

July 18, 1994

Mr. John W. Hanes, Hanes Ranch, Inc.
Post Office Box 528
Boonville, California 95415

Dear Mr. Hanes:

Proposed Dam on Rancheria Creek, Mendocino County

This is in response to your recent letter to Captain Mike Wade. According to your letter, you believe that the proposed dam on Rancheria Creek is "nonsubstantial." Consequently, it is your opinion that you are not required to enter into an agreement with our Department pursuant to Section 1603 of the Fish and Game Code.

Please be advised that it is the position of the Department of Fish and Game that the proposed dam will substantially divert and obstruct the natural flow of Rancheria Creek, as well as substantially change the stream's bed. Therefore, you are hereby notified that, in order to avoid a possible violation of Fish and Game Code Section 1603 et seq., you must enter into an agreement with this Department prior to beginning work on the proposed dam or initiating any work in the stream channel. A streambed alteration application has been included with this letter.

Rancheria Creek is a major tributary to the Navarro River. According to Department of Fish and Game records, the Rancheria Creek drainage supports viable populations of coho salmon, steelhead, rainbow trout, and Navarro River roach. This drainage also provides habitat for red-legged and foothill yellow-legged frogs, Pacific giant salamanders, and many other vertebrate and invertebrate organisms. Due to declines in density and/or habitat, coho salmon, Navarro River roach, red-legged frogs, and foothill yellow-legged frogs have been classified by the Department as "Species of Special Concern." The Department is concerned over any project that may adversely impact one or more of these sensitive species.

Impacts that may be associated with the proposed alteration include restrictions to upstream/downstream migration for salmon, steelhead, and other fish species, increases in water temperature resulting from reservoir and surface release via spillway, loss of riparian vegetation resulting from inundation by water, and increases in turbidity and siltation due to dam construction. In addition, downstream sections of Rancheria Creek will be partially de-watered during the reservoir's filling period.

In addition to the Department of Fish and Game, other agencies may have jurisdiction over this project. In a letter addressed to you dated October 22, 1992 (File No. 19851N84), the U. S Army Corps of Engineers stated that the proposed dam may also be under their jurisdiction pursuant to Section 404 of the Clean Water Act. In addition, the following agencies may have jurisdiction over the proposed project: Mendocino County (grading ordinance and/or building code), Regional Water Quality Control Board (discharge of sediment into State waters), and the State Water Resources Control Board, Division of Water Rights (appropriative water rights).

In summary, the Department of Fish and Game has determined that the proposed dam on Rancheria Creek represents a substantial alteration. Therefore, in order to be in compliance with Section 1603 of the Fish and Game Code, you must submit a streambed alteration application and enter into an agreement with this Department prior to initiating work on the proposed dam.

If you have any questions or concerns regarding these comments, please contact Rick Macedo, Associate Fishery Biologist, at (707) 928-4369; or Mike Wade, Patrol Captain, at (707) 585-9768.

Sincerely,


Brian Hunter
Regional Manager
Region 3

RAM/dac