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## Central Valley Regional Water Quality Control Board

24 February 2022

Haden Hinkle  
Madera County Public Works  
200 W 4th Street, Suite 3100  
Madera, CA 93637

### **NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE MADERA COUNTY PUBLIC WORKS, REMEDIATION TO NELDER CREEK BANK PROJECT (WDID# 5B20CR00118), MADERA COUNTY**

On 27 January 2022, the Madera County Public Works (Applicant) filed a notification requesting coverage under the 9 October 2018 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 Remediation to Nelder Creek Bank (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 less than 0.04 acre 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/generalorders/rgp8_cert.pdf) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generalorders/rgp8\\_cert.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/rgp8_cert.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 January 2022, 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 Coverage under the General Certification Order is no longer valid if the Project (as described) is modified.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 0.08 acre Project consists of rehabilitation to the eastern bank of Nelder Creek. Evidence of small mammal burrowing led to the erosion of a portion of Nelder Creek after a significant storm. The erosion led to sediment discharge to the creek and will be removed by hand labor and use of a vacuum truck. A turbidity curtain shall be installed during the removal of the sediment from Nelder Creek. Excess soil in kind from the neighboring construction site will be used to replace the lost soil to restore the creek bank. The bank will then be rehabilitated to the pre-construction conditions though hydroseeding with a native seed mix and use of erosion control (jute netting) to stabilize the rehabilitated creek bank.

The Project will temporarily impact 0.04 acre of waters of the United States.

**PROJECT LOCATION:**

The Project is in the City of Oakhurst, CA near the Midtown Connector Bridge over Nelder Creek.

Latitude: 37.335600 Degrees North and Longitude: -119.642100 Degrees West

**PROJECT SCHEDULE:**

Project construction commenced on 7 February 2022 and ceased on 9 of February 2022. It is expected the site will need monitoring and possible rehabilitation of the slope protection through 1 June 2022, not exceeding 10 total working days including work completed.

**APPLICATION FEE RECEIVED:**

An application fee of \$ 2,417.00 was received by the Central Valley Regional Water Quality Control Board on 16 February 2022.

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 [Brandon.Salazar@waterboards.ca.gov](mailto:Brandon.Salazar@waterboards.ca.gov) .

*Original Signed by Clay L. Rodgers for:*  
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Executive Officer

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