
Central Valley Regional Water Quality Control Board

3 October 2024

Art Chianello
County of Kern
1115 Truxton Avenue, 3rd Floor
Bakersfield, CA 93301

NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE COUNTY OF KERN, BUENA VISTA AQUATIC RECREATION WATER WELLS PROJECT, (WDID# 5C15CR00151), KERN COUNTY

On 6 September 2024, County of Kern (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 Buena Vista Aquatic Recreation Water Wells 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 0.01 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) 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 6 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 Coverage under the General Certification Order is no longer valid if the Project (as described) is modified.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:

This Project, in general, consists of construction and rehabilitation of water wells that supply raw water to Lake Webb and Lake Evans. Work includes construction of two (2) new water wells, rehabilitation of two (2) existing water wells, installation of new discharge piping, meters, and electrical equipment.

The purpose of the groundwater wells is to pump groundwater into the lakes to account for evaporation and infiltration. By contract, the County is required to provide water to make up for any losses due to evaporation or infiltration. New wells will discharge from the shore above the high-water level into Lake Webb. The discharge pipe outlets will include duckbill valves, which will mechanically close when the wells are not in operation to prevent access from wildlife and the public.

The only work taking place within Lake Webb is installation of ungrouted rip rap 10-feet wide (along shoreline) and 30-feet long at the discharge locations for the two (2) new groundwater wells: Well 16 and Well 17. This rip rap will be placed over filter fabric. Rip rap size has an average diameter between 14.5 and 17.5 inches in diameter. The intent of the rip rap is to prevent erosion from the wells' discharge. Rip rap is proposed between the low water level and high-water level of the lake (horizontal distance of 30 feet out into the lake).

Impacts include 0.01 acre (46 cubic yards)/20 linear feet (along shoreline) of permanent impacts to the man-made, artificial lake. No temporary impacts are anticipated.

Although categorized as permanent impacts, there is no net loss of lake habitat, as the ungrounded rip rap will be similar in nature to existing rocks along the muddy sub-surface shoreline. It is expected that emergent vegetation may colonize within/around the rip rap area.

PROJECT LOCATION:

The Project is located 23.1 miles southwest of Bakersfield in Kern County.

Section 11, Township 31 South, Range 25 East, MDB&M

Location #1 - Well 16

Latitude: 35.229731 and Longitude: -119.268744

Location #2 - Well 17

Latitude: 35.23276111 and Longitude: -119.27949722

PROJECT SCHEDULE:

The Project is expected to commence on 1 December 2024 and be completed by 1 April 2026.

APPLICATION FEE RECEIVED:

An application fee of \$2,985.00 was received on 26 September 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 E - Low Impact Discharges (fee code 87) with the dredge and fill fee calculator.

If you have any questions regarding this Notice of Applicability, please contact Ernesto P. Garcia at (559) 445-6281 or at Ernesto.Garcia@waterboards.ca.gov.

Digitally signed by Alex S. Mushegan
for Patrick Pulupa
Executive Officer

cc: Via email only:

U.S. Environmental Protection Agency
Region 9
R9cwa401@epa.gov

United States Army Corps of Engineers
Sacramento District Headquarters
SPKRegulatoryMailbox@usace.army.mil

Justin Sloan
United States Fish & Wildlife Service
justin_sloan@fws.gov

Department of Fish and Wildlife
Region 4
R4LSA@wildlife.ca.gov

CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
Stateboard401@waterboards.ca.gov

Art Chianello
County of Kern

Erik Larsen
AECOM