

Anderson, Skyler@Waterboards

From: Barbara Brenner <Barbara@churchwellwhite.com>
Sent: Friday, May 06, 2016 4:13 PM
To: Petruzzelli, Kenneth@Waterboards
Cc: Murano, Taro@Waterboards; Anderson, Skyler@Waterboards; Henriouille, Diana@Waterboards; Feiler, Stormer@Waterboards; Douglas Cole; joey@cascadestreamsolutions.com; rocco@fiorigeosci.com; Will Harling; Kerry Fuller; Marjorie Fair
Subject: Re: Project Proposal

Ken,

Thank you for putting this call together to clarify the Water Board's position on the proposal to place a 6" pipe in the man made Stanshaw ditch that diverts water to the Marble Mountain Ranch. As indicated during our call, the Water Board agrees to the placement of the 6" pipe in the ditch. We continue to work with both the NOAA Fisheries and California Fish and Wildlife on the final design for the pipeline and weir that will control the amount of water going into the line. We understand the Water Boards will also be reviewing the final design of these improvements.

We will be responding to the questions posed by Margaret Tauzer yesterday afternoon (2:09 email correspondence to Joey Howard) as well as the final monitoring plan to ensure daily compliance of the bypass flow regime.

Doug Cole has also sought the assistance of Rocco Fiori who is working with Joey Howard, and Will Harling to continue to develop additional plan details as set forth in our initial January 19, 2016 and subsequent correspondence to you. We have set forth milestone dates and deadlines for the short term and long term plan implementation.

In response to your request for the meeting set for next Friday, May 13th, we will be providing a status summary and additional details relevant to the list of questions provided on April 20th. It appears some clarification on the system its self will be helpful as well which will be provided on the 13th.

To reiterate one of the points raised during Wednesday's call, Doug Cole is working diligently to respond to all of the agencies requests. He is trying to meet the immediate short term deadlines which are requiring the teams full efforts at this time. Once those efforts are approved by the Fish agencies and the Water Boards, the efforts will immediately turn to the other short and long term deadlines.

Mr. Cole is also preparing for this seasons guests. In order for Marble Mountain Ranch to stay in business, it must exercise its pre-1914 rights for domestic use through the summer season. We believe the diversion to meet those domestic needs while complying with the bypass flow request can occur.

Thank you,
Barbara

Barbara A. Brenner
Churchwell White

On May 4, 2016, at 11:00 AM, Petruzzelli, Kenneth@Waterboards <Kenneth.Petruzzelli@Waterboards.ca.gov> wrote:

All,

The call-in number for today's 11:30 meeting is 877-873-8017. The participant code is 569008.

Ken Petruzzelli, Attorney III
State Water Resources Control Board
Office of Enforcement
1001 I Street, 16th Floor
Sacramento, CA 95814
tel: (916) 319-8577
fax: (916) 341-5896
kenneth.petruzzelli@waterboards.ca.gov

From: Barbara Brenner [<mailto:Barbara@churchwellwhite.com>]
Sent: Tuesday, May 03, 2016 1:15 PM
To: Petruzzelli, Kenneth@Waterboards
Subject: Re: Project Proposal

Sure

Barbara A. Brenner | Partner
T 916.468.0625 | barbara@churchwellwhite.com

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[1414 K Street, 3rd Floor, Sacramento, CA 95814](http://1414KStreet.com)
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On May 3, 2016, at 1:03 PM, Petruzzelli, Kenneth@Waterboards
<Kenneth.Petruzzelli@Waterboards.ca.gov> wrote:

11:30?

Ken Petruzzelli, Attorney III
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From: Barbara Brenner [<mailto:Barbara@churchwellwhite.com>]
Sent: Tuesday, May 03, 2016 10:07 AM
To: Petruzzelli, Kenneth@Waterboards
Subject: Re: Project Proposal

Hi Ken,
Yes, we are confirmed for the 13 th. Is there a good time I can reach you tomorrow to discuss the last call that some of the stakeholders had?

Thanks,
Barbara

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On May 3, 2016, at 10:03 AM, Petruzzelli, Kenneth@Waterboards
<Kenneth.Petruzzelli@Waterboards.ca.gov> wrote:

Barbara, I didn't see a response from you. Can you confirm the date/time? Thank you. Apologies if I missed your response.

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kenneth.petruzzelli@waterboards.ca.gov

From: Petruzzelli, Kenneth@Waterboards
Sent: Tuesday, April 26, 2016 2:12 PM
To: 'Barbara Brenner'
Subject: RE: Project Proposal

Barbara, I have May 13 from 10-11 scheduled here at the EPA building.
I'll set up a conference line closer to the meeting date.

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From: Barbara Brenner [<mailto:Barbara@churchwellwhite.com>]
Sent: Monday, April 25, 2016 5:51 PM
To: Petruzzelli, Kenneth@Waterboards
Subject: Re: Project Proposal

Ken-
Please confirm a date and time as soon as possible so I don't lose anyone.
Thanks-
Barbara

Barbara A. Brenner

Churchwell White

On Apr 25, 2016, at 10:34 AM, Petruzzelli, Kenneth@Waterboards
<Kenneth.Petruzzelli@Waterboards.ca.gov> wrote:

Thank you Barbara.

Ken Petruzzelli, Attorney III
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From: Barbara Brenner
[<mailto:Barbara@churchwellwhite.com>]
Sent: Monday, April 25, 2016 10:34 AM
To: Petruzzelli, Kenneth@Waterboards
Subject: RE: Project Proposal

Yes, it does. I am now sure of Will's schedule,
however. Joey will be on the phone.

<image001.png>

Barbara A. Brenner | Partner
916.468.0625 | barbara@churchwellwhite.com

From: Petruzzelli, Kenneth@Waterboards
[<mailto:Kenneth.Petruzzelli@Waterboards.ca.gov>]
Sent: Monday, April 25, 2016 10:29 AM
To: Barbara Brenner <Barbara@churchwellwhite.com>
Subject: RE: Project Proposal

Barbara, does that include Joey Howard?

Ken Petruzzelli, Attorney III
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From: Barbara Brenner
[<mailto:Barbara@churchwellwhite.com>]
Sent: Monday, April 25, 2016 10:25 AM

To: Petruzzelli, Kenneth@Waterboards
Subject: RE: Project Proposal

Hi Ken-

We are available the late afternoon of the 9th, all afternoon of the 11th or the 13th anytime.

Thank you,
Barbara

<image001.png>

Barbara A. Brenner | Partner
916.468.0625 | barbara@churchwellwhite.com

From: Petruzzelli, Kenneth@Waterboards
[<mailto:Kenneth.Petruzzelli@Waterboards.ca.gov>]
Sent: Monday, April 25, 2016 9:25 AM
To: Barbara Brenner <Barbara@churchwellwhite.com>
Subject: RE: Project Proposal

Apologies Barbara. With regard to the meeting/call, again, we have largely good availability the week of May 9. The only exceptions are 1-2 on the 9th and 10-11 on the 12th. Please send me some dates and times. Thank you.

Ken Petruzzelli, Attorney III
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From: Barbara Brenner
[<mailto:Barbara@churchwellwhite.com>]
Sent: Monday, April 25, 2016 9:21 AM
To: Murano, Taro@Waterboards;
margaret.tauzer@noaa.gov; Bean, Caitlin@Wildlife; Bob Pagliuco (Bob.Pagliuco@noaa.gov); Henriouille, Diana@Waterboards; Feiler, Stormer@Waterboards; L. Joey Howard (joey@cascadestreamsolutions.com); Will Harling (will@mkwc.org); Douglas Cole (guestranch@marblemountainranch.com)
Cc: Anderson, Skyler@Waterboards; Petruzzelli, Kenneth@Waterboards
Subject: RE: Project Proposal

Taro-

Thank you for the follow up email. To be clear Mr. Cole nor was I invited to participate in the call and were only informed of it the afternoon before. We have been working with Mr. Petruzzelli to set up a meeting/call to address the list of questions he has provided me.

Thank you again,
Barbara

<image001.png>

Barbara A. Brenner | Partner
916.468.0625 | barbara@churchwellwhite.com

From: Murano, Taro@Waterboards
[<mailto:taro.murano@waterboards.ca.gov>]
Sent: Monday, April 25, 2016 9:04 AM
To: margaret.tauzer@noaa.gov; Bean, Caitlin@Wildlife
<Caitlin.Bean@wildlife.ca.gov>; Bob Pagliuco
(Bob.Pagliuco@noaa.gov) <Bob.Pagliuco@noaa.gov>;
Barbara Brenner <Barbara@churchwellwhite.com>;
Henriouille, Diana@Waterboards
<Diana.Henriouille@waterboards.ca.gov>; Feiler,
Stormer@Waterboards
<Stormer.Feiler@waterboards.ca.gov>; L. Joey Howard
(joey@cascadestreamsolutions.com)
<joey@cascadestreamsolutions.com>; Will Harling
(will@mkwc.org) <will@mkwc.org>; Douglas Cole
(guestranch@marblemountainranch.com)
<guestranch@marblemountainranch.com>
Cc: Anderson, Skyler@Waterboards
<Skyler.Anderson@waterboards.ca.gov>; Petruzzelli,
Kenneth@Waterboards
<Kenneth.Petruzzelli@Waterboards.ca.gov>
Subject: Project Proposal

Thank you to everyone who participated on Thursday's conference call to go over Mr. Cole's project proposal. The Division of Water Rights and the North Coast Regional Board believe that the Cole's proposed 6" pipe is a step in the right direction, but they need two important components. First, they need to monitor their diversion and bypass flows daily. On the conference call, we suggested considering daily measurements using telemetry gages. Second, the pipe needs a method of controlling the amount diverted on a daily basis.

It is presently unclear what method, if any, is planned to control the diversion. We understand the parties are working diligently to accomplish this project by prior to low-flow season. We also understand this is just the first step and that it is an important step, but we emphasize it is the first step of many. The Coles must return unused water they divert from Stanshaw Creek back to Stanshaw Creek, they must control their POD on a daily basis in order to comply with their bypass flow requirements, and they must manage their ditch in a manner that eliminates washouts, slides, and erosion. These goals are not negotiable and the Coles must communicate a clear path towards achieving those goals. We are disappointed that neither Mr. Cole nor a representative was on the call to better understand these issues.

Taro Murano, Senior Environmental Scientist
Southern Enforcement and Special Investigations Unit
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