

1 STEPHEN PUCCINI (SBN 186105)
2 NATHAN VOEGELI (SBN 279481)
3 OFFICE OF THE GENERAL COUNSEL
4 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
5 1416 Ninth Street
6 Sacramento, CA 95814
7 Tel: (916) 653-6590
8 Fax: (916) 654-3805
9 Email: stephen.puccini@wildlife.ca.gov

10 Attorneys for the California Department of Fish and Wildlife

11 BEFORE THE STATE WATER RESOURCES CONTROL BOARD
12 STATE OF CALIFORNIA

13 In the Matter of:)
14 DOUGLAS AND HEIDI COLE AND) DECLARATION OF ROBERT HOLMES
15 MARBLE MOUNTAIN RANCH)
16 _____)

17 I, Robert Holmes, declare as follows:

- 18 1. My testimony, herein provided and offered into evidence as CDFW **Exhibit CDFW-24**,¹ is
19 in regard to my review of the flow recommendation for Stanshaw Creek that NOAA’s
20 National Marine Fisheries Service’s made to the State Water Resources Control Board by
21 letter from Alicia Van Atta to Barbara Evoy, dated August 3, 2016 (“NMFS’s Flow
22 Recommendation”). A true and correct copy of the Flow Recommendation is offered into
23 evidence as **CDFW-12**.
- 24 2. I have been an employee of the California Department of Fish and Wildlife (“CDFW”) for
25 9 ½ years. I am currently employed as Senior Environmental Scientist Supervisor in
26 CDFW’s Water Branch Instream Flow Program. My statement of qualifications is offered
27 into evidence as **CDFW-25**.
- 28 3. In May 2016, I was asked by CDFW’s Caitlin Bean to review the NMFS’s Flow
Recommendation. The flow recommendation is for no more than 10% of estimated
unimpaired flow to be diverted throughout the low-flow season to maintain water quality

¹ Further references to CDFW exhibits will be “CDFW-[Exhibit Number].”

1 and food supply for over-summering coho salmon. This recommendation applies to all
2 diverters on Stanshaw Creek.

3 4. The methodology NMFS used to identify the flow recommendation is based upon the
4 “presumptive standard” from “A Presumptive Standard for Environmental Flow Protection”
5 (Richter et al. 2011) (“Presumptive Standard”). This method is based on a large number of
6 studies from around the world to make a case for protecting a portion of the instantaneous
7 daily hydrograph for the ecosystem. This approach recognizes the importance of natural
8 flow variability and sets protection standards that allow changes from natural conditions,
9 which are expressed as percent alterations. The percent of allowable alteration is based on
10 instantaneous flow. The concept is that individuals withdrawing water are to be required to
11 maintain downstream river flows within the sustainability boundaries. Richter et al. in the
12 Presumptive Standard identify a high level of ecological protection with < 10% daily flow
13 alteration from the natural flow. Richter et al. further relate that a 10% reduction in
14 instantaneous daily flow may have minor environmental effects, but a 20% reduction may
15 have notable effects. A true and correct copy of “A Presumptive Standard for
16 Environmental Flow Protection” is offered into evidence as **CDFW-26**.

17 5. These thresholds are embraced by a national instream flow policy crafted by the Canadian
18 Department of Fisheries and Oceans (“DFO”) in the “Framework for Assessing the
19 Ecological Flow Requirements to Support Fisheries in Canada.” (DFO, 2013). Similar to
20 the Richter et al. in the Presumptive Standard, DFO allows for cumulative flow alterations
21 < 10% of the instantaneous flow, in addition to a low-flow cut-off component. DFO
22 indicates that alterations < 10% of the instantaneous flow threshold will have a low
23 probability of detectable impacts to ecosystems that support fisheries. A true and correct
24 copy of the Framework for Assessing the Ecological Flow Requirements to Support
25 Fisheries in Canada is offered into evidence as **CDFW-27**.

26 6. Based upon my experience with conducting environmental studies in California and the
27 Richter et al. (2011) and DFO (2013) reports, I concur that the NMFS’s Flow
28 Recommendation will provide flows for a high level of protection for over-summering coho
salmon in Stanshaw Creek.

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I declare under penalty of perjury to the laws of the State of California that the foregoing is true and correct. Executed October 6, 2017, at Sacramento, California.



ROBERT HOLMES