



Central Valley Regional Water Quality Control Board

24 October 2023

Jason Ridenour
City of Porterville
291 North Main Street
Porterville, CA 93257

NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE CITY OF PORTERVILLE, TULE RIVER EMERGENCY REPAIR PROJECT (WDID# 5C54CR00135), TULARE COUNTY

On 1 June 2023, the City of Porterville (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 Tule River Emergency Repair (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 took place within 6.3 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/board_decisions/adopted_orders/water_quality/2018/wqo2018_0025_exec.pdf) can be found on the State Water Resources Control Board's Adopted Orders webpage.

The Project is being conducted 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 1 June 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 Coverage under the General Certification Order is no longer valid if the Project (as described) is modified.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 Project consists of placing rock slope protection (RSP) along the Tule River to prevent erosion of the Tule Riverbanks. Work also includes removing debris from the river surrounding infrastructure and along the banks. The placement of the RSP is intended to be a temporary measure to protect the Tule River banks from further erosion.

The Project will temporarily impact 6.3 acres of waters (riparian habitat) of the United States.

PROJECT LOCATION:

The Project is located within the City of Porterville along the Tule River between Plano Road and Westwood Street.

Start: Latitude: 36.060349 North and Longitude: -119.070897 West

End: Latitude: 36.056324 North and Longitude: -119.008591 West

PROJECT SCHEDULE:

The Project started construction on 13 March 2023 and continued through July of 2023.

APPLICATION FEE RECEIVED:

An application fee of \$2,734.00 was received on 5 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.

REQUEST FOR NOTICE OF PROJECT COMPLETE LETTER

The Permittee shall submit a Request for Notice of Project Complete Letter within thirty (30) days following completion of all Project construction activities.

The Notice of Project Complete Letter shall include the information specified in Attachment C of Water Quality Order No. 2018-0025-EXEC. The Permittee shall submit the report in accordance with the report submittal instructions in Attachment C of Water Quality Order No. WQ 2018-0025-EXEC.

Additionally, the Permittee shall submit the Notice of Completion Form found in attachment E of Water Quality Order No. WQ 2018-0025-EXEC and email it to centralvalleyfresno@waterboards.ca.gov with a cc to Brandon Salazar at brandon.salazar@waterboards.ca.gov. The WDID No. for this Project is 5C54CR00135.

RESTORATION OF TEMPORARY IMPACTS

Per the Notice of Intent, the Applicant states "these are only temporary emergency measures and permanent repairs will be developed date once the snow melts, Lake Success water releases have ceased and river levels subside and return to normal

levels. At that time, repair plans will be formulated, and additional standard permits will be submitted for approval from all agencies with jurisdiction prior to final permanent repairs.” Please submit a restoration plan 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 should be sufficient to accurately evaluate whether the restoration addresses the adverse temporary impacts attributed to the project. The restoration plan should be implemented prior to termination of coverage.

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 Alexander Mushegan
For Patrick Pulupa
Executive Officer

Attachments: Attachment 1 – Project Maps

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

Kira McCall
Provost and Pritchard Consulting Group
kmccall@ppeng.com

Figure 1: Project Impact Map



Figure 2: Project Impact Map



Figure 3: Project Impact Map



Figure 4: Project Impact Map

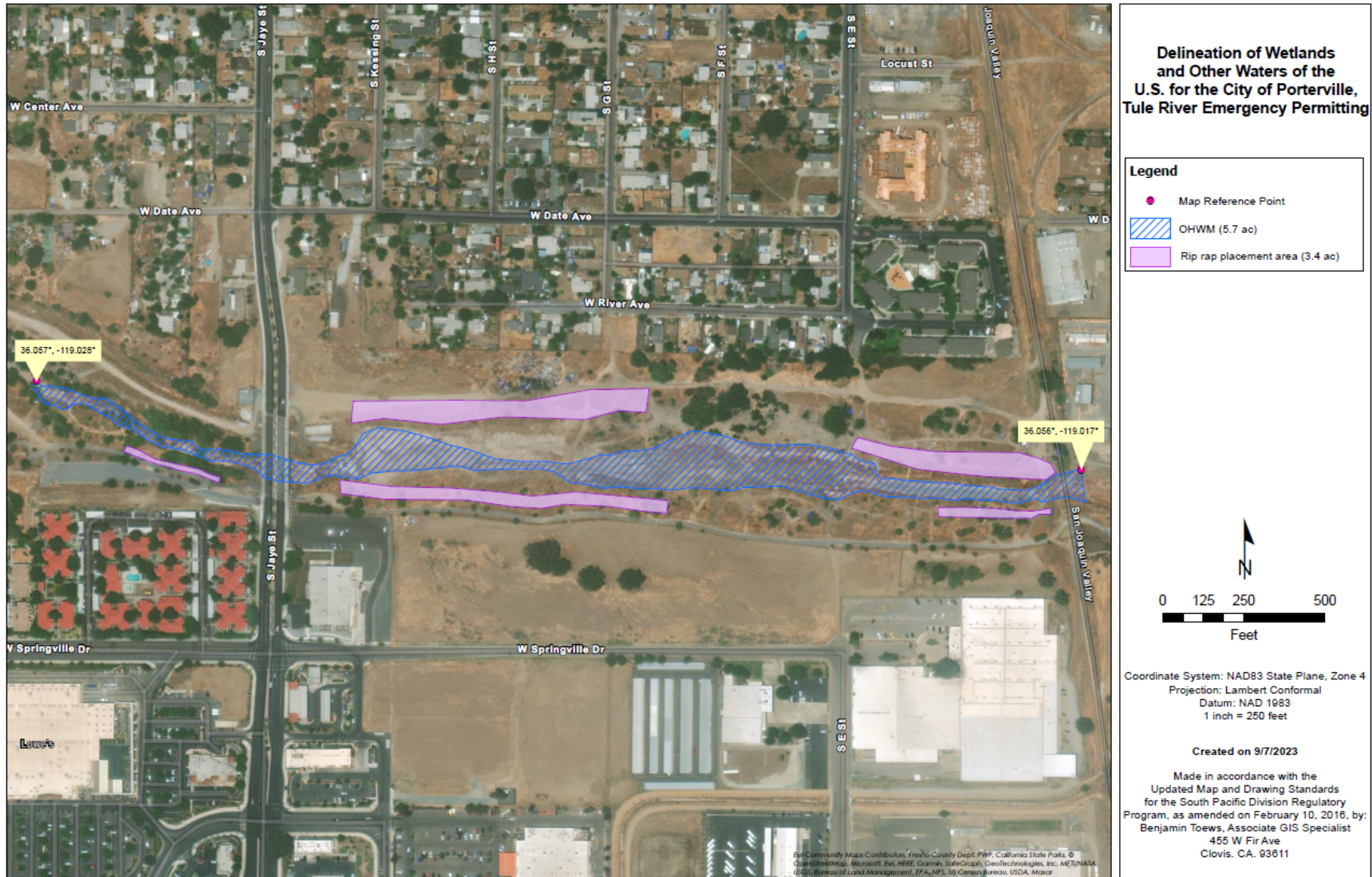


Figure 5: Project Impact Map

