

May 20, 2016

***VIA US MAIL AND EMAIL (Stephan.Bargsten@waterboards.ca.gov)***

Stephan Bargsten  
Senior ES  
North Coast Regional Water Quality Control Board  
5550 Skylane Blvd., Suite A  
Santa Rosa, CA 95403

***Re: Marble Mountain Ranch Small Habitat Restoration Project 401 Application***

Dear Mr. Bargsten:

Please find attached a Notice of Intent for the General 401 Water Quality Certification Order for Small Habitat Restoration Projects as well as all related exhibits. I represent Douglas Cole, the owner of Marble Mountain Ranch (“Ranch”) in Siskiyou County regarding his water rights for the Ranch. Mr. Cole is proposing to install a six inch pipe with a related flow control device and fish screen within his diversion (“Project”) to comply with a bypass flow recommendation from the National Marine Fisheries Service (“NMFS”).

The NMFS bypass flow recommendation must be implemented during low flow periods in Stanshaw Creek. As summer is quickly approaching, and flows are beginning to recede, the urgency of Mr. Cole’s application increases. Mr. Cole finds himself under strict time constraints to implement this Project and comply with NMFS’s recommendation.

To facilitate your review of his application and expedite the process, please find also included with Mr. Cole’s documentation a determination letter from the California Department of Fish and Wildlife (“CDFW”) regarding the 1602 impacts for the Project. CDFW determined that a streambed alteration agreement is not required for the Project because it will take place entirely within the confines of the manmade ditch of Mr. Cole’s diversion. The impacts of the Project are small and will remain within the manmade ditch, but allowing the Project to be implemented ensures that fishery habitat in Stanshaw Creek and the Klamath River is protected.

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If you have any questions or if I can provide any additional information to further clarify your review of the Project, please feel free to contact me at (916) 468-0625 or [barbara@churchwellwhite.com](mailto:barbara@churchwellwhite.com).

Regards,

Churchwell **White** LLP



Barbara A. Brenner

BAB/kaf/mf

Enclosures