

**Petruzzelli, Kenneth@Waterboards**

---

**From:** Bob Pagliuco - NOAA Affiliate <bob.pagliuco@noaa.gov>  
**Sent:** Wednesday, October 19, 2016 9:39 AM  
**To:** mail=margaret. Tauzer@noaa.gov; Murano, Taro@Waterboards; Anderson, Skyler@Waterboards  
**Subject:** Fwd: Marble Mountain Ranch

Hey folks,

It looks like the Coles want to continue using the ditch for 3cfs of hydropower in addition to getting the 6" pipeline for consumptive use. Joey Howard has left the project and has not billed for his time due to potential litigation and liability concerns with this project after the Coles asked him to guarantee that his design will meet the Water Board's requirements laid out in the order. The Coho Enhancement Fund review team is meeting today to vote on funding priorities and I think I will recommend to the group not to fund the 6" pipe project unless the ditch is abandoned. Thoughts?

Bob

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

**From:** Anne Butterfield <[Anne.Butterfield@nfwf.org](mailto:Anne.Butterfield@nfwf.org)>  
**Date:** Wed, Oct 19, 2016 at 9:04 AM  
**Subject:** Fwd: Marble Mountain Ranch  
**To:** "[Demian.Ebert@pacificcorp.com](mailto:Demian.Ebert@pacificcorp.com)" <[Demian.Ebert@pacificcorp.com](mailto:Demian.Ebert@pacificcorp.com)>, "[bob.pagliuco@noaa.gov](mailto:bob.pagliuco@noaa.gov)" <[bob.pagliuco@noaa.gov](mailto:bob.pagliuco@noaa.gov)>, "[jennifer.bull@wildlife.ca.gov](mailto:jennifer.bull@wildlife.ca.gov)" <[jennifer.bull@wildlife.ca.gov](mailto:jennifer.bull@wildlife.ca.gov)>, "[Mark.Elfgen@wildlife.ca.gov](mailto:Mark.Elfgen@wildlife.ca.gov)" <[Mark.Elfgen@wildlife.ca.gov](mailto:Mark.Elfgen@wildlife.ca.gov)>

Hi Team,

I received this email this morning. We can discuss during our review.

Thanks!  
 Anne

Anne Butterfield  
 Manager, Impact-Directed Environmental Accounts (IDEA)  
 National Fish and Wildlife Foundation  
 90 New Montgomery Street, Suite 1010  
 San Francisco, CA 94105  
 Direct: [\(415\) 243-3106](tel:(415)243-3106) Fax: [\(415\) 778-0998](tel:(415)778-0998)  
[Anne.Butterfield@nfwf.org](mailto:Anne.Butterfield@nfwf.org) | [www.nfwf.org](http://www.nfwf.org)

Begin forwarded message:

**From:** Barbara Brenner <[Barbara@churchwellwhite.com](mailto:Barbara@churchwellwhite.com)>  
**Date:** October 19, 2016 at 7:14:28 AM PDT  
**To:** "[anne.butterfield@nfwf.org](mailto:anne.butterfield@nfwf.org)" <[anne.butterfield@nfwf.org](mailto:anne.butterfield@nfwf.org)>

Cc: Douglas Cole <[guestranch@marblemountainranch.com](mailto:guestranch@marblemountainranch.com)>, Will Harling <[will@mkwc.org](mailto:will@mkwc.org)>

Subject: Marble Mountain Ranch

Dear Ms. Butterfield,

On behalf of the owners of Marble Mountain Ranch, I am providing the following clarification relevant to the pending grant application.

It is our understanding that NFWF will be considering the grant funding for the Marble Mountain Ranch 6 inch pipeline project. We further understand that there is some question as to whether the Coles will be diverting water beyond what will be diverted into the 6 inch pipeline after it is placed into the

Stanshaw Creek ditch. Although the Coles have a right to divert up to 3 cfs of water from the Stanshaw Creek and depend on that diversion for their hydropower system, they will forgo diverting the additional water required to power the hydro system during the winter season for a limited time. Forgoing the diversion of up to 3 cfs for hydropower purposes is an action the Coles are taking only with the understanding that further efforts will be pursued to fund and obtain approvals for a larger pipe to be placed into the ditch for diversion of flows for hydropower use during the winter or high flow season as well as the placement of a pipeline that provides for the return flow from the Irving Creek to Stanshaw Creek just above the highway culvert system. The Coles have been engaged in this stakeholder effort for over 20 years. This additional effort to fund and implement a larger pipeline to divert water for hydropower use and the additional piping of the return flow to Stanshaw Creek should be able to occur within the next 2 years so that the Coles can then go back to relying on their hydropower system. Temporarily forgoing diversion for hydropower purposes is not an abandonment or waiver of the right to divert the Coles full entitlement of 3 cfs for hydropower and consumptive uses.

Please feel free to contact me with any questions and the Coles look forward to the determination on the grant application.

Regards,  
Barbara Brenner

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)

--

Bob Pagliuco  
Marine Habitat Resource Specialist

ERT

NOAA Office of Habitat Conservation, Restoration Center

1655 Heindon Road

Arcata, CA 95521

[\(707\) 825-5166](tel:(707)825-5166) Office

[\(707\) 217-7176](tel:(707)217-7176) Cell