
Complaint Inspection Report Renati Dairy

Report Date: August 19, 2020
Dairy Name: Renati Dairy
State Identification #'s: WDID 1B11124DSON, Place ID 768246
Dairy Address: 5950 Carroll Road, Petaluma, CA 94952
Complaint APN#: Assessor Parcel Number 027-170-015
Inspection Date: June 29, 2020, 10:00 AM
Purpose of Inspection: Respond to Anonymous Water Quality Complaint
Attendance: Cherie Blatt, North Coast Regional Water Quality Control Board (Regional Water Board), and Dan Renati, Co-owner, Renati Dairy

I. Introduction

On June 24, 2020, North Coast Regional Water Quality Control Board (Regional Water Board) staff received an anonymous complaint regarding farm machinery crossing Americano Creek in a pasture just southeast of the intersection of Valley Ford Road and Highway 1, Valley Ford, CA. The Assessor's Parcel Number is APN 027-170-015 and the property owners are Gary and Bernice Caselli of Valley Ford. Renati Dairy leases that and other adjacent APNs (100-030-016 and 026-070-013) from the Caselli's according to Renati's 2019 Notice of Intent (NOI) for General Waste Discharge Requirements for Dairies in the North Coast Region, Order No. R1-2019-0001 (GWDR).

On June 25 and 26, 2020, Regional Water Board staff contacted Dan Renati, co-owner of Renati Dairy, to discuss the complaint. Mr. Renati explained that the dairy leases the APN 027-170-015 from the Caselli's. An inspection was set up for June 29, 2020. Representative Melissa Lema, Western United Dairies, was notified of the complaint on June 25.

The dairy leases the following contiguous APNs from the Caselli's in the southeast corner of Valley Ford Road and Highway 1:

APN 027-170-015, 154 acres (complaint site)
APN 100-030-016, 149 acres (adjacent)
APN 026-070-013, 62 acres (adjacent)

II. Inspection Observations

Ms. Blatt and Mr. Renati met at the complaint site at 10:00 AM on June 29, 2020. The purpose of the inspection was to respond to the complaint and check if the dairy was complying with all water quality requirements.

Mr. Renati stated that Renati Dairy has been leasing the three Caselli parcels for seven years. Construction of a Caltrans bridge at Highway 1 over Americano Creek just downstream caused traffic/access issues over the past few years (stop light, one-way traffic) so the Renati's constructed a culverted watercourse crossing within Americano Creek about four years ago. He said that the crossing was necessary to travel from Renati Dairy (on the north side of Valley Ford Road) to the leased Caselli property (on both sides of Americano Creek) without having to drive through the Hwy 1 construction. No permits for the crossing were disclosed.

Mr. Renati said that farm equipment crosses the creek over 300 times per year for crop harvesting (grass/hay to make silage) and manure spreading. Also, the crossing is used about once per week for operators to check on livestock. He explained that the rock crossing was installed to make the crossing level for equipment and the rock protects the stream bank and bed from erosion during the multiple crossings.

The Americano Creek crossing was inspected and photographed along with nearby areas along the creek bed and to the northwest on the subject APN up to Valley Ford Road. The pastures and creek riparian areas were fully vegetated except for an area at the Valley Ford Road driveway entrance, the small dirt road that accesses the crossing, and the creek crossing area itself.

Regional Water Board staff observed that the subject crossing had an approximately 24-inch diameter black plastic culvert covered by angular rock up through the road crossing approaches. The creek bed was dry except for one pool as shown in the photo log at the end of this report. There was evidence of a small amount of scour erosion in the creek bed just below the culvert outlet.

Mr. Renati said that Americano Creek floods over the 24-inch culvert crossing area as well as the nearby Valley Ford Road during heavy rainstorms under saturated soil conditions, especially during high tide. He said that creek water level can rise to about 11 feet above the bottom of the culvert which is well over the crossing height. He said that the old tire located just above the culvert inlet (see photo log) was from a neighbor's tire (erosion control) discharge problem several years ago.

Ms. Blatt discussed options for a creek crossing, riparian area protection, and the GWDR's Riparian Management Plan (RMP) as listed in the recommendations in Section IV below. Mr. Renati said that he would prefer an inexpensive creek crossing for animals and farm equipment to be used during the dry spring/summer/fall months to access grazing lands without having to travel on Highway 1. He did not think that a permanent riparian area exclusion fence was a

good idea because of frequent flooding, floating debris, the possibility of the fencing breaking loose and flowing downstream, and the continuous maintenance that would be required.

Google Earth aerial images show that the Caselli property at Americano Creek had several small narrow animal crossings around 2012 through 2017 but no obvious signs of crossings by farm machinery. However, aerial imagery from February 2018 to the present, show farm roads in the pastures including the current road crossing of Americano Creek (aerial imagery attached).

Although the culvert is installed to grade (on the creek bed) and clean angular rock appears to have stayed in place over the years, the current culvert is too small to pass large flows and could obstruct fish passage and limit some aquatic wildlife migration. Permanent fill in the creek such as the culvert and rock may require permits and design changes from various state and federal agencies. Please see Section IV. Recommendations below for options for this crossing area.

III. Requirements of the GWDR and Basin Plan

Dairies in the North Coast Region are regulated under the GWDR, which can be found on the Regional Water Board web page:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/dairies/

Failure to implement adequate best management practices (BMPs), as well as causing or threatening to cause pollution, contamination, or nuisance from dairy activities, are violations of the GWDR. Compliance with the requirements of the GWDR is intended to ensure compliance with water quality requirements as specified in the *Water Quality Control Plan for the North Coast Basin* (Basin Plan).¹

The Basin Plan lists Beneficial Uses of Estero Americano and Americano Creek as:

MUN Municipal and Domestic Supply
AGR Agricultural Supply
IND Industrial Service Supply
GWR Groundwater Recharge
NAV Navigation
REC-1 Water Contact Recreation
REC-2 Non-Contact Water Recreation
COMM Commercial and Sport Fishing
COLD Cold Freshwater Habitat
WILD Wildlife Habitat
RARE Rare, Threatened, or Endangered Species
MAR Marine Habitat

¹ Available at:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/basin_plan_documents/

MIGR Migration of Aquatic Organisms
SPWN Spawning, Reproduction, and/or Early Development
EST Estuarine Habitat

In addition, potential Beneficial Uses of water in Estero Americano and Americano Creek are:

PRO Industrial Process Supply
SHELL Shellfish Harvesting
AQUA Aquaculture

Endangered Species Act listed species in the general vicinity, although not necessarily found at the project site, include:

- threatened California red-legged frog, *Rana draytonii*
- endangered Contra Costa goldfields plant, *Lasthenia conjugens*
- endangered Myrtle's silverspot butterfly, *Speyeria zerene myrtleae*
- endangered tidewater goby fish, *Eucyclogobius newberryi*, and
- endangered California freshwater shrimp, *Syncaris pacifica*.

These species are discussed in the United States Fish and Wildlife biological opinion (2014²) for the Caltrans State Highway 1 bridge located just 0.5 miles to the west.

The GWDR requires dairy operators to submit Riparian Management Plan (RMP- pages 20 to 23) to the Regional Water Board. The RMP (GWDR Appendix 1) states that riparian areas shall be managed to protect water quality. Compliance measures include but are not limited to: allowing natural growth, sufficient vegetation to prevent erosion, maintenance of woody species, exclusion of animals from surface water or perennial streams, preventing animals from disturbing streambanks, and grazing only when it does not result in waste discharge (soil or manure) to the stream.

The GWDR also requires dairy operators to submit an Annual Report form to the Regional Water Board starting in 2021. Annual Report forms (GWDR Appendix 3) contain a section on the implementation and progress of the dairy's RMP.

IV. Recommendations

The following actions are recommended regarding water quality protection and riparian vegetation protection in the watercourse crossing area of Americano Creek on APN 027-170-015:

- A. Permanent Crossing: If a permanent crossing is to be left in place year-round, then a professional engineer or registered geologist must design the crossing utilizing options such as multiple culverts, arch culvert, clean rock fill, flat rail car with constructed approaches, or other bridge design. The engineering design must be submitted to the Regional Water Board for approval and is covered by the dairy's existing permit: General Waste Discharge Requirements for Dairies,

² Norris, Jennifer M. USFWS. December 1, 2014. Letter to JoAnn Cullom, Caltrans. State Route 1 Americano Creek Bridge, Marin and Sonoma Counties. Environmental Assessment 209500.

Order No. R1-2019-0001. The existing crossing may remain in place until a new permanent crossing is designed, approved by Regional Water Board, and constructed during the 2021 dry season; or

Temporary Crossing: If a temporary crossing at this location is preferred, then a proposal must be submitted to the Regional Water Board for review. Acceptable options include installation of the temporary crossing of similar design as the existing crossing (minimum 24-inch diameter culvert, clean angular rock fill) but annual installation and maintenance must protect the integrity of the creek. The temporary crossing must only be in place during the spring-summer-fall season when the creek is dry. Temporary crossings may be considered normal farming operations and may be exempt from federal and local regulations and permitting.

No Crossing: Watercourse crossing removal and riparian area restoration would meet the requirements of the GWDR, however, the dairy operator expressed the need for a crossing of Americano Creek to continue ranching operations.

- B. Other Permits: Regional Water Board staff conducted a conference call with United States Army Corps of Engineer staff Sahrye Cohen and Kasey Sirkin on September 28, 2020 regarding your crossing. The Corps concluded that the crossing constituted normal agricultural operations and that a Clean Water Act Section e404 permit is not required. However, as discussed at the second onsite inspection that took place on October 13, 2020 with you, Cherie Blatt of the Regional Water Board staff, and Jerrad Swaney, California Department of Fish and Wildlife (DFW), this crossing requires a 1602 Agreement for changes to the creek bed and bank. Please contact James.Hansen@Wildlife.ca.gov at DFW for more information about obtaining a 1602 Agreement. Note that the Riparian Management Plan (GWDR Appendix 1, pages 20 to 23) improvements may qualify as environmental mitigation for the 1602 Agreement.
- C. The Riparian Management Plan must be submitted to the Regional Water Board prior to crossing reconstruction no later than **July 1, 2021** and must detail how riparian vegetation will be improved around the crossing area. Current conditions show approximately 600 linear feet of riparian area along Americano Creek that is devoid of adequate riparian vegetation. Measures such as limiting animal and machinery access to just the crossing area, replanting riparian vegetation, and protecting future plant growth for at least 35 feet from both creek banks, are necessary to protect the water quality of Americano Creek. Temporary fencing to preclude access to the creek area by cattle may be necessary during the dry season to project riparian vegetation. The Riparian Management Plan must ensure that animal water and feed troughs are located at least 35 feet away from Americano Creek banks to help maintain vegetation. Animals may cross the creek on the new crossing but must not have access to the creek.
- D. Annual Reports: Subsequent reporting on riparian protection of this area must be in the dairy's Annual Reports beginning in 2021 (GWDR Appendix 3, Sections F (pages 3 to 4) and L (page 10)).

- E. Discharge Prohibitions: Dairy staff must familiarize themselves with the GWDR, including the Discharge Prohibitions in Section A (GWDR pages 16 and 17) to ensure discharges of nutrients or sediment to the creek do not occur in the future.

- F. APN Correction: The Renati NOI lists APN 027-070-015 as a leased parcel, however that is one digit off from the Caselli APN which is 027-170-015. The Renati's must enter the correct APN in their Water Quality Plan (GWDR Appendix 1, page 3) as due to the Regional Water Board by **July 1, 2021**.

- G. Assistance: If Renati Dairy needs help with meeting Regional Water Board requirements, the USDA NRCS offers grants for many agricultural practices including assistance with engineering designs or funding for projects such as water troughs (Code 642), groundwater wells (Code 642), riparian fencing (Code 382), or livestock crossings (Code 578). If interested, please contact Drew Loganbill Andrew.loganbill@usda.gov or Brooke Pippi Brooke.Pippi@ca.usda.gov (707) 794-1242 ext 3. Other local organizations that can assist are the Sonoma Resource Conservation District infor@sonomarc.org (707) 569-1488; or Gold Ridge Resource Conservation Service: Brittany Jensen brittany@goldridgercd.org (707) 823-5244. Other public and private consulting services are available in the Sonoma/Marin County area.

Attachments: APN Maps 027-170-015

Photo Log by Cherie Blatt, June 29, 2020



Watercourse crossing of Americano Creek – subject of complaint.



Close-up of crossing. Note angular rock used.



Culvert inlet. Probably 24-inch diameter. Tire is from neighbor's past discharge upstream.



Bare dirt area near culvert crossing. Creek bed at right.



Culvert outlet area.



Culvert outlet center left. Some bed scour erosion below outlet.



Note bare soil around crossing area.



Creekbed was dry except for this pool near the crossing.



Americano Creek just upstream of the crossing, looking southeast.



Dirt access road just south of creek crossing. About 25 heifers were grazing this field (background-left).



Renati's vegetated pasture. Looking southwest. Riparian vegetation along Americano Creek on right. Bare soil on approach to crossing area in foreground right.





Americano Creek bed on left. Vegetated pasture in foreground. Riparian vegetation at right background. Looking west.



Americano Creek bed overflow channel at center surrounded by pasture. Cow trail on right. Riparian vegetation at left. Looking west.



Neighbor's fenced-out, brushy field at left. Renati's pasture at right. Valley Ford Road at far right/background. Looking northwest.



Valley Ford Road slightly higher in elevation than Renati's pasture (fenced at left). Looking west.




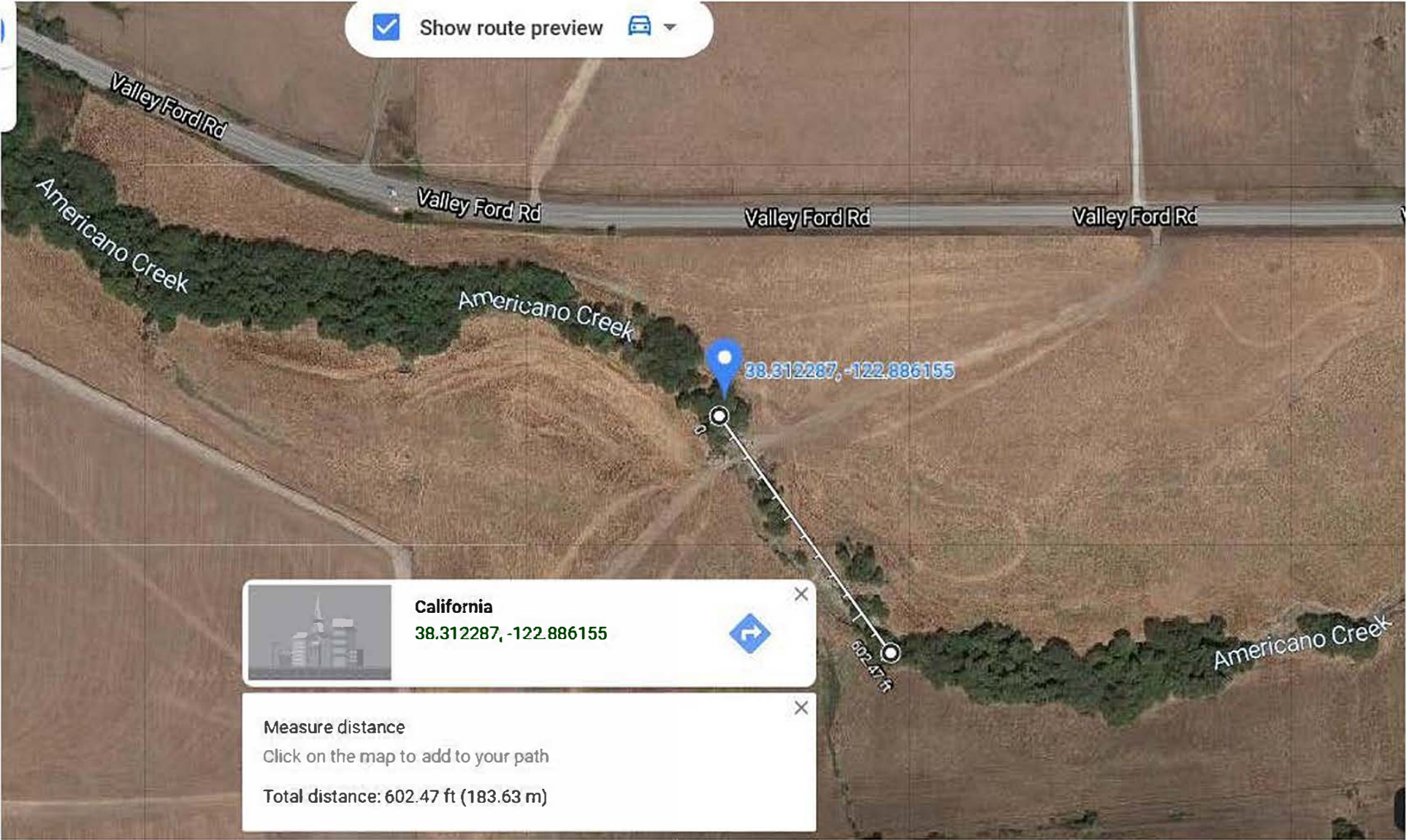
Valley Ford Road (left) slightly higher in elevation than Renati's pasture (right). Looking east.



Renati's vegetated pasture (foreground). Americano Creek riparian vegetation (background). Looking east.

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Show route preview 



California
38.312287, -122.886155



Measure distance
Click on the map to add to your path
Total distance: 602.47 ft (183.63 m)

Figure: APN Map



July 2019 Aerial Image



Image © 2020 Maxar Technologies

Google Earth

May 2012 Aerial Image

