



Central Valley Regional Water Quality Control Board

21 June 2023

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Madera CA 93637

**NOTICE OF APPLICABILITY: STATE WATER RESOURCES CONTROL BOARD
CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION,
SB18054IN, FOR REGIONAL GENERAL PERMIT 8 FOR MADERA COUNTY,
MADERA COUNTY EMERGENCY ROAD REPAIR PROJECT, WDID NO.
5B20CR00129, MADERA COUNTY**

On 26 May 2023, Madera County (Applicant) submitted a Notice of Intent (NOI) requesting coverage for the Madera County Emergency Road Repair Project (Project) under State Water Resources Control Board Clean Water Act (CWA) Section 401 General Water Quality Certification SB18054IN for emergency repair and protection activities conducted under U.S. Army Corps of Engineers Regional General Permit 8 (RGP 8). After review of the NOI and supplemental materials 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 Order.

The Central Valley Water Board is certifying this Project under State Water Resources Control Board Clean Water Act (CWA) Section 401 General Water Quality Certification SB18054IN. This Notice of Applicability (NOA) is being issued at the request of Madera County (hereinafter Enrollee) under the General Order pursuant to Section 3838 of the California Code of Regulations.

A copy of the General Order is enclosed. You can also access the General Order on [State Water Resources Control Board's General Orders Web Page](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2018) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2018).

The Project must proceed in accordance with the requirements contained in this NOA and the General Order. This certification is for the purpose described in the Notice of Intent (NOI) and supplemental information submitted by Madera County and is limited to the impacts identified in the application materials and this NOA. If the Project is modified from that described in the application materials, then coverage under the General Order is no longer valid.

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

I. EMERGENCY WORK DESCRIPTION

The Project is comprised of twelve different locations throughout Madera County, California that suffered significant flood damage due to storms events in early 2023 and need emergency repairs.

Madera County is proposing to repair damage to existing roadways, culverts, and surrounding slopes within the County that were damaged when heavy rains caused extensive erosion of existing roads. Each of these twelve sites are located on public roadways and have resulted in road closures or lane restrictions. The current state of the damaged slopes and unstable banks create conditions for further erosion or damage to public services, unsafe conditions for residents, and obstacles for emergency services and emergency egress from rural communities.

Emergency repair activities will include bank stabilization including rock slope protection and wing-wall installation, repair and/or rehabilitation of existing facilities such as culverts, and the restoration of storm damaged areas. The Project will be conducted with heavy equipment that will not enter the tributary below the ordinary high-water mark.

Below are descriptions of each proposed repair activity.

A. Road 28 ½

Repairs for Road 28 1/2 (Site 1) will be limited to the footprint of existing facilities including the 36-inch culvert. Total impacts to Waters of the U.S. (intermittent drainage) associated with repairs for Road 28 1/2 includes 0.0029 acre (125 square feet) and 42 linear feet of temporary impacts for the culvert replacement and backfilling, and 0.0057 acre (250 square feet) and 17 linear feet of permanent impacts in the stream channel. The permanent impacts will consist of a total of 4.62 cubic yards of clean fill and cast-in-place concrete headwalls.

B. Road 23

Repairs to Road 23 (Site2) include the excavation of the undermined roadway, the replacement of damaged culverts, and the installation of a combination of hard armoring and native vegetation at the culvert inlet and outlet of the dual 36-inch culverts. The total impact to Waters of the U.S. (intermittent drainage) includes 0.0032 acre (141 square feet) and 48 linear feet of temporary impacts for the culvert replacement and backfilling, and 0.0061 acre (264 square feet) and 16 linear feet of permanent impacts in the stream channel. The permanent impacts will consist of a total of 4.88 cubic yards of clean fill, rock slope protection (RSP), and cast-in-place concrete headwalls.

C. Dogwood Creek Road

Repairs for Dogwood Creek Road (Site 3) include the excavation of an undermined section of the road and replacement of any damaged underground utilities. Improvements include the installation of a concrete headwall and energy dissipating rock at the 36-inch culvert inlet. Excavated areas will be backfilled and stabilized. Total impacts associated with repairs for Dogwood Creek Road (intermittent

drainage) include 0.0064 acre (277 square feet) and 39 linear feet of permanent impacts in the stream channel. The permanent impacts will consist of a total of 5.12 cubic yards of clean fill and RSP.

D. Erie Road

Road repairs for Erie Road (Site 4) include the excavation of the undermined road, replacement of the damaged culvert, and the replacement of any damaged underground utilities. Improvements include the installation of a new headwall and energy dissipating rock. Excavated areas will be backfilled and stabilized. Total impacts associated with repairs for Erie Road (intermittent drainage) include 0.0043 acre (187 square feet) and 63 linear feet of temporary impacts for the culvert replacement and backfilling, and 0.0106 acre (463 square feet) and 24 linear feet of permanent impacts in the stream channel. The permanent impacts will consist of a total of 8.58 cubic yards of clean fill, RSP, and cast-in-place concrete headwalls.

E. Seminole Avenue

Repairs for Seminole Avenue (Site 5) include the excavation of the undermined road, replacement of the damaged culvert, and the replacement of compromised underground utilities. Improvements include the installation of concrete headwalls and energy dissipating rock. Excavated areas will be backfilled and stabilized. Total impacts associated with repairs for Seminole Avenue (intermittent drainage) include 0.0043 acre (187 square feet) and 62 linear feet of temporary impacts for the culvert replacement and backfilling, and 0.0063 acre (276 square feet) and 20 linear feet of permanent impacts in the stream channel. The permanent impacts will consist of a total of 5.11 cubic yards of clean fill, RSP, and cast-in-place concrete headwalls.

F. Road 417

Repairs for Road 417 (Site 6) include the re-stabilization and compaction of the road shoulder material and installation of a combination of hard armoring and native vegetation at the 36-inch culvert inlet and outlet. Total impacts associated with repairs for Road 417 (intermittent drainage) include 0.0188 acre (821 square feet) and 87 linear feet of permanent impacts in the stream channel. The permanent impacts will consist of a total of 15.2 cubic yards of clean fill.

G. John West Road

Repairs for the overtopped portion of John West Road (Site 7) include the excavation of eroded material to repair the exposed 16-inch culvert inlet and outlet. The shoulder will be restored to grade. Additional drainage and erosion control improvements include the installation of energy dissipating rock. Total impacts associated with repairs for John West Road (intermittent drainage) include 0.0028 acre (122 square feet) and 46 linear feet of temporary impacts for the culvert replacement and backfilling, and 0.0039 acre (171 square feet) and 24 linear feet of permanent impacts in the stream channel. The permanent impacts will consist of a total of 3.17 cubic yards of clean fill, RSP, and cast-in-place concrete headwalls.

H. Road 222

The slopes at Road 222 (Site 9) will be rebuilt to grade and stabilized. Impacts to Waters of the U.S. include the installation of a combination of hard armoring and native vegetation at the 16-inch culvert inlet and outlet. Total impacts associated with repairs for Road 222 (intermittent drainage) include 0.0018 acre (78 square feet) and 15 linear feet of permanent impacts in the stream channel. The permanent impacts will consist of a total of 1.45 cubic yards of clean fill.

I. Sutton Drive

The repairs at Sutton Drive (Site 10) include the excavation of the unstable slope material and undermined roadway, reconstruction of the slope, and replacement of any damaged underground utilities. Additional drainage and erosion control will be installed as appropriate, including a combination of hard armoring and native vegetation at the 36-inch culvert inlet and outlet. Total impacts associated with repairs for Sutton Drive (intermittent drainage) include 0.0232 acre (1009 square feet) and 54 linear feet of permanent impacts in the stream channel. The permanent impacts will consist of a total of 18.68 cubic yards of clean fill and RSP.

J. Silver Spur Circle

The repairs at Silver Spur Circle (Site 14) include the return to grade and stabilization of the eroded bank, replacement of the culvert, and a combination of hard armoring and native vegetation at the 36-inch culvert inlet and outlet. Excavated areas will be backfilled and stabilized. Additional drainage will be added to the roadside to protect damaged areas from future erosion events that will not impact Waters of the U.S. Total impacts associated with repairs for Silver Spur Circle (intermittent drainage) include 0.0009 acre (39 square feet) and 13 linear feet of temporary impacts for the culvert replacement and backfilling and 0.0123 acre (537 square feet) and 56 linear feet of permanent impacts in the stream channel. The permanent impacts will consist of a total of 9.95 cubic yards of clean fill, RSP, and cast-in-place concrete headwalls.

K. Road 225

Repair for damage incurred at Road 225 (Site 15) include a combination of hard armoring and native vegetation at the 24-inch culvert outlet. Total impacts associated with repairs for Road 225 (intermittent drainage) include 0.0055 acre (238 square feet) and 51 linear feet of permanent impacts in the stream channel. The permanent impacts will consist of a total of 4.42 cubic yards of clean fill and RSP.

L. Road 274

Repair for Road 274 (Site 16) includes the excavation of the undermined roadway, backfill of the excavation, and replacement of the paved surface. Impacts to Waters of the U.S. include the installation of a concrete headwall and a combination of hard armoring and native vegetation for erosion control. Total impacts associated with repairs for Road 274 (intermittent drainage) include 0.0029 acre (125 square feet)

and 30 linear feet of permanent impacts in the stream channel. The permanent impacts will consist of a total of 2.31 cubic yards of clean fill.

II. DESCRIPTION OF DIRECT IMPACTS TO WATERS OF THE STATE

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 and 2. Permanent impacts are categorized as those resulting in a physical loss in area and those degrading ecological condition.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.018	29.7	274

Table 2: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.104	83.5	433

III. FEES RECEIVED

An application fee of \$2,734.00 was received on 9 May 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 General Order (Fee Code 85) with the dredge and fill fee calculator.

IV. COMPENSATORY MITIGATION

The Enrollee is required to provide compensatory mitigation for the authorized impacts to 0.104 acre of stream channel by purchasing 0.10 acre of stream channel habitat or aquatic resource credits from an approved mitigation bank or in-lieu fee program.

A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board within 90 days of authorized impacts and prior to the Central Valley Water Board’s approval of a Notice of Completion.

¹ Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 3. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 3: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	Mitigation Credits/In-Lieu Fee Credits	Acre/Aquatic Resource Credit						0.10

V. REPORTING

A Notice of Completion (NOC) shall be submitted by the Enrollee no later than 45 days after the emergency work has been completed. The NOC shall demonstrate that the work has been carried out in accordance with the description provided in the Enrollee’s Notice of Intent (NOI).

VI. FINDING OF APPLICABILITY

This letter serves as formal notice that CWA Certification SB18054IN is applicable to this project. Your waste discharge identification (WDID) number is 5B20CR00129.

Failure to comply with the terms and conditions of this Certification may expose Madera County to enforcement action pursuant to the Clean Water Act and California Water Code.

VII. CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT

If you have any questions regarding this Notice of Applicability, please contact Daniel Warner at (530) 224-4848 or Daniel.Warner@waterboards.ca.gov.

Original Signed by Clint Snyder on 21 June 2023
 (for) PATRICK PULUPA
 Executive Officer

DLW: db

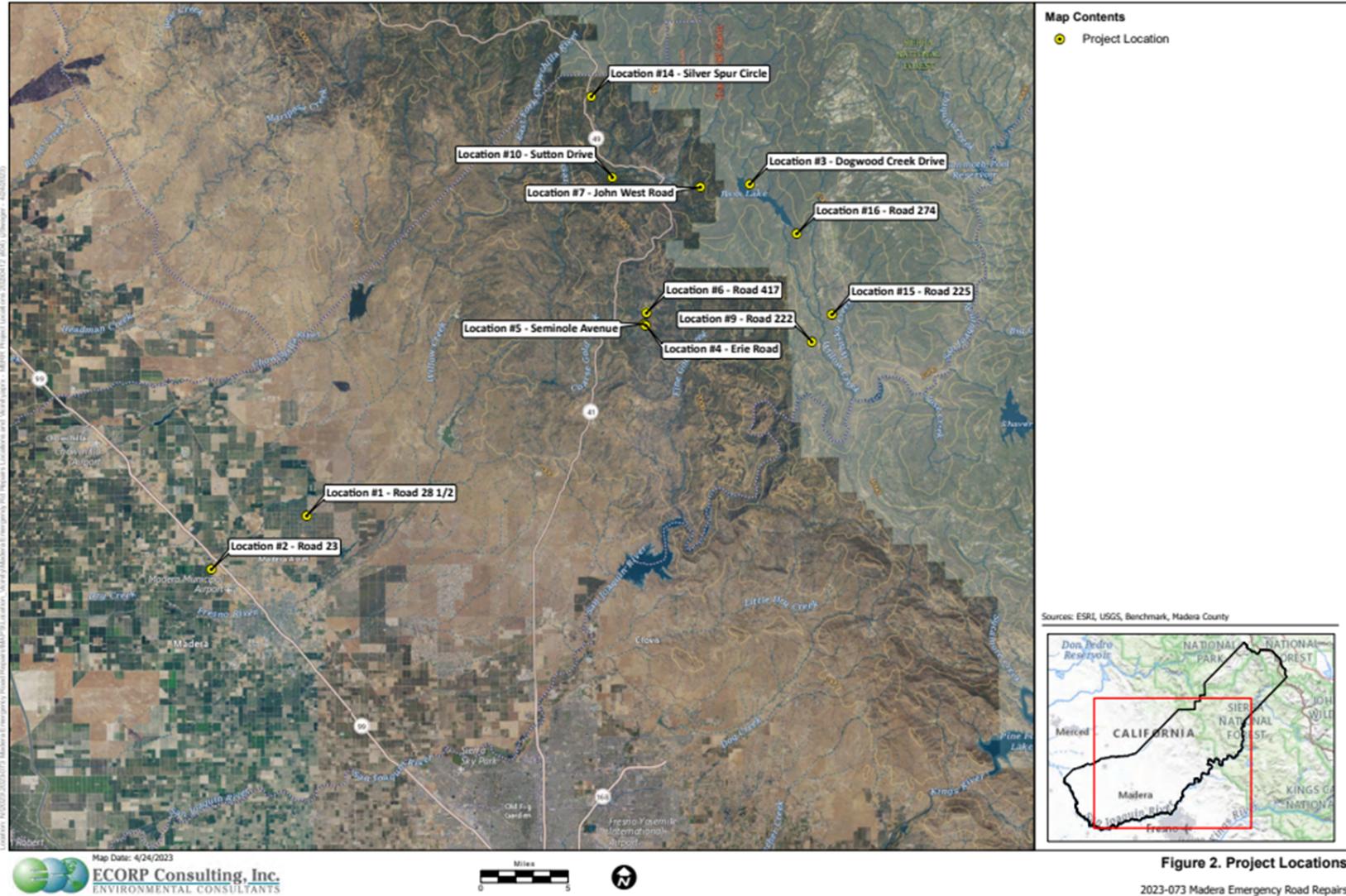
cc via email: U.S. EPA, Region 9, San Francisco
 Water Quality Certification Program, SWRCB, Sacramento
 Taylor Powell, U.S. Army Corps of Engineers, Sacramento
 Nicholas Bonzey, ECORP Consulting, Inc., Rocklin

Enclosure: State Water Resources Control Board Clean Water Act Section 401
General Water Quality Certification for Emergency Repair and Protection
Activities conducted under U.S. Army Corps of Engineers Regional
General Permit 8 (SB18054IN; Water Quality Order No.
2018-0025-EXEC)

Attachments: Attachment A - Project Maps
Attachment B - Receiving Water, Impact, and Mitigation Information

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Figure 1. Project Location Overview



Sources: ESRI, USGS, Benchmark, Madera County



Figure 2. Project Locations

2023-073 Madera Emergency Road Repairs

Figure 3. Road 28 1/2 Impact Map

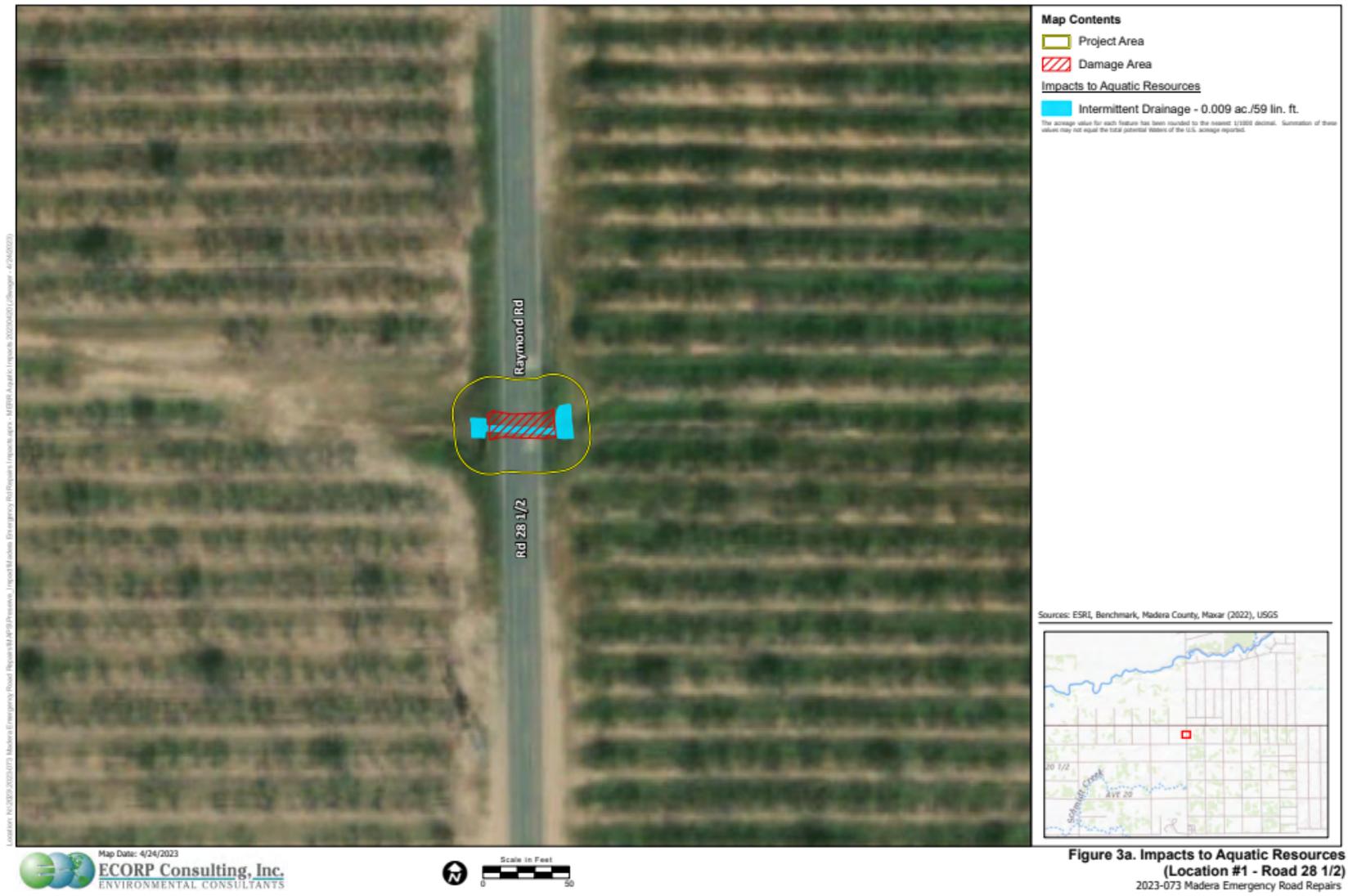


Figure 5. Road 23 Impact Map

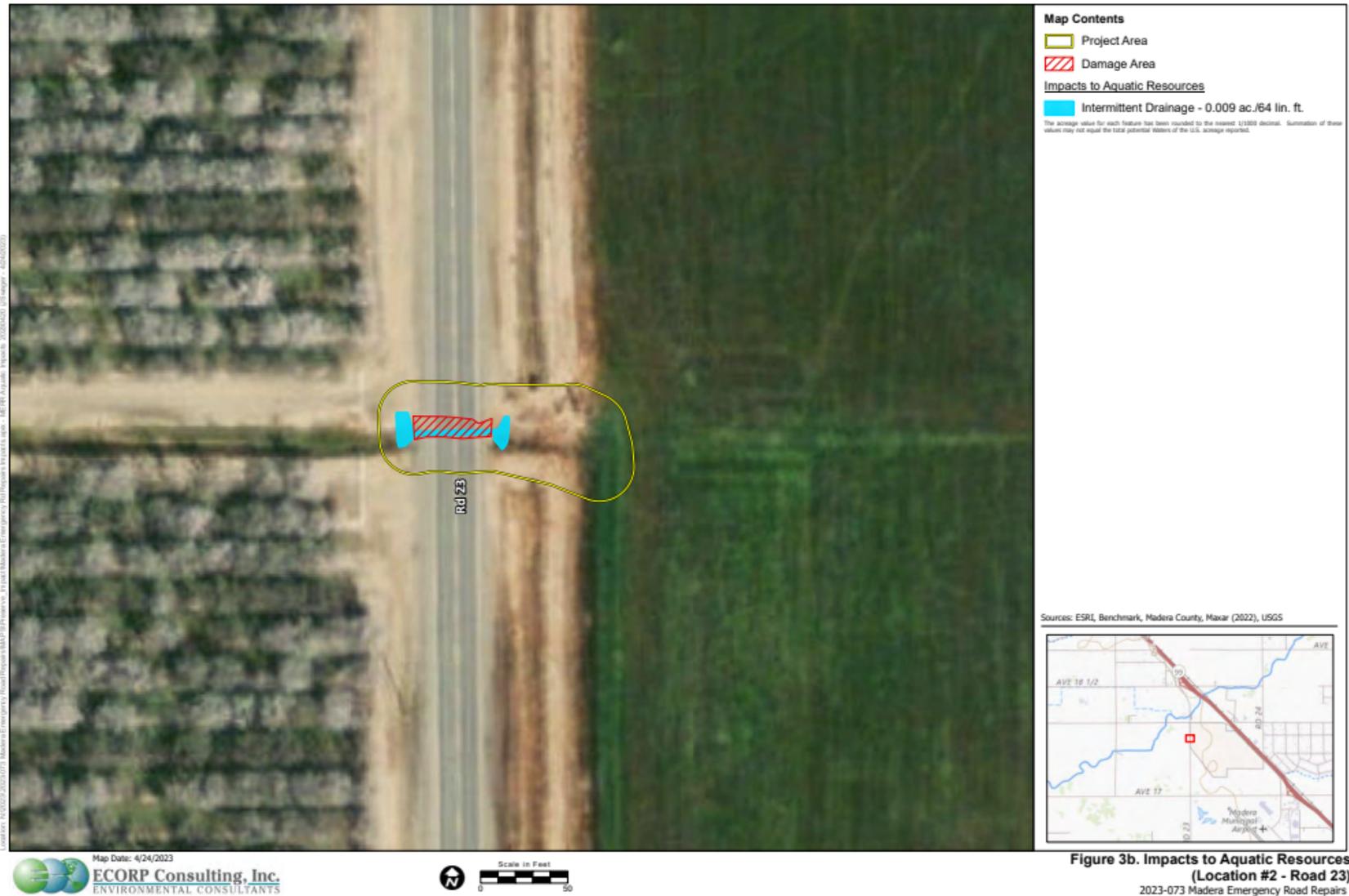


Figure 6. Dogwood Creek Road Location Map



Figure 1c. Location and Vicinity- Dogwood Creek Road

Figure 7. Dogwood Creek Road Impact Map

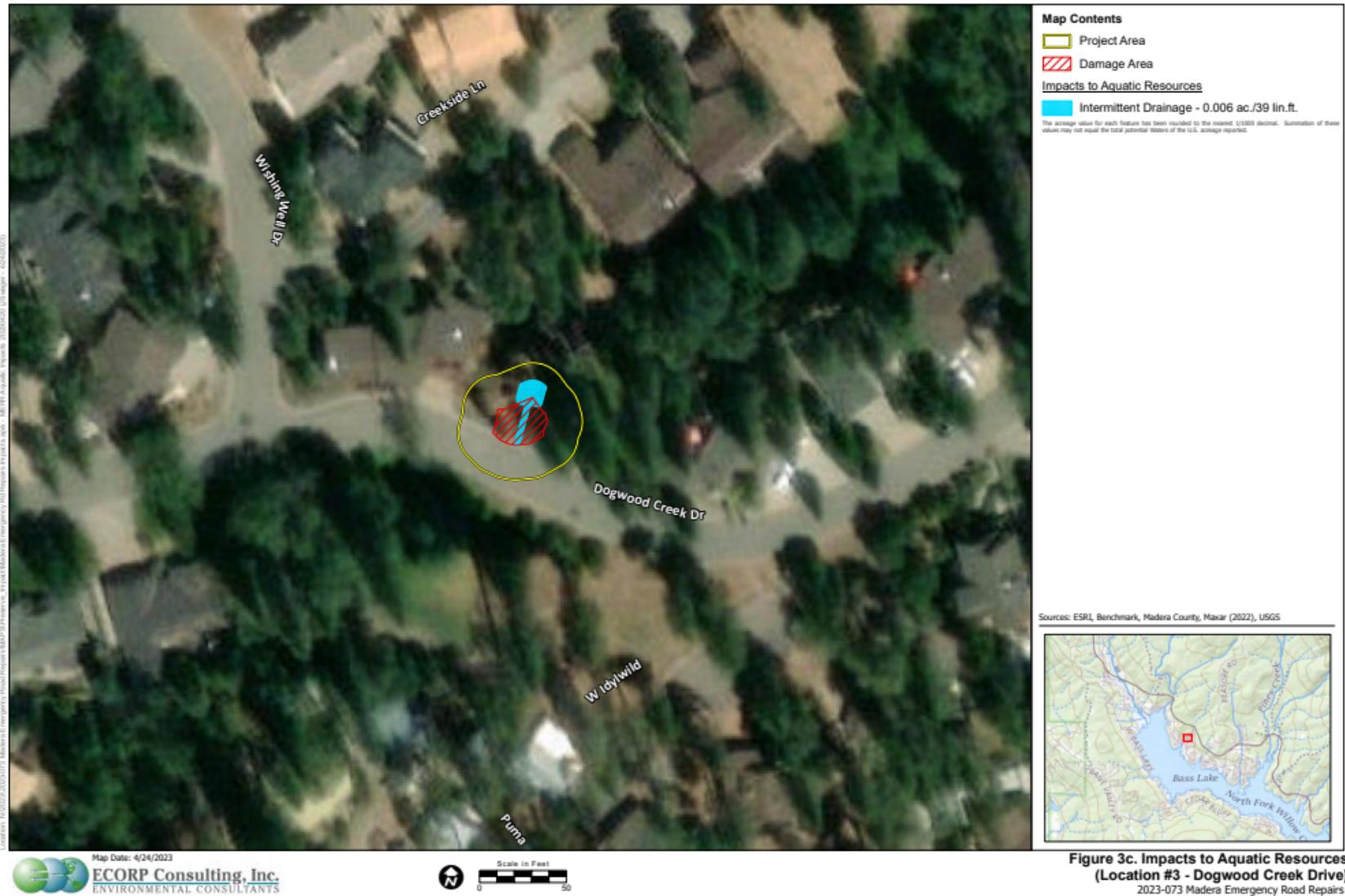


Figure 9. Erie Road Impact Map

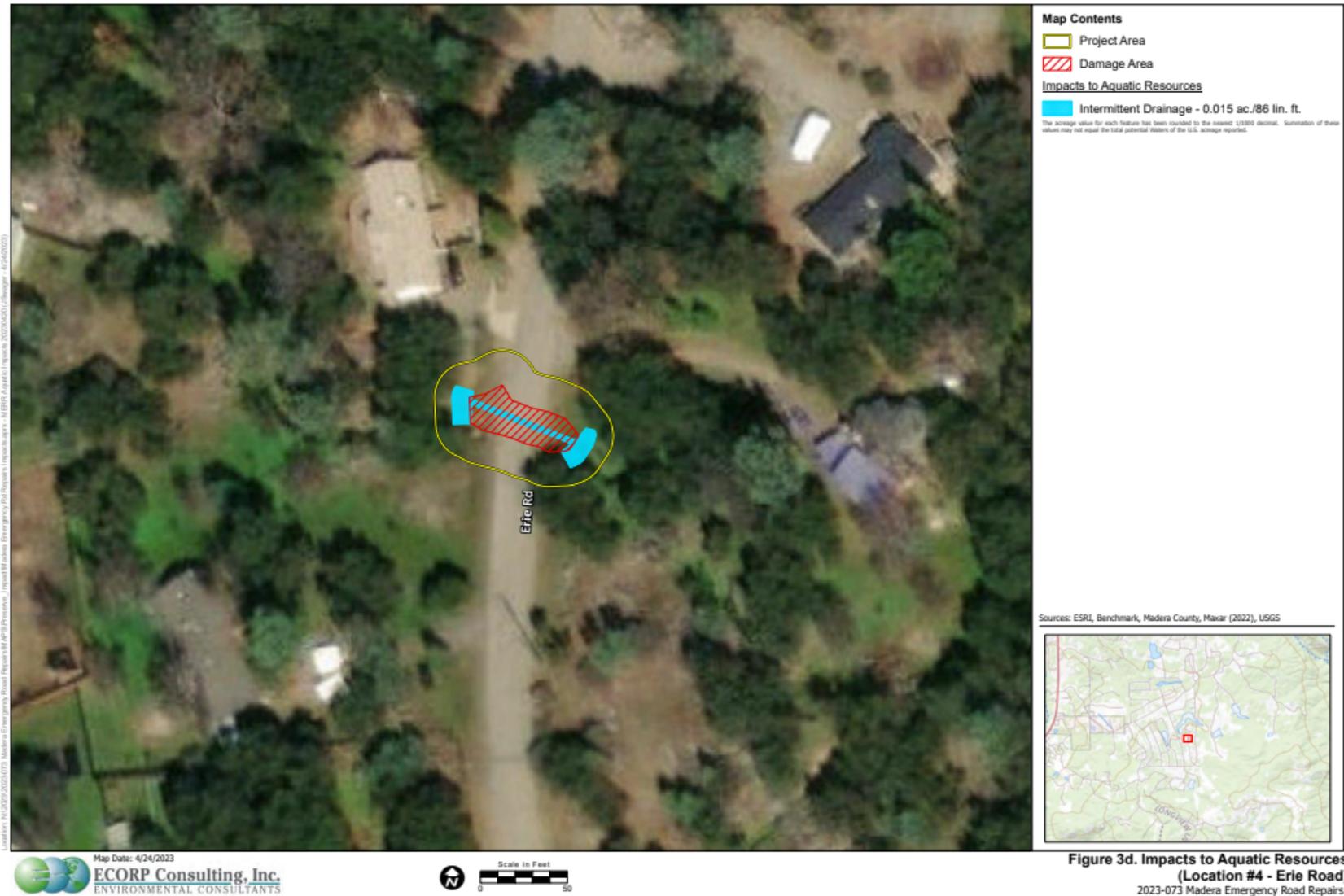


Figure 10. Seminole Avenue Location Map

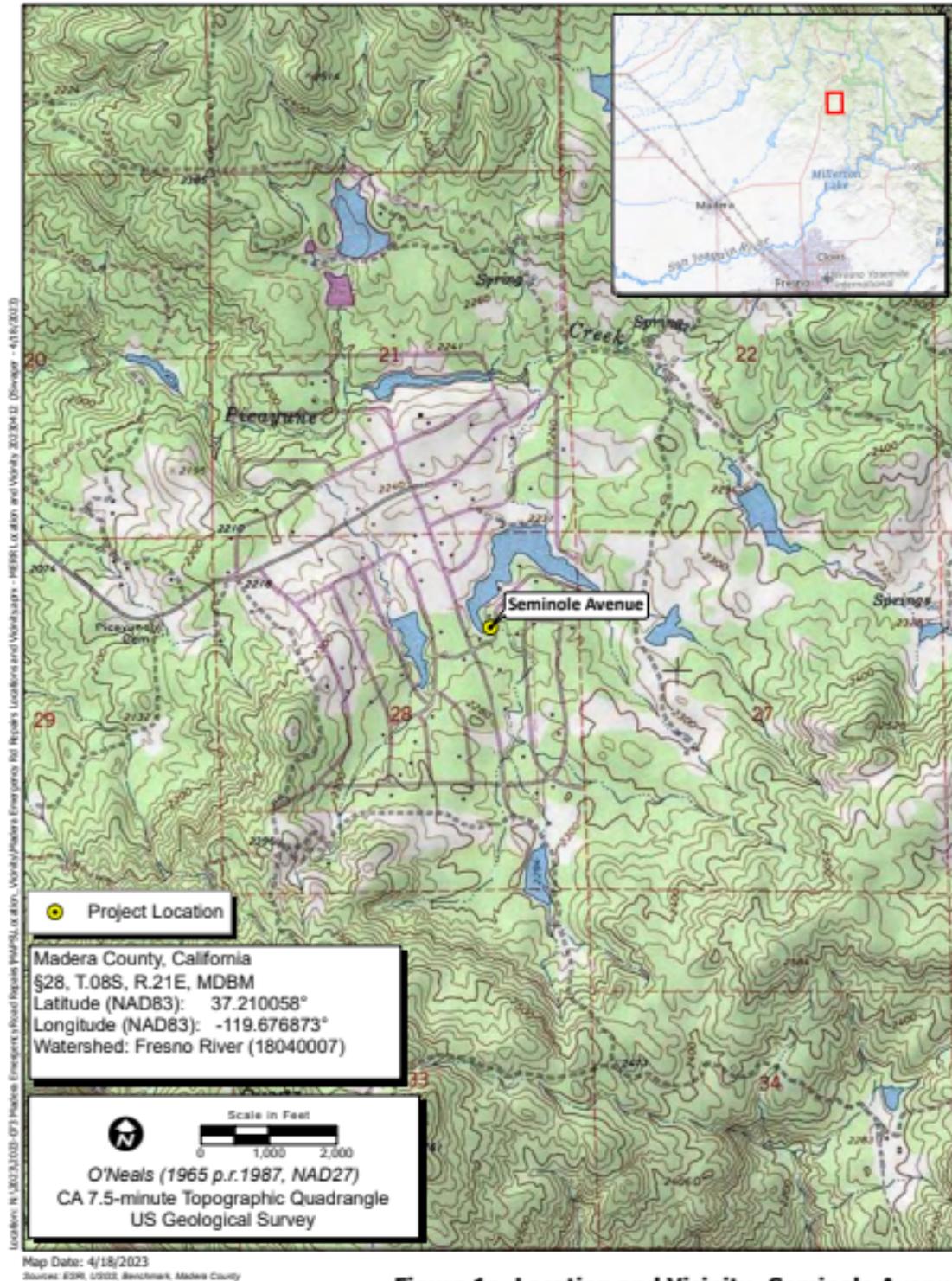


Figure 1e. Location and Vicinity- Seminole Avenue

Figure 11 Seminole Avenue Impact Map

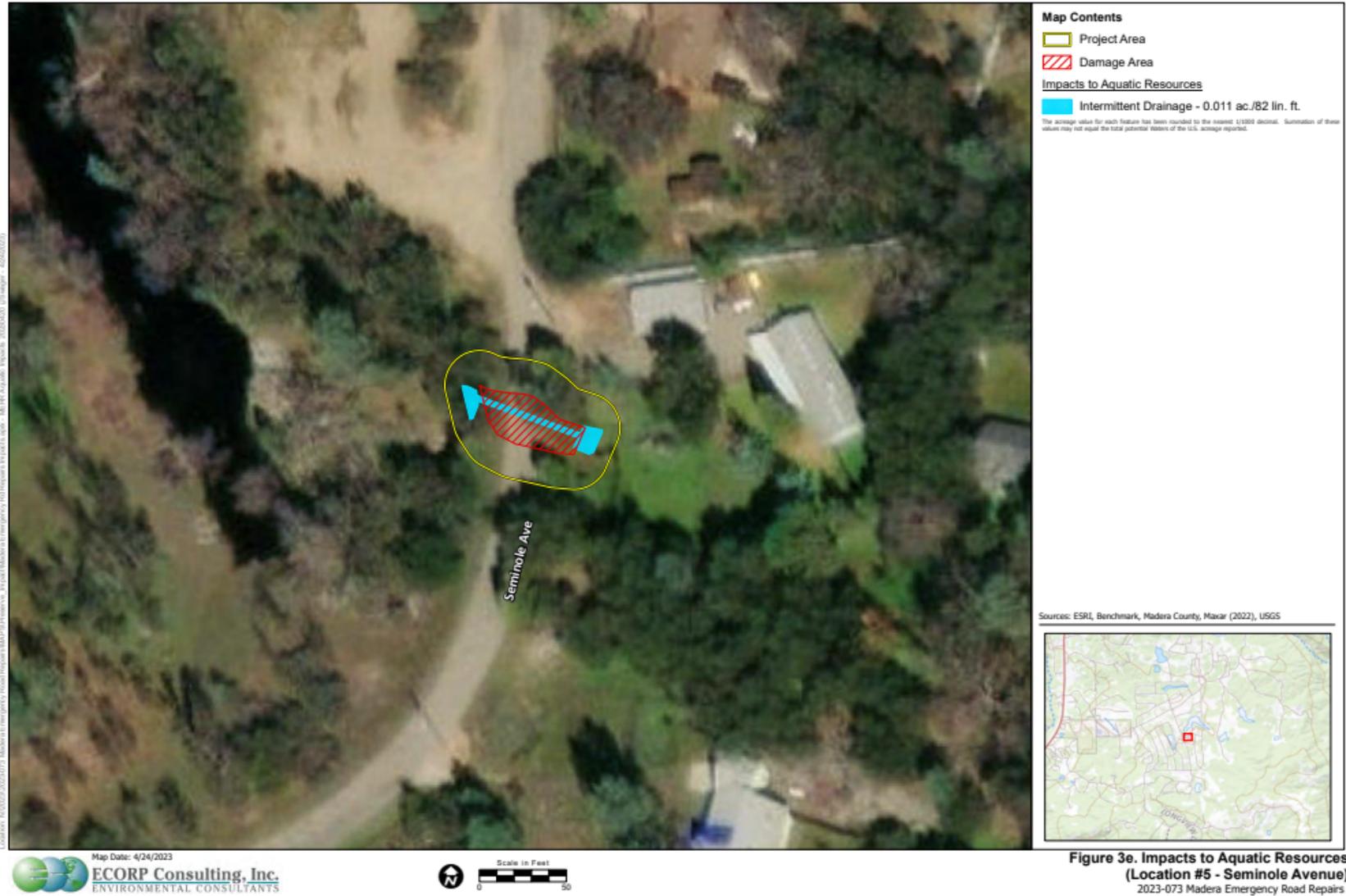


Figure 12. Road 417 Location Map

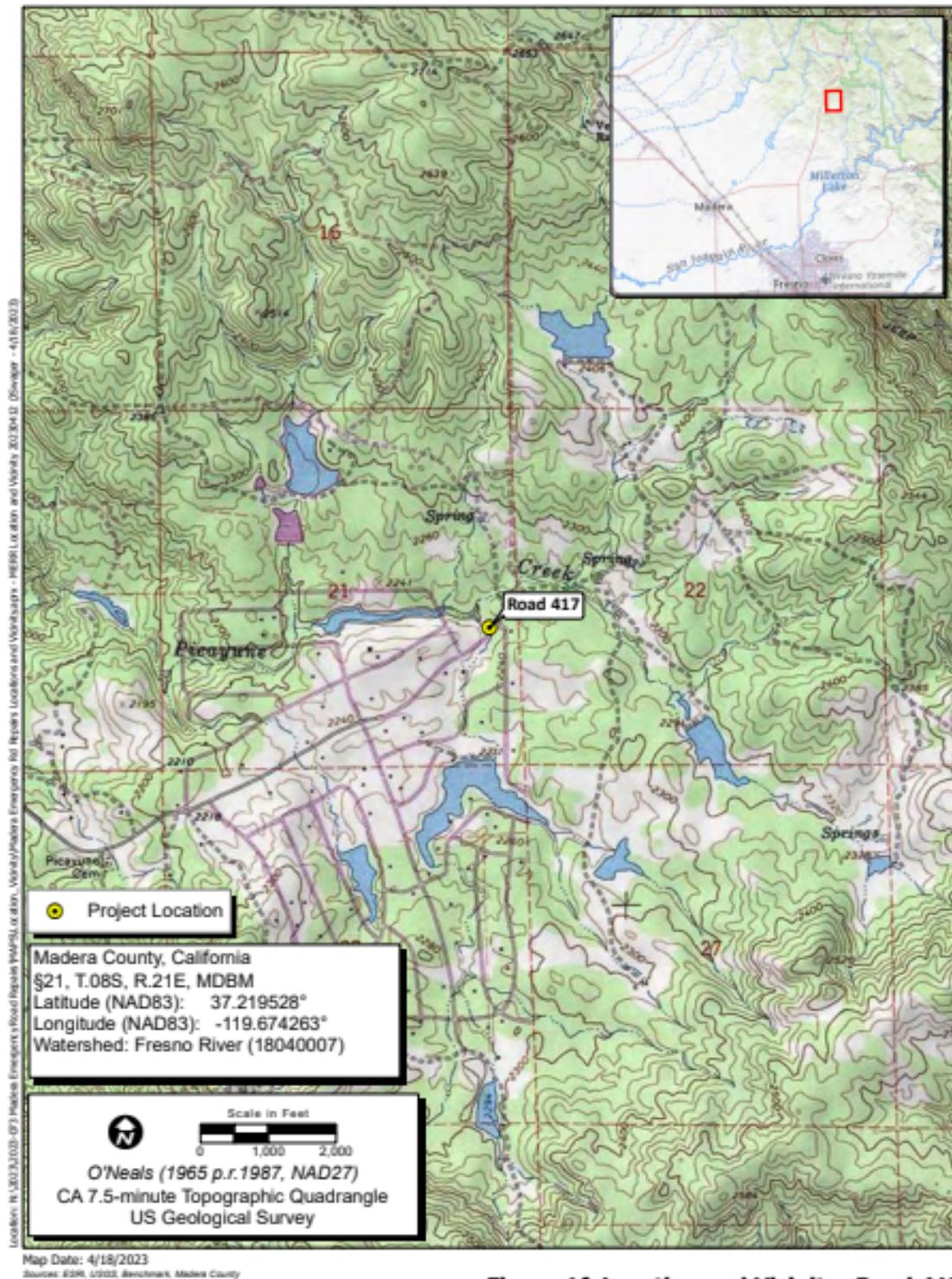


Figure 1f. Location and Vicinity- Road 417

Figure 13. Road 417 Impact Map



Figure 14. John West Road Location Map

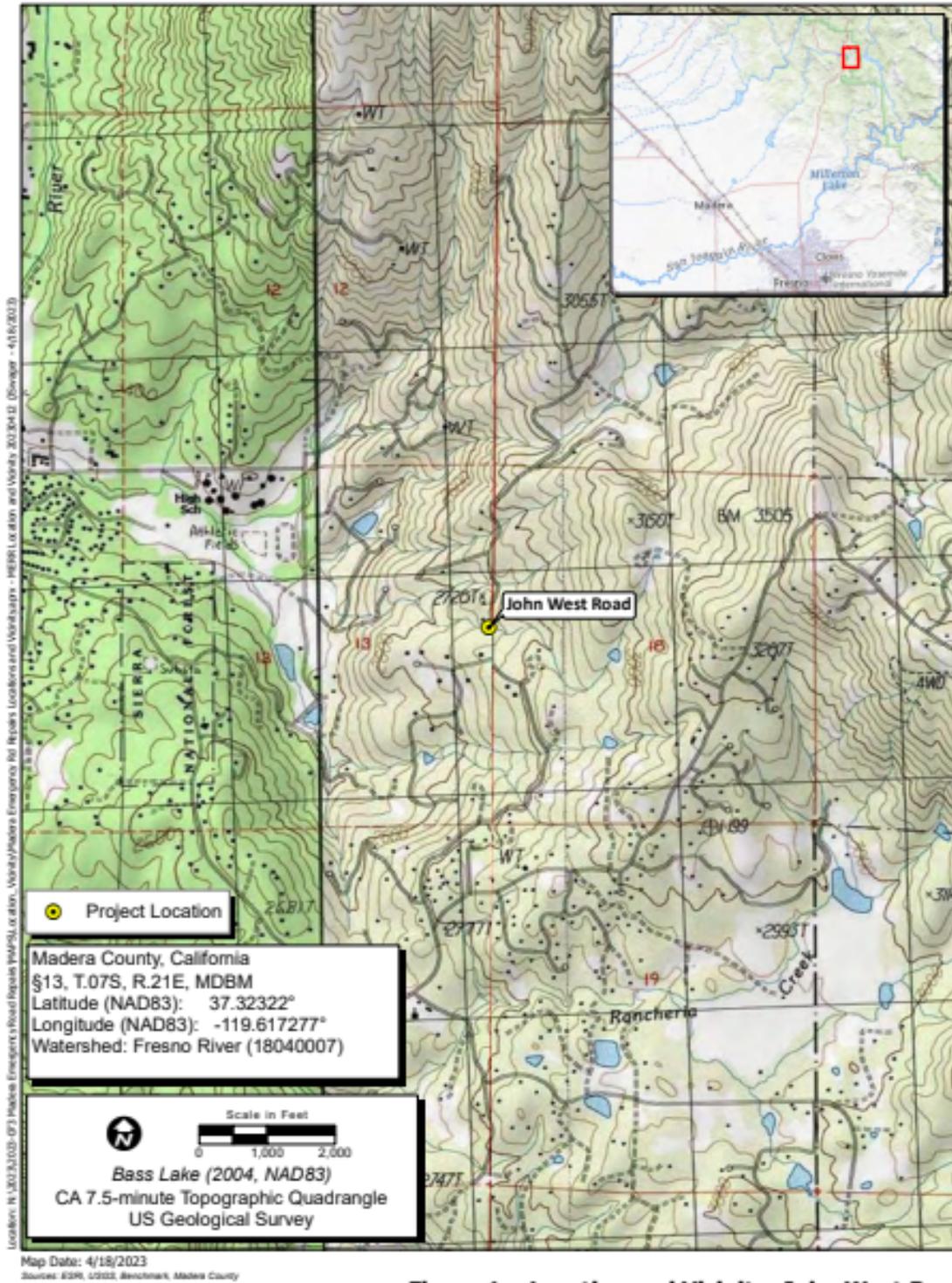


Figure 1g. Location and Vicinity- John West Road

Figure 15. John West Road Impact Map



Figure 16. Road 222 Location Map

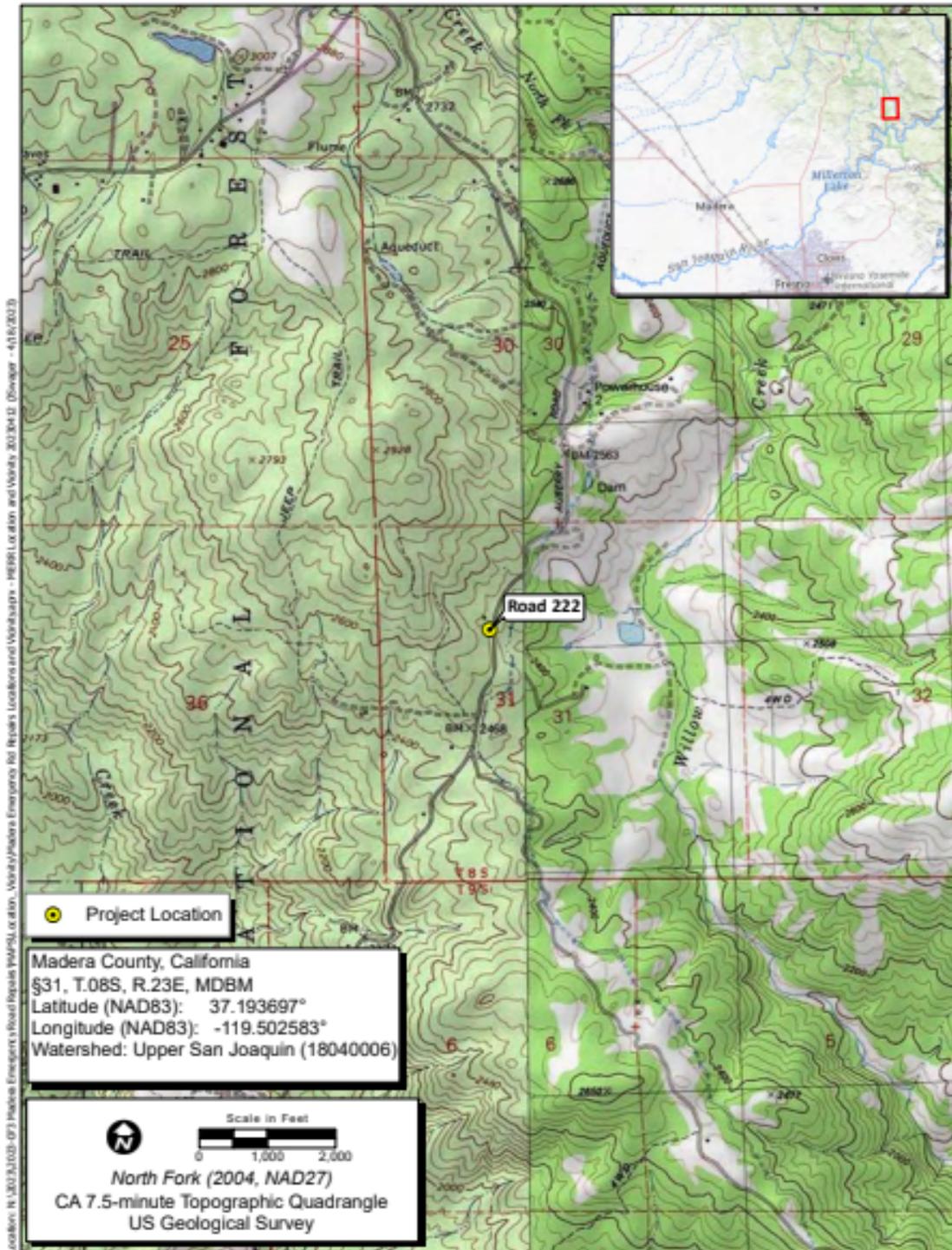


Figure 1h. Location and Vicinity- Road 222

Figure 18. Sutton Drive Location Map

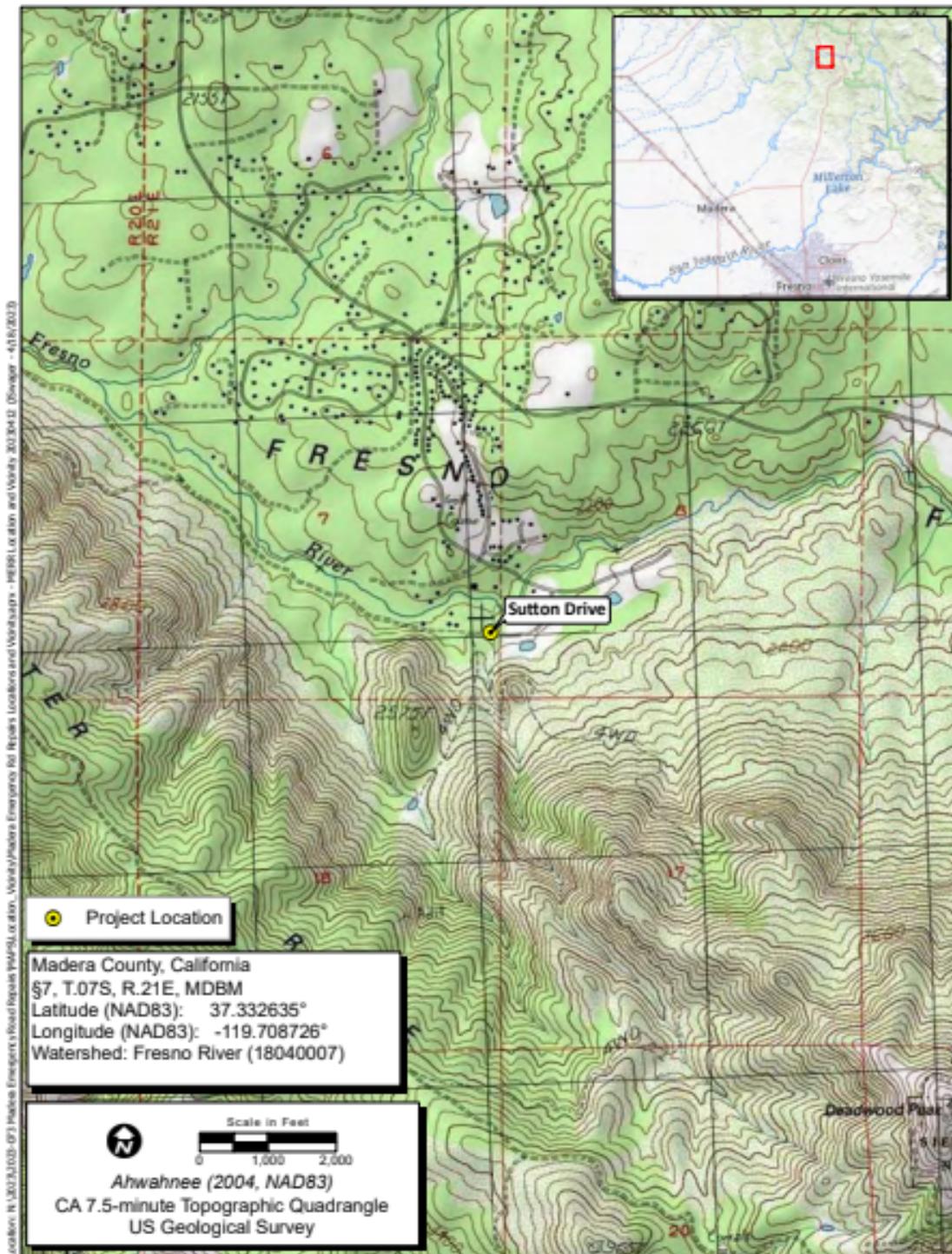


Figure 1i. Location and Vicinity- Sutton Drive

Figure 19. Sutton Drive Impact Map



Figure 20. Silver Spur Circle Location Map

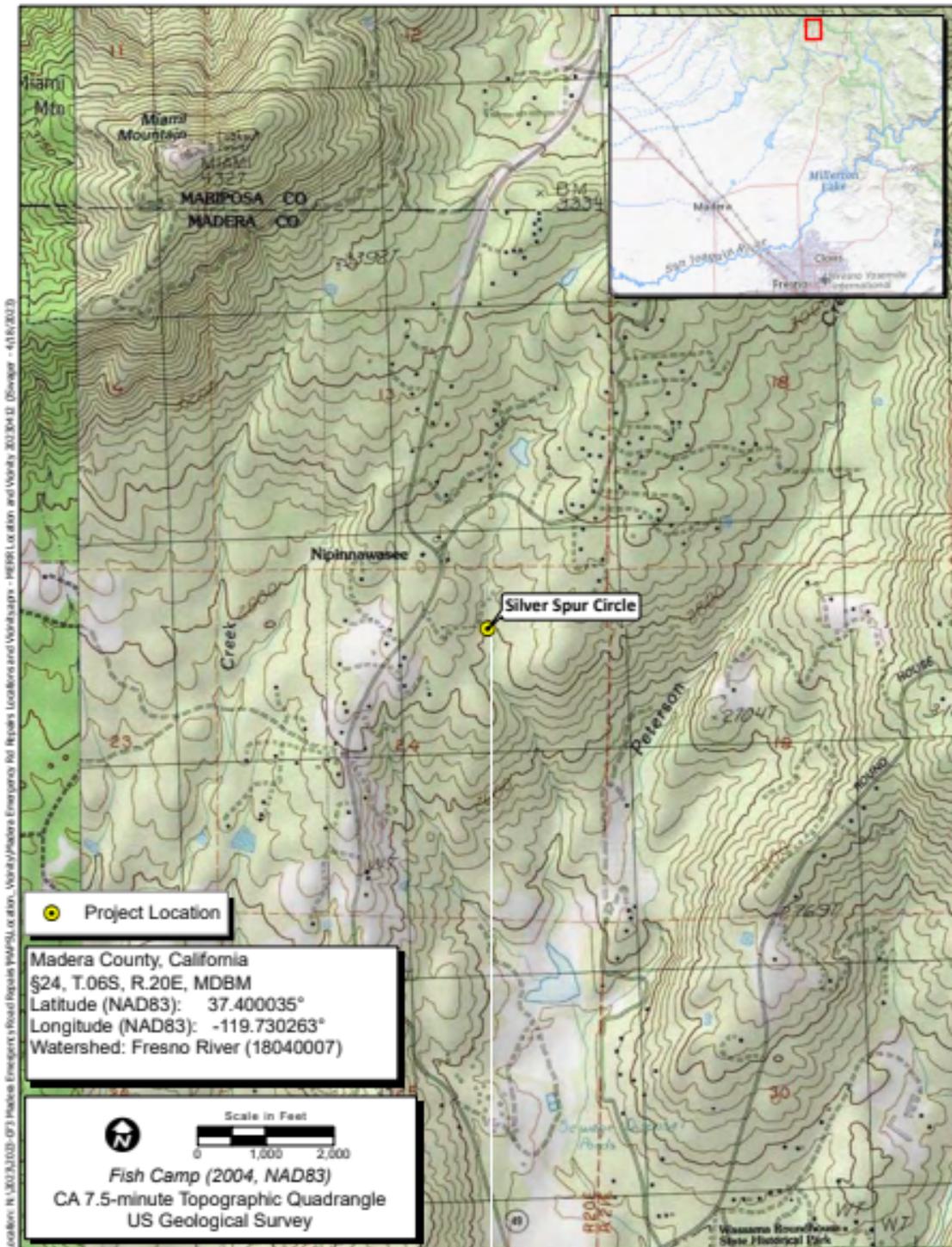


Figure 1j. Location and Vicinity- Silver Spur Circle

Figure 21. Silver Spur Circle Impact Map

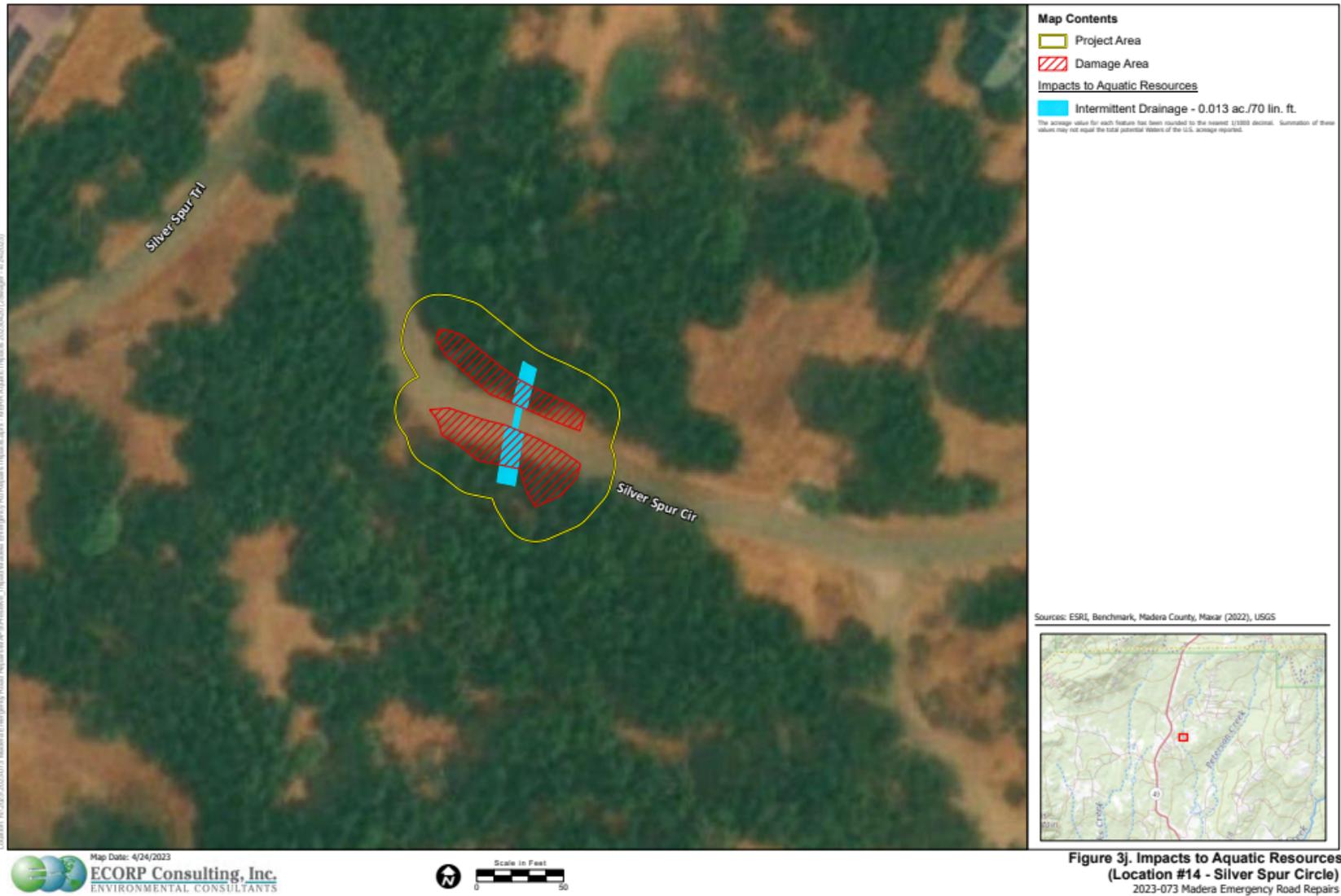


Figure 22. Road 225 Location Map

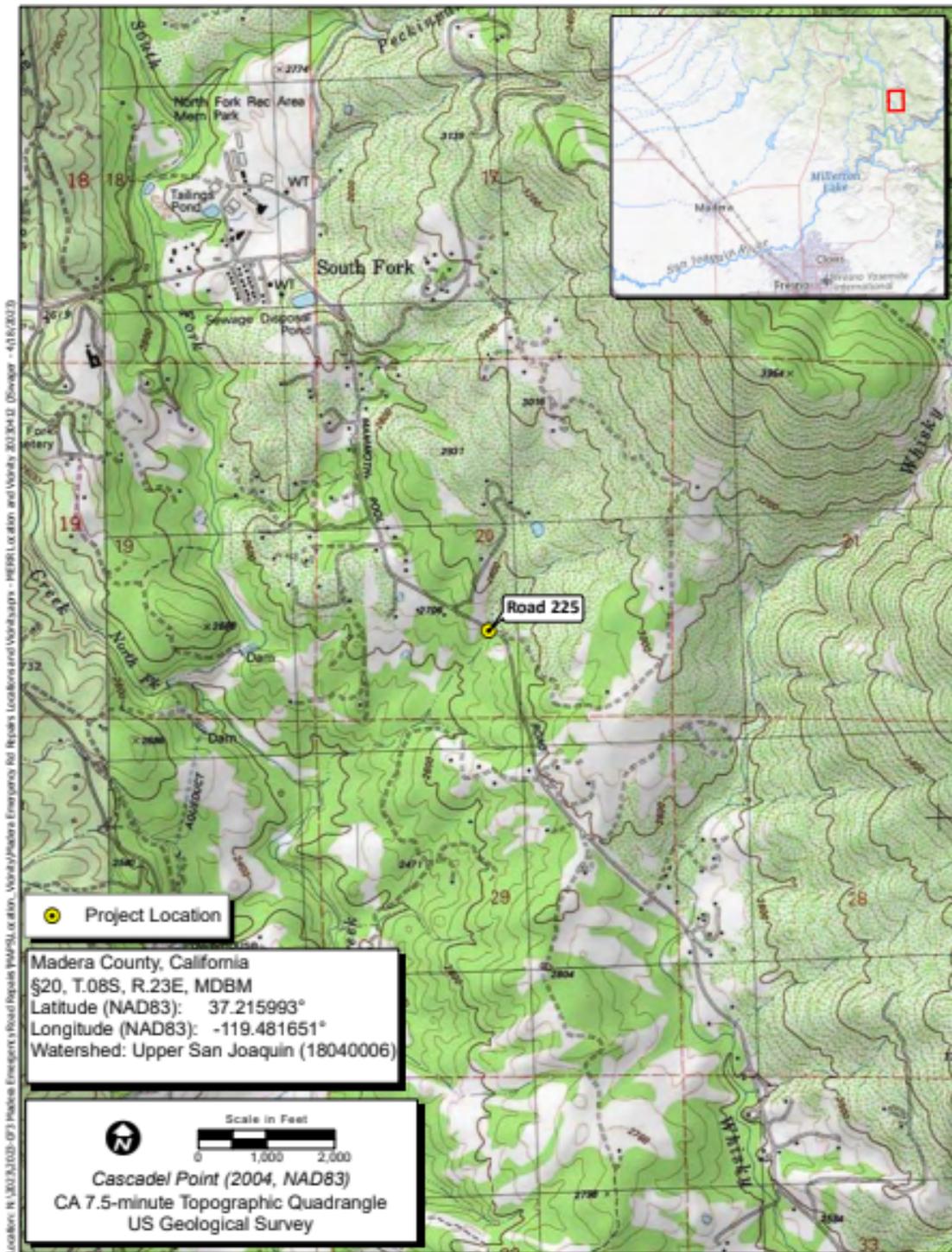


Figure 1k. Location and Vicinity- Road 225

Figure 23. Road 225 Impact Map



Figure 24. Road 274 Location Map

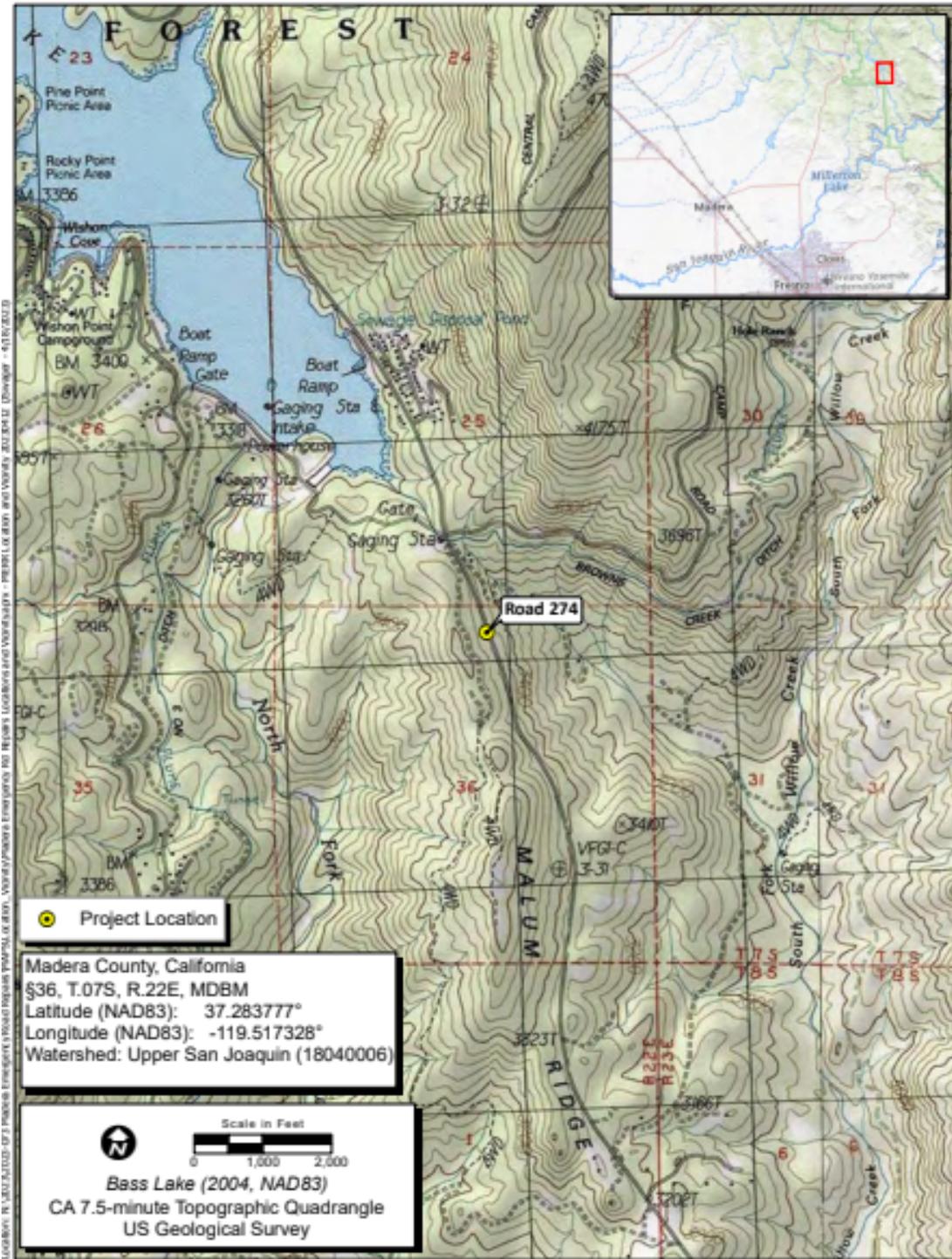
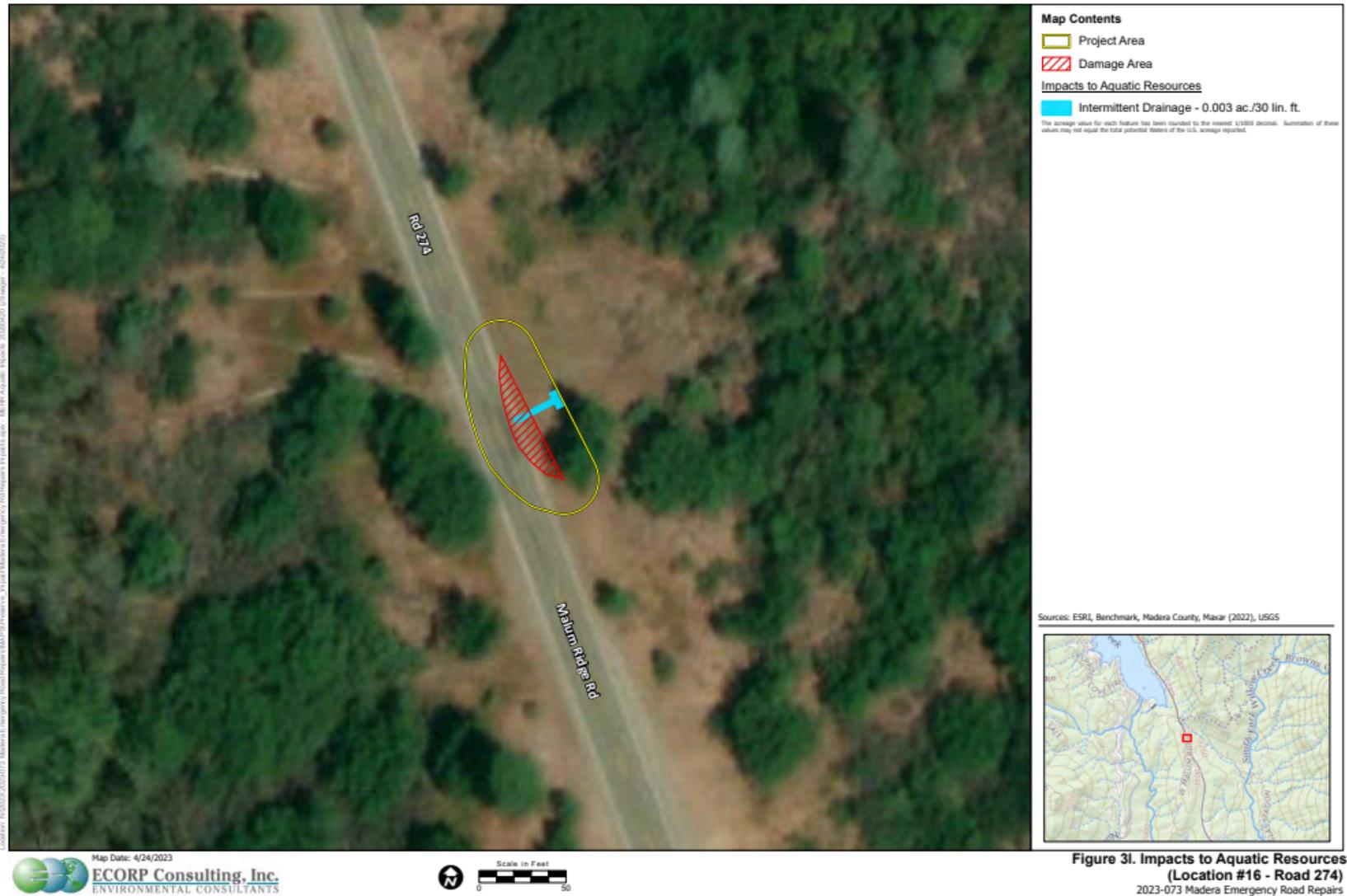


Figure 11. Location and Vicinity- Road 274

Figure 25. Road 274 Impact Map



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Attachment B – Receiving Waters, Impacts and Mitigation Information

The following table shows the receiving waters associated with each impact site.

Table 1: Receiving Water(s) Information

Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
Road 28 ½	Unnamed Tributary	Stream	545.30	Fresno River	MUN, AGR, REC-1, REC-2, WARM, WILD	Not Applicable	Not Applicable
Road 23	Unnamed Tributary	Stream	545.20	Fresno River	MUN, AGR, REC-1, REC-2, WARM, WILD	Not Applicable	Not Applicable
Dogwood Creek Road	Unnamed Tributary	Stream	540.21	Upper San Joaquin River	MUN, AGR, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable
Erie Road	Unnamed Tributary	Stream	539.31	Fresno River	MUN, AGR, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable
Seminole Avenue	Unnamed Tributary	Stream	539.31	Fresno River	MUN, AGR, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable

Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
Road 417	Unnamed Tributary	Stream	539.31	Fresno River	MUN, AGR, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable
John West Road	Unnamed Tributary	Stream	539.31	Fresno River	MUN, AGR, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable
Road 222	Unnamed Tributary	Stream	540.21	Upper San Joaquin River	MUN, AGR, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable
Sutton Drive	Unnamed Tributary	Stream	539.31	Fresno River	MUN, AGR, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable
Silver Spur Circle	Unnamed Tributary	Stream	539.31	Fresno River	MUN, AGR, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable
Road 225	Unnamed Tributary	Stream	540.21	Upper San Joaquin River	MUN, AGR, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable

Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
Road 274	Unnamed Tributary	Stream	540.21	Upper San Joaquin River	MUN, AGR, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable

Individual Direct Impact Locations

The following tables show individual impacts.

Table 2: Individual Temporary Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Road 28 ½	37.052399°	-120.029211°	No	0.00287	4.63	42
Road 23	37.007728°	-120.128564°	No	0.00323	5.22	48
Dogwood Creek Road	37.325677°	-119.565879°	No	0	0	0
Erie Road	37.209121°	-119.675381°	No	0.00428	6.94	63
Seminole Avenue	37.210058°	-119.676873°	No	0.00428	6.93	62
Road 417	37.219528°	-119.674263°	No	0	0	0
John West Road	37.323220°	-119.617277°	No	0.00279	4.52	46
Road 222	37.193697°	-119.502583°	No	0	0	0
Sutton Drive	37.332635°	-119.708726°	No	0	0	0
Silver Spur Circle	37.400035°	-119.730263°	No	0.00089	1.46	13
Road 225	37.215993°	-119.481651°	No	0	0	0
Road 274	37.283777°	-119.517328°	No	0	0	0

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Road 28 ½	37.052399°	-120.029211°	No	0.00574	4.62	17
Road 23	37.007728°	-120.128564°	No	0.00606	4.88	16
Dogwood Creek Road	37.325677°	-119.565879°	No	0.00636	5.12	39
Erie Road	37.209121°	-119.675381°	No	0.01063	8.58	24
Seminole Avenue	37.210058°	-119.676873°	No	0.00634	5.11	20
Road 417	37.219528°	-119.674263°	No	0.01885	15.2	87
John West Road	37.323220°	-119.617277°	No	0.00393	3.17	24
Road 222	37.193697°	-119.502583°	No	0.00179	1.45	15
Sutton Drive	37.332635°	-119.708726°	No	0.02316	18.68	54
Silver Spur Circle	37.400035°	-119.730263°	No	0.01233	9.95	56
Road 225	37.215993°	-119.481651°	No	0.00546	4.42	51
Road 274	37.283777°	-119.517328°	No	0.00287	2.31	30

Compensatory Mitigation Information

The following table shows individual compensatory mitigation requirements.

Table 4: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Stream Channel Habitat/Aquatic Resource Credits	0.10		Not Yet Purchased