

# State of California – Natural Resources Agency DEPARTMENT OF FISH AND WILDLIFE

EDMUND G. BROWN, Jr., Governor CHARLTON H. BONHAM, Director

or VVR 104

Region 1 – Northern 601 Locust Street Redding, CA 96001 (530) 225-2300 www.wildlife.ca.gov

April 14, 2017

Mr. Douglas T. Cole Marble Mountain Ranch 92520 CA-96 Somes Bar, CA 95568

Dear Mr. Cole:

Complete Notification of Lake or Streambed Alteration, Notification No. 1600-2017-0135-R1, Marble Mountain Ranch Diversion, Stanshaw Creek.

On March 15, 2017 the California Department of Fish and Wildlife (CDFW) received your Notification of Lake or Streambed Alteration (Notification). On April 14, 2017, your Notification was deemed complete.

CDFW is required to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you within 60 calendar days from the date the Notification is complete, if CDFW determines that an Agreement is required for the project. An Agreement will be required if CDFW determines that your project could substantially adversely affect an existing fish or wildlife resource. Therefore, CDFW has until June 13, 2017 to issue you a draft Agreement or inform you that an Agreement is not required.

Please be advised that you may not proceed with any work until CDFW executes an Agreement, informs you that an Agreement is not needed, or does not provide you with a draft Agreement within 60 days of the date your notification was deemed complete.

If you have questions regarding this letter, please contact Mike Harris, Habitat Conservation Supervisor at (530) 225-2306 or by email at Michael.R.Harris@wildlife.ca.gov.

Sincerely,

Donna L. Cobb

Aquatic Conservation Planning Supervisor

ec: California Department of Fish and Wildlife

Michael R. Harris

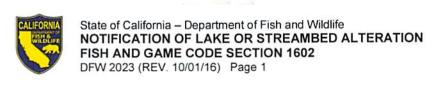
Danna S. Cobb

Churchwell White

barbara@churchwellwhite.com

North Coast Regional Water Quality Control Board

Conserving California's Wildlife Since 1870





		FOR DEPA	ARTMENT USE ONLY	
Date Received	Amount Received	Amount Due	Date Complete	Notification No.
3-15-17	\$ 541.00	\$		1600-2017-0135-RI
Assigned to:		Janac Scruggs		

# NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Complete EACH field, unless otherwise indicated, following the enclosed instructions and submit ALL required enclosures. Attach additional pages, if necessary.

## 1. APPLICANT PROPOSING PROJECT

Name	Douglas T. Cole		
Business/Agency	Marble Mountain Ranch		
Mailing Address	92520 CA-96		
City, State, Zip	Somes Bar, CA, 95568		
Telephone	(530) 469-3322	Fax	
Email	guestranch@marblemountainrand	h.com	

### 2. CONTACT PERSON (Complete only if different from applicant)

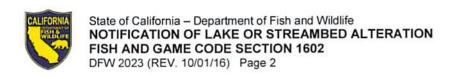
Name	Barbara A. Brenner				
Street Address	1414 K Street, 3rd Floor				
City, State, Zip	Sacramento, CA 95814				
Telephone	(916) 468-0950	Fax	(916) 468-0951		
Email	barbara@churchwellwhite.com				

### 3. PROPERTY OWNER (Complete only if different from applicant)

Name		
Street Address		
City, State, Zip		
Telephone	Fax	
Email		

# 4. PROJECT NAME AND AGREEMENT TERM

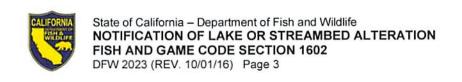
A. Project Nan	ne	Marble Mountain Ranch Diversion				
B. Agreement	Term Requested	Regular (5 years or less)  Long-term (greater than 5 years)				
C. Project Tern	n	D. Seasonal Work Period				
Beginning (year)	Ending (year)	Start Date (month/day)	End Date (month/day)	E. Number of Work Days		
1999	2022					



5. A	AGREEMENT TYPE							
Che	neck the applicable box. If box B, C, D, E, or F is checked, comp	lete the specified attachme	nt.					
A.	Standard (Most construction projects, excluding the category	ories listed below)						
В.	Gravel/Sand/Rock Extraction (Attachment A)	Mine I.D. Number:						
C.	Timber Harvesting (Attachment B)	THP Number:						
D.	Water Diversion/Extraction/Impoundment (Attachment C)	Water Diversion/Extraction/Impoundment (Attachment C) SWRCB Number: S016375						
E.	Routine Maintenance (Attachment D)							
F.	Remediation of Marijuana Cultivation Sites (Attachment E)							
G.	Department Grant Programs  Agreement No.	ımber:	2					
H.	☐ Master							
1.	Master Timber Operations							
6. FE	EES							
See	te the current fee schedule to determine the appropriate notification rresponding fee. Note: The Department may not process this notification.	on fee. Itemize each projection until the correct fee	t's estimated cost and					
	A. Project	B. Project Cost	C. Project Fee					
4	Markla Marrataia Barata Birania		Value (and the national section )					

A. Project	B. Project Cost	C. Project Fee
1 Marble Mountain Ranch Diversion	<\$5,000	\$561.00
2		
3		
4		
5		
6		
7		
8		
9		
10		
	D. Base Fee (if applicable)	
	E. TOTAL FEE*	\$561.00

<sup>\*</sup> Check, money order, and Visa or MasterCard payments are accepted. When payment is made by credit card, CDFW shall assess a separate credit card processing fee of 1.6% to the Total Fee. Credit card payment must be submitted with a completed Credit Card Payment Authorization Form (DFW 1443b (Rev. 8/15)) available online at: https://www.wildlife.ca.gov/Conservation/LSA/Forms or at a Department regional office.



# 7. PRIOR NOTIFICATION AND ORDERS

	ification previously been submitted epartment for the project described			nbed	Alteration Agre	eement previou	sly been issued
	rovide the information below)	□No					
Applicant	Notificatio	on Number Date					
Douglas T	. Cole	99-0040				April 28, 1	999
B. Is this noti	fication being submitted in respons the Department?	e to a court	or adminis	trativ	e order or noti	ce, or a notice	of violation (NOV)
☑No [	Yes (Enclose a copy of the orde verbally rather than in writin and the agency he or she re	ig, identify th	he person v	who c	directed the ap	plicant to subm s relating to the	it this notification
8. PROJECT I	LOCATION						
(Include a	or description of project location.  map that marks the location of the from a major road or highway)	project with	a reference	e to t	he nearest city	or town, and p	provide driving
	iver and about 8 miles north of the second about 8 miles north of the second am, or lake affected by the project.	Stanshaw				Continued of	n additional page(s)
	r body is the river, stream, or lake t		Klamath	River			
D. Is the river	or stream segment affected by the deral Wild and Scenic Rivers Acts?		-		]Yes	☑No	Unknown
E. County	Siskiyou						
F. USGS 7.5	Minute Quad Map Name		G. Towns	hip	H. Range	I. Section	J. 1/4 Section
Bark Shanty G	ulch, CA		13N		6E	33	NW
						Continued or	n additional page(s)
K. Meridian (c	theck one)	☐Mt. Dia	ablo 🔲 s	an B	ernardino		
L. Assessor's	Parcel Number(s)						
U.S. Forest	Service Land					Continued or	n additional page(s)

M. Coordinates (If av	ailable, provide at leas	st latitude/longitude o	r UTM coordinates ar	nd check appropriate boxes)
	Latitude: 42.472346	5N	Longitude: 12	3.50418W
Latitude/Longitude	☑ Degrees/I	Minutes/Seconds	Decimal Degre	ees Decimal Minutes
υтм	Easting:	Northing:		□Zone 10 □Zone 11
Datum used for Latitude/Longitude or UTM			NAD 27	NAD 83 or WGS 84

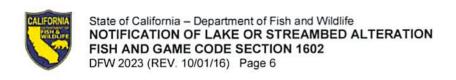
WORK TYPE	NEW CONSTRUCTION	REPLACE EXISTING STRUCTURE	REPAIR-MAINTAIN-OPERATE EXISTING STRUCTURE	
Bank stabilization – bioengineering/recontouring			П	
Bank stabilization – rip-rap/retaining wall/gabion				
Boat dock/pier				
Boat ramp				
Bridge				
Channel clearing/vegetation management				
Culvert				
Debris basin				
Dam				
Filling of wetland, river, stream, or lake				
Geotechnical survey			П	
Habitat enhancement - revegetation/mitigation				
Levee				
Low water crossing				
Road/trail				
Sediment removal: pond, stream, or marina				
flood control				
Storm drain outfall structure				
Temporary stream crossing				
Utility crossing: horizontal directional drilling				
jack/bore				
open trench				
Water diversion without facility			₹	
Water diversion with facility				
Other (specify):	П	П	П	

### 10. PROJECT DESCRIPTION

- A. Describe the project in detail. Include photographs of the project location and immediate surrounding area.
  - Written description of all project activities with detailed step-by-step description of project implementation.
  - Include any structures (e.g., rip-rap, culverts) that will be placed or modified in or near the stream, river, or lake, and any channel clearing.
  - Specify volume, and dimensions of all materials and features (e.g., rip rap fields) that will be used or installed.
  - If water will be diverted or drafted, specify the purpose or use.
  - Enclose diagrams, drawings, plans, and maps that provide all of the following: site specific construction details; dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain; overview of the entire project area (i.e., "bird's-eye view") showing the location of each structure and/or activity, significant area features, stockpile areas, areas of temporary disturbance, and where the equipment/machinery will access the project area.

The project diverts water from Stanshaw Creek to Marble Mountain Ranch for irrigation, recreation, domestic, and small hydro-electric use. The activities that will occur near Stanshaw Creek in order to divert water include: (1) maintenance and repair of a hand stacked rock diversion to entrain flows into a diversion ditch and (2) maintenance of an existing culvert/flume crossing on an unnamed ephemeral stream that is tributary to Stanshaw Creek. The hand stacked diversion as well as the culvert/flume crossing are inspected and maintained on an ongoing basis to ensure that the diversion works are in proper working order. Maintenance and repair work does not introduce non-native materials into Stanshaw Creek and typically occurs following storm events that disrupt the existing diversion works. Photographs of the point of diversion during a high flow and a low flow period are attached as Exhibit A

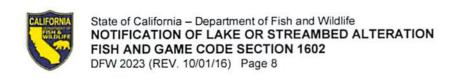
A.	
	Continued on additional page(s
B. Specify the equipment and machinery that will be used to cor	mplete the project.
Hand tools such as shovels, picks and wheel barrows	S.    Continued on additional page(s
<ol> <li>Will water be present during the proposed work period (speci the stream, river, or lake (specified in box 8.B).</li> </ol>	ified in box 4.D) in Yes No (Skip to box 11)
D. Will the proposed project require work in the wetted portion	Yes (Enclose a plan to divert water around work site)



## 11. PROJECT IMPACTS

THE TROOP OF THE PROPERTY OF T		
	and bank of the river, stream, or lake, and the ength (linear feet) and area (square feet or d, displaced, or otherwise disturbed, if app	acres) and the type and volume of
There is no impact to the bed, bank divert water to Marble Mountain Ra diversion structure. The culvert/flu maintained in compliance with Mark	nch are part of the existing stream me crossing are currently existing i	that are realigned to form a nfrastructure that are
		Continued on additional page(s)
B. Will the project affect any vegetation?	Yes (Complete the tables below)	No (Include aerial photo with date supporting this determination)
Vegetation Type	Temporary Impact	Permanent Impact
	Linear feet:	Linear feet:
	Total area:	Total area:
	Linear feet:	Linear feet:
	Total area:	Total area:
		Total area.
Tree Species	Number of Trees to be Removed	Trunk Diameter (range)
		Continued on additional page(s)
C. Are any special status animal or plant s near the project site?	pecies, or habitat that could support such	
Yes (List each species and/or describ	pe the habitat below)	Unknown
		Continued on additional page(s)
D. Identify the source(s) of information that	supports a "yes" or "no" answer above in	Box 11.C.
		Continued on additional page(s)
E. Has a biological study been completed	for the project site?	
Yes (Enclose the biological study)	□No	
Note: A biological assessment or study n	nay be required to evaluate potential proje	ct impacts on biological resources.

F. Has a hydrological study been completed for the project or project site?
Yes (Enclose the hydrological study)
Note: A hydrological study or other information on site hydraulics (e.g., flows, channel characteristics, and/or flood recurrence intervals) may be required to evaluate potential project impacts on hydrology.
G. Have fish or wildlife resources or waters of the state been mapped or delineated on the project site?
Yes (Enclose the mapped results) No
Note: Check "yes" if fish and wildlife resources or waters of the state on the project site have been mapped or delineated. "Wildlife' means and includes all wild animals, birds, plants, fish, amphibians, reptiles and related ecological communities, including the habitat upon which the wildlife depends." (Fish & G. Code, § 89.5.) If "yes" is checked, submit the mapping or delineation. If the mapping or delineation is in digital format (e.g., GIS shape files or KMZ), you must submit the information in this format for the Department to deem your notification complete. If "no" is checked, or the resolution of the mapping or delineation is insufficient, the Department may request mapping or delineation (in digital or non-digital format), or higher resolution mapping or delineation for the Department to deem the notification complete.
12. MEASURES TO PROTECT FISH, WILDIFE, AND PLANT RESOURCES
A. Describe the techniques that will be used to prevent sediment from entering watercourses during and after construction.
Sediment does not enter the watercourse during or after the hand stacking of rocks that are already present in the streambed. The maintenance and repair work is based on the materials that are available in Stanshaw Creek; it does not add to the existing sediment in Stanshaw Creek while the work is being done.   Continued on additional page(s)
B. Describe project avoidance and/or minimization measures to protect fish, wildlife, and plant resources.
While the rocks that form the diversion structure are stacked and related maintenance activity is undertaken, water from Stanshaw Creek may still pass to serve fish, wildlife, and plant resources below Marble Mountain Ranch's point of diversion.
☐ Continued on additional page(s)
C. Describe any project mitigation and/or compensation measures to protect fish, wildlife, and plant resources.
Maintenance efforts typically coincide with the end of storm events to ensure that any impacts to fish, wildlife, and plant resources are avoided.   Continued on additional page(s)



### 13. PERMITS

15. PERMITS						
List any local, State, and federal permits each permit that has been issued.	required	d for the project and	check t	the corresponding	box(es). Enclos	e a copy of
A. United States Forest Service					Applied	✓Issued
В					Applied	Issued
C					Applied	Issued
	r	Tendaral narmitis	sadad f	for the project (C		
D. Unknown whether ∐local, ∐Sta	ite, or L	_rederal permit is r	ieeaea i	for the project. (C	песк еасп вох т	at applies)
					Continued on add	litional page(s)
14. ENVIRONMENTAL REVIEW						
A. Has a draft or final document been pre (CEQA) and/or National Environmenta			ant to th	ne California Envir	onmental Quality	Act
Yes (Check the box for each CEQA o	r NEPA d	document that has be	en prepa	red and enclose a d	copy of each.)	
No (Check the box for each CEQA or	r NEPA d	locument listed below	that will	be or is being prepa	ared.)	
✓ Notice of Exemption	gated Ne	egative Declaration		NEPA docum	nent (type):	
☐Initial Study ☐Envi	Environmental Impact Report			-		
Negative Declaration Notice	ce of De	termination (Enclos	e)			
☐THP/ NTMP ☐Mitig	jation, M	Ionitoring, Reportin	g Plan			
B. State Clearinghouse Number (if applied	able)					
C. Has a CEQA lead agency been determ	nined?	Yes (Complete	boxes L	D, E, and F)	□No (Skip to l	box 14.G)
D. CEQA Lead Agency						
E. Contact Person				ephone Number		
G. If the project described in this notificat entire project (Cal. Code Regs., tit. 14			t" or acti	ion pursuant to C	EQA, briefly desc	ribe the
					Continued on addi	tional page(s)
H. Has a CEQA filing fee been paid pursu	uant to F	ish and Game Cod	e sectio	n 711.4?		
Yes (Enclose proof of payment)		No ( <i>Briefly explain t</i>	elow the	e reason a CEQA	filing fee has no	t been paid)
Note: If a CEQA filing fee is required, the	e Lake o	r Streambed Altera	tion Agre	eement mav not l	pe finalized until r	paid.



Mar 04 17 09:53a

State of California - Department of Fish and Wildlife
NOTIFICATION OF LAKE OR STREAMBED ALTERATION
FISH AND GAME CODE SECTION 1602
DFW 2023 (REV. 10/01/16) Page 9

15. SITE INSPECTION	NC
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	, or a market service
	Check one box only.
i	In the event the Department determines that a site inspection is necessary, I hereby authorize a Department representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant the Department such entry.
į	I request the Department to first contact (insert name) Barbara A. Brenner
	at (insert telephone number) (916) 468-0950 to schedule a date and time to enter the property where the project described in this notification will take place. I understand that this may delay the Department's determination as to whether a Lake or Streambed Alteration Agreement is required and/or the Department's issuance of a draft agreement pursuant to this notification.
16.	DIGITAL FORMAT
	Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)?
	Yes (Please enclose the information via digital media with the completed notification form)
17.	SIGNATURE
	I hereby certify that to the best of my knowledge the information in this notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the applicant. I understand that if any information in this notification is found to be untrue or incorrect, the Department may suspend processing this notification or suspend or revoke any draft or final Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand also that if any information in this notification is found to be untrue or incorrect and the project described in this notification has already begun, I and/or the applicant may be subject to civil or criminal prosecution. I understand that this notification applies only to the project(s) described herein and that I and/or the applicant may be subject to civil or criminal prosecution for undertaking any project not described herein unless the Department has been separately notified of that project in accordance with Fish and Game Code section 1602 or 1611.
	Signature of Applicant or Applicant's Authorized Representative  Douglas T. Cole  Print Name