

**Murano, Taro@Waterboards**

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**From:** Murano, Taro@Waterboards  
**Sent:** Thursday, June 09, 2016 2:30 PM  
**To:** Bean, Caitlin@Wildlife; Bob Pagliuco - NOAA Affiliate  
**Cc:** Anne Butterfield; Ebert, Demian; Margaret Tauzer - NOAA Federal; Bull, Jennifer@Wildlife; Anderson, Skyler@Waterboards; Petruzzelli, Kenneth@Waterboards; Henriouille, Diana@Waterboards; Feiler, Stormer@Waterboards; Bargsten, Stephen@Waterboards; Wetzel, Jeff@Waterboards; Shannon, Jacob J.@Waterboards; Cobb, Donna@Wildlife  
**Subject:** RE: FW: Project Proposal

Caitlin,

Based on the Division's observations of Mr. Cole's diversion facility we know that the instream fill/native rock is continuously augmented at the conveyance channel drop out in the same way their instream rock wing dam is routinely augmented (during high flows and low flows), both of which are located in Stanshaw Creek. Both structures due to the nature of how they are constructed are routinely washed out every year from variable flows in Stanshaw Creek. This is why Mr. Cole employees a ranch hand to tend to the diversion almost on a daily basis.

I suggested Mr. Cole resubmit their interim proposal to include these details so that all participating agencies that oversee permitting (LSAA, 401 and 404) are fully aware of the scope of the proposed project and can make an informed decision regarding permitting the 6" inch pipe.

Based on your discussion with Will, I am confused? It is not possible to operate Mr. Cole's point of diversion (POD that is a instream rock wing dam) without diverting more water than can be conveyed by the 6" pipe. Therefore, Mr. Cole will need to utilize the conveyance drop out whenever they divert water. This means Mr. Cole will need to regularly armor the banks of Stanshaw Creek to prevent erosion. The only way I can see less dependence on the conveyance drop out is if Mr. Cole was to construct a control device at the POD rather than on the 6" pipe as was recommended in the Division's ROI Corrective Actions section.

I initially thought that this detail may have been an important consideration piece as it may relate to each agencies permitting authority. DFW, Regional Water Board/ State Water Board 401 Cert programs and Army Corps have the respective authority in these matters and I am deferring to your judgement and approval. The Division will provide comments on other deficiencies with Mr. Cole's proposal that is not consistent with the ability to maintain daily compliance with the DFW's and NOAA's bypass requirement, water quality concerns and the beneficial use of all water diverted. I have sent an email to Will to confirm Mr. Cole's operation of the his POD and use of the conveyance drop out. I will inform everyone of that discussion once I have had a chance to talk with him.

Thanks,

Taro Murano, Senior Environmental Scientist  
North Coast Enforcement Unit  
Division of Water Rights  
State Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Floor  
Sacramento, 95814  
Phone: 916-341-5399  
Email: taro.murano@waterboards.ca.gov

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**From:** Bean, Caitlin@Wildlife  
**Sent:** Wednesday, June 08, 2016 10:09 AM  
**To:** Murano, Taro@Waterboards; Bob Pagliuco - NOAA Affiliate  
**Cc:** Anne Butterfield; Ebert, Demian; Margaret Tauzer - NOAA Federal; Bull, Jennifer@Wildlife; Anderson, Skyler@Waterboards; Petruzzelli, Kenneth@Waterboards; Henriouille, Diana@Waterboards; Feiler, Stormer@Waterboards; Bargsten, Stephen@Waterboards; Wetzell, Jeff@Waterboards; Shannon, Jacob J.@Waterboards; Cobb, Donna@Wildlife  
**Subject:** RE: FW: Project Proposal

Hi Taro,

You wrote, "a component of the interim project involves armoring the creek bank to return excess water diverted from Stanshaw Creek. MMR needs to revise their project proposal to include the instream fill location to armor the creek bank for excess water discharge located between the POD and the canal plug and submit those updated plans to the 401 cert program and to the Army Corps for consideration and approval for MMR's proposed work."

Will Harling told the Department that the bank would not require armoring for the interim project and that this was not proposed as a part of the interim project. If you have additional information please let us know.

Thanks, Caitlin

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**From:** Murano, Taro@Waterboards  
**Sent:** Tuesday, June 07, 2016 2:07 PM  
**To:** Bob Pagliuco - NOAA Affiliate  
**Cc:** Anne Butterfield; Ebert, Demian; Margaret Tauzer - NOAA Federal; Bean, Caitlin@Wildlife; Bull, Jennifer@Wildlife; Anderson, Skyler@Waterboards; Petruzzelli, Kenneth@Waterboards; Henriouille, Diana@Waterboards; Feiler, Stormer@Waterboards; Bargsten, Stephen@Waterboards; Wetzell, Jeff@Waterboards; Shannon, Jacob [J.@Waterboards](mailto:J.@Waterboards)  
**Subject:** RE: FW: Project Proposal

Bob,  
I apologize for not responding sooner. On May 20, 2016 MMR provided a response to the Division and Regional Water Board's questions concerning the MKWC's project proposal. I have attached MMR's written response along with the documentation for your reference. The Division and Regional Water Board are drafting comments to MMR's response now. Subsequent conversations with MMR and their attorney by conference call has discussed how the project (both interim and long term project goals) will include compliance with the DFW's and NOAA's bypass requirement, address waste and unreasonable use of water, impacts to public trust resources, ensure all water diverted is put to beneficial use and prevent discharges to waters of the state.

MMR maintains that the 6" pipe is an interim solution to meet bypass requirements and it isn't the long term solution. MMR has yet to provide a detailed proposal describing the long term solution and has recently submitted an LSAA application to DFW and a 401 application to Region 1 (describes short term water conveyance in 6" pipe only). DFW has indicated to MMR that they do not need an LSAA. Response to the 401 certification is pending. We are also waiting for NOAA's final bypass recommendation.

The Division is not satisfied with MMR's short or long term proposal as it is currently deficient in satisfying all the corrective actions identified in the Division's ROI. The Division is taking the necessary steps towards formal enforcement action. The Division acknowledges that work to install the 6" pipe is a step in the right direction. That said, MMR may need a 401 cert. and a 404 permit for the 6" pipe proposal because a component of the interim project involves armoring the creek bank to return excess water diverted from Stanshaw Creek. MMR needs to revise their project proposal to include the instream fill location to armor the creek bank for excess water discharge located between the POD and the canal plug and submit those updated plans to the 401 cert program and to the Army Corps for consideration and approval for MMR's proposed work.

The Division does not object to the use of a 6" pipe so long as MMR monitors at the 6" pipe, above the POD and below the POD outfall, installs a control device to restrict diversion amount into the 6" pipe and that all water diverted is put to beneficial use without impacts public trust resources. So far, MMR is only proposing installation of the 6" pipe with insufficient monitoring to maintain daily compliance with DFW's and NOAA's bypass requirement.

Please let me know if you have questions or comments.

Taro Murano, Senior Environmental Scientist  
 North Coast Enforcement Unit  
 Division of Water Rights  
 State Water Resources Control Board  
 1001 I Street, 14<sup>th</sup> Floor  
 Sacramento, 95814  
 Phone: 916-341-5399  
 Email: [taro.murano@waterboards.ca.gov](mailto:taro.murano@waterboards.ca.gov)

**From:** Bob Pagliuco - NOAA Affiliate [<mailto:bob.pagliuco@noaa.gov>]

**Sent:** Tuesday, June 07, 2016 11:30 AM

**To:** Margaret Tauzer - NOAA Federal; Bean, Caitlin@Wildlife; Bull, Jennifer@Wildlife; Anderson, Skyler@Waterboards; Murano, Taro@Waterboards

**Cc:** Anne Butterfield; Ebert, Demian

**Subject:** Re: FW: Project Proposal

Can I please get an update? Thanks!

Bob

On Tue, May 31, 2016 at 5:00 PM, Bob Pagliuco - NOAA Affiliate <[bob.pagliuco@noaa.gov](mailto:bob.pagliuco@noaa.gov)> wrote:  
 Hey Folks,

I told Will that NMFS, CDFW and the Water Board needed to sign off on the design of the physical solution at Marble Mountain before the Coho Enhancement Fund would consider a proposal from them. I have not been participating in the most recent conversations and calls with Will and the Water Board. Can someone give me an update on where we are at and if the 6" pipe is what everyone is agreeing to?

I want to ensure that we have a long term solution and avoid the need for multiple fixes. I thought we needed to conduct the energy audit and water conservation analysis prior to settling on a piping solution?

Bob

----- Forwarded message -----

**From:** Will Harling <[will@mkwc.org](mailto:will@mkwc.org)>

**Date:** Tue, May 31, 2016 at 4:36 PM

**Subject:** Fwd: FW: Project Proposal

**To:** Bob Pagliuco <[Bob.Pagliuco@noaa.gov](mailto:Bob.Pagliuco@noaa.gov)>

Read thru the chain...is Ken 's statement sufficient for Water Board approval of 6" pipe? Any clarity on best way to submit the proposal for the pipe?

----- Forwarded message -----

From: "Barbara Brenner" <[Barbara@churchwellwhite.com](mailto:Barbara@churchwellwhite.com)>

Date: May 31, 2016 5:31 PM

Subject: FW: Project Proposal

To: "Will Harling" <[will@mkwc.org](mailto:will@mkwc.org)>

Cc:

Will-

Is this enough to say the Water Board agrees with the piping?

I got a call from the Army Corps, they are confirming, but currently believe the project is exempt under their regs. That should be to me this week. That means there is no 401 and therefore no permits required.

Thanks-

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**From:** "Petruzzelli, Kenneth@Waterboards" <[Kenneth.Petruzzelli@Waterboards.ca.gov](mailto:Kenneth.Petruzzelli@Waterboards.ca.gov)>

**Date:** Thursday, May 12, 2016 at 4:12 PM

**To:** Barbara Brenner <[Barbara@churchwellwhite.com](mailto:Barbara@churchwellwhite.com)>

**Cc:** "Murano, Taro@Waterboards" <[taro.murano@waterboards.ca.gov](mailto:taro.murano@waterboards.ca.gov)>, "Anderson, Skyler@Waterboards" <[Skyler.Anderson@waterboards.ca.gov](mailto:Skyler.Anderson@waterboards.ca.gov)>, "Henriouille, Diana@Waterboards" <[Diana.Henriouille@waterboards.ca.gov](mailto:Diana.Henriouille@waterboards.ca.gov)>, "Feiler, Stormer@Waterboards" <[Stormer.Feiler@waterboards.ca.gov](mailto:Stormer.Feiler@waterboards.ca.gov)>, Douglas Cole <[guestranch@marblemountainranch.com](mailto:guestranch@marblemountainranch.com)>, "P. Joey Howard" <[joey@cascastreamsolutions.com](mailto:joey@cascastreamsolutions.com)>, "[rocco@fiorigeosci.com](mailto:rocco@fiorigeosci.com)" <[rocco@fiorigeosci.com](mailto:rocco@fiorigeosci.com)>, Will Harling <[will@mkwc.org](mailto:will@mkwc.org)>, Kerry Fuller <[kerry@churchwellwhite.com](mailto:kerry@churchwellwhite.com)>, Margie Fair <[Marjorie@churchwellwhite.com](mailto:Marjorie@churchwellwhite.com)>

<[Stormer.Feiler@waterboards.ca.gov](mailto:Stormer.Feiler@waterboards.ca.gov)>, Douglas Cole <[guestranch@marblemountainranch.com](mailto:guestranch@marblemountainranch.com)>, "P. Joey Howard" <[joey@cascastreamsolutions.com](mailto:joey@cascastreamsolutions.com)>, "[rocco@fiorigeosci.com](mailto:rocco@fiorigeosci.com)" <[rocco@fiorigeosci.com](mailto:rocco@fiorigeosci.com)>, Will Harling <[will@mkwc.org](mailto:will@mkwc.org)>, Kerry Fuller <[kerry@churchwellwhite.com](mailto:kerry@churchwellwhite.com)>, Margie Fair <[Marjorie@churchwellwhite.com](mailto:Marjorie@churchwellwhite.com)>

<[joey@cascastreamsolutions.com](mailto:joey@cascastreamsolutions.com)>, "[rocco@fiorigeosci.com](mailto:rocco@fiorigeosci.com)" <[rocco@fiorigeosci.com](mailto:rocco@fiorigeosci.com)>, Will Harling <[will@mkwc.org](mailto:will@mkwc.org)>, Kerry Fuller <[kerry@churchwellwhite.com](mailto:kerry@churchwellwhite.com)>, Margie Fair <[Marjorie@churchwellwhite.com](mailto:Marjorie@churchwellwhite.com)>

<[Marjorie@churchwellwhite.com](mailto:Marjorie@churchwellwhite.com)>

**Subject:** RE: Project Proposal

Barbara,

We will see you tomorrow. We must clarify that, although we believe the 6" pipe is a good step in concept, it must first go through all of the necessary permitting and design review processes. We want solutions, but getting the necessary permits, doing CEQA or NEPA, and securing any other required regulatory approvals are part of the process.

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](mailto:kenneth.petruzzelli@waterboards.ca.gov)

---

**From:** Barbara Brenner [mailto:[Barbara@churchwellwhite.com](mailto:Barbara@churchwellwhite.com)]

**Sent:** Friday, May 06, 2016 4:13 PM

**To:** Petruzzelli, Kenneth@Waterboards

**Cc:** Murano, Taro@Waterboards; Anderson, Skyler@Waterboards; Henrioulle, Diana@Waterboards; Feiler, Stormer@Waterboards; Douglas Cole; [joey@cascadestreamsolutions.com](mailto:joey@cascadestreamsolutions.com); [rocco@fiorigeosci.com](mailto: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](mailto:Kenneth.Petruzzelli@Waterboards.ca.gov)> wrote:

All,

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

Ken Petruzzelli, Attorney III

State Water Resources Control Board

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[kenneth.petruzzelli@waterboards.ca.gov](mailto: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](tel:916.468.0625) | [barbara@churchwellwhite.com](mailto:barbara@churchwellwhite.com)

Churchwell White LLP  
1414 K Street, 3rd Floor, Sacramento, CA 95814  
M [916.995.7314](tel:916.995.7314) | F [916.468.0951](tel:916.468.0951)  
[churchwellwhite.com](http://churchwellwhite.com)

On May 3, 2016, at 1:03 PM, Petruzzelli, Kenneth@Waterboards  
<[Kenneth.Petruzzelli@Waterboards.ca.gov](mailto:Kenneth.Petruzzelli@Waterboards.ca.gov)> wrote:

11:30?

Ken Petruzzelli, Attorney III

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[kenneth.petruzzelli@waterboards.ca.gov](mailto:kenneth.petruzzelli@waterboards.ca.gov)

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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

Barbara A. Brenner | Partner  
T [916.468.0625](tel:916.468.0625) | [barbara@churchwellwhite.com](mailto:barbara@churchwellwhite.com)

Churchwell White LLP  
1414 K Street, 3rd Floor, Sacramento, CA 95814  
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[churchwellwhite.com](http://churchwellwhite.com)

On May 3, 2016, at 10:03 AM, Petruzzelli, Kenneth@Waterboards  
<[Kenneth.Petruzzelli@Waterboards.ca.gov](mailto: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.

Ken Petruzzelli, Attorney III

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

[kenneth.petruzzelli@waterboards.ca.gov](mailto:kenneth.petruzzelli@waterboards.ca.gov)

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**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.

Ken Petruzzelli, Attorney III

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

[kenneth.petruzzelli@waterboards.ca.gov](mailto:kenneth.petruzzelli@waterboards.ca.gov)

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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](mailto:Kenneth.Petruzzelli@Waterboards.ca.gov)> wrote:

Thank you Barbara.

Ken Petruzzelli, Attorney III

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[kenneth.petruzzelli@waterboards.ca.gov](mailto:kenneth.petruzzelli@waterboards.ca.gov)

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**From:** Barbara Brenner  
[\[mailto:Barbara@churchwellwhite.com\]](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](tel:916.468.0625) | [barbara@churchwellwhite.com](mailto:barbara@churchwellwhite.com)

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

Barbara, does that include Joey Howard?

Ken Petruzzelli, Attorney III

State Water Resources Control Board

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[kenneth.petruzzelli@waterboards.ca.gov](mailto:kenneth.petruzzelli@waterboards.ca.gov)

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**From:** Barbara Brenner  
[mailto:[Barbara@churchwellwhite.com](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 9<sup>th</sup>, all afternoon of the 11<sup>th</sup> or the 13<sup>th</sup> anytime.

Thank you,

Barbara

<image001.png>

**Barbara A. Brenner** | Partner  
[916.468.0625](tel:916.468.0625) | [barbara@churchwellwhite.com](mailto:barbara@churchwellwhite.com)

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**From:** Petruzzelli, Kenneth@Waterboards  
[<mailto:Kenneth.Petruzzelli@Waterboards.ca.gov>]  
**Sent:** Monday, April 25, 2016 9:25 AM  
**To:** Barbara Brenner  
<[Barbara@churchwellwhite.com](mailto: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 9<sup>th</sup> and 10-11 on the 12<sup>th</sup>. Please send me some dates and times. Thank you.

Ken Petruzzelli, Attorney III

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[kenneth.petruzzelli@waterboards.ca.gov](mailto:kenneth.petruzzelli@waterboards.ca.gov)

---

**From:** Barbara Brenner  
[<mailto:Barbara@churchwellwhite.com>]  
**Sent:** Monday, April 25, 2016 9:21 AM  
**To:** Murano, Taro@Waterboards;  
[margaret.tauzer@noaa.gov](mailto:margaret.tauzer@noaa.gov); Bean, Caitlin@Wildlife; Bob

Pagliuco ([Bob.Pagliuco@noaa.gov](mailto:Bob.Pagliuco@noaa.gov)); Henrioulle, Diana@Waterboards; Feiler, Stormer@Waterboards; L. Joey Howard ([joey@cascadestreamsolutions.com](mailto:joey@cascadestreamsolutions.com)); Will Harling ([will@mkwc.org](mailto:will@mkwc.org)); Douglas Cole ([questranch@marblemountainranch.com](mailto:questranch@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](tel:916.468.0625) | [barbara@churchwellwhite.com](mailto:barbara@churchwellwhite.com)

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**From:** Murano, Taro@Waterboards  
[\[mailto:taro.murano@waterboards.ca.gov\]](mailto:taro.murano@waterboards.ca.gov)  
**Sent:** Monday, April 25, 2016 9:04 AM  
**To:** [margaret.tauzer@noaa.gov](mailto:margaret.tauzer@noaa.gov); Bean, Caitlin@Wildlife <[Caitlin.Bean@wildlife.ca.gov](mailto:Caitlin.Bean@wildlife.ca.gov)>; Bob Pagliuco ([Bob.Pagliuco@noaa.gov](mailto:Bob.Pagliuco@noaa.gov)) <[Bob.Pagliuco@noaa.gov](mailto:Bob.Pagliuco@noaa.gov)>; Barbara Brenner <[Barbara@churchwellwhite.com](mailto:Barbara@churchwellwhite.com)>; Henrioulle, Diana@Waterboards <[Diana.Henrioulle@waterboards.ca.gov](mailto:Diana.Henrioulle@waterboards.ca.gov)>; Feiler, Stormer@Waterboards <[Stormer.Feiler@waterboards.ca.gov](mailto:Stormer.Feiler@waterboards.ca.gov)>; L. Joey Howard ([joey@cascadestreamsolutions.com](mailto:joey@cascadestreamsolutions.com)) <[joey@cascadestreamsolutions.com](mailto:joey@cascadestreamsolutions.com)>; Will Harling

([will@mkwc.org](mailto:will@mkwc.org)) <[will@mkwc.org](mailto:will@mkwc.org)>; Douglas Cole ([guestranch@marblemountainranch.com](mailto:guestranch@marblemountainranch.com)) <[guestranch@marblemountainranch.com](mailto:guestranch@marblemountainranch.com)>  
**Cc:** Anderson, Skyler@Waterboards <[Skyler.Anderson@waterboards.ca.gov](mailto:Skyler.Anderson@waterboards.ca.gov)>; Petruzzelli, Kenneth@Waterboards <[Kenneth.Petruzzelli@Waterboards.ca.gov](mailto: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

Division of Water Rights

State Water Resources Control Board

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