
North Coast Regional Water Quality Control Board

Attachment 1

Photos taken north of Alexandre EcoDairy barn, 2050 Fred Haight Drive, Smith River as taken from the public road on December 19, 2017

By Brandon Stevens, North Coast Regional Water Quality Control Board









Attachment 2
Photos by CDFW Taken on December 29, 2017, at Alexandre EcoDairy























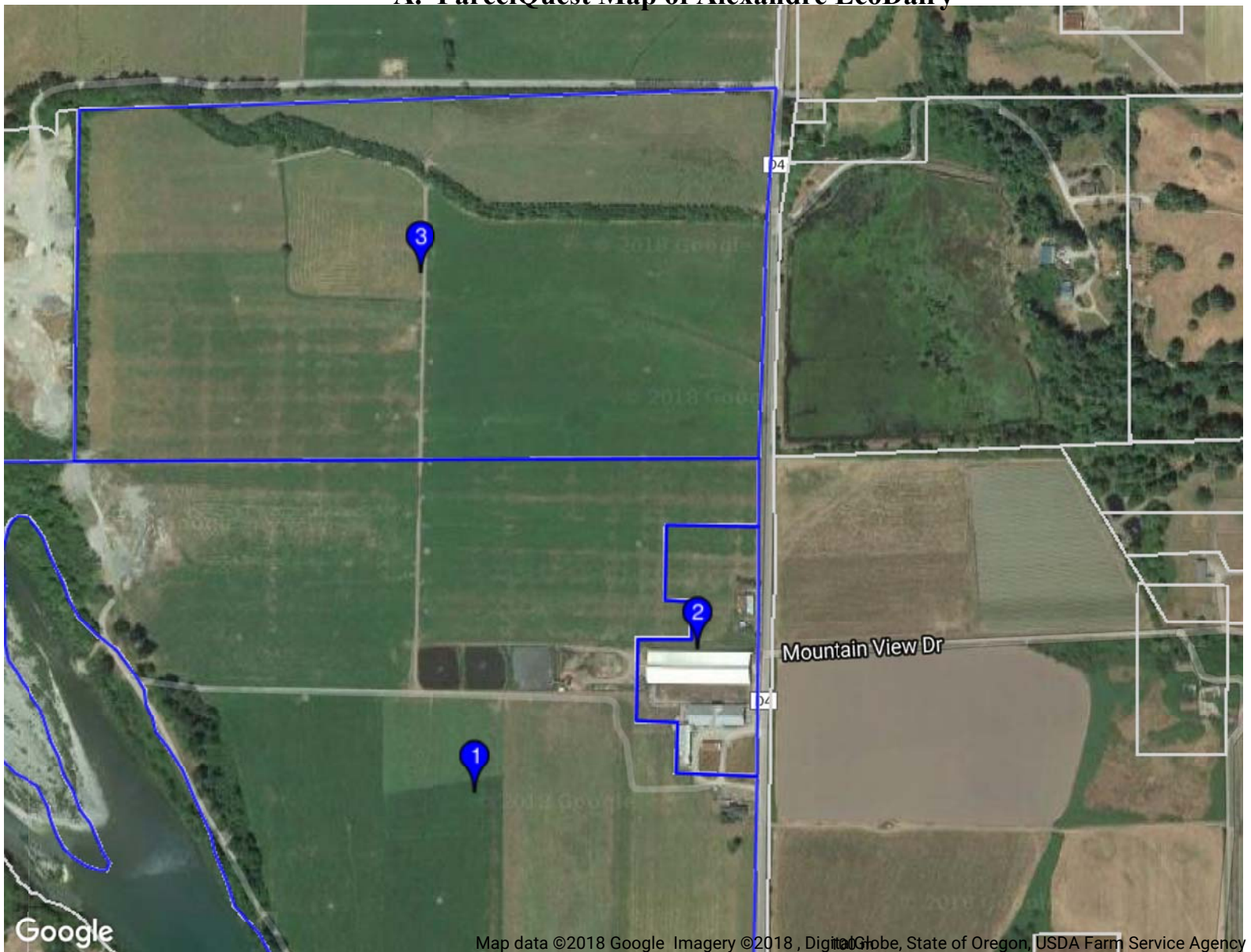







Attachment 3: Maps

A. ParcelQuest Map of Alexandre EcoDairy



© 2015 ParcelQuest www.parcelquest.com (888) 217-8999



<input checked="" type="checkbox"/>		APN	Owner	S Street Address	S City State Zip	Building Class	Bldg/Liv Area	Census Tract	Lot Acres	Use Type
<input checked="" type="checkbox"/>	<u>2</u>	105-020-022-000	ALEXANDRE RANCHES LLC	2050 S FRED HAIGHT DR	SMITH RIVER CA 95567-9347			2.02/1	5.000	AGRICULTURAL
<input checked="" type="checkbox"/>	<u>3</u>	103-020-082-000	ALEXANDRE RANCHES LLC		SMITH RIVER CA 95567			2.02/2	76.390	AGRICULTURAL
<input checked="" type="checkbox"/>	<u>1</u>	105-020-021-000	ALEXANDRE RANCHES LLC	2250 S FRED HAIGHT DR	SMITH RIVER CA 95567-9348			2.02/1	130.000	AGRICULTURAL

Untitled Map
Write a description for your map.

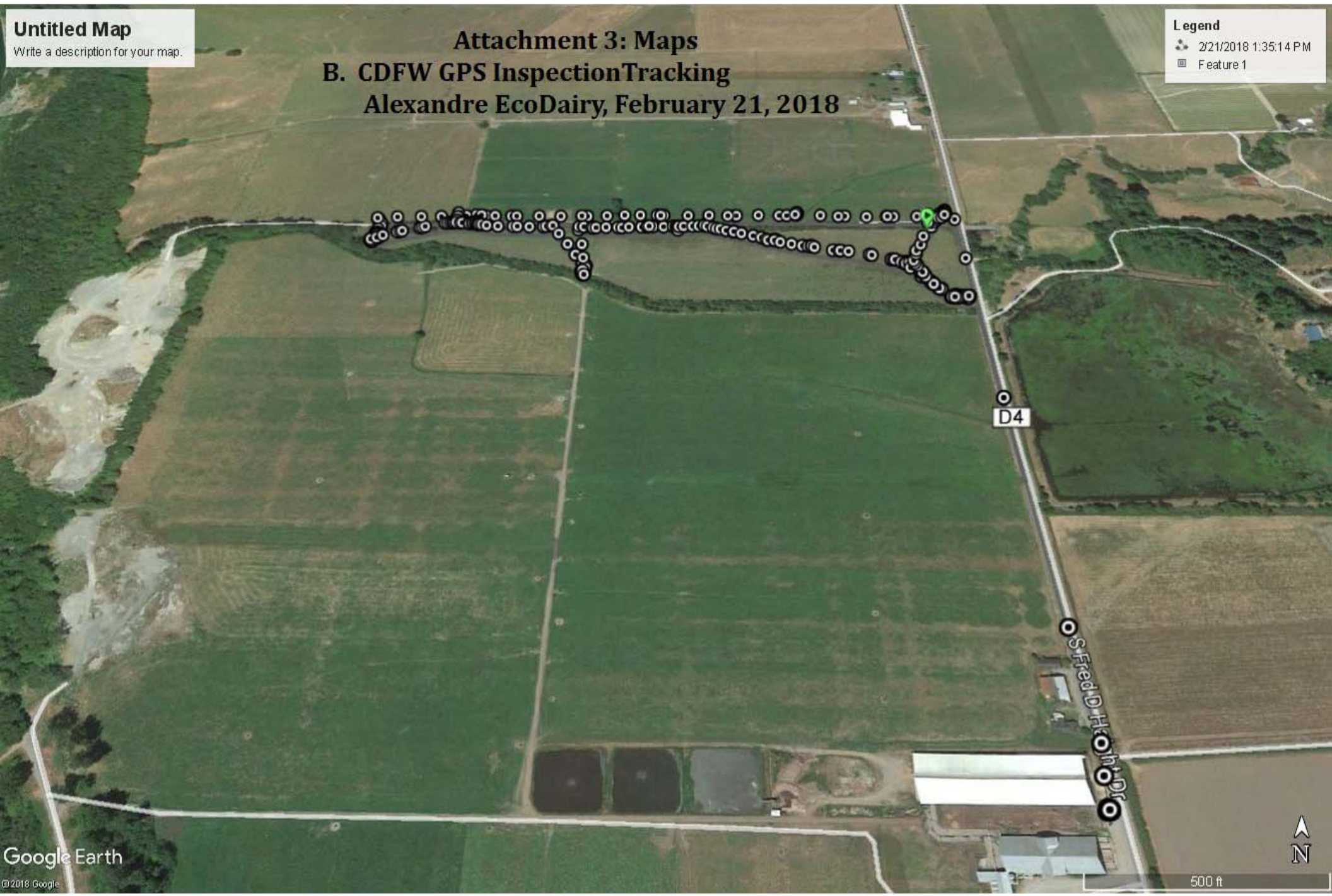
Attachment 3: Maps

B. CDFW GPS Inspection Tracking

Alexandre EcoDairy, February 21, 2018

Legend

- 2/21/2018 1:35:14 PM
- Feature 1



North Coast Regional Water Quality Control Board

Attachment 4: Staff Inspection Report

TO: Stephen Bargsten, Jim Burke, Regional Water Board

FROM: Cherie Blatt, Water Resource Control Engineer
Brendan Thompson, Environmental Scientist

DATE: March 8, 2018

SUBJECT: Site Inspection at Alexandre Eco Dairy
2050 South Fred Haight Drive, Smith River, CA

On December 19, 2017, North Coast Regional Water Quality Control Board (Regional Water Board) Environmental Scientist, Brandon Stevens, observed recent ditch work south of Morrison Creek (tributary to the Smith River) as well as piles of soil in a wetland pasture north of Morrison Creek. The observations were made from Fred Haight Drive and both the ditch work and piles of soil were within land owned by Alexandre Ranches LLC, Del Norte County Assessor's Parcel Number 103-020-082-000 (Site). Mr. Stevens suspected potential impacts to state waters and reported his complaint to Regional Water Board staff member Cherie Blatt, Water Resource Control Engineer and dairy program lead, and Brendan Thompson, Environmental Scientist with the 401 Certification and Nonpoint Source Unit.

On January 11, 2018, Cherie Blatt emailed Chris Howard of Alexandre Eco Dairy (operator of the Site) to 1) inform him of the complaint, 2) inquire about the ditch south of Morrison Creek and soil piles north of Morrison Creek, and 3) to relay water quality concerns regarding potential discharges to surface waters, and alterations of wetlands, streambeds and stream banks. Mr. Howard telephoned Mr. Stevens that same day and emailed Regional Water Board staff soon thereafter, and communicated the following:

1. The ditch south of Morrison Creek was cleaned in 2011 and is typically dry, except during large storm events. He also noted the following additional information about the ditch south of Morrison Creek:
 - The ditch accumulates sediment from upstream of Fred Haight Drive, which causes flooding;

- Jeff Daniels of the Del Norte County Roads Department requested ditch cleaning in summer 2017 whereupon the ditch was subsequently cleaned that summer; and
 - The sediment material removed in summer 2017 was spread out on the pastures and was subsequently stabilized by revegetation;
2. The soil in the field north of Morrison Creek was scraped into piles to help maintain pasture drainage. He also noted the following additional information about the soil and soil piles:
- The scraped material was left in piles close to where the material was scraped from;
 - The scraped material will be removed in spring when the fields are firm; and
 - Sediment from the soil piles will not enter Morrison Creek

On January 29, 2018, California Department of Fish and Wildlife (CDFW) Game Warden, Ted Pinnow, emailed Regional Water Board staff photos taken at the Site, north of Morrison Creek, on December 29, 2017. The photos show an excavated ditch and turbid water discharging from the ditch into the clearer water of Morrison Creek (13267 Order Attachment 2: CDFW Inspection Photos).

On February 5, 2018, Regional Water Board staff contacted Mr. Howard and requested permission to conduct a joint inspection with CDFW staff on February 21, 2018, to inspect the pasture area north of Morrison Creek. Mr. Howard consented to the joint inspection and agreed to meet on the requested date.

At 1:30 PM on February 21, 2018, the following people met at the Site:

- Chris Howard and Vanessa Alexandre of Alexandre Eco Dairy;
- Cherie Blatt, Brendan Thompson, and Justin Fitt, of the Regional Water Board; and
- Ryan Bourque and Brad Padilla of CDFW.

We walked from the northeast corner of APN 103-020-082-000 (13267 Order Attachment 3: Maps) toward the southwest. Regional Water Board staff observed the following:

- The length of the recent work at the subject ditch;
- Morrison Creek culverts at Fred Haight Drive;
- The bridge over Morrison Creek that connects Alexandre Ranches LLC's north and south pastures;
- The subject ditch discharge point at Morrison Creek; and
- The length of the driveway between Alexandre LLC's and the neighboring property to the north owned by the Crockett family.
- See Inspection Photos dated February 21, 2018 (at the end of this report).

Regional Water Board staff witnessed the following during the inspection:

1. CDFW staff measured the recent dredge work on subject ditch: 2,555 feet long by 96 inches wide by 36 inches deep;

2. The middle portion of the north pasture appeared lower in elevation than Morrison Creek;
3. Mr. Howard said that the excavation work was done in November 2017 by Christian Alexandre under the direction of Blake Alexandre, but that a short spur of this ditch was excavated by mistake and subsequently backfilled. Disturbed, backfilled, and unvegetated soil was observed at the short spur location. This backfilled spur was measured by CDFW staff and is described as: 400 feet long by 96 inches wide by 36 inches deep;
4. Cattle tracks were observed in a portion of the 2,555 foot long excavated ditch and in several adjacent bare soil areas. Mr. Howard said that Angel, Alexandre Eco Dairy staff, mistakenly let cows into the pasture area after excavation activities;
5. Turbid water was discharging into Morrison Creek where the excavated ditch ended. A photo in this report shows the excavated bank of Morrison Creek;
6. There were no barriers to prevent fish from swimming from Morrison Creek up into the recently excavated ditch;
7. Piles of bare soil were present in various locations along the excavated ditch including in low lying areas that contained wetland vegetation;
8. Very wet soil conditions were present throughout the north pasture;
9. Very little, if any, vegetation was growing in the recently dredged ditch and on its banks;
10. Approximately 18 northern red-legged frog egg masses were present in the recently excavated ditch, at approximate latitude 41.9044, longitude -124.152534;
11. A shallow stream of water was flowing from the Crockett's property (located to the north), beneath a roadway concrete box culvert, and south into the recently excavated ditch. A chunk of concrete/rock was placed against the bridge structure outlet. Mr. Howard said that the Crocketts placed the piece of concrete against the bridge structure outlet years ago to prevent drainage from the Alexandre Ranches LLC pasture from flowing north onto the Crockett's property.
12. The Alexandre Ranches LLC pasture was fully vegetated except for the excavated ditch, spoil piles, the backfilled short spur, and sidecast soils. No cattle were present.
13. Mr. Howard said that they excavated the ditch to a depth and width that exceeded its historical dimensions.

On February 28, 2018, Mr. Howard emailed the Regional Water Board and CDFW inspectors stating that Blake Alexandre confirmed to him that the ditch north of Morrison Creek has been cleaned four times since he took ownership. He said it was first cleaned in 2000 after placement of the concrete block discussed in paragraph 11, above.

Conclusion:

A continuous sediment discharge to Morrison Creek has been present since the time the excavated ditch was connected to Morrison Creek. Soil fill has been placed in low areas of the pasture that is likely federal and state-jurisdictional wetlands. The bed and bank of Morrison Creek has been altered without a Clean Water Act section 401/404 permit. The

newly excavated ditch provides habitat for the northern red-legged frog, and likely habitat for endangered coho salmon juveniles.

Recommendations:

Regional Water Board staff have met with CDFW staff regarding the protection of beneficial uses and the dredging of the ditch in the pasture north of Morrison Creek. Regional Water Board staff offer the following recommendations:

1. Cattle must be kept out of the bare soil areas and waterways to prevent impacts to aquatic species and excessive discharge of sediment. If cattle are reintroduced to the pasture, then a grazing management plan that excludes cattle from the ditch in wet conditions and in conditions where impacts to aquatic species may occur must be submitted to the Regional Water Board for review and acceptance;
2. Soil piles must be removed from jurisdictional wetlands as soon as possible and placed in an upland location where they cannot discharge sediment to waters of the state;
3. A Clean Water Act section 401 water quality certification may be required for past and future work in the pasture north of Morrison Creek;
4. Alexandre Ranches LLC representatives should coordinate and cooperate with CDFW, the National Marine Fisheries Service, and the Smith River Alliance on the design for the Goodwin Pond/Morrison Creek restoration, as the recent ditch excavation may affect the design;
5. Alexandre Ranches LLC representatives should submit a Work Plan to the Regional Water Board that details how they will work with CDFW, Smith River Alliance, and the design engineer to optimize water quality, water flow, and fish habitat of Morrison Creek and its tributaries.

Inspection Photos

By Justin Fitt, Regional Water Board

February 21, 2018



1. The crossing of Fred Haight Dr. over Morrison Creek, facing south



2. Looking west along beginning of trench



3. Swale becomes more defined ditch



4. Walking west along drainage ditch



5. Bridge crossing of Morrison Creek for cow grazing access



6. Facing east looking toward Fred Haight Dr.



7. Spoil piles placed in wetlands



8. Red-legged frog egg nest in ditch



9. Ditch in low spot collecting neighboring fields' runoff



10. Neighboring field draining to ditch



11. Confluence of ditch into Morrison Creek



12. Closer view of confluence



13. Additional view of drainage ditch (right) entering Morrison Creek (left)



14. Standing next to confluence facing east; view of ditch and spoil piles

North Coast Regional Water Quality Control Board

Fact Sheet – Requirements For Submitting Technical Reports Under Section 13267 of the California Water Code

What does it mean when the regional water board requires a technical report?

Section 13267¹ of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste...that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires."

This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?

The requirement for a technical report is a tool the regional water board uses to investigate water quality issues or problems. The information provided can be used by the regional water board to clarify whether a given party has responsibility.

Are there limits to what the regional water board can ask for?

Yes. The information required must relate to an actual, suspected or proposed discharge of waste (including discharges of waste where the initial discharge occurred many years ago), and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The regional water board is required to explain the reasons for its request.

What if I can provide the information, but not by the date specified?

A time extension may be given for good cause. Your request should be promptly submitted in

writing, giving reasons. If a time extension is granted, you will be notified in writing. If you do not receive a response to your request, the original due date must be complied with.

Are there penalties if I don't comply?

Depending on the situation, the regional water board can impose a fine of up to \$5,000 per day, and a court can impose fines of up to \$25,000 per day as well as criminal penalties. A person who fails or refuses to provide technical reports as required or falsifies any information is guilty of a misdemeanor. For some reports, submission of false information may be a felony.

Do I have to use a consultant or attorney to comply?

There is no legal requirement for this, but as a practical matter, in most cases the specialized nature of the information required makes use of a consultant and/or attorney advisable.

What if I disagree with the 13267 requirements and the regional water board staff will not change the requirement and/or date to comply?

You may ask that the regional water board reconsider the requirement, and/or submit a petition to the State Water Resources Control Board. See California Water Code sections 13320 and 13321 for details. A request for reconsideration to the regional water board does not affect the 30-day deadline within which to file a petition to the State Water Resources Control Board.

If I have more questions, whom do I ask?

Requirements for technical reports indicate the name, telephone number, and email address of the regional water board staff contact.

¹ All code sections referenced herein can be found by going to http://www.waterboards.ca.gov/laws_regulations/docs/portercologne.pdf.