

Eric Porter

From: Katherine Vanderwall
Sent: Tuesday, August 9, 2022 3:45 PM
To: Lake County Cannabis Agency Review
Subject: UP 22-15 Joel Michaely Grow, LLC/Nicholas Taix

The Agriculture Department requires that the applicant obtain a Private Applicator Certificate and Operator ID from the Ag Department.

Katherine VanDerWall

*Agricultural Commissioner/Sealer of Weights & Measures
Lake County Department of Agriculture/Weights & Measures
883 Lakeport Blvd
Lakeport, CA 95453
(707) 263-0217*

Eric Porter

From: Pascus, Kaitlyn A CIV USARMY CESPCK (USA) <Kaitlyn.A.Pascus@usace.army.mil>
Sent: Tuesday, August 2, 2022 12:17 PM
To: Mary Claybon
Cc: Haley, Nancy A CIV USARMY CESPCK (USA); Wise, Denielle F CIV USARMY CESPCK (USA)
Subject: [EXTERNAL] FW: 1 of 2 emails Request for Review for Sufficiency UP 22-15 Joel Michaely Grow, LLC/Nicholas Taix
Attachments: 7a - Hydrology UP report_Joel Michaely Grow LLC_pdf was removed from this message; 7b - Drought Plan UP_Joel Michaely Grow LLC_pdf was removed from this message; 12 - The Joel Michaely Grow_Site Plans_pdf was removed from this message; 13 - The Joel Michaely Grow_Project Description_pdf was removed from this message; 14 - The Joel Michaely Grow_Property Management Plan_pdf was removed from this message

Good Morning Mary,

Per the Controlled Substances Act (21 U.S.C. § 811, et seq.), marijuana is considered a controlled substance, with cultivation, possession, and/or use being a federal crime. Therefore, the Corps cannot process and/or issue a permit for these activities. Marijuana defined as "Industrial Hemp" is exempt from the Controlled Substances Act at Section 201 (21 U.S.C. 811). If the applicant discharges dredged and/or fill material below into waters of the United States without a DA permit, they would be in violation of Section 404 of the Clean Water Act.

Thank you,
Kaitlyn A. Pascus
Senior Project Manager, CA North Section
USACE - Regulatory Division/Sacramento District
Cell: 312-579-5605
Desk: 916-557-7759
Kaitlyn.a.pascus@usace.army.mil

* We want your feedback! Take the survey: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey
<http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey>

*Information on the Regulatory Program: <http://www.spk.usace.army.mil/Missions/Regulatory.aspx>

From: Goodwalt, Todd G CIV USARMY CESPCK (USA) <Todd.G.Goodwalt@usace.army.mil>
Sent: Tuesday, August 2, 2022 2:00 PM
To: Wise, Denielle F CIV USARMY CESPCK (USA) <Denielle.F.Wise@usace.army.mil>; Pascus, Kaitlyn A CIV USARMY CESPCK (USA) <Kaitlyn.A.Pascus@usace.army.mil>
Cc: Haley, Nancy A CIV USARMY CESPCK (USA) <Nancy.A.Haley@usace.army.mil>
Subject: 1 of 2 emails Request for Review for Sufficiency UP 22-15 Joel Michaely Grow, LLC/Nicholas Taix

Good morning,

I have been working with Ms. Claybon Assistant Planner from Lake County for transfer of files in regards to a project, due to the size I have them divided into 2 emails with this being the first.

Respectfully,
Todd Goodwalt

Eric Porter

From: William Collins
Sent: Tuesday, August 2, 2022 9:28 AM
To: Mary Claybon
Subject: RE: Request for Review for Sufficiency UP 22-15 Joel Michaely Grow, LLC/Nicholas Taix

Please see buildings comments below.

1. Please clarify if the 4500 SF barn that is proposed to use for drying and curing is a permitted structure or an ag exempt structure and please keep in mind that a permit will be required to alter it.
2. Please be aware that use of any solvents for manufacturing would change this to an H occupancy and would bring in a lot on new code requirements.
3. Please make sure that all applicable building permits are pulled.
4. PRC 4290 access will be required to the structures.

Sincerely

Bill Collins, CBO, CASp
Chief Building official
County of Lake
255 N. Forbes St.
Lakeport, CA 95453
707-263-2221 ex 38123 (Office)
william.collins@lakecountyca.gov



From: Mary Claybon [mailto:Mary.Claybon@lakecountyca.gov]
Sent: Friday, July 29, 2022 4:22 PM
To: Katherine Vanderwall <Katherine.Vanderwall@lakecountyca.gov>; Doug Gearhart <dougg@lcaqmd.net>; Elizabeth Knight <elizabethk@lcaqmd.net>; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Richard Ford <Richard.Ford@lakecountyca.gov>; William Collins <William.Collins@lakecountyca.gov>; Mary Darby <Mary.Darby@lakecountyca.gov>; susan.parker@lakecoutyca.gov; Moke Simon <Moke.Simon@lakecountyca.gov>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Craig Wetherbee <Craig.Wetherbee@lakecountyca.gov>; Gloria Gregore <Gloria.Gregore@lakecountyca.gov>; Dennis Keithly <Dennis.Keithly@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Vance Ricks <Vance.Ricks@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; PGEPlanReview@pge.com; chief800@northshorefpd.com;



May 24, 2023

Eric Porter, Associate Planner
Lake County Community Development Department
Courthouse – 255 North Forbes Street
Lakeport, CA 95453
(707) 263-2221
cannabisCEQA@lakecountyca.gov

Re: Initial Study/Mitigated Negative Declaration (SCH No. 2023040640) – Joel Michaely Farms (UP 22-15; IS 22-14)

Dear Mr. Porter:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the amended Initial Study/Mitigated Negative Declaration (IS/MND) prepared by Lake County for the proposed Joel Michaely Farms Project (Proposed Project).

DCC has jurisdiction over the issuance of licenses to commercial cannabis businesses. DCC may issue a cultivation license to a business that meets all licensing requirements, and where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: <https://cannabis.ca.gov/cannabis-laws/dcc-regulations/>.

DCC expects to be a Responsible Agency for this project under the California Environmental Quality Act (CEQA) because the project will need to obtain one or more annual commercial cannabis business licenses from DCC. In order to ensure that the amended IS/MND is sufficient for DCC's needs at that time, DCC requests that a copy of the document, revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to DCC. This should apply not only to this Project, but to all future CEQA documents related to cannabis business applications in Lake County.

DCC offers the following comments concerning the IS/MND.

General Comments (GCs)

GC 1: Proposed Project Description

Certain comments provided in the specific comment table below relate to the need for additional detail regarding the description of the Proposed Project. In general, a more detailed project

description would be helpful to DCC. The following information would make the IS/MND more informative:

- 1) Detailed description of existing and proposed infrastructure and operational activities that would occur within these facilities, as well as any other structures that are existing or may be constructed as part of the Proposed Project;
- 2) Detailed description of the 122 proposed greenhouses and other ancillary buildings, including height, materials, and assembly processes; and
- 3) Detailed description of the processing and manufacturing building, including height, materials, and assembly processes; as well as the activities that would take place therein.

In addition, the document would be improved if, for each figure included in the project description, there was a clear explanation in the text regarding how the figure illustrates the relevant information in the text. It would also be helpful to reviewers if the site plans provided were at a resolution and orientation that would allow the reader to discern the text and features depicted as well as existing and proposed facilities, staging areas, and other relevant features.

GC 2: Phasing/Staging

The Project Description indicates that the Proposed Project would be constructed in two distinct phases (also referred to as “stages”). The initial phase of the Proposed Project would include 25 acres of outdoor cultivation. The second phase of the Project would include the construction and use of 122 greenhouses, as well as processing and manufacturing activities.

Because the potential impacts of outdoor cultivation could vary substantially from the potential impacts related to mixed-light cultivation, the IS/MND should clearly identify which aspects of its project description and analysis apply to each of the respective project phases. The analysis should account for variations in the number of employees hired, vehicle trips, equipment usage, and/or requirements for physical resources (e.g., water, energy).

GC 3: Proposed Processing and Manufacturing Activities

The Project Description indicates that the Proposed Project would include processing and manufacturing activities. However, the IS/MND does not describe these operations or provide any analysis of the impacts of such activities. If the applicant intends to use the IS/MND to provide CEQA coverage for its state annual manufacturing and processing licenses, the document should provide a description of these activities, including a detailed description of operations, equipment and/or machinery, resource requirements, and numbers of employees. In addition, it should contain a detailed analysis of any potential impacts to the environment that would result from these activities.

GC 4: Impact Analysis

Several comments provided in the specific comment table below relate to the absence of information or support for impact conclusions in the document. CEQA requires that Lead Agencies evaluate the environmental impacts of proposed projects and support factual conclusions with “substantial evidence.” Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. In general, the IS/MND would be improved if additional evidence (e.g., regulatory setting, environmental setting, impact analysis and methodology, impact assessment) was provided to support all impact conclusions in the checklist, including the sources of information relied upon to make conclusions.

GC 5: Requirements for Mitigation Measures

When a CEQA document identifies impacts that are potentially significant, CEQA requires the Lead Agency to propose mitigation measures, where feasible, that may avoid, reduce, and/or minimize these impacts. According to the CEQA Guidelines, mitigation measures must be practical, specific, enforceable, effective, and roughly proportional to project impacts. This requires a Lead Agency to clearly disclose potential impacts and be sufficiently specific about prescribed mitigation measures. In several instances throughout the document, mitigation measures are not sufficiently specific to establish how such measures would minimize significant adverse impacts as a result of Proposed Project activities.

GC 6: Acknowledgement of DCC Regulations

The IS/MND does not acknowledge that the project would require one or more cannabis cultivation, manufacturing, and processing licenses from DCC. The document could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cannabis business activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations related to cannabis cultivation and distribution (Bus. & Prof. Code, § 26012(a)). In particular, the analysis could benefit from discussion of the protections for environmental resources provided by DCC’s cannabis business regulations. These regulations can be found at <https://cannabis.ca.gov/cannabis-laws/dcc-regulations/>. The impact analysis for each of the following resource topics could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts for each applicable topic:

GC 7: Evaluation of Cumulative Impacts

It is important for CEQA analysis to consider the cumulative impacts of commercial cannabis business activities in Lake County. Of particular importance are topics for which the impacts of individual projects may be less than significant, but where individual projects may make a considerable contribution to a significant cumulative impact. These topics include, but are not limited to:

- cumulative impacts from groundwater diversions on the health of the underlying aquifer, including impacts on other users and impacts on stream-related resources connected to the aquifer;
- cumulative impacts related to noise;
- cumulative impacts related to transportation; and
- cumulative impacts related to air quality and objectionable odors.

The IS/MND would be improved by acknowledging and analyzing the potential for cumulative impacts resulting from the Project coupled with other commercial cannabis business projects being processed by the County, and any other reasonably foreseeable projects in Lake County that could contribute to cumulative impacts similar to those of the Project.

GC 8: Site-Specific Plans, Studies, and Reports

The IS/MND references several project-specific plans, studies, and reports, including a Biological Resources Assessment, Cultural Resources Assessment, Site Management Plan, Grading and Erosion Control Plan, Stormwater Management Plan, Hydrology Report, and Drought Management Plan. To ensure that DCC has supporting documentation for the amended IS/MND, DCC requests that the County advise applicants to provide copies of all project-specific plans and supporting documentation with their state application package for an annual cultivation license to DCC.

Specific Comments and Recommendations

In addition to the general comments provide above, DCC provides the following specific comments regarding the analysis in the IS/MND.

THIS SPACE INTENDED TO BE LEFT BLANK

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
1	Question 17	3	Description of Project	N/A (General Comment)	The description of the Proposed Project would be improved if it contained a detailed description of the greenhouses, the manufacturing and processing building, and any accessory structures that would be used as part of the Proposed Project operations. In addition, the document should indicate which of the Proposed Project elements are existing, and which are proposed to be constructed.
2	Question 17	3-4	Description of Project: Figures 1 and 3	N/A (General Comment)	Figures 1 and 3 would be improved if the site plans were provided at a resolution and orientation that would allow the reader to discern the text and features depicted as well as existing and proposed facilities, staging areas, and other relevant features. In addition, the site plans should include additional detail regarding Proposed Project features, including location of the water storage tanks, fire water tank, and well, as well as the location and relative distance of the wetlands, ponds, and watercourses on the Proposed Project site. A separate figure showing features such as waterways, access routes, and structures on surrounding properties would be useful as well. Finally, the figures would be more informative if they contained a legend

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
3	Question 17	4	Description of Project: Other Project Details	N/A (General Comment)	<p>indicating the meaning of the colors and symbols on the plans. (See GC 1.)</p> <p>The document would be improved if it specified whether the "Other Project Details listed on page 4 would apply to Stage I, Stage II, or both.</p>
4	Question 17	6-7	Description of Project: Energy Usage	<p>Staff estimates a total of 66,000 amps would be needed to power 550,000 sq. ft. of greenhouse lighting using up to 25 watts per square foot of greenhouse area.</p> <p>Stage II power demand will increase due to the lighting needed inside the greenhouses. It is estimated that at least one additional 200 amp service would be needed for Stage II, bringing the total on-site power demand to at least 400 amps and potentially</p>	<p>The IS/MND provides two different estimates of energy requirements for the Proposed Project: 66,000 amps and 400 amps. In addition, the IS/MND does not clearly describe whether the electrical grid would need to be updated to power the Proposed Project, or if such an upgrade is feasible. In addition, the IS/MND describes the use of solar power, but does not describe the solar panels it would include or how much energy would be generated by such solar panels. The document would be improved if it clearly described the Proposed Project's energy requirements and energy sources, and provide its resource impact analyses on that basis.</p>

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
5	Question 17	7	Description of Project: Energy Usage	<p>more depending on the power demands for 127 30' x 150' greenhouses, the barn, and the 48' x 80' manufacturing building, as well as exterior lighting, the well pump and on-site security system.</p> <p>PG&E indicated that a power grid upgrade [for a different project located nearby] could take between 3 and 5 years to complete.</p>	<p>The document would be strengthened if it described the energy source for the Proposed Project during the period that a power grid upgrade is not available.</p>
6	Question 17	7	Description of Project: Wastewater Management	<p>The site will install a restroom and a commercial kitchen in the 3,840 sq. ft. processing building, so a new septic system will be necessary. The project will be in part overseen by the Lake County Environmental Health Department regarding any septic systems and commercial kitchens.</p>	<p>The document would be improved if it described the processing and manufacturing activities that would take place in the commercial kitchen and processing building. (See GC 3.)</p> <p>In addition, the document would be improved if it listed all agencies or entities that would have oversight for the new septic system and kitchen.</p>
7	Question 17	7	Description of Project:	<p>A Stormwater Management Plan (SMP) has been prepared and submitted to Lake County Community</p>	<p>The project description appears to describe the plan for stormwater management only as it applies to Stage I outdoor cultivation activities. The</p>

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
8	Question 18	8-9	Stormwater Management Other Public Agencies whose approval is required	Development Department; the Plan identifies the method of stormwater containment in the cultivation area (straw wattles), which are typical for this type of cultivation activity. N/A (General Comment)	document should also describe and analyze how stormwater would be managed following the construction of 122 greenhouses, the manufacturing building, and ancillary structures. The IS/MND would be more informative if it identified the permit(s) or approval(s) required from each of the agencies listed. In addition, please take note that commercial cannabis regulation and licensing previously under the responsibility of the California Department of Food and Agriculture, the Bureau of Cannabis Control, and the Office of Manufactured Cannabis Safety have been consolidated into a new agency, the California Department of Cannabis Control.
9	Question 19	9	Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to	Lake County sent letters to 11 tribes on July 29, 2022, informing them of the proposed project and offering consultation under AB-52.	The document would be improved if it contained a list of the tribes that were notified.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
10	I(a)	12	Public Resources Code section 21080.3.1? Aesthetics	The applicant has stated that a six foot tall wire fence will be installed around the cultivation areas, but does not provide details on the method of screening materials that will be used for the fence.	The document would be improved if it described the height and appearance of the 122 proposed greenhouses, and provided an analysis of the overall aesthetic impacts of the fence and greenhouses to scenic vistas.
11	I(a)	13	Aesthetics	AES-1: the applicant shall install a minimum 6' tall screening fence around the cultivation areas.	The document would be improved if it provided a description of the screening fence that would be installed for the Proposed Project, and provided an analysis of the potential aesthetic impacts of the screening medium.
12	I(b)	13	Aesthetics	N/A (General Comment)	The IS/MND would be more informative if it described the proximity of the site to state scenic highways.
13	I(d)	13	Aesthetics	N/A (General Comment)	The IS/MND would be strengthened if it referenced DCC's requirements that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare. The document could also cite DCC's requirements that all outdoor lighting for security purposes must be shielded and

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
14	II(a)	14	Agriculture and Forestry Resources	Most of the cultivation site is shown in areas that are mapped as 'farmland of local importance' ...	downward facing. (Cal. Code Regs., tit. 4 §§ 16304(a)(6), 16304(a)(7)). The IS/MND would be improved if it provided an analysis of whether the installation of greenhouses or manufacturing buildings as part of the Proposed Project would have significant impacts to important farmland as described in impact topic II(a).
15	III(a)	16	Air Quality	The proposed project has the potential to result in short- and long-term air quality impacts from construction and operation of the proposed project.	The IS/MND would be improved by providing a description of applicable air quality standards, proposed equipment required for project operations (e.g., employee vehicles and supply trucks, road and vegetation maintenance equipment, cultivation equipment, electricity for greenhouse operations including lighting, ventilation, and filtration systems), and a quantitative assessment of impacts to air quality.
16	III(a)	16	Air Quality	Operational impacts would include dust and fumes from site preparation of the greenhouse pads and vehicular traffic, including small delivery vehicles that would be contributors during and after site preparation and construction.	The document would be strengthened if it provided a quantitative analysis of the PM2.5 and PM10 emissions that would be generated by vehicle travel on dirt and gravel roads during project operations. The analysis should also include an examination of potential cumulative impacts.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comment and Recommendations
17	III(a)	17	Air Quality	Implementation of conditions of approval would reduce air quality impacts to less than significant. Dust during site preparation would be limited during periods of high winds (over 15 mph). All visibly dry, disturbed soil and road surfaces would be watered to minimize fugitive dust emissions	The IS/MND would be strengthened if it specified what conditions of approval would be used to mitigate airborne dust emissions. In addition, the document should describe the specific conditions that would require watering.
18	III(a)	17	Air Quality	Carbon air filtration systems will be installed inside of greenhouses, which will help to minimize odors from escaping from greenhouses into the atmosphere.	The IS/MND would be more informative if it described whether there would be any odor controls in place during the Stage I outdoor cultivation activities.
19	III(a)	17	Air Quality	AQ-6: All areas subject to infrequent use of driveways, over flow parking, etc., shall be surfaced with gravel. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations.	Mitigation Measure AQ-6 appears to contain one or more typographical errors that make it difficult to understand the requirements of the mitigation measure. The document would be improved if it corrected the language to clarify the actions that would be required. In addition, Mitigation Measure AQ-6 would be strengthened if it specified what specific maintenance would be used to mitigate airborne dust emissions and how

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
20	III(b)	18-19	Air Quality	N/A (General Comment)	such mitigation would be enforced. (See GC 5.) The document would be improved if it summarized or provided the inputs used to determine the emissions represented in the tables on pages 18-19.
21	III(c)	19	Air Quality	Stage I cultivation will occur outdoors. The potential for odor-related impacts exists, particularly during Stage I cultivation.	Outdoor cannabis cultivation activities typically produce odors, particularly during plant flowering cycles, that may adversely affect nearby sensitive receptors. The document should identify the type and location of nearby sensitive receptors that could be affected and provide an analysis, supported by data, of whether the Proposed Project operations would result in significant odor impacts. (See GC 4.) The analysis should also include a discussion of potential cumulative impacts.
22	III(c)	19	Air Quality	N/A (General Comment)	The IS/MND would be improved if it provided an analysis of impacts to sensitive receptors related to dust or particulate as a result of vehicle travel or outdoor cultivation activities.
23	III(c)	19	Air Quality	Less than Significant Impact with mitigation measures added	The document would be improved if it identified which mitigation measures are applicable to impact topic III(c) and provided an analysis of how they would

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
24	III(d)	19	Air Quality	The proposed project has the potential to cause objectionable odors, particularly during the harvest season. However, the applicant is installing carbon filtration systems inside the greenhouses, and the closest neighboring residence is more than 1/4 mile away, a substantial number of people will not be adversely affected	<p>reduce impacts to less-than-significant levels.</p> <p>The nearest residence is only 250 feet away from the Proposed Project site, as noted on page 19 of the IS/MND. Aerial photography (Google Earth) shows several residences within a quarter mile of the proposed cultivation area. The IS/MND should contain an analysis of the potential impacts that would result from 25 acres of outdoor cultivation activities during Stage I of the Proposed Project.</p> <p>The analysis should also include a discussion of potential cumulative impacts.</p>
25	IV(a)	21	Biological Resources	N/A (General Comment)	<p>The IS/MND would be improved if it provided an analysis of potential impacts to biological resources, specifically candidate, sensitive, or special-status species, resulting from Proposed Project operations. This could include an analysis of impacts resulting from increased light, noise, vehicles, or heavy machinery.</p>
26	IV(a)	21	Biological Resources	N/A (General Comment)	<p>The IS/MND would be strengthened if it specified the parameters for the review of the California Natural Diversity Database (CNDDB) and the special-status species lists maintained by the US Fish and Wildlife Service and the California</p>

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
27	IV(a)	21	Biological Resources	BIO-1: Prior to cultivation, an 'in season' biological survey of the cultivation area and the area surrounding the cultivation area is required. If sensitive specie(s) are discovered, they shall be avoided, and the area(s) containing sensitive specie(s) shall be fenced off from the cultivation area(s).	<p>Department of Fish and Wildlife (e.g., what radius was specified for the search, what quadrangles were searched).</p> <p>In addition, the document could specify the results of these searches, indicating which special-status species would be likely to occur at the site. If this information is provided in the Biological Resources Assessment (BA), the IS/MND could cross-reference that report, provided that it is included as an appendix or otherwise provided to DCC for review.</p> <p>The mitigation measure would be strengthened if it provided more specificity about the timing and scope of the biological survey that would be required, and described what mitigation would be required if sensitive species necessitated protections other than fencing.</p> <p>According to the CEQA Guidelines, mitigation measures must be practical, specific, enforceable, effective, and roughly proportional to project impacts. This requires a Lead Agency to clearly disclose potential impacts and be sufficiently specific about prescribed mitigation measures. (See GC 5.)</p>
28	IV(b)	20	Biological Resources	According to the Lake County General Plan	The IS/MND bases its conclusion that there would be a less-than-significant

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
29	IV(b)	21	Biological Resources	Chapter 9.1 Biological Resources, “the County should ensure the protection of environmentally sensitive wildlife and plant life, including those species designated as rare, threatened, and/or endangered by State and/or Federal government,” and upon review of the biological report on the parcel, it was determined that no substantial adverse effect will result from the project. The BA did not identify any riparian habitats within the cultivation areas.	impact to biological resources on the findings of the Biological Assessment. However, as described in section IV(a), the County found that the Biological Assessment was not adequate to support a conclusion that the Proposed Project would not result in impacts to sensitive species because it was performed out of season. The document would be improved if it provided substantial evidence, supported by data, that the Project would not result in impacts to special-status species. (See GC 4.)
30	IV(d)	21	Biological Resources	N/A (General Comment)	The IS/MND would be improved if it indicated the distance of the cultivation areas to the nearest riparian area. The IS/MND would be strengthened if it identified the species that might use the Proposed Project site as a migration corridor, then provided an analysis, supported by data, that supports its conclusion that the Project would not interfere with the movement of migratory species. (See GC 4.)
31	IV(e)	22	Biological Resources	There are no mapped sensitive species on the site.	As noted in Specific Comment 28, the County found that the Biological Assessment was not adequate to support a conclusion that the Proposed Project

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
32	V(a)	23	Cultural Resources	CHRIS comments indicated that there is some tribal evidence in the form of lithic scatter on site, but this area is not within a cultivation site. There is also a mapped sensitive area located on the 502 acre property, however this area is outside the project boundary and would not be impacted by this project.	would not result in impacts to sensitive species because it was performed out of season. The document would be improved if it provided substantial evidence, supported by data, that the Project would not result in impacts to special-status species. (See GC 4.) The document would be more informative if it specified the distances from the project area to the lithic scatter and to the mapped sensitive area.
33	V(a)	23-24	Cultural Resources	N/A (General Comment)	The document would be strengthened if it provided an analysis of potential impacts to cultural resources as a result of ground disturbance caused by outdoor cultivation activities.
34	VI(a)	26	Energy	Onsite electricity will be supplied by on-grid power. The County estimates that a total of 400 amps are needed to power the greenhouses, security	The project description of the IS/MND provides two different estimates of energy requirements for the Proposed Project: 66,000 amps and 400 amps. (p. 6-7) In addition, the IS/MND does not clearly describe whether the electrical grid would

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
35	VI(a)	25	Energy	<p>system, and well pump, as well as any other lighting that may be desired. There are no known grid capacity issues at this location, and the increase with 400 new amp services is realistic given the scope of the project.</p>	<p>need to be updated to power the Proposed Project, or if such an upgrade is feasible. In addition, the IS/MND indicates that solar panels would be installed; however, it does not describe the solar panels it would include or how much energy would be generated by solar. The document would be improved if it clearly described the Proposed Project's energy requirements and energy sources, and provide its resource impact analyses on that basis.</p> <p>In addition, the document would be improved if it provided an estimate of the energy that would be used for the Proposed Project on a monthly or annual basis. The IS/MND would be further strengthened if it described all power needs during Project operations (including lighting, ventilation, and filtration systems) and provided an analysis of whether the Proposed Project would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources.</p>
				N/A (General Comment)	<p>The IS/MND would be strengthened if it described how the Project would comply with federal, state, and local requirements regarding energy use and, specifically,</p>

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
36	VII(b)	27	Geology and Soils	The applicant is proposing about 30,000 cubic yards of which is significant. Phase I would be outdoors in above-ground pots, and would primarily involve importing soil. Phase II would involve grading for greenhouse pad preparation and tilling the soil to prepare for cultivation. Both phases include the importing of soil for other cultivation activities.	how the Project would comply with DCC regulations relating to the use of renewable energy in commercial cannabis projects. (Cal. Code Regs., tit. 4 § 16305). The project description indicates that Phase I of the Project would be outdoor cultivation, and Phase II would consist of mixed-light cultivation. However, the cited text appears to indicate that Phase II would include outdoor cultivation and in-ground planting. The document would be improved if it provided a clear and consistent project description and provided an analysis of potential impacts on that basis.
37	VII(b)	28	Geology and Soils	GEO-3: The permit holder shall monitor the site during the rainy season (October 15 – May 15), including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed. Surface runoff is rapid, and the hazard of erosion is severe.	The document would be improved if it specified the metrics for which the permit holder is required to monitor. (See GC 6.)
38	VII(c)	28	Geology and Soils		The IS/MND would be improved if it listed or summarized the measures required by the Grading and Erosion Control Plan that

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
39	VII(e)	28	Geology and Soils	The lots are large enough that a new septic system will not have soils incapable of adequately supporting the use of septic tanks for the disposal of wastewater.	would ensure erosion impacts would be less than significant. The document would be improved if it described how the lot size of the site would determine the capacity of soils to support a septic tank.
40	VII(f)	29	Geology and Soils	Disturbance of sensitive prehistoric resources is not anticipated.	The document would be improved if it provided a description of any potential impacts as a result of unanticipated discoveries of paleontological resources and associated mitigation.
41	VIII(a)	29	Greenhouse Gas Emissions	N/A (General Comment)	The IS/MND would be improved if it described all potential sources of greenhouse gas emissions from project operations, including electricity for lighting, odor control, and HVAC; equipment used in cultivation; delivery of materials, and shipment of product from the Proposed Project site. The IS/MND should provide an analysis, supported by data, of whether the Proposed Project would generate greenhouse gas emissions in excess of the threshold of significance. (See GC 4.)
42	VIII(a)	29	Greenhouse Gas Emissions	In the interim, emissions estimates have been calculated using the	The document indicates that CalEEMod was run to estimate annual GHG emissions; however, the results of that

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				<p>California Emissions Estimator Model (CalEEMod) and compared with thresholds defined by the Bay Area Air Quality Management District (BAAQMD).</p>	<p>model run are not provided, and the IS/MND does not describe the inputs or assumptions that were used in order to generate the results. For example, it is not clear whether the GHG analysis considered both Stage I and Stage II impacts. For Stage II, the IS/MND does not indicate whether the analysis considered the energy use that would be required for the 122 greenhouses and the manufacturing building, including lighting, fans, HVAC, odor control equipment, and other cultivation and manufacturing equipment. Further, as stated above in Specific Comment 34, the document provides two different estimates for energy usage. The document would be improved if it clarified the energy use assumed for this analysis. In addition, the document does not clarify whether the project would be powered solely by power from the grid, by solar power, or by some combination thereof. The document would be improved if it provided substantial evidence, based on data, that the Proposed Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. (See GC 4.)</p>

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
43	IX(g)	34-35	Hazards and Hazardous Materials	Less than Significant Impact	The IS/MND would be improved if it described how the potentially significant impacts identified in the Wildfire section would relate to the impact analysis and conclusion in impact topic IX(g), and/or whether Mitigation Measures WDF-1 through WDF-5 would be required to reduce potential impacts to less-than-significant levels.
44	X(a)	35-36	Hydrology and Water Quality	N/A (General Comment)	The document would be improved if it listed or summarized practices that would prevent substantial impacts to the environment as a result of agricultural runoff during Proposed Project operations, including pesticides and fertilizers.
45	X(a)	36	Hydrology and Water Quality	HYD-1: The applicant shall not use the above-ground pond for cannabis irrigation purposes.	The IS/MND would be strengthened if it described how Mitigation Measure HYD-1 would reduce potential impacts to water quality.
46	X(b)	37-38	Hydrology and Water Quality	The total 'worst-case' water demand on this aquifer is 118.8 acre-feet per year. The total annual recharge is estimated to be 74 acre-feet per year during drought years, and 99 acre-feet per year during non-drought years.	According to the IS/MND, the water demand on the aquifer including the Proposed Project exceeds the aquifer's annual recharge during both drought and non-drought years. The document would be improved if it explained its conclusion that the Project would have a less-than-significant impact on groundwater resources.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
47	X(c)	38	Hydrology and Water Quality	Establishment of the cultivation operations does not require the construction of new buildings, paved roads, or other significantly permanent and impermeable surfaces that would alter runoff significantly.	The analysis of the Proposed Project's impacts on drainage appear to consider only Stage I of the Proposed Project. The document should contain an analysis of the potential impacts of the 122 greenhouses, the manufacturing building, and the other auxiliary structures that would be constructed for Stage II.
48	XIII(a)	43	Noise	N/A (General Comment)	The IS/MND would be improved if it described the sources of noise (e.g., cultivation equipment, ventilation and filtration systems, vehicles, operation and maintenance activities) expected to occur during Proposed Project operations and the levels of noise those sources are likely to generate. Additionally, the IS/MND should include a description of nearby sensitive receptors, their distances from the Project site, and an analysis of whether the Project would result in noise-related impacts on sensitive receptors.
49	XIII(a)	43	Noise	Emergency generators are not proposed as part of this project. Energy will be supplied by solar power.	The IS/MND does not contain consistent information regarding the Proposed Project's energy source. (See Specific Comments 4 and 34.) The document would be improved if it provided a clear and consistent project description and

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comment and Recommendations
50	XIII(a)	43	Noise	NOI-1: ... This mitigation does not apply to night work.	provided an analysis of potential impacts on that basis. The document would be improved if it specified why the mitigation measure would not apply to night work.
51	XIII(a)	43	Noise	NOI-2: Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00AM to 10:00PM and 45 dBA between the hours of 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.	The document would be improved if it described how the Proposed Project would comply with Mitigation Measure NOI-2.
52	XVIII(a)	49-50	Tribal Cultural Resources	N/A (General Comment)	The document would be strengthened if it provided an analysis of potential impacts to cultural resources as a result of ground disturbance caused by in-ground cultivation.
53	XVIII(a)	49-50	Tribal Cultural Resources	CHRIS comments indicated that there is some tribal evidence in the form of lithic scatter on site, but this area is not within a cultivation site. There is also a mapped	The document would be more informative if it specified the distances from the project area to the lithic scatter and to the mapped sensitive area.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
54	XIX(a)	51	Utilities	sensitive area located on the 502 acre property, however this area is outside the project boundary and would not be impacted by this project. The proposed project will be served by an existing onsite irrigation well and is proposing on-grid power, potentially up to 400 amps.	The document would be improved if it clearly described the Proposed Project's energy requirements and energy sources, and provide its resource impact analyses on that basis. (See Specific Comments 4 and 34.)
55	XIX(b)	51	Utilities	N/A (General Comment)	The IS/MND would be improved if it provided an analysis of whether the Proposed Project would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years.
56	XX(d)	54	Wildfire	WDF-3: Any vegetation removal or manipulation will take place in the early morning hours before relative humidity drops below 30 percent.	The mitigation measure would be strengthened if it clarified whether it would apply to cultivation operations.
57	XX(d)	54	Wildfire	WDF-4: A Water tender will be present on site during earth work to reduce the risk of wildfire and dust.	The mitigation measure would be strengthened if it clarified whether it would apply to cultivation operations.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
58	XXI(b)	57	Mandatory Findings of Significance (Cumulative Impacts)	N/A (General Comment)	The IS/MND should identify whether any other commercial cannabis operations exist or have been proposed in the vicinity of the Project, and provide an analysis of whether the Project would make a considerable contribution to any cumulative impacts from these other projects. (See GC 7.)
59	N/A	58-59	Source List	N/A (General Comment)	The Source List would be improved if it provided additional information regarding some of the references. For referenced documents, the author, title, and date of each document could be provided. For personal communications, the agency or organization, person contacted, date of contact, and method of contact should be provided. For websites, the URL and date visited should be provided. In addition, sources that are project-related studies could be made available via weblink or as attachments.

Conclusion

DCC appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 247-1659 or via e-mail at Kevin.Ponce@cannabis.ca.gov.

Sincerely,

Rains,
Lindsay@Cannabis

Digitally signed by Rains,
Lindsay@Cannabis
Date: 2023.05.24
10:43:50 -07'00'

Lindsay Rains
Licensing Program Manager



COUNTY OF LAKE
Health Services Department
Environmental Health Division
922 Bevins Court
Lakeport, California 95453-9739
Telephone 707/263-1164
FAX 707/263-1681

Jonathan Portney
Health Services Director

Jennifer Baker
Deputy Health Services Director

Craig Wetherbee
Environmental Health Director

MEMORANDUM

DATE: August 5, 2022
TO: Mary Claybon, Assistant Planner
FROM: Tina Dawn-Rubin, Environmental Health Aide
RE: UP 22-15 Major Use Permit, IS 21-14
Commercial Cannabis
APN: 012-059-11 11474 Spruce Grove Rd, Lower Lake

Lake County Division of Environmental Health (EH) has on file for the subject parcel:
APN: 012-059-11 – A 2021 well permit (WE 5635 AG) for an AG well; a 2019 CDD Review (UP 19-22) for commercial cannabis proposed project; a 2019 well permit (WE 5192 AG) for an AG well; a 1997 septic permit (12329) designed to service a 2 bedroom residence. However, our office needs to know the status of septic permit #12329. The septic permit was issued on June 17, 1997 but the applicant never requested for final inspection. This septic permit is only good for one (1) year. If the existing septic permit #12329 was buried without inspection from our office, an authorization inspection will be required to validate existing septic permit or a new septic permit may be required at which a new septic clearance from planning may be required; a 2007 site evaluation (soils test) report; a 1997 well permit (WE 1423) for a domestic well.
APN: 012-045-39 – a 2021 well permit (WE 5684 AG) for an AG well. However, it was a dry hole and sealed.

The applicant must meet the EH requirements regarding Onsite Wastewater Treatment System (OWTS) and potable water. EH may require a field clearance to validate septic or well locations prior to site plan approval.

For any proposed building permits or projects where the parcel is serviced by an OWTS or well, the applicant may need to demonstrate the location of any proposed or existing structures including residential or commercial dwellings, garages, driveways, shed, barns, green houses, non-perimeter fences, well houses, etc., and the location of the proposed project on a to-scale site plan prior to building permit issuance and/or project approval.

If the applicant is proposing a commercial cannabis operation and the operation will be constructing or utilizing an existing structure (i.e., processing facility) that will have plumbing for a restroom, sink, etc, that structure will be required to have its own OWTS, separate from any existing or new OWTS designed to service a residential structure.

Promoting an Optimal State of Wellness in Lake County

If the applicant is proposing an OWTS, then applicant must apply for a site evaluation and, if the site is acceptable to support an OWTS, apply for a permit.

EH requires all applicants to provide a written declaration of the chemical names and quantities of any hazardous material to be used on site. As a general rule, if a material has a Safety Data Sheet, that material may be considered as part of the facilities hazardous materials declaration. ***This should be submitted separately from the Management Plan to Environmental Health for review.***

Eric Porter

From: Laura Hall
Sent: Sunday, July 31, 2022 9:45 AM
To: Mary Claybon
Subject: Fw: Request for Review for Sufficiency UP 22-15 Joel Michaely Grow, LLC/Nicholas Taix

Mary,

The RFR does not mention grading, which is part of the proposed project. I am assuming the RFR was based on the project description, which also does not mention grading. Although the project description does not mention grading, the Property Management Plan (PMP) does. However, discussion for grading under Section 6.3.3. of the PMP is insufficient. We need a written description of what the grading plans include in the PMP (how much dirt and/or vegetation will be removed, from where, how will any excess fill be dealt with, etc.). Remember, a lay person may not understand how to read grading plans, so the requirement for a grading permit should be generally mentioned in the project description, and thoroughly explained in the PMP. Also, there is conflicting information in the PMP which states that "Site preparation includes only minor grading and tilling", but then states that "A Grading Plan, including Erosion and Sediment control has been included with the project application documents". If a grading permit is required, then stating the grading is "only minor" is not an accurate statement. As part of the proposed project, the IS/MND must include a thorough analysis of the grading that is being proposed! In order to do that, the information that the IS/MND relies on must be accurate and complete.

To ensure a complete CEQA record from beginning to end, I suggest sending out an amended RFR with the grading permit mentioned, along with the grading plans. However, that is something in our Director's absence that our Deputy Director or County Counsel can weigh in on.

The Natural Resources Division will simply state that all earth moving activities have to be in compliance with Chapter 30 of the Lake County Municipal Code.

Thank you,

Laura

From: Mary Claybon <Mary.Claybon@lakecountycalifornia.gov>
Sent: Friday, July 29, 2022 4:22 PM
To: Katherine Vanderwall; Doug Gearhart; Elizabeth Knight; Ryan Lewelling; Richard Ford; William Collins; Mary Darby; susan.parker@lakecountycalifornia.gov; Moke Simon; Tina Rubin; Craig Wetherbee; Gloria Gregore; Dennis Keithly; Lori Baca; Vance Ricks; Greg Peters; Scott DeLeon; Yuliya Osetrova; PGEPlanReview@pge.com; chief800@northshorefpd.com; Gloria.Fong@fire.ca.gov; mike.wink@fire.ca.gov; csmith@lakecountyfire.com; Fdchf700@yahoo.com; lcfarmbureau@sbcglobal.net; R2CEQA@wildlife.ca.gov; Rex.Jackman@dot.ca.gov; jesse.robertson@dot.ca.gov; jacob.rightnar@dot.ca.gov; Jason.Schroeder@waterboards.ca.gov; nwic@sonoma.edu;

Eric Porter

From: PGE Plan Review <PGEPlanReview@pge.com>
Sent: Monday, August 15, 2022 3:23 PM
To: Mary Claybon; Lake County Cannabis Agency Review
Subject: [EXTERNAL] RE: Request for Review for Sufficiency UP 22-15 Joel Michaely Grow, LLC/Nicholas Taix

Classification: Public

Hello,

PG&E has no comments.

Thank you,

Justin Newell | Land Agent | Land Rights Records
Pacific Gas and Electric Company
916-594-4068



Click here to access the [PG&E Greenbook](#)

Click here to [Submit an Application](#)

Click here to access [Customer Connections Online](#)

From: Mary Claybon <Mary.Claybon@lakecountyca.gov>
Sent: Friday, July 29, 2022 4:22 PM
To: katherine.vanderwall@lakecountyca.gov; doug.gearhart@lakecountyca.gov; elizabethk@lcaqmd.net; ryan.lewelling@lakecountyca.gov; Richard.Ford@lakecountyca.gov; william.collins@lakecountyca.gov; mary.darby@lakecountyca.gov; susan.parker@lakecountyca.gov; moke.simon@lakecountyca.gov; Tina.Rubin@lakecountyca.gov; craig.wetherbee@lakecountyca.gov; gloria.pulido@lakecountyca.gov; dennis.keithly@lakecountyca.gov; lori.baca@lakecountyca.gov; vance.ricks@lakecountyca.gov; Greg.Peters@lakecountyca.gov; Scott.DeLeon@lakecountyca.gov; Yuliya.Osetrova@lakecountyca.gov; PGE Plan Review <PGEPlanReview@pge.com>; chief800@northshorefpd.com; Gloria.Fong@fire.ca.gov; mike.wink@fire.ca.gov; csmith@lakecountyfire.com; Fdchf700@yahoo.com; lcfarmbureau@sbcglobal.net; R2CEQA@wildlife.ca.gov; Rex.Jackman@dot.ca.gov; jesse.robertson@dot.ca.gov; jacob.rightnar@dot.ca.gov; Jason.Schroeder@waterboards.ca.gov; nwic@sonoma.edu; SPKRegulatoryMailbox@usace.army.mil; localverification@cannabis.ca.gov; laura.hall@lakecountyca.gov; Ryan_olah@fws.gov
Subject: Request for Review for Sufficiency UP 22-15 Joel Michaely Grow, LLC/Nicholas Taix

CAUTION: EXTERNAL SENDER!

This email was sent from an EXTERNAL source. Do you know this person? Are you expecting this email? Are you expecting any links or attachments? If suspicious, do not click links, open attachments, or provide credentials. Don't delete it. Report it by using the "Report Phish" button.

Hello Fellow Agencies,

This email is a request for review for a commercial cannabis cultivation project as referenced above. Due to the size of the attachments I have utilized this file share system and the attachments will be located below for download.

Please advise us if additional information is needed, which permits are required from your agency (if any), and of

Eric Porter

From: Lori Baca
Sent: Friday, July 29, 2022 4:49 PM
To: Mary Claybon
Subject: RE: Request for Review for Sufficiency UP 22-15 Joel Michaely Grow, LLC/Nicholas Taix

Mary,

Parcels listed are all outside of Special Districts service area, no impact.

Have a great day!

Lori A. Baca

Customer Service Supervisor

Lori.Baca@lakecountyca.gov

Office Number (707) 263-0119

Fax (707) 263-3836



From: Mary Claybon [mailto:Mary.Claybon@lakecountyca.gov]
Sent: Friday, July 29, 2022 4:22 PM
To: Katherine Vanderwall <Katherine.Vanderwall@lakecountyca.gov>; Doug Gearhart <dougg@lcaqmd.net>; Elizabeth Knight <elizabethk@lcaqmd.net>; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Richard Ford <Richard.Ford@lakecountyca.gov>; William Collins <William.Collins@lakecountyca.gov>; Mary Darby <Mary.Darby@lakecountyca.gov>; susan.parker@lakecouthyca.gov; Moke Simon <Moke.Simon@lakecountyca.gov>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Craig Wetherbee <Craig.Wetherbee@lakecountyca.gov>; Gloria Gregore <Gloria.Gregore@lakecountyca.gov>; Dennis Keithly <Dennis.Keithly@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Vance Ricks <Vance.Ricks@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; PGEPlanReview@pge.com; chief800@northshorefpd.com; Gloria.Fong@fire.ca.gov; mike.wink@fire.ca.gov; csmith@lakecountyfire.com; Fdchf700@yahoo.com; lcfarmbureau@sbcglobal.net; R2CEQA@wildlife.ca.gov; Rex.Jackman@dot.ca.gov; jesse.robertson@dot.ca.gov; jacob.rightnar@dot.ca.gov; Jason.Schroeder@waterboards.ca.gov; nwic@sonoma.edu; SPKRegulatoryMailbox@usace.army.mil; localverification@cannabis.ca.gov; Laura Hall <Laura.Hall@lakecountyca.gov>; Ryan_olah@fws.gov
Subject: Request for Review for Sufficiency UP 22-15 Joel Michaely Grow, LLC/Nicholas Taix

Hello Fellow Agencies,

This email is a request for review for a commercial cannabis cultivation project as referenced above. Due to the size of the attachments I have utilized this file share system and the attachments will be located below for download.

Please advise us if additional information is needed, which permits are required from your agency (if any), and of your environmental concerns. Additionally, please advise if your agency recommends any modifications to the

Eric Porter

From: Vance Ricks
Sent: Monday, August 8, 2022 11:28 AM
To: Mary Claybon
Cc: Scott DeLeon; Cara Salmon
Subject: RE: Request for Review for Sufficiency UP 22-15 Joel Michaely Grow, LLC/Nicholas Taix
Attachments: RFR-4.pdf; RFR-4 RESPONSE.DOCX

Hi Mary

See attached RFR response from the Surveyor's Office

Thanks

Vance



Vance Ricks

County Surveyor

Public Works Department

255 N. Forbes St. Rm. 309

Lakeport, CA 95453

Phone: (707) 263-2341

Email: vance.ricks@lakecountyca.gov

From: Mary Claybon [mailto:Mary.Claybon@lakecountyca.gov]

Sent: Friday, July 29, 2022 4:22 PM

To: Katherine Vanderwall <Katherine.Vanderwall@lakecountyca.gov>; Doug Gearhart <dougg@lcaqmd.net>; Elizabeth Knight <elizabethk@lcaqmd.net>; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Richard Ford <Richard.Ford@lakecountyca.gov>; William Collins <William.Collins@lakecountyca.gov>; Mary Darby <Mary.Darby@lakecountyca.gov>; susan.parker@lakecouthyca.gov; Moke Simon <Moke.Simon@lakecountyca.gov>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Craig Wetherbee <Craig.Wetherbee@lakecountyca.gov>; Gloria Gregore <Gloria.Gregore@lakecountyca.gov>; Dennis Keithly <Dennis.Keithly@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Vance Ricks <Vance.Ricks@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; PGEPlanReview@pge.com; chief800@northshorefpd.com; Gloria.Fong@fire.ca.gov; mike.wink@fire.ca.gov; csmith@lakecountyfire.com; Fdchf700@yahoo.com; lcfarmbureau@sbcglobal.net; R2CEQA@wildlife.ca.gov; Rex.Jackman@dot.ca.gov; jesse.robertson@dot.ca.gov; jacob.rightnar@dot.ca.gov; Jason.Schroeder@waterboards.ca.gov; nwic@sonoma.edu; SPKRegulatoryMailbox@usace.army.mil; localverification@cannabis.ca.gov; Laura Hall <Laura.Hall@lakecountyca.gov>; Ryan_olah@fws.gov

Subject: Request for Review for Sufficiency UP 22-15 Joel Michaely Grow, LLC/Nicholas Taix

Hello Fellow Agencies,

This email is a request for review for a commercial cannabis cultivation project as referenced above. Due to the size of the attachments I have utilized this file share system and the attachments will be located below for download.



Central Valley Regional Water Quality Control Board

24 May 2023

Eric Porter
Lake County Planning Department
255 North Forbes Street
Lakeport, CA 95453
eric.porter@lakecountyca.gov

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, JOEL MICHAELY FARMS, USE PERMIT UP 22-15 PROJECT, SCH#2023040640, LAKE COUNTY

Pursuant to the State Clearinghouse's 25 April 2023 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Joel Michaely Farms, Use Permit UP 22-15 Project, located in Lake County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Cannabis General Order

Cannabis cultivation operations are required to obtain coverage under the State Water Resources Control Board's *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities Order No. WQ 2017-0023-DWQ* (the Cannabis General Order). Cultivators that divert and store surface water (stream, lake, subterranean stream, etc.) to irrigate cannabis also need a valid water right.

The Water Boards Cannabis Cultivation Programs offer an easy-to-use online Portal for cultivators to apply for both Cannabis General Order coverage and a Cannabis Small Irrigation Use Registration (SIUR) water right, if needed. Visit the Water Boards Cannabis Cultivation Programs Portal at:

<https://public2.waterboards.ca.gov/CGO>

Additional information about the Cannabis General Order, Cannabis SIUR Program, and Portal can be found at: www.waterboards.ca.gov/cannabis

For questions about the Cannabis General Order, please contact the Central Valley Water Board's Cannabis Permitting and Compliance Unit at: centralvalleysacramento@waterboards.ca.gov or (916) 464-3291. For questions about Water Rights (Cannabis SIUR), please contact the State Water Board's Division of Water Rights at: CannabisReg@waterboards.ca.gov or (916) 319-9427.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/water issues/water quality certification/](https://www.waterboards.ca.gov/centralvalley/water%20issues/water%20quality%20certification/)

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/water issues/waste to surface water/](https://www.waterboards.ca.gov/centralvalley/water%20issues/waste%20to%20surface%20water/)

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

[https://www.waterboards.ca.gov/board decisions/adopted orders/water quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board%20decisions/adopted%20orders/water%20quality/2004/wqo/wqo2004-0004.pdf)

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board decisions/adopted orders/water quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board%20decisions/adopted%20orders/water%20quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board decisions/adopted orders/waivers/r5-2018-0085.pdf](https://www.waterboards.ca.gov/centralvalley/board%20decisions/adopted%20orders/waivers/r5-2018-0085.pdf)

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento