Board’s General Orders webpage.

The Project must proceed 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 27 June 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 consists of replacing the existing Avenue 428 Bridge (Bridge #46C-0340) over Sand Creek. The bridge would be 35.5 feet wide and 75.5 feet long and include two 12-foot lanes and two 4-foot shoulders. The east abutment of the bridge would be kept in its current location and the west abutment would be set back outside of the creek to minimize impacts in the creek channel.

Project elements that affect aquatic resources include demolition and removal of the existing bridge, construction of the new bridge, and placement of rock slope protection underneath the bridge at each bank to protect the abutments from scour. The Project will temporarily impact 0.02 acre/185 linear feet and permanently impact 0.01 acre of stream channel. Temporarily impacted areas shall be restored to pre-Project condition.

**PROJECT LOCATION:**

The Project is located at Avenue 428 over Sand Creek in Tulare County, approximately 0.7 miles north of the community of Orosi. The approximate center of the Project area is located at latitude 36.566438 degrees North and longitude -119.283137 degrees West.

**PROJECT SCHEDULE:**

The project is anticipated to commence in January 2024 and be completed in August 2024.

**APPLICATION FEE RECEIVED:**

An application fee of \$2,734.00 was received on 27 June 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 E - Low Impact Discharges (fee code 87) with the dredge and fill fee calculator.

**ADDITIONAL CONDITION:**

1. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of the month, one year after the effective date of this Notice of Applicability. Annual reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

The Annual Report shall include the information specified in Attachment B, Part A of Order No. WQ 2021-0048-DWQ. The Permittee shall submit the report in accordance with the report submittal instructions in Attachment B of Order No. WQ 2021-0048-DWQ and email it to [centralvalleyfresno@waterboards.ca.gov](mailto:centralvalleyfresno@waterboards.ca.gov) with a cc to Brandon Salazar at [brandon.salazar@waterboards.ca.gov](mailto:brandon.salazar@waterboards.ca.gov). The WDID No. for this Project is 5C54CR00137.

2. **Compensatory Mitigation:** The Permittee is required to provide compensatory mitigation for the authorized impact to 0.01 acre of stream channel by purchasing 0.01 Aquatic Resource Credits in the Kaweah / Tule River Aquatic Resource Watershed Service Area. Required credits shall be

purchased from the National Fish and Wildlife Foundation (NFWF)'s  
Sacramento District California In-Lieu Fee Program.

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](mailto:brandon.salazar@waterboards.ca.gov).



for

Patrick Pulupa  
Executive Officer

cc: Via email only:

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