



Central Valley Regional Water Quality Control Board

8 September 2020

Kristina Budak
City of Bakersfield
1000 Buena Vista Road
Bakersfield, CA 93311

NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE CITY OF BAKERSFIELD, EMERGENCY HOMELESS ENCAMPMENT CLEAN-UP PROJECT (WDID#5C15CR00114), KERN COUNTY

On 4 September 2020, City of Bakersfield (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 Emergency Homeless Encampment Clean-Up 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 will take place within 17 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/water_issues/programs/cwa401/docs/generalorders/order_rgp8.pdf) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/order_rgp8.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 4 September 2020, and supplementary information (Application Package). Coverage under the General Certification Order is no longer valid if the Project (as described) is modified.

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

1685 E Street, Fresno, CA 93706 | www.waterboards.ca.gov/centralvalley

PROJECT DESCRIPTION:

The 17-acre Project consists of cleanup of an island area within the Kern River that was burned in a recent fire. The island area contains a build-up of vegetation, trash, debris, human and hazardous waste from homeless encampment activities, creating a threat to health and safety of the community.

Working with Code Enforcement and Police, Water Resources personnel will assist in the clean-up by grading an access path for equipment ingress and egress to the island in the Kern River floodplain, where the main cause of the congregation of homeless encampments are occurring. The total work area in the channel will be 1,200 feet in length by 600 feet in width (approximately 17 acres). Debris and non-native vegetation will be removed.

Equipment to be used in this clean-up in the Kern River floodplain will be:

- Bobcat tracked skid steer
- Caterpillar D-5 bulldozer
- Caterpillar D-8 bulldozer (2)
- John Deer 690 Excavator

In addition to the equipment that will be used, Code Enforcement and Recreation and Parks will both utilize their Rapid Response Crews for hand-work that will be needed to gather debris and cut the non-native and invasive vegetation left in/around the encampment site. All invasive, non-native vegetation and debris will be removed by first sorting out the debris from the vegetation and then by placing each in an appropriate roll-off bin.

Any/all sand that is disturbed by the invasive and non-native vegetation removal will be redistributed into low spots within the floodplain.

The Project will temporarily impact 17 acres of waters of the United States by restoring the river channel to its original condition.

ADDITIONAL CONDITIONS:

1. The Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavations, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.
2. The Applicant shall monitor the site post-construction for one year to identify any repair any areas that contain excessive erosion.
3. Hazardous materials and other wastes must be disposed of at appropriate facilities.

PROJECT LOCATION:

The Project is located near Buena Vista Road and Stockdale Highway

Latitude: 35.3531618° and Longitude: -119.121371°

PROJECT SCHEDULE:

This clean-up is scheduled to start on 9 September 2020 and is expected to be finished by 18 September 2020.

APPLICATION FEE RECEIVED:

An application fee of \$ 1,949 was received on 4 September 2020.

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 H - 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 Debra Mahnke at (559) 445-6281 or Debra.Mahnke@waterboards.ca.gov.

Original Signed by Clay L. Rodgers for:

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Executive Officer

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