



Central Valley Regional Water Quality Control Board

13 June 2023

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, ROAD 248 OVER DEER CREEK AND DEER CREEK DITCH EMERGENCY PROJECT (WDID# 5C54CR00134), TULARE COUNTY

On 23 May 2023, the County of Tulare (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 Road 248 over Deer Creek and Deer Creek Ditch Emergency Project (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 is taking place within less than 0.89 acre/205 linear feet 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) 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 23 May 2023, and supplementary information (Application Package). Coverage under the General Certification Order is no longer valid if the Project (as described) is modified.

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

PROJECT DESCRIPTION:

The 5.6-acre Project consists of conducting emergency repairs of the bridge (northern structure) and culvert (southern structure) at Road 248 over Deer Creek and Deer Creek Ditch, which have been damaged due to extreme weather events in March 2023. The proposed repair would reconstruct the damaged bridge approach roadway on the north and south ends of the bridge, all damaged areas along Road 248 between the north and south structures, and stabilize site soils to prevent further degradation. The proposed work includes:

1. If water is present, install temporary water diversion using a bladder dam and pumps.
2. Debris removal around/under bridge abutments.
3. Fill concrete slurry where abutment piles and undermined abutments are exposed.
4. Backfill around structures and along roadway washout areas.
5. Placement of aggregate base.
6. Placement of hot mix asphalt.
7. Installation of rock slope protection along damaged/impacted roadway embankments.

The Project will permanently impact 0.16 acre/55 linear feet and temporarily impact 0.73 acre/150 linear feet of waters of the United States.

PROJECT LOCATION:

The Project is located at the Road 248 Bridge over Deer Creek in Tulare County.

Latitude: 35.992774 degrees North and Longitude: -119.017919 degrees West

PROJECT SCHEDULE:

The approximate timeframe of Project construction is 1 June 2023 through 30 September 2023.

APPLICATION FEE RECEIVED:

An application fee of \$ 2,734.00 was received on 1 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 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.

Original Signed by Scott J. Hatton 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

Patricia Cole
United States Fish & Wildlife Service
patricia_cole@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

Ken Chen
Dokken Engineering
kchen@dokkenengineering.com