

ATTACHMENT 3

From: Rains, Sarah@Wildlife [mailto:Sarah.Rains@wildlife.ca.gov]
Sent: Friday, May 20, 2016 12:17 PM
To: Rodriguezaicp@aol.com
Cc: Potter, Martin@Wildlife; Zorovich, John
Subject: RE: Sierra Grande Project Streambed Alteration Agreement

Hi Steve,

To clarify the e-mail that I sent Supervisor Doreen Farr, I've copy/pasted it below and added my clarifications within it. Hopefully the new text should show up in red.

*2006-0344 Agreement can not be used for purposes of the Sierra Grande project.

The 2006-0344 Agreement is in no way connected to the zipline project. The zipline project is to construct a recreational park with a zipline. Access to this park will cross the Santa Ynez river at a culverted Arizona crossing. The culverted Arizona crossing was previously permitted through the 2006-0344 Agreement. The applicant for the zipline project does not need to notify CDFW in order to use this crossing. If the applicant for the zipline project intends to modify the crossing, then the applicant for the zipline project would need to send in a notification for that modification. Such a modification would not be allowed to be added onto the previously existing Agreement.

That being said, the applicant for the zipline project **does** need to submit a streambed alteration notification form to CDFW that describes the project, the location, the impacts, and any mitigation that might be needed should there be impacts to ephemeral streams that may or may not be located where the zipline is being constructed. The ephemeral streams should be documented via a jurisdictional delineation report and submitted with the notification. The biological consultant for the project typically is the person who conducts the jurisdictional delineation.

*The mitigation requirements of that agreement have not been fulfilled (we have no record of them being fulfilled).

We have no record of mitigation requirements from 2006-0344 being fulfilled. This is a separate matter entirely and has nothing to do with the zipline project. I will contact the applicant for the 2006-0344 about this.

*We did receive the MND for the Sierra Grande project (zipline project) and at the time, had no comments.

According to our phone call on the morning of May 20, 2016, nothing has changed in the zipline project from when the MND was sent out. We have been told the amount of traffic increase through the area has been considered insignificant in comparison to the previous use of the property for commercial horse boarding. However, it is my understanding that the MND did not discuss impacts ephemeral streams in the area, and that is what I am asking to look at in the streambed alteration notification.

* The applicants for the Sierra Grande project (zipline project) will need to send in a brand new notification for their project.

There is no existing streambed alteration notification or agreement describing the zipline project and how it may or may not impact ephemeral streams in the area. The applicant needs to submit to CDFW a streambed alteration notification packet for the zipline project that addresses the ephemeral streams. It should be noted that the access to the zipline project is over a crossing at the Santa Ynez river that has been previously authorized, no new road or crossing will be built over the Santa Ynez river in order to access this project site.

* We will need to see a biological report covering the area of the project that is no older than 3 years, and if there are any sensitive species, then the bio-report must be no older than one year. (I forgot to mention that there are steelhead in the river, so that automatically bumps it into the 1 year necessity).

This is pretty clear. I need to see a biological report that is an assessment of the habitat where the project is being constructed. The report needs to be no older than 1 year. Any ephemeral stream in this area contributes water to the Santa Ynez and changes to the ephemeral streams could impact steelhead which are California State Species of Special Concern. The biological assessment needs to include impacts from construction and access to construction. If access to the construction is on existing roads, that needs to be mapped out and made clear. A map should be included with the

bio assessment that shows CDFW jurisdictional area (all watercourses, not just blue line streams), vegetation classification, polygons showing where impacts are occurring, each impact should be labeled- (temporary or permanent, grading impacts, veg removal impact), and each polygon should have amount of impact in acreage.

The bio assessment needs to identify all the species that would occur in the area, common and special status. The special status species need to have discussions included of what they are and what their likelihood of being present during construction are.

* The applicant will need to have a jurisdictional delineation completed that includes the ephemeral streams being impacted from construction of the zipline, not just the Santa Ynez river.

As previously mentioned above, a jurisdictional delineation is needed that includes the ephemeral streams. If the applicant feels the ephemeral streams will not be impacted, this is something that can be shown and explained in the delineation. The Santa Ynez river should be included in the delineation with a polygon showing where the zipline project is. This should help to show the distance from the project to the river. Once again, since the access to the project is over an existing road and crossing, the existing road and crossing are not being considered new impacts to the river and there should be no new impacts to the river from this use. It would be helpful if there is a discussion included about this.

* The RWQCB should be contacted for this project also.

The RWQCB should definitely still be contacted for this project.

* Impacts from the 2006-0344 project to fix and maintain the culvert are different from the impacts being proposed by the Sierra Grande project, as in there would be more people using the road to cross over the river, hence the added need to have an updated biological report that would take into thought, those kind of impacts.

At the time of my phone call with Doreen Farr, I understood there would be more people using the crossing. It has since been explained to me that the court has ruled (is that statement correct?) that there is no significant change in the number of people using the crossing versus the number of people that previously used the crossing. The project is the construction of the zipline. If a Streambed Alteration Agreement is written, the Agreement would address the impacts from construction and usage of the zipline. The usage of the zipline involves an increase in people using the Santa Ynez River crossing however this increase has been found to be insignificant. If this is something CDFW finds to be a significant impact to the river, then mitigation to address this usage would be suggested, such as....maybe funding a span bridge across the river in order to reconnect the river and remove the pinch point where the culverts are located. The biological report being submitted with the notification for the zipline project should address this issue.

*As it was stressed on the phone call, please send in a streambed alteration notification for this project. Once I get that notification, I am required to review it within 30 days for completeness, and then if it is found to be complete, within 60 days I am required to either prepare an agreement, or make the determination that no agreement is needed. It is during this time that I should be able to come out for a site visit. I personally do like to come out and conduct site visits prior sending in a notification, however at this moment my schedule is full and I am having to address projects that have already notified and are subject to those deadlines approaching.

This is the link to our website for downloading the streambed alteration notification packet. Please remember to include the corresponding fee when submitting the notification. <https://www.wildlife.ca.gov/Conservation/LSA>

Please let me know if you have any additional questions.

Thank you!

Sarah Rains

*please note that as of January 1, 2013 our name has changed. We are now California Department of Fish and Wildlife. My e-mail address has changed to Sarah.Rains@wildlife.ca.gov.

Sarah Rains