



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
Redding, CA 96001
(530) 225-2300
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor WR 164
CHARLTON H. BONHAM, Director



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

Churchwell White
barbara@churchwellwhite.com

North Coast Regional Water Quality Control Board

Conserving California's Wildlife Since 1870



FOR DEPARTMENT USE ONLY				
Date Received	Amount Received	Amount Due	Date Complete	Notification No.
3-15-17	\$ 541.00	\$		1600-2017-0135-R1
Assigned to:		Janae 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@marblemountainranch.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 Name		Marble Mountain Ranch Diversion		
B. Agreement Term Requested		<input checked="" type="checkbox"/> Regular (5 years or less) <input type="checkbox"/> Long-term (greater than 5 years)		
C. Project Term		D. Seasonal Work Period		E. Number of Work Days
Beginning (year)	Ending (year)	Start Date (month/day)	End Date (month/day)	
1999	2022			



5. AGREEMENT TYPE

Check the applicable box. If box B, C, D, E, or F is checked, complete the specified attachment.	
A.	<input type="checkbox"/> Standard (Most construction projects, excluding the categories listed below)
B.	<input type="checkbox"/> Gravel/Sand/Rock Extraction (Attachment A) Mine I.D. Number: _____
C.	<input type="checkbox"/> Timber Harvesting (Attachment B) THP Number: _____
D.	<input checked="" type="checkbox"/> Water Diversion/Extraction/Impoundment (Attachment C) SWRCB Number: <u>S016375</u>
E.	<input checked="" type="checkbox"/> Routine Maintenance (Attachment D)
F.	<input type="checkbox"/> Remediation of Marijuana Cultivation Sites (Attachment E)
G.	<input type="checkbox"/> Department Grant Programs Agreement Number: _____
H.	<input type="checkbox"/> Master
I.	<input type="checkbox"/> Master Timber Operations

6. FEES

See the current fee schedule to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. <i>Note: The Department may not process this notification until the correct fee has been received.</i>			
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

* 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

A. Has a notification previously been submitted to, or a Lake or Streambed Alteration Agreement previously been issued by, the Department for the project described in this notification?		
<input checked="" type="checkbox"/> Yes (Provide the information below) <input type="checkbox"/> No		
Applicant	Notification Number	Date
Douglas T. Cole	99-0040	April 28, 1999
B. Is this notification being submitted in response to a court or administrative order or notice, or a notice of violation (NOV) issued by the Department?		
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Enclose a copy of the order, notice, or NOV. If the applicant was directed to notify the Department verbally rather than in writing, identify the person who directed the applicant to submit this notification and the agency he or she represents, and describe the circumstances relating to the order.)		
<input type="checkbox"/> Continued on additional page(s)		

8. PROJECT LOCATION

A. Address or description of project location. (Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway)				
The project is located on Stanshaw Creek about 0.87 miles upstream of the confluence with the Klamath River and about 8 miles north of Somes Bar.				
<input type="checkbox"/> Continued on additional page(s)				
B. River, stream, or lake affected by the project.	Stanshaw Creek			
C. What water body is the river, stream, or lake tributary to?	Klamath River			
D. Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown	
E. County	Siskiyou			
F. USGS 7.5 Minute Quad Map Name	G. Township	H. Range	I. Section	J. ¼ Section
Bark Shanty Gulch, CA	13N	6E	33	NW
<input type="checkbox"/> Continued on additional page(s)				
K. Meridian (check one)	<input checked="" type="checkbox"/> Humboldt <input type="checkbox"/> Mt. Diablo <input type="checkbox"/> San Bernardino			
L. Assessor's Parcel Number(s)				
U.S. Forest Service Land				
<input type="checkbox"/> Continued on additional page(s)				



M. Coordinates (If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes)			
Latitude/Longitude	Latitude: 42.472346N		Longitude: 123.50418W
	<input checked="" type="checkbox"/> Degrees/Minutes/Seconds	<input checked="" type="checkbox"/> Decimal Degrees	<input type="checkbox"/> Decimal Minutes
UTM	Easting:	Northing:	<input type="checkbox"/> Zone 10 <input type="checkbox"/> Zone 11
Datum used for Latitude/Longitude or UTM		<input type="checkbox"/> NAD 27	<input checked="" type="checkbox"/> NAD 83 or WGS 84

9. PROJECT CATEGORY

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



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.

Continued on additional page(s)

B. Specify the equipment and machinery that will be used to complete the project.

Hand tools such as shovels, picks and wheel barrows.

Continued on additional page(s)

C. Will water be present during the proposed work period (specified in box 4.D) in the stream, river, or lake (specified in box 8.B).

Yes No (*Skip to box 11*)

D. Will the proposed project require work in the wetted portion of the channel?

Yes (*Enclose a plan to divert water around work site*)
 No



11. PROJECT IMPACTS

A. Describe impacts to the bed, channel, and bank of the river, stream, or lake, and the associated riparian habitat. Specify the dimensions of the modifications in length (linear feet) and area (square feet or acres) and the type and volume of material (cubic yards) that will be moved, displaced, or otherwise disturbed, if applicable.

There is no impact to the bed, banks, and channel of Stanshaw Creek. The rocks to be stacked to divert water to Marble Mountain Ranch are part of the existing stream that are realigned to form a diversion structure. The culvert/flume crossing are currently existing infrastructure that are maintained in compliance with Marble Mountain Ranch's water right.

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: _____ Total area: _____	Linear feet: _____ Total area: _____
	Linear feet: _____ Total area: _____	Linear feet: _____ 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 species, or habitat that could support such species, known to be present on or near the project site?

Yes (List each species and/or describe the habitat below) No 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 may be required to evaluate potential project impacts on biological resources.



F. Has a hydrological study been completed for the project or project site?

Yes (Enclose the hydrological study) No

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, WILDLIFE, 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

List any local, State, and federal permits required for the project and check the corresponding box(es). Enclose a copy of each permit that has been issued.

A. United States Forest Service Applied Issued

B. _____ Applied Issued

C. _____ Applied Issued

D. Unknown whether local, State, or federal permit is needed for the project. (Check each box that applies)

Continued on additional page(s)

14. ENVIRONMENTAL REVIEW

A. Has a draft or final document been prepared for the project pursuant to the California Environmental Quality Act (CEQA) and/or National Environmental Protection Act (NEPA)?

Yes (Check the box for each CEQA or NEPA document that has been prepared and enclose a copy of each.)

No (Check the box for each CEQA or NEPA document listed below that will be or is being prepared.)

<input checked="" type="checkbox"/> Notice of Exemption	<input type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/> NEPA document (type): _____
<input type="checkbox"/> Initial Study	<input type="checkbox"/> Environmental Impact Report	
<input type="checkbox"/> Negative Declaration	<input type="checkbox"/> Notice of Determination (Enclose)	
<input type="checkbox"/> THP/ NTMP	<input type="checkbox"/> Mitigation, Monitoring, Reporting Plan	

B. State Clearinghouse Number (if applicable) _____

C. Has a CEQA lead agency been determined? Yes (Complete boxes D, E, and F) No (Skip to box 14.G)

D. CEQA Lead Agency _____

E. Contact Person _____ F. Telephone Number _____

G. If the project described in this notification is not the "whole project" or action pursuant to CEQA, briefly describe the entire project (Cal. Code Regs., tit. 14, § 15378).

Continued on additional page(s)

H. Has a CEQA filing fee been paid pursuant to Fish and Game Code section 711.4?

Yes (Enclose proof of payment) No (Briefly explain below the reason a CEQA filing fee has not been paid)

Note: If a CEQA filing fee is required, the Lake or Streambed Alteration Agreement may not be finalized until paid.



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15. SITE INSPECTION

Check one box only.

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.

I request the Department to first contact (insert name) Barbara A. Brenner
at (insert telephone number) (916) 488-0950 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)

No

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.

Douglas T. Cole

Signature of Applicant or Applicant's Authorized Representative

3/04/2017

Date

Douglas T. Cole

Print Name