

Appendix M

John Bergin

From: Kristin Schwall [KSchwall@waterboards.ca.gov]
Sent: Thursday, March 01, 2007 11:20 AM
To: LockhartSJ@aol.com; John Bergin; lkm@solutionstrategies.com
Cc: doreen_stadtlander@.fws.gov; JBrandt@dfg.ca.gov; jody_fraser@fws.gov; markc@ktua.com; Laurie.A.Monarres@spl01.usace.army.mil; julie@trestlesec.com
Subject: Roripaugh Ranch Mitigation

Hi All,

Thank you for meeting with us to explain the mitigation proposal. I spoke with my supervisor, Jimmy Smith. We agree with the Corps that we need at least 1:1 creation of waters for the impacts. We talked about widening the flood plain so the creek could meander again. We would like to see your plan include estimates or discussions of additional linear feet of streambed which could be created by new meanders in the widened flood plain. We would also like to see a discussion of what is causing the down cutting of the stream and the likelihood that widening the flood plain will correct the problem.

We generally don't like to allow pure preservation as mitigation unless the ratios are greatly increased. Because the UC Riverside land is within an existing reserve and we don't want houses in the reserve, we are willing to allow an additional 2:1 of preservation. We would like to see a map showing the boundaries of the Johnson Ranch Reserve with any other parcels not in the reserve. We also like the idea of Roripaugh providing funds to manage the acquired land to facilitate it's recovery through efforts like invasive management and removal and hydroseeding.

The 1:1 creation and 2:1 preservation of UC Riverside lands would replace the currently required mitigation in the Roripaugh Ranch 401 Cert 01C-091. This does not account for temporal losses due to the fact that impacts occurred about almost 4 years ago. This temporal loss issue has been referred to our Compliance Assurance Unit to pursue possible enforcement action including monetary administrative civil liability.

These mitigation ratios could also be applied to the Nicolas Road project as Laurie states in her e-mail. We have not issued the 401 Cert yet and impacts have not occurred so there are not yet any additional temporal losses to be considered.

Let me know if you have any questions.
Thanks,
Kristin

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11/8/2007

>>> "Monarres, Laurie A SPL" <Laurie.A.Monarres@spl01.usace.army.mil> 2/28/2007 12:40 PM >>>

Hello all,

Thank you for meeting with us yesterday and trying to work toward a mitigation solution. I spoke with my supervisor, Mark Durham, about the various mitigation proposals, and we decided that we are going to require at least 1:1 waters of the U.S. creation for the total project impacts resulting from the original Roripaugh permit, the Roripaugh permit modifications, and the Nicolaoas Road permit. I've calculated the total project impacts to be 3.38 acres + 2.777 acres = 6.157 acres. This means we would need at least 6.16 acres of creation, preferably through the implementation of a modified mitigation plan based on the October 2006 plan drafted by KTU+A, as we discussed in yesterday's meeting. We would like to see the waters in this area maximized while still avoiding impacts to sensitive upland habitats.

In addition, we will require additional mitigation to make up for the temporal loss of habitat, which had been on yesterday's agenda, but which we did not get a chance to discuss. Temporal loss, our "no net loss" policy, and the uncertainty of mitigation outcomes are the reasons we require mitigation at higher ratios than simply 1:1. In this case, we would like to see an additional 12 acres (a ratio of 2:1) of mitigation (waters of the U.S.) to make up for the 6 acres of permanent impacts. As you are well aware of, the watershed in question has been highly impacted to the point where the LA District of the Corps has established a special Regional Condition requiring Individual Permits for any residential development project impacting greater than 0.1 acre of waters of the U.S. We are greatly concerned for the water resources in this area, and as a result, we have stringent mitigation requirements. We also must ensure that we are consistent with our requirements across all permit actions. We don't typically allow mitigation in the form of preservation. However, since the UC property discussed yesterday appears to be biologically valuable, preservation may be considered in this case. If the UC property is not available for purchase, we will need to find another area for this additional mitigation.

Thank you again for your cooperation.

take care,
Laurie

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From: LockhartSJ@aol.com [mailto:LockhartSJ@aol.com]
Sent: Thursday, February 22, 2007 2:09 PM
To: JBrandt@dfg.ca.gov; Monarres, Laurie A SPL; KSchwall@waterboards.ca.gov; doreen_stadtlander@fws.gov; jody_fraser@fws.gov
Cc: jbergin@ashbyusa.com; lkm@solutionstrategies.com; julie@trestlesec.com; markc@ktua.com
Subject: Materials for February 27, 2007 Meeting - Roripaugh Ranch

Good afternoon everyone -- I wanted to send out a draft agenda and summary status paper for your review prior to our meeting next Tuesday, February 27th. (Exhibits to be sent in separate email.) I hope this information is helpful. If I got anything wrong in the status paper or if you can think of any other issues that need to be discussed at the meeting, please let me know. Looking forward to seeing you then. Sharon

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11/8/2007

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Caveats: NONE