

**Eric Porter**

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**From:** William Collins  
**Sent:** Monday, April 11, 2022 4:55 PM  
**To:** Lake County Cannabis Agency Review  
**Subject:** RE: Request for Review for Sufficiency UP 20-40 John Oliver

Thanks for checking with me. Please make sure they get all applicable building permits.

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](mailto:william.collins@lakecountyca.gov)



**From:** Lake County Cannabis Agency Review  
**Sent:** Monday, April 11, 2022 8:31 AM  
**To:** William Collins <William.Collins@lakecountyca.gov>  
**Subject:** Request for Review for Sufficiency UP 20-40 John Oliver

Hello,

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.

Code (PRC), we are responding to your request to be notified of projects in our jurisdiction that will be reviewed under CEQA. We are hereby notifying you of an opportunity to consult with us regarding the potential for this project to impact Tribal Cultural Resources, as defined in Section 21074 of the PRC. The purposes of tribal consultation under AB52 are to determine, as part of the CEQA review process, whether or not Tribal Cultural Resources are present within the project area, and if so, whether or not those resources will be significantly impacted by the project. If tribal cultural resources may be significantly impacted, then consultation will also help to determine the most appropriate way to avoid or mitigate those impacts. In accordance with Section 21080.3.1(b) of the PRC, Consultation request under AB52 must be received in writing within 30 days of receipt of this notice. If the culturally-affiliated Tribe would like to formally request an AB 52 consultation, please email or write your request and

## Eric Porter

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**From:** CHP-EIR <EIR@chp.ca.gov>  
**Sent:** Friday, June 9, 2023 9:36 AM  
**To:** Eric Porter; 'state.clearinghouse@opr.ca.gov'  
**Cc:** Fansler, Daniel@CHP; Abrahams, Kristen@CHP  
**Subject:** [EXTERNAL] SCH# 2023050164

Good morning,

Please see the response below from Lieutenant Commander Dan Fansler of the California Highway Patrol, Clear Lake Area, for SCH# 2023050164 .

Thank you,

**Kristen Abrahams** (Lange), AGPA  
Special Projects Section, Transportation Planning Unit  
CHP Headquarters  
601 N. 7<sup>th</sup> Street  
Sacramento, CA 95811  
Office: (916) 843-3370  
Direct: (916) 843-3386

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**From:** Fansler, Daniel@CHP <DFansler@chp.ca.gov>  
**Sent:** Friday, June 9, 2023 8:37 AM  
**To:** CHP-EIR <EIR@chp.ca.gov>  
**Cc:** CHP-10AAdesk <10AAdesk@chp.ca.gov>; Abrahams, Kristen@CHP <Kristen.Abrahams@chp.ca.gov>  
**Subject:** RE: Environmental Document Review – SCH # 2023050164 – Due to Lead Agency by 6/7/2023

It has been brought to my attention the Kelsey Creek Schoolhouse historical site is located at 3505 Finley Road East, directly next door to the proposed Higher Ground Farm commercial cannabis project.

There are many unknowns about how traffic volumes at High Ground Farm — both for workers and for shipping operations — could impact the schoolhouse, which I am told is intended to be utilized for school and community events on a regular basis.

From a traffic safety perspective, I do recognize that there could be a conflict if the two projects are not thoroughly studied. The two sites sit beside each other, with their proposed driveways a short distance apart on a narrow, county-maintained roadway that already sees steady traffic volume, with drivers typically traveling at the speed limit or above in many cases.

The condition of Higher Ground's driveway off of Finley Road East suggests that it will require grading and asphalt to make it suitable for commercial use. How those roadway improvements might impact traffic and the schoolhouse may need to be considered. Respectfully,

**Dan Fansler, Lieutenant**  
Commander  
CHP Clear Lake  
(707) 279-0103  
(707) 279-2863 Fax  
[dfansler@chp.ca.gov](mailto:dfansler@chp.ca.gov)



*Safety, Service, and Security*

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**From:** CHP-EIR <[EIR@chp.ca.gov](mailto:EIR@chp.ca.gov)>  
**Sent:** Thursday, May 25, 2023 4:57 PM  
**To:** Dye, Arthur J@CHP <[ADye@chp.ca.gov](mailto:ADye@chp.ca.gov)>; Fansler, Daniel@CHP <[DFansler@chp.ca.gov](mailto:DFansler@chp.ca.gov)>  
**Cc:** CHP-10AAdesk <[10AAdesk@chp.ca.gov](mailto:10AAdesk@chp.ca.gov)>; Abrahams, Kristen@CHP <[Kristen.Abrahams@chp.ca.gov](mailto:Kristen.Abrahams@chp.ca.gov)>  
**Subject:** Environmental Document Review – SCH # 2023050164 – Due to Lead Agency by 6/7/2023

Good afternoon,

Special Projects Section (SPS) recently received the referenced Notice of Environmental Impact document from the State Clearinghouse (SCH) outlined in the following Web site:

[Higher Ground Farms, UP 20-40, Commercial Cannabis Project](#)

Due to the project's geographical proximity, please use the attached checklist to assess its potential impact to local operations and public safety. **If impact is determined**, responses should be e-mailed directly to the Lead Agency with cc to SCH and myself. **If there is no impact**, please do not include SCH or the Lead Agency in your response.

For more information on the EIR review process, please check out: [Power Point Commanders EIR Training.pptx \(sharepoint.com\)](#).

Please feel free to e-mail me if you have any questions.

Thank you,

**Kristen Abrahams** (Lange), Staff Services Analyst  
Special Projects Section, Transportation Planning Unit  
CHP Headquarters  
601 N. 7<sup>th</sup> Street  
Sacramento, CA 95811  
Office: (916) 843-3370  
Direct: (916) 843-3386



**Department of  
Cannabis Control**  
CALIFORNIA

**Gavin Newsom**  
Governor

**Nicole Elliott**  
Director

June 2, 2023

Eric Porter, Associate Planner  
Lake County Community Development Department  
Courthouse – 255 North Forbes Street  
Lakeport, CA 95453  
CannabisCEQA@lakecountyca.gov

Re: Initial Study/Mitigated Negative Declaration for Higher Ground Farms; Major Use Permit  
UP 20-40, Initial Study IS 20-50 (SCH No. 2023050164)

Dear Mr. Porter:

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

DCC has jurisdiction over the issuance of licenses to cultivate, propagate, and process commercial cannabis in California. DCC issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries, cannabis processor facilities, and distribution facilities, 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 cultivation licenses from DCC. In order to ensure that the IS/MND is sufficient for DCC's needs at that time, DCC requests that a copy of the IS/MND, 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 Proposed Project, but to all future CEQA documents related to cannabis cultivation 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) Description of the size and location of any existing natural features, such as vegetation, water features, and topography of the Proposed Project site; and
- 2) Detailed description of existing and proposed infrastructure and operational activities that would occur within these facilities, as well as any other structures that may be existing or constructed as part of the Proposed Project.
- 3) Description of facility operations and maintenance including:
  - a. Any heavy equipment that will be used for cultivation operations, including tractors, forklifts, mowers, etc.;
  - b. Source(s) and amounts of energy expected to be used in operating the project, including any generators that may be used, as well as any energy management and efficiency features incorporated into the Proposed Project.

The IS/MND should include local street maps, topographic maps, aerial photographs, site plans, property diagrams, and/or other graphics to show the existing site conditions, the Proposed Project, and the surrounding area. The site plans that are provided in the IS/MND are not included at a resolution that would allow the reviewer to understand the general location and surrounding features, or to visualize the layout of existing and proposed features of the Project.

## ***GC 2: Acknowledgement of DCC Regulations***

The IS/MND does not acknowledge that the Proposed Project requires one or more cultivation licenses from DCC. The IS/MND could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cultivation activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations related to cannabis cultivation (Bus. & Prof. Code, § 26102(a)).

Additionally, the IS/MND's analysis could benefit from discussion of the protections for environmental resources provided by DCC's cultivation regulations, similar to the discussion provided with regard to County regulations. In particular, 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:

- Aesthetics (See 4 California Code of Regulations §16304(a).)
- Air Quality and Greenhouse Gas Emissions (See §§ 15020(e); 16304(a)(4); 16305; 16306.)
- Biological Resources (See §§ 15006(i); 15011(a)(11); 16304(a).)
- Cultural Resources (See § 16304(a)(3).)
- Energy (See §§ 15006(h)(6); 15011(a)(5); 15020(e); 16305; 16306.)
- Hazards and Hazardous Materials (See §§ 15006(h)(5)(c); 15011(a)(4); 15011(a)(12); 16304(a)(5)); 16307; 16310.)

- Hydrology and Water Quality (See §§ 15006(h); 15011(a)(3); 15011(a)(7); 15011(a)(11); 16304(a)(1); 16307; 16311.)
- Noise (See §§ 16304(a)(4); 16306.)
- Public Services (See §§ 15011(a)(10); 15036; 15042.)
- Utilities and Service Systems (See §§ 16311; 17223.)
- Wildfire (See § 15011(a)(10).)
- Cumulative Impacts (related to the above topics)

### ***GC 3: 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) was provided to support all impact conclusions in the checklist, including clear identification of the sources of information relied upon to make conclusions.

### ***GC 4: 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 resulting from Proposed Project activities.

### ***GC 5: Site-Specific Reports and Studies***

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

### ***GC 6: Evaluation of Cumulative Impacts***

It is important for the CEQA analysis to consider the cumulative impacts of cannabis cultivation in Lake County as a whole. 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 transportation;
- cumulative impacts related to noise; 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 Proposed Project along with other cannabis cultivation 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 Proposed Project.

### **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.

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<b>Comment No.</b>	<b>Section Nos.</b>	<b>Page No(s).</b>	<b>Resource Topic(s)</b>	<b>IS/MND Text</b>	<b>DCC Comments and Recommendations</b>
1	Project Description	2	Figure 1	Figure 1	Figure 1 would be improved if the vicinity map provided were at a resolution and orientation that would allow the reader to discern the location of the Proposed Project in relation to identified roadways and known drainageways.
2	Project Description	2	16. Description of Project	The site has historically been used for traditional crop production. The orchard that had been on site was removed over the course of time.	The document would be improved if it included a time frame for the use of the site as an orchard and a year when the orchard was removed or became non-operational.
3	Project Description	4	Figure 2	N/A (General Comment)	Figure 2 would be improved 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. A separate figure showing environmental resources such as waterways, access routes, and structures on surrounding properties would be useful as well.
4	Project Description	5	Figure 2	N/A (General Comment)	There are two figures identified as Figure 2. The document would be improved if the figure on page 5 was renumbered to Figure 3. Subsequent figures should be renumbered as well.



Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
5	Project Description	6	18. Other public agencies whose approval is required	N/A (General Comment)	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.
6	Project Description	6	19. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1?	Lake County sent an AB52 notice to 11 Lake County-based Tribes on May 12, 2020, informing tribes 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.

<b>Comment No.</b>	<b>Section Nos.</b>	<b>Page No(s).</b>	<b>Resource Topic(s)</b>	<b>IS/MND Text</b>	<b>DCC Comments and Recommendations</b>
7	I(a)	9-10	Aesthetics	N/A (General Comment)	The document would be improved if it identified County-designated scenic vistas within the vicinity of the Proposed Project.
8	I(a)	9-10	Aesthetics	AES-2: Prior to cultivation, a minimum 6' tall screening fence shall be installed around the perimeter of the cultivation. The screening material shall not be fabric due to poor durability, and the fence may be chain link with slats, or solid wood or metal.	<p>The document would be improved if it provided an analysis of the potential aesthetic impacts of the fence.</p> <p>The document would be further improved if it described the height and appearance of the 10 proposed greenhouses and the processing building, and provided an analysis of the overall aesthetic impacts of the fence, greenhouses, and other structures to scenic vistas</p>
9	I(c)	10	Aesthetics	The site is located in an agricultural area to the south of Lakeport and is highly visible from Finley East Road. Screening requirements and light mitigation are added to minimize potential impacts to the neighboring properties.	The document would be strengthened if it included a discussion of how AES-1 through AES-3 would reduce the visual impact of the Proposed Project as well as identified potential viewpoints from adjacent public areas for reference.
10	I(d)	11	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

<b>Comment No.</b>	<b>Section Nos.</b>	<b>Page No(s).</b>	<b>Resource Topic(s)</b>	<b>IS/MND Text</b>	<b>DCC Comments and Recommendations</b>
					avoid nighttime glare. The document could also cite DCC's requirements that all outdoor lighting for security purposes must be shielded and downward facing. (Cal. Code Regs., tit. 4 §§ 16304(a)(6), 16304(a)(7)).
11	III(b)	13-14	Air Quality	The Project area is in the Lake County Air Basin, which is designated as in attainment for state and federal air quality standards for criteria pollutants (CO <sub>2</sub> , SO <sub>2</sub> , NO <sub>x</sub> , O <sub>3</sub> , PM <sub>10</sub> , PM <sub>2.5</sub> , VOC, ROG, Pb).	The IS/MND would be improved by providing a description of applicable air quality standards, including BAAQMD thresholds of significance and LCAQMD Rules and Regulations; proposed equipment required for project operations (e.g., employee vehicles and supply trucks, road and vegetation maintenance equipment, cultivation equipment); and a quantitative assessment of impacts to air quality.
12	III(b)	13-14	Air Quality	N/A (General Comment)	The document would be improved if it summarized or provided the inputs used to determine the emissions represented in the tables on pages 13 and 14.
13	III(b)	13-14	Air Quality	As indicated by the Project's Air Quality Management Plan, near-term construction activities and long-term operational activities would not exceed any of the thresholds of significance for criteria pollutants.	The document would be strengthened if it provided a clearer distinction between the analysis of potential construction impacts and operation impacts.  The analysis should also include an examination of potential cumulative impacts to air quality.

<b>Comment No.</b>	<b>Section Nos.</b>	<b>Page No(s).</b>	<b>Resource Topic(s)</b>	<b>IS/MND Text</b>	<b>DCC Comments and Recommendations</b>
14	III(c)	15	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.
15	III(c)	15	Air Quality	Implementation of mitigation measures 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 document does not specify any mitigation measures that include restricting activities in high winds or watering to mitigate fugitive dust impacts. According to the CEQA Guidelines, mitigation measures must be practical, specific, enforceable, effective, and roughly proportional to project impacts. The IS/MND would be strengthened if it specified what mitigation measures would be used to mitigate airborne dust emissions, the standards the mitigation measures are designed to achieve, and how such mitigation would be enforced. (See GC 4.)
16	III(c)	16	Air Quality	AQ-6: All areas subject to infrequent use of driveways, overflow parking, etc., shall be surfaced with gravel, chip seal, asphalt, or an equivalent all weather surfacing. Applicant shall regularly use and/or maintain graveled area to	Mitigation Measure AQ-6 appears to contain one or more errors that make it difficult to understand the requirements of the mitigation measure. The document would be improved if the language were

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
17	III(c)	16	Air Quality	AQ-7: Prior to greenhouse cultivation, and prior to use of the processing building for cannabis drying and packaging, the applicant shall install carbon or similar air filters in each structure.	<p>corrected to clarify the actions that would be required.</p> <p>In addition, Mitigation Measure AQ-6 would be strengthened if it stated what specific maintenance activities would be used to mitigate airborne dust emissions and how such mitigation would be enforced.</p> <p>The mitigation measure would be improved if it described the standard of odor reduction the carbon filters would be required to achieve, and described how the measure would be monitored or enforced. (See GC 4.)</p>
18	III(d)	16	Air Quality	N/A (General Comment)	Item III(b) discusses the potential for the Project to produce fugitive dust emissions during construction and operation and identifies mitigation measures to reduce the impact to a less-than-significant level. Item III(c) contains mitigation to reduce odors. This information should be reflected in the discussion of item III(d), and the conclusion should be revised to "Less than Significant Impact with Mitigation Measures AQ-5, AQ-6, and AQ-7 incorporated" in the text and the checkbox.
19	IV(b)	20	Biological Resources	The Project parcel is a Class I watercourses.	The document appears to contain a typographical error that makes it difficult to understand the site

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
20	V(a)	23	Cultural Resources	Prior to site disturbance, the applicant shall bring an archaeologist to the site and shall stake out the mapped historically sensitive area for avoidance. If the sensitive area is within the project boundary, the applicant shall amend the site plan to show a 50' buffer of non-disturbable area between the sensitive site and the cultivation site.	<p>description. The document would be improved if it described the distance from the Project to all nearby watercourses.</p> <p>The IS/MND would be improved if it described the distance of the sensitive historic site from the Proposed Project activities.</p> <p>The document would be improved if it provided an analysis of whether project operations or routine maintenance activities could result in significant impacts to identified cultural resources. In addition, the mitigation measure should specify whether the staking must remain in place during Proposed Project operations.</p>
21	VI(a)	24	Energy	N/A (General Comment)	<p>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</p>

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
22	VII(e)	26	Geology and Soils	The proposed project site contains a 48' x 100' building that will have bathrooms that will be ADA compliant. A new septic system appears to be needed to serve this building	unnecessary consumption of energy, or wasteful use of energy resources.  The document would be improved if it included the types of soils onsite and their compatibility with septic systems.
23	VII(f)	27	Geology and Soils	According to the Wolf Creek Archaeological Services survey and CHRIS records, the project site contains a known unique site that might require protection or avoidance. The applicant shall contact an archaeologist and the Big Valley Tribe prior to site disturbance to stake out the area of interest and avoid it during construction and operations. Mitigation measure CUL- 3. Less than Significant Impact with mitigation measure CUL-3 added.	Mitigation measure CUL-1 includes measures in the event of accidental discovery of a paleontological resource. The document would be improved if this section was revised to include this mitigation measure.
24	VIII(a)	28	Greenhouse Gas Emissions	The applicant proposes about 22,000 sq. ft. of greenhouse canopy area, which will consist of about 250 plants based on the recognized average of 500 mature plants per acre.	The project description initially indicates that the total project canopy would be 47,040 square feet. (Page 2.) The document would be improved if it included a consistent description of the size of the Project and its components, and

<b>Comment No.</b>	<b>Section Nos.</b>	<b>Page No(s).</b>	<b>Resource Topic(s)</b>	<b>IS/MND Text</b>	<b>DCC Comments and Recommendations</b>
25	VIII(a)	28	Greenhouse Gas Emissions	Construction emissions and operational emissions were calculated using the California Emissions Estimator Model (CalEEMod®).	provided its analysis of greenhouse gas emissions on that basis.  The document would be improved if it summarized or provided the inputs used to determine the emissions.
26	IX(b)	31	Hazards and Hazardous Materials	N/A (General Comment)	The IS/MND would be strengthened if it referenced DCC's pesticide use requirements (Cal. Code Regs., tit. 4 § 16307.)
27	X(c)	34	Hydrology and Water Quality	The applicant has submitted proposed erosion and sediment control plans that have stormwater control measures, thus enabling stormwater to remain in a confined area on site and which will prevent the water from re-entering any nearby surface water courses.	The document would be improved if it contained a description and analysis of how stormwater would be managed, both in the outdoor cultivation areas and with the addition of 10 additional greenhouses and other structures.
28	XIII(a)	37	Noise	NOI-1: ... This mitigation does not apply to night work.	The document would be improved if it specified why the mitigation measure would not apply to night work.
29	XIII(a)	37	Noise	N/A (General Comment)	The document would be improved if it described the sources of noise (e.g., cultivation equipment, fans, HVAC, odor control equipment, pumps, generators, operation and maintenance activities) expected to occur during Proposed Project



Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
					operations, the levels of noise those sources are likely to generate, and how the decibel limits in Mitigation Measure NOI-2 would be met. In addition, the document should describe the location and distance of any sensitive receptors from the Project and whether noise impacts to those receptors would be potentially significant.
30	XVIII(a)	43	Tribal Cultural Resources	A mitigation measure has been added requiring the Mostin site to be identified by an Archaeologist and avoided by the cultivator. A 50' 'no disturb' buffer is also required.	<p>The IS/MND would be improved if it described the distance of the sensitive historic site from the Proposed Project activities.</p> <p>The document would be improved if it provided an analysis of whether project operations or routine maintenance activities could result in significant impacts to identified cultural resources. In addition, the mitigation measure should specify whether the buffer must remain in place during Proposed Project operations.</p>
31	XIX(a)	43	Utilities	The proposed Project will be served by an existing onsite irrigation well and on-grid power for all project-related energy and water demands.	The document would be improved if it described the capacity of the existing system, estimated the energy demand that would be required for the Proposed Project,

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
32	XX(a)	45	Wildfire	The applicant would use Hendricks Road, a paved County road serving the site as the evacuation route if needed.	and described whether the existing system would require any upgrades.  Hendricks Road is not located in the vicinity of the Proposed Project site. The document would be improved if it accurately described the Proposed Project's evacuation route, and provided an analysis of whether the Proposed Project would substantially impair an adopted emergency response plan or emergency evacuation plan.
33	XXI(b)	46	Mandatory Findings of Significance (Cumulative Impacts)	N/A (General Comment)	The IS/MND would be more informative if it identified any other cannabis growing operations that exist or have been proposed in the vicinity of the Proposed Project, and whether the Proposed Project would make a considerable contribution to any cumulative impacts from these other projects. (See GC 6.)
34	N/A	47-48	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 should 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 accessed should be provided.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
					In addition, sources that are project-related studies could be made available via weblink or as attachments to the IS/MND.

## 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](mailto:Kevin.Ponce@cannabis.ca.gov).

Sincerely,

**Rains, Lindsay@Cannabis** Digitally signed by Rains, Lindsay@Cannabis  
Date: 2023.06.05 07:16:47 -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  
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Jonathan Portney  
Health Services Director

Jennifer Baker  
Deputy Health Services Director

Erik McLaughlin, MD, MPH  
Public Health Officer

Craig Wetherbee  
Environmental Health Director

### MEMORANDUM

DATE: May 11, 2022  
TO: Mary Claybon, Assistance Planner  
FROM: Tina Dawn-Rubin, Environmental Health Aide  
RE: UP 20-40 Major Use Permit, IS 20-50  
Commercial Cannabis  
APN: 008-026-07 3545 Finley East Rd, Kelseyville

Lake County Division of Environmental Health (EH) has on file for the subject parcel:

**APN: 008-026-07** – a 2021 site evaluation report; a 2021 field clearance to locate existing septic system; a 2020 RFR for a major use permit UP 20-40 review. No original septic permit on file for existing system most likely due to age of system.

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.

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.***

***Promoting an Optimal State of Wellness in Lake County***



## LAKE COUNTY SHERIFF'S DEPARTMENT

1220 Martin Street • Lakeport, California 95453

Administration  
(707) 262-4200

Central Dispatch  
(707) 263-2690

Coroner  
(707) 262-4215

Corrections  
(707) 262-4240

Patrol/Investigation  
(707) 262-4230

Substation  
(707) 994-6433

**Brian L. Martin**  
Sheriff / Coroner

Lake County Community Development

RE: MUP 20-40  
3545 Finely East Road  
Kelseyville, CA

In review of the Security Management Plan submitted for revised MUP 20-40 via the Lake County Community Development Department in April 2022. The Lake County Sheriff's Office has determined the submitted security plan meets the requirements of the County of Lake as set forth in Lake County Ordinance 3084 / 3073.

The Lake County Sheriff's Office's review of the Security Plan is not an endorsement or recommendation of the Security Plan. It is a determination the Security Plan meets the minimum requirements as outlined in Lake County Ordinance 3084 / 3073.

The original, official document is retained by the Lake County Community Development Department. All inquiries regarding the status of cannabis permits or the application process should be directed to the Community Development Department.

*L. Bingham*

Lieutenant Luke Bingham  
Lake County Sheriff's Office  
1220 Martin St.  
Lakeport, CA 95453  
707 262 4200

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SAN BENITO

SAN FRANCISCO  
SAN MATEO  
SANTA CLARA  
SANTA CRUZ  
SOLANO  
SONOMA  
YOLO

**Northwest Information Center**  
Sonoma State University  
1400 Valley House Drive, Suite 210  
Rohnert Park, California 94928-3609  
Tel: 707.588.8455  
nwic@sonoma.edu  
<https://nwic.sonoma.edu>

April 21, 2022

File No.: 21-1698

Mary Claybon, Assistant Planner  
Lake County  
Community Development Department  
255 N. Forbes Street  
Lakeport, CA. 95453

re: UP 20-40; IS 20-50 / APN 008-026-07 at 3545 Finely East Road, Kelseyville / John C. Oliver

Dear Mary Claybon,

Records at this office were reviewed to determine if this project could adversely affect cultural resources. **Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

**Project Description:**

The applicant requests approval of a Major Use Permit to allow the following: A-Type 2B mixed-light commercial cannabis cultivation for 22,000 sq. ft. canopy area in eight (8) 30'x96' greenhouses within 47,040 sq. ft. of cultivation area. Propagation of immature cannabis plants within two (2) 30'x96' greenhouses. Cannabis Processor License for processing (trimming, drying, curing, grading, packaging, or labeling) of cannabis. A-Type 6 Non-Volatile Cannabis Manufacturing License for the manufacturing of cannabis products using nonvolatile solvents, or no solvents. A-Type 13 Self-Distribution transportation of cannabis goods that the licensee has cultivated or manufactured to entities licensed pursuant to California Code. 9,560 sq. ft. 2-Story building (proposed 48'x100'; first floor 4,800 sq. ft. and second floor 4,760 sq. ft.) for onsite processing.

**Previous Studies:**

XX The below studies may include portions of the proposed project, see recommendations below:

Report No.	Author(s)	Year	Title
S-000478	Anne Bothwell, Vicki Griggs, Peter Shelton, and Mark Wieland	1976	Archaeological and Geological Investigations of Kelsey Creek Sites, Kelseyville, California
S-000803	Ronald F. King and Gary Berg	1973	The Mostin Site: A Preliminary Report on Lake County Salvage Operations.
S-002345	Michael H. Townsend	1974	Cabrillo College Special Studies Project: Research in Archaeological Techniques and Field Work, CA-LAK-381.

S-002725	John Parker and Laurel James	1981	Osteoanalysis of Human Remains Recovered from Archaeological Sites CA-LAK-28 and CA-LAK-380, Lake County, California
S-006627	John Parker	1984	Archaeological Evaluation of 56 Acres of the Holdenreid Property, Lake County, California

#### **Archaeological and Native American Resources Recommendations:**

XX The proposed project area contains a recorded Native American archaeological site: The Mostin Site, P-17-000392 (CA-LAK-380). It is recommended that a qualified professional archaeologist update the conditions of these sites on Office of Historic Preservation's DPR 523 resource recordation forms, assess potential impacts of the proposed project activities on these resources, and provide project-specific recommendations as warranted.

XX The proposed project area has the possibility of containing unrecorded archaeological sites. Due to the passage of time since the previous surveys, combined with lack of coverage on this proposed project and the changes in archaeological theory and method since that time, we recommend a qualified archaeologist conduct further archival and field study for the entire project area to identify any unrecorded archaeological resources, including a good faith effort to identify archaeological deposits that may show no indications on the surface.

XX We recommend the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at 916/373-3710.

#### **Built Environment Recommendations:**

XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Lake County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.





April 22, 2022

Mary Claybon  
County of Lake  
255 N Forbes Street  
Lakeport, CA 95453

Re: UP 20-40 Higher Ground Farms  
3545 Finley East Road, Lakeport, CA

Dear Mary Claybon,

Thank you for providing PG&E the opportunity to review your proposed plans for UP 20-40 Higher Ground Farms dated April 8, 2022. Our review indicates your proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you require PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at (877) 259-8314 or [pgeplanreview@pge.com](mailto:pgeplanreview@pge.com).

Sincerely,

PG&E Plan Review Team  
Land Management

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## Eric Porter

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**From:** Jamie Henry  
**Sent:** Tuesday, May 30, 2023 9:11 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Oppose UP 20-40-50 Higher Ground

**From:** Amaia Hammack <Amaia.Hammack@lakecountyca.gov>  
**Sent:** Tuesday, May 30, 2023 8:15 AM  
**To:** Jamie Henry <Jamie.Henry@lakecountyca.gov>  
**Subject:** FW: [EXTERNAL] Oppose UP 20-40-50 Higher Ground

**From:** Donna Mackiewicz <[donnamackiewicz@gmail.com](mailto:donnamackiewicz@gmail.com)>  
**Sent:** Saturday, May 27, 2023 9:32 AM  
**To:** Lake County Community Development <[mbx.CommunityDevelopment@lakecountyca.gov](mailto:mbx.CommunityDevelopment@lakecountyca.gov)>  
**Subject:** [EXTERNAL] Oppose UP 20-40-50 Higher Ground

Dear Community Development and County of Lake Officials,

Please oppose UP 20-4- and 50 on the grounds the Initial study is grossly incomplete and misleadingly flawed and will negatively affect the historical area. Look at the IS page 20 and even shows in bold ERROR Reference not found. It does not mention there are endangered Hitch in the creek and immediate flooded areas - even today they are there and have been spotted even farther up the creek.

In a critical time to be saving the Hitch development that will negatively impact the future of the entire species should be seriously looked at.

There are great places in Lake County for cannabis farming and next to the creek is definitely not one of them.

Thank you for considering my comments in your decision.

Donna Mackiewicz  
576 Surf Lane, Clearlake Oaks CA 95423

## Eric Porter

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**From:** Lori Baca  
**Sent:** Monday, April 11, 2022 12:47 PM  
**To:** Lake County Cannabis Agency Review  
**Subject:** RE: Request for Review for Sufficiency

Good Afternoon,

Parcel 008-026-07 is outside of any Special Districts service area, no impact.

Just an FYI, although no public water or sewer is available to this property there is a 10" water mainline that runs along Finely East Road all the way to our KCWWD#3 treatment facility. If the Developer will be doing any digging outside of the property lines please have them call our office for more information and marking services.

Have a great day!

Lori A. Baca

Customer Service Supervisor

[Lori.Baca@lakecountyca.gov](mailto:Lori.Baca@lakecountyca.gov)

Office Number (707) 263-0119

Fax (707) 263-3836



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**From:** Lake County Cannabis Agency Review [mailto:CannabisAgencyReview@lakecountyca.gov]

**Sent:** Friday, April 8, 2022 4:44 PM

**To:** Katherine Vanderwall <Katherine.Vanderwall@lakecountyca.gov>; Doug Gearhart <dougg@lcaqmd.net>; Jessica Pyska <Jessica.Pyska@lakecountyca.gov>; Elizabeth Knight <elizabethk@lcaqmd.net>; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Richard Ford <Richard.Ford@lakecountyca.gov>; bill.collins@lakecountyca.gov; Mary Darby <Mary.Darby@lakecountyca.gov>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Cara Salmon <cara.salmon@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; pbleuss@kelseyvillefire.com; mike.wink@fire.ca.gov; PGEPlanReview@pge.com; kyle.stoner@wildlife.ca.gov; james.shupe@dot.ca.gov; jesse.robertson@dot.ca.gov; jacob.rightnar@dot.ca.gov; centralvalleysac@waterboards.ca.gov; nwic@sonoma.edu; sham@blm.gov

**Subject:** Request for Review for Sufficiency

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 the Planning Division if additional information is needed, which permits are required from your agency, your environmental concerns, and whether you recommend that a Negative Declaration or an

## Eric Porter

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**From:** Cara Salmon  
**Sent:** Tuesday, April 12, 2022 11:19 AM  
**To:** Lake County Cannabis Agency Review  
**Subject:** RE: Request for Review for Sufficiency

Hi Mary,

This property does not have a RS on file. The applicant needs to be able to prove that setbacks are met in the field.

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**From:** Lake County Cannabis Agency Review [mailto:CannabisAgencyReview@lakecountyca.gov]  
**Sent:** Friday, April 8, 2022 4:44 PM  
**To:** Katherine Vanderwall <Katherine.Vanderwall@lakecountyca.gov>; Doug Gearhart <dougg@lcaqmd.net>; Jessica Pyska <Jessica.Pyska@lakecountyca.gov>; Elizabeth Knight <elizabethk@lcaqmd.net>; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Richard Ford <Richard.Ford@lakecountyca.gov>; bill.collins@lakecountyca.gov; Mary Darby <Mary.Darby@lakecountyca.gov>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Cara Salmon <cara.salmon@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; pbleuss@kelseyvillefire.com; mike.wink@fire.ca.gov; PGEPlanReview@pge.com; kyle.stoner@wildlife.ca.gov; james.shupe@dot.ca.gov; jesse.robertson@dot.ca.gov; jacob.rightnar@dot.ca.gov; centralvalleysac@waterboards.ca.gov; nwic@sonoma.edu; sham@blm.gov  
**Subject:** Request for Review for Sufficiency

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 the Planning Division if additional information is needed, which permits are required from your agency, your environmental concerns, and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared. Additionally, please advise if your agency recommends any modifications to the project that would reduce potential environmental impacts. Due to the provisions of state law, it is essential that we receive your comments within 14 days of this notice. Please email your comments to a [CannabisAgencyReview@lakecountyca.gov](mailto:CannabisAgencyReview@lakecountyca.gov) or mail them to the address listed in the letterhead above.

Thank you,

Mary Claybon  
Assistant Planner

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## Files attached to this message

Filename	Size	Checksum (SHA256)
5_Bio and Botany Higher Ground Farms.pdf	2.81 MB	44362cedc82111cabaaa06fb383e1cccd727090b30e026116a6cc1c32a103ad7d

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## Central Valley Regional Water Quality Control Board

7 June 2023

Eric Porter  
Lake County Planning Department  
255 North Forbes Street  
Lakeport, CA 95453  
[eric.porter@lakecountycalifornia.gov](mailto:eric.porter@lakecountycalifornia.gov)

### **COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, HIGHER GROUND FARMS, UP 20-40 PROJECT, SCH#2023050164, LAKE COUNTY**

Pursuant to the State Clearinghouse's 8 May 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 Higher Ground Farms, UP 20-40 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

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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/](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](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](http://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](mailto: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](mailto: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](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_issues/water_quality_certification/)

**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](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