

California Coastal Commission  
North Coast District  
1656 Union Street, Room 150  
Eureka, California 95501  
(707) 443-1623

FILED: March 21, 1985  
49th DAY: May 9, 1985  
180th Day: September 18, 1985  
Staff: Bruce Fodge/LP  
Staff Report: April 5, 1985  
Hearing Date: April 23-26, 1985  
BNS /  
FC DD

APR 19 1985

**COASTAL PERMIT: REGULAR CALENDAR**

**STAFF REPORT AND PRELIMINARY RECOMMENDATION**

APPLICATION NO. 1-84-162

APPLICANT: Louis J. and Russell W. Biaggi

AGENT:

PROJECT DESCRIPTION

PROJECT LOCATION: Approximately 3,000 feet west of Highway One, just north of Manchester, Mendocino County

PROJECT DESCRIPTION Installation of a 40 HP pump to replace existing 25 and 15 HP pumps to irrigate approximately 160 acres additional lands, riparian to Brush Creek, The pump will not extract water directly from Brush Creek but will be placed in a sump, created by excavation. adjacent to the creek.

LOT AREA	<u>to be irrigated, 160 Acres</u>	ZONING	<u>A-C</u>
BLDG. COVERAGE	<u>0</u>	(LCP) PLAN DESIGNATION	<u>A-1</u>
PAVEMENT COVERAGE	<u>0</u>	PROJECT DENSITY	<u>0</u>
LANDSCAPE COVERAGE	<u>0</u>	HEIGHT ABV. FIN. GRADE	<u>0</u>

LOCAL APPROVALS RECEIVED: California Dept. of Fish and Game 1600 Agreement

**SYNOPSIS**

Staff Recommendation: Approval with Conditions

The proposed project involves the replacement of two 25 and 15 HP water pumps with a 45 HP Pump. The pumps are placed adjacent to Brush Creek, in excavated sumps to extract water to irrigate riparian land adjacent to the creek. The applicants, in the past, have irrigated approximately 300 acres which they felt was all that the stream could support. The State Water Resources Control Board, Division of Water Rights have indicated they believe there are unappropriated water in Brush Creek. Thus, the applicants request to extract additional water, via larger pumps, from Brush Creek. The California Department of Fish and Game, Environmental Services Branch, has expressed concerns to W.R.C.B. that salmonid resources of Brush Creek should be protected and has recommended that specific instream flows be maintained in the creek to protect said resources. After reviewing all available evidence on the project, staff is recommending approval with conditions.

FINDINGS AND DECLARATIONS

In support of its resolution, the Commission finds and declares as follows:

1) Project Description - The proposed project involves the replacement of two water pumps (25 and 15 HP) with a 45 HP water pump placed adjacent to Brush Creek, in excavated sumps to enable the applicant to extract additional water from Brush Creek. The applicants have, in the past, irrigated approximately 300 acres of riparian land which they felt was all that the stream could support. The State Water Resources Control Board, Division of Water Rights (Board) has indicated they believe there is additional unappropriated water available in the creek during the early spring and summer months. The applicant wishes to increase their pumping ability to irrigate an additional 160 acres of riparian land they own but have not irrigated in the past.

2) Biological Productivity - Section 30231 of the California Coastal Act states that:

"The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams."

The applicants applied for a 1603 Agreement with the Department of Fish and Game on January 26, 1985. The request was for the extraction of 1,600 gallons per minute or whatever lesser amount is available while maintaining a continuous surface flow in Brush Creek. The extraction is to be utilized for the irrigation of riparian lands the applicant owns adjacent to Brush Creek. The 1603 Agreement was issued on March 5, 1985. On January 16, 1985, the Department of Fish and Game, Division of Environmental Services sent a memorandum to the Board regarding Brush Creek. The memo discussed the Department of Fish and Game's ongoing studies of the hydrology and biological resources of Brush Creek. The memo states the amount of habitat available during the late summer flow period (July through October) for juvenile and yearling anadromous salmonids is critically important in this stream. The Department

STAFF REPORT CONTINUED  
1-84-162 (Biaggi)

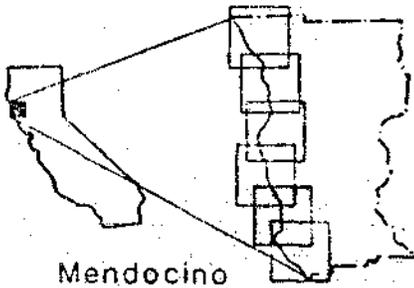
area are saltgrass (Distichlis) and rush (Carex). The marsh areas are used by a larger number of waterfowl and other water-associated birds. The creek vegetation itself is comprised mainly of willows (Salcix). This riparian fringe and adjacent pasturelands provides excellent hunting areas for white-tailed kites, rough-legged hawks and many other raptors. Brush Creek was also chosen by a private organization "Save Our Salmon" (SOS) as one of three streams in which to enhance the salmonid fisheries by establishing hatch boxes and rearing ponds. The other two streams were the Garcia River and Gualala river, both considerably larger. Thus, as discussed above, the creek and its affected environs would be identified as environmentally sensitive habitat under Section 30240 of the California Coastal Act. Such areas shall be protected against any significant disruption of habitat values. Any development adjacent to such areas shall be designed to prevent significant impacts on said habitats. The proposed project, additional water extraction to irrigate riparian land, as conditioned, will not significantly disrupt said habitat values in that, as conditioned, adequate stream flows will remain to protect the fisheries resources of the creek, maintain the downstream marshes and wetlands and continue the long term capability of this important coastal stream.

4) Access - Section 30212 of the California Coastal Act states in part that:

"(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

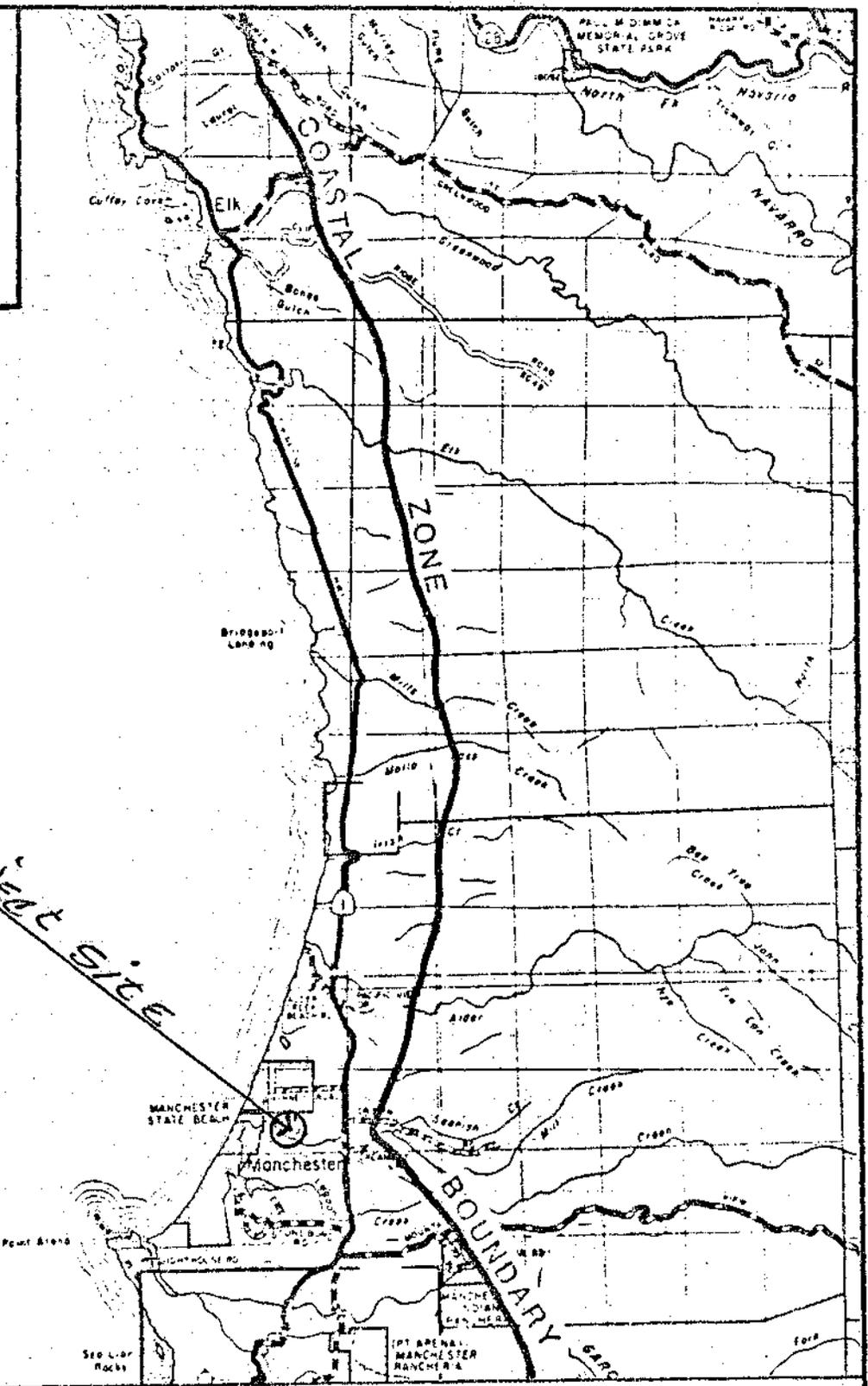
- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.
- (2) adequate access exists nearby, or
- (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to the public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway. . . "

Although located west of the first public road, access is not an issue in that a) the project is for agricultural purposes and public access could adversely affect the agricultural operation and b) adequate access exists nearby at Manchester State Beach, approximately three-quarters mile north of the project site at Stoneboro Road approximately one mile to the south.



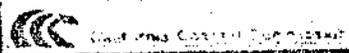
Mendocino

EXHIBIT NO. 1  
 APPLICATION NO.  
 1-84-162  
 BIAGGI  
 California Coastal Commission

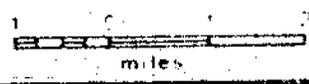


PROJECT SITE

BOUNDARY



LOCATION MAP



# Memorandum

To: State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95810

Date: January 16, 1985

EXHIBIT NO. 3
APPLICATION NO. 1-84-162
BIAGGI
 California Coastal Commission

From : Department of Fish and Game

Subject: Department of Fish and Game Streamflow Recommendations for the Maintenance and Protection of Fish and Wildlife Resources, Lower Brush Creek, Mendocino County in accordance with Section 1243 of the Water Code and Section 10002 of the Public Resources Code

The Department has, since 1981, conducted various studies of the hydrology and the biological resources of Brush Creek relative to water applications 26951 and 27929. Additional streamflow and other hydrological data have been gathered by firms hired by the applicant and a downstream protestant. The Department recently concluded an IFIM (Instream Flow Incremental Methodology) study of Brush Creek below the site of the proposed diversion. Results of this study describe the relative quantity of preferred habitat available for various life stages of Salmonids in Brush creek below Highway 1.

The amount of habitat available during the late summer flow period (July through October) for juvenile (less than one year old) and yearling anadromous salmonids is critically important in this stream. The IFIM study shows a slow, steady decrease in habitat area as flows decrease from 10 cfs to 3 cfs, and a precipitous loss of habitat as flows fall below 3 cfs. Hydrological studies show that summer flows during periods of no diversion are commonly at or below 3 cfs in this reach of stream. From the results of the IFIM study and from the existing hydrological data, the Department has determined that the streamflows as specified below are necessary for the maintenance and protection of anadromous salmonid populations throughout the lower reach of Brush Creek, from Highway 1 to the stream mouth. The flows needed to satisfy all out-of-stream uses, including appropriative and riparian water rights, have not been included in this analysis.

For the maintenance and protection of fish and wildlife resources the Department recommends that the following streamflows be maintained.

During the period from November 1 through March 31, a minimum of 30 cubic feet per second is needed specifically for salmonid migration and spawning in addition to normal rearing of juveniles and yearling.

RECEIVED  
JAN 15 1985  
CALIFORNIA  
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