

Anderson, Skyler@Waterboards

From: Joey Howard <joey@cascadestreamsolutions.com>
Sent: Thursday, April 21, 2016 3:45 PM
To: Will Harling
Cc: Petruzzelli, Kenneth@Waterboards; Barbara Brenner; Murano, Taro@Waterboards; Henriouille, Diana@Waterboards; Anderson, Skyler@Waterboards; Feiler, Stormer@Waterboards; Margaret Tauzer - NOAA Federal; Kerry Fuller; Rocco Fiori
Subject: Re: Stanshaw Scope of Work - Questions from Water Rights Division and North Coast Regional Water Quality Board
Attachments: Stanshaw_MMR_ditch_1_3000_utmred.pdf

Attached is a figure to refer to during our discussion.

Joey Howard, P.E.
Principal
Cascade Stream Solutions, LLC
295 E. Main St, Suite 11, Ashland, OR 97520
Phone: 541-864-0492
joey@cascadestreamsolutions.com
www.cascadestreamsolutions.com

On Thu, Apr 21, 2016 at 3:39 PM, Will Harling <will@mkwc.org> wrote:
Sorry for the delay in responding. Here are my brief answers to inform future talks.
Will

On Wed, Apr 20, 2016 at 4:08 PM, Will Harling <will@mkwc.org> wrote:
Hi Kenneth et al,
We had a good field review today up at Marble Mountain Ranch with engineer Joey Howard, geologist Rocco Fiori, electrician Pavel Nalezek, and Doug Cole. I shared your list of questions with the group and will work on written responses by noon tomorrow.
Thanks,
Will

On Wed, Apr 20, 2016 at 9:13 AM, Petruzzelli, Kenneth@Waterboards <Kenneth.Petruzzelli@waterboards.ca.gov> wrote:

Barbara –

In your letter dated April 15, 2016, you stated that the Coles were meeting with their engineering and implementation teams today to discuss and approve designs for the outfall point. The Division and the Regional Board have a number of questions about the scope of work and, in light of the meeting today, I wanted you to have the questions available. Also, I still believe it would be productive for us to go over these questions in a meeting or conference call. If you are open to meeting, please let me know so we can set up some dates.

Here are the questions from staff -

Water Right Division questions

- 1) The numeric consumptive use rate of 0.31 CFS (excludes hydropower water) reported by Mr. Cole is not supported by the Division. The Division would like to point out that .31 CFS over a 24-hour period is approximately 200,000 gallons of water per day. Based on the Division's field visits to the Ranch, the Division does not support that MMR uses that amount of water daily. Task # 5 in the Summary of Work (SOW) states that there will be a Water Efficiency Study performed (Study). The Division is interested in reviewing and commenting on the Study in order to determine what a reasonable daily use of water at the ranch is.

- 2) The two documents cite different amounts of water that will be diverted via the 6-inch pipes. On page 2 of the PDF titled Marble Mountain Pipeline the Q value = 0.35 CFS. In the document titled "40710 Revised SOW for Additional Funds _Task six Revision" (SOW) in the second paragraph of section Task # 6 it states that the pipeline is sized to convey 0.31 CFS. The two documents are reporting a different volume of water will be diverted in the 6-in pipe.

- 3) Under Task # 6 in the SOW the following is stated – "This pipe is sized to convey consumptive flows (0.31 cfs), or 10% of Stanshaw Creek flow at the Point of Diversion (POD), (whichever is less), to MMR between May 15-October 31. In Order for MMR to accomplish this by-pass flow schedule, MMR will need to know what the flow is in Stanshaw Creek at the POD on a daily occurrence. Furthermore, how will MMR measure the amount of water diverted when they are restricted to 10 percent of the stream flow? In order to maintain compliance with the bypass requirement, MMR will need to measure the daily flow rate of Stanshaw Creek and have the ability of reducing the water diverted at the POD accordingly. The head gate will need to accommodate the reduced diversion rate to the 6 –inch pipe from 0.31 CFS to 10 % of the instantaneous flow in Stanshaw Creek.

- 4) Under Task # 6 in the SOW the following is stated. "Additionally, a short term modification to the MMR water system will be an engineered design for the outflow to Irving Creek from the MMR ditch where a head cut is causing active erosion into Irving Creek." The Division would like some elaboration of this statement. What exactly will be done? When will water diverted be returned to Stanshaw Creek? Is the "short term modification" needed so that construction can begin to return water back to Stanshaw?

5) The document gives the reader the impression that between May 15-October 31 that water for hydropower will not be diverted, is that true?

Water Quality questions

- 1) Who did the Coles speak to at the USFS and what was provided from the USFS stating that changing the ditch location was not an acceptable option? Please have this decision provided in a written format signed by a USFS representative.
- 2) Where did the 6 inch temporary pipe size come from? We would like an analysis of how the size was determined and a detailed, written explanation of how summer flows will be controlled in regard to limiting the 6 inch pipe in the event it is necessary to do so to ensure adequate by pass flows.
- 3) Is the 10% of flow recommendation from NMFS for all users on Stanshaw or for only the Coles? Our impression is that it was the former.
- 4) The Restoration and Monitoring Plan described does not appear to have been submitted to the Regional Board or State Board for review and approval based upon the timeline and task milestones provided by the Coles. In addition, the Region does not see a discussion of permits required or any reference to conditional approvals of designs by the Regional Water Board or Division. Please have the Coles provide the designs for the pipe installation, including any necessary limitations during construction to mitigate impacts, and a complete list of all permits 1) required, 2) they have applied for, 3) and those permits received that allow them to conduct this scope of work of 1) preparing the ditch through excavation 2) installing the pipe and of 3) installing a temporary culvert fix at the outfall of the ditch into Irving Creek.
- 5) The proposed interim fixes are likely costly and do not appear to meet expectations in terms of reducing impacts and stabilizing –restoring streams. The Region is curious as to whether there has been a biological assessment of the existing ditch habitat value and the species that are occupying the ditch? What does DFW think about this?
- 6) Will the plans be submitted to the North Coast Regional Water Board and Division of Water Rights for review and approval prior to submission to other agencies for required permits and approvals to conduct the scope of work?
- 7) How have the Coles addressed CEQA through the scope of work they appear to have conducted and are intending to conduct?
- 8) As the water use analysis is incomplete, how have the Coles determined that the 6 inch pipe is appropriate, and how has the project design been influenced by the potential to develop efficiencies in the system?
- 9) Have any alternatives been considered in terms of 1) planning to put the water back into Stanshaw Creek; and 2) project alternatives to control erosion and diversion of the ditch? If not, why were these alternatives not considered and why was the preferred alternative chosen?

Ken Petruzzelli, Attorney III

State Water Resources Control Board

Office of Enforcement

1001 I Street, 16th Floor

Sacramento, CA 95814

tel: [\(916\) 319-8577](tel:(916)319-8577)

fax: [\(916\) 341-5896](tel:(916)341-5896)

kenneth.petruzzelli@waterboards.ca.gov

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Will Harling, Director
Mid Klamath Watershed Council
Orleans/Somes Bar Fire Safe Council
PO Box 409
Orleans, CA 95556
Phone: 530.627.3202
Email: will@mkwc.org

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Orleans, CA 95556
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Email: will@mkwc.org

