
Central Valley Regional Water Quality Control Board

7 October 2024

Kristina Budak
City of Bakersfield
1000 Buena Vista Road
Bakersfield, CA 93311

NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE CITY OF BAKERSFIELD, BELLEVUE WEIR MAINTENANCE EMERGENCY PROJECT (WDID# 5C15CR00152), KERN COUNTY

On 6 September 2024, the City of Bakersfield (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 Bellevue Weir Maintenance Emergency (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 proposed activity will take place within 8.30 acres of waters of the United States.

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 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 25 September 2024, 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 Coverage under the General Certification Order is no longer valid if the Project (as described) is modified.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 removal and redistribution of sediment and removal of vegetation upstream and downstream of Bellevue Weir to restore a portion of Kern River Channel to flood flow capacity, reestablish weir operations, remove turnout blockage, and maintain safe-carrying capacity within the Kern River levee system.

Project elements that affect aquatic resources include removal of 5 feet depth of sediment upstream of the weir. The final channel slope shall be at 2 percent or less, as required by the California Department of Fish and Wildlife (CDFW). On the downstream side, there is a sediment blockage at the turnout from Riverwalk Park. Sediment will be removed to ensure that overflow from Riverwalk Park does not get backed up and cause park flooding. This sediment will be used to fill in the scour areas downstream of the weir within the grading area.

The Applicant is expecting to remove approximately 13,000 cubic yards of fill to complete the project. The sediment that is removed shall be placed in an upland location.

Total Project fill/excavation quantities for all impacts are summarized in Table 1. Temporarily impacted areas shall be restored to pre-Project condition.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Lake			
Ocean/bay/estuary			
Riparian Zone			
Stream Channel	8.3	13,000	
Vernal Pool			
Wetland			

ADDITIONAL CONDITION:

Restoration of Temporary Impacts

The Applicant shall submit a restoration plan for the riparian plantings for Water Board staff approval in writing within forty-five (45) days of completion of construction that outlines design, implementation, assessment, and maintenance for restoring areas of temporary impact to pre-project conditions. The level of detail in the restoration plan shall be sufficient to accurately evaluate whether the restoration addresses the adverse temporary impacts attributed to the project. The restoration plan shall be implemented within 6 months of Project completion and prior to termination of General Certification Order coverage.

PROJECT LOCATION:

The Project is located at the Bellevue Weir within the City of Bakersfield.
Latitude: 35.35356 Degrees and Longitude: -119.127942 Degrees

PROJECT SCHEDULE:

The approximate timeframe of Project construction is October 2024 through November 2024.

APPLICATION FEE RECEIVED:

An application fee of \$2,985.00 was received on 2 October 2024.

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 Alex S. Mushegan
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Executive Officer

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