

Simone Hingston

From: Lori Baca
Sent: Friday, April 10, 2020 4:19 PM
To: Simone Hingston
Subject: RE: Request for Review for Major Use Permit (UP 20-33, IS 20-39, EA 20-40)

Simone,

Parcel 006-003-34 is outside of any Special Districts service area, no impact.

Have a great weekend!

Lori A. Baca, CTA

Customer Service Coordinator

Lori.Baca@lakecountyca.gov

Office Number (707) 263-0119

Fax (707) 263-3836



From: Simone Hingston
Sent: Thursday, April 09, 2020 3:13 PM
To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Doug Gearhart <doug@lcaqmd.net>; fahmya@lcaqmd.net; Elizabeth Knight <elizabethk@lcaqmd.net>; Richard Ford <Richard.Ford@lakecountyca.gov>; Jim Campbell <Jim.Campbell@lakecountyca.gov>; David Casian <David.Casian@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Gloria Gregore <Gloria.Gregore@lakecountyca.gov>; Dennis Keithly <Dennis.Keithly@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; chief500@lakeportfire.com; pbleuss@kelseyvillefire.com; chief800@northshorefpd.com; Gloria.Fong@fire.ca.gov; mike.wink@fire.ca.gov; Fdchf700@yahoo.com; PGENorthernAgencylns@pge.com; KJC8@pge.com; kyle.stoner@wildlife.ca.gov; R2CEQA@wildlife.ca.gov; centralvalleysac@waterboards.ca.gov; Janae.Fried@Waterboards.ca.gov; nwic@sonoma.edu; kevinponce@cdfa.ca.gov
Subject: Request for Review for Major Use Permit (UP 20-33, IS 20-39, EA 20-40)
Importance: High

Good Afternoon Fellow Agencies,

The above attachments are a Request for Review for Major Use Permit (UP 20-33, IS 20-39, EA 20-40), please review the attached documents.

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Simone Hingston

From: Gordon Haggitt
Sent: Friday, April 10, 2020 5:04 PM
To: Simone Hingston
Subject: RE: Request for Review for Major Use Permit (UP 20-33, IS 20-39, EA 20-40)

Simone: In reviewing the site plans submitted I have a couple of concerns. First, there are various setbacks proposed and the one I'm interested in is the one from the property line. It looks good on paper but the only way to ensure the setbacks are being met is through a field survey and marking the lines in question on the ground prior to construction or planting. Another question I have is the accuracy of the topography shown on the plans and how the contours were developed. If determined from a GIS model their accuracy should be confirmed through a field check. At the very least, a field survey in the specific area of the site should be done to determine drainage issues and ensure compliance with our Grading and Storm Water ordinances. As always, a qualified person licensed to practice surveying needs to do the work. Finally, as you know, they are applying for CC's on the property so, in my opinion, if the project overlaps multiple legal parcels they should be merged into one to contain the development. This project is huge. To give you an idea, it's roughly 3 times bigger than the size of the city block on which the courthouse and parking lot occupy. I hope the agencies pay attention and carefully monitor the development of this one and I hope my comments make it into the Planning Commission report. Thanks, Gordon

Gordon M. Haggitt
County Surveyor, County of Lake
(707)263-2341

From: Simone Hingston
Sent: Thursday, April 09, 2020 3:13 PM
To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Doug Gearhart <doug@lcaqmd.net>; fahmya@lcaqmd.net; Elizabeth Knight <elizabethk@lcaqmd.net>; Richard Ford <Richard.Ford@lakecountyca.gov>; Jim Campbell <Jim.Campbell@lakecountyca.gov>; David Casian <David.Casian@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Gloria Gregore <Gloria.Gregore@lakecountyca.gov>; Dennis Keithly <Dennis.Keithly@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; chief500@lakeportfire.com; pbleuss@kelseyvillefire.com; chief800@northshorefpd.com; Gloria.Fong@fire.ca.gov; mike.wink@fire.ca.gov; Fdchf700@yahoo.com; PGENorthernAgencyIns@pge.com; KJC8@pge.com; kyle.stoner@wildlife.ca.gov; R2CEQA@wildlife.ca.gov; centralvalleysac@waterboards.ca.gov; Janae.Fried@Waterboards.ca.gov; nwic@sonoma.edu; kevinponce@cdfa.ca.gov
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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

Simone Hingston

From: Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>
Sent: Saturday, April 11, 2020 11:26 PM
To: Simone Hingston
Cc: Hakala, Jeff@CALFIRE; Hannan, Jake@CALFIRE; Beristianos, J@NSD; Jack Smalley; David Casian; Nickerson, T@FS; MNF B41
Subject: [EXTERNAL]Re: Request for Review for Major Use Permit (UP 20-33, IS 20-39, EA 20-40)

Greetings Planner Hingston.

This address is on private property within the USFS MNF DPA. I did not observe their notification on the cover page. I have included them on this response.

These comments are from CAL FIRE.

Commercial activities within the USFS MNF DPA on private property may require input from their process.

This Use Permit location is on private property within the USFS / Mendocino National Forest DPA (Direct Protection Area). Please see the screenshot below of Public Lands from the Lake County GIS page. By Agreement, the United States Forest Service is financially responsible for wildland fire suppression that starts on this private property, cause of a wildland fire, origin of a wildland fire and civil or criminal follow up. The access to this location travels through USFS lands. The USFS may have a process for the applicant to make improvements to the road, and road use guidance for the commercial permit.

State Fire Safe Standards do apply to private property within the USFS MNF DPA.

This Use Permit is on private property within the USFS MNF DPA. This requires the application of all Fire Codes, which also apply Title 14, PRC 4290 et'al.

The delay of any Fire Safe Standards is not allowed per Title, Code, Regulation et'al, and CAL FIRE does not support any delayed application of minimum fire safe standards.

If the AHJ chooses to not enforce minimum fire safe standards during the permit process that is required by the State Fire Safe Regulations (Title 14, PRC 4290 et'al), they are accepting all responsibility for not requiring the applicant to follow minimum State Fire Safe Regulations required in the SRA.

The Lake County Chief Building Official is also the County Fire Marshall who shall ensure all Codes, Laws, Regulations and etcetera for this project shall be applied. This is also within the local Fire Protection Districts Boundary, where they are a cooperator in applying and enforcing all Codes, Laws, Regulations and etcetera for this project and they will also have comments.

While not in Title, Code or Regulation, CAL FIRE does support the County of Lake's "Dark Sky Initiative". This standard reduces the false reporting of a vegetation fire from light during the night. False activation of the 911 system puts the community and first responders at risk when it can be avoided.

This location is within proximity and or surrounded by a "VERY HIGH Wildland Fire Hazard Severity Zone" area. This is the most extreme and hazardous area category for wildland fire risk. (see below)

Regulations for the AHJ to follow listed below to be , but not be limited to:

- Property line setbacks for structures shall be a minimum of 30 feet. A "Greenhouse" is a structure.
- Addressing that is reflective and of contrasting colors from the public roadway to the location and at every intersection.
- On site water storage for fire protection of each structure per NFPA 1142.
- Per NFPA 1142, fire suppression water storage tanks for commercial use shall be steel or fiberglass (not plastic).
- All private property roads / access used for this project shall meet minimum Fire Safe standards for emergency vehicle ingress and egress
- A "One Way" loop road standard could be used, or a two lane road.
- A "Road" is two 10 foot lanes of travel for a total of 20 feet of derivable surface not including the shoulders.
- A "Driveway" is a 10 foot wide road with a turnout every 400 feet. This shall not be used for commercial applications, or access to more than three structures that are residences.
- A "Turnout" shall be a minimum 10 feet wide and 30 feet long, with a 25 foot taper at each end
- A "One Lane", "One Way" only loop road is 12 feet wide of derivable surface, plus shoulders. A one lane road must connect on both ends to a two lane road or County Road.
- A bridge can meet the "One Lane", "One Way" 12 feet wide road standard with appropriate signage. A bridge must be marked by the owner of the bridge that it is rated to support 75,000 pounds.
- A bridge shall not be less than 12 feet wide.
- A bridge can meet the "Road " 20 feet wide standard. A bridge must be marked by the owner of the bridge that it is rated to support 75,000 pounds.
- Existing roadways on private property shall meet, and or be improved to meet "Road" standards.
- All weather roadway surfaces shall be rated/engineered for 75,000 lb vehicles is the minimum (including bridges).
- All weather roadway surfaces do not ever have mud, standing or flowing water that vehicles have to travel through.
- Maximum roadway slope is 16%.

- Gate width is 14 foot minimum.
- Gate set backs are a minimum of 30 feet from a road to the gate.
- Gates shall have access criteria locks and alike that meet the local Fire Protection District standard "KNOX" (or similar) access program.
- Parking at the site shall allow for turnarounds, hammerhead T, or similar.
- Minimum fuels reduction of 100 feet of defensible space from all structures.
 - Some applications have mention that they may have a gasoline generator for backup power when solar is not available. If this is the case, the generator shall be placed on a minimum of a 10 foot radius of a non combustible surface. It shall have a minimum of a 3A-40B.C Fire Extinguisher within the 10 foot radius.
- This property will meet the criteria to be, or will be a CERS / CUPA reporting facility/entity to Lake County Environmental Health (see hyperlink below), it shall also comply specifically with PRC4291.3 requiring 300 feet of defensible space and fuels reduction around structures. In summary, any structure or location that stores hazardous, flammable or dangerous items shall establish and maintain 300 feet of defensible space / fuels reduction around its radius.
- While not in Title, Code or Regulation, CAL FIRE does support the County of Lake's "Dark Sky Initiative". This standard reduces the false reporting of a vegetation fire from light during the night. False activation of the 911 system puts the community and first responders at risk when it can be avoided.

www.office x | Mail - Win x | Mail - Win x | Mail - Win x | Welcome t x | Board of

gispublic.co.lake.ca.us/portal/apps/webappviewer/index.html?id=5703fec3103a446bb2995075

Public Lands

with Web AppBuilder for ArcGIS

8531 High Valley Road, Clearlake X

Show search results for 8531 High Va...

Lucerne

Ferrand Rd

Leslie Rd

Country Club Dr

Sunset Ter

California Rd

20

E-CA-20

panoramic Dr

Pierce Canyon

2100 ft

Lake C

0.4mi

39.082 -122.770 Degrees

Type here to search

http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_codes

California's Wildland-Urban Interface Code Information - CAL FIRE - Home

www.fire.ca.gov

The law requires that homeowners do fuel modification to 100 feet (or the property line) around their buildings to create a defensible space for firefighters and to protect their homes from wildfires. New building codes will protect buildings from being ignited by flying embers which can travel as ...

http://www.lakecountycalifornia.gov/Government/Directory/Environmental_Health/Programs/cupa.htm

Hazardous Materials Management (CUPA)

www.lakecountycalifornia.gov

The Lake County Division of Environmental Health is the Certified Unified Program Agency for all of Lake County, dealing with hazardous waste and hazardous materials.

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<https://www.nfpa.org/assets/files/AboutTheCodes/1142/1142-A2001-ROP.PDF>

Report of the Committee on - NFPA

www.nfpa.org

351 Report of the Committee on Forest and Rural Fire Protection Richard E. Montague, Chair FIREWISE 2000, Inc., CA [SE] John E. Bunting, Secretary New Boston Fire Dept., NH [U]

Report of the Committee on - NFPA

www.nfpa.org

351 Report of the Committee on Forest and Rural Fire Protection Richard E. Montague, Chair FIREWISE 2000, Inc., CA [SE] John E. Bunting, Secretary New Boston Fire Dept., NH [U]

http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_codes

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The Lake County Division of Environmental Health is the Certified Unified Program Agency for all of Lake County, dealing with hazardous waste and hazardous materials.

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COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Telephone 707/263-2221 FAX 707/263-2225

DISTRIBUTION DATE: April 9, 2020

REQUEST FOR REVIEW FOR SUFFICIENCY

@ AG. COMMISSIONER
@ AIR QUALITY MGMT
@ ASSESSOR
@ BUILDING DIVISION
@ DPW - ROADS
@ ENVIRON HEALTH
LAKEBED MANAGEMENT
PUBLIC SERVICES
@ SHERIFF
@ SPECIAL DISTRICTS
@ SURVEYOR
@ TAX COLLECTOR
WASTE DISPOSAL
@ WATER RESOURCES

FIRE PROTECTION DIST:

@ Kelseyville
@ Lake County
@ Lake Pillsbury (no contact info)
@ Lakeport County
@ Northshore
@ South Lake County
@ CalFire

@ PG&E
HOA _____
WATER CO _____
OTHER _____

@ CA DEPT FISH & WDLF
CALTRANS
STATE LANDS COMM.
@ CRWQCB
STATE DEPT. OF HEALTH
@ SONOMA STATE

ARMY CORPS
BLM
@ CALCANNABIS
GRADING
NRCS
US FISH & WILDLIFE SVC
US FOREST SERVICE

FROM: Simone Hingston, Assistant Planner
REQUEST: Major Use Permit UP 20-33; Initial Study IS 20-39; Early Activation EA 20-40
OWNER/APPLICANT: Liu Farm; Meili Liu
APN: 006-003-34
LOCATION: 8531 High Valley Road, Clearlake Oaks, CA
ZONING: "RL-WW-SC" Rural Lands – Waterway – Scenic Combining District.
GENERAL PLAN: Rural Lands.
HAZARDS: Wildland Fire Hazard, Project Parcel located within State Responsibility Area.
FLOOD ZONE: "X" areas of minimal flooding – not in a special flood hazard area.
SERPENTINE SOILS: None.
SOIL STABILITY: Unstable.
PREVIOUS APPLICATIONS: None.
EXISTING DEVELOPMENT: One (1) road (High Valley Road), access driveway.
WATER SOURCE: Proposed well, permitted 03/16/2020, Well Permit #: WE-5326 WP0003460.
SEWAGE: None.
CONSTRUCTION: 13 – 30'x100' greenhouses, 3 – 10'x10' storage buildings (security, fertilizer, waste storage), 1 – 8'x40' metal container.

PROPOSAL:

The applicant is requesting approval of a Major Use Permit for commercial cannabis cultivation. The applicant is proposing to allow the following (*Please refer to the attached Project Management Plan and Site Plans*):

- Seven (7) acres of outdoor cultivation area (304,920 square feet).
- Thirteen (13) 30'x100' greenhouses (39,000 square feet).
- 16 employees and up to 20 at peak.
- 14 parking spaces and 2 ADA parking spaces.

The applicant is proposing to allow the following licenses:

RECEIVED

APR 13 2020

**LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.**

Seven (7) **A – Type 3: “Outdoor”**: Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size on one premises.

One (1) **A – Type 3B: “Mixed-Light”**: Cultivation for adult use cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting below a rate of 25 watts per square foot between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises.

ACCESS: Any site where a cannabis related activity is permitted shall have access to a public road or a recorded easement that allows for, but not limited to, delivery trucks, emergency vehicles, sheriff and other law enforcement officers, and government employees who are responsible for inspection or enforcement actions.

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 project that would reduce potential environmental impacts. Due to the provisions of state law, it is essential that we receive your comments as soon as possible but in no case later than **April 24, 2020**. Please email your comments to simone.hingston@lakecountycal.gov or mail them to the address listed in the letterhead above.

COMMENTS: Mr. Liu, will be using pesticide based on what I read in the report. Organic / Conventional / restricted / non-restricted use all pesticides.

NAME

DATE

cc: 3	Supervisory District (RFR Only)	Eddie Crandell	Redbud Audubon
@	Carol Huchingson/Michelle Scully/Susan Parker		
Other (Examples: Sierra Club / HOA /		Farm Bureau / etc.) (RFR Only)	

He will need to obtain an Pesticide Operator Identification Number and a Private Applicator Certificate to obtain, report and use pesticides (see above). This can be obtained at the Lake County Agricultural Commissioner's office.

Simone Hingston

From: Lucas Bingham
Sent: Monday, April 13, 2020 10:32 AM
To: Simone Hingston
Subject: RE: Request for Review for Major Use Permit (UP 20-33, IS 20-39, EA 20-40)
Attachments: MJ security plan review MUP 20-33.pdf

Lt. Bingham

From: Simone Hingston
Sent: Thursday, April 9, 2020 3:13 PM
To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Doug Gearhart <doug@lcaqmd.net>; fahmya@lcaqmd.net; Elizabeth Knight <elizabethk@lcaqmd.net>; Richard Ford <Richard.Ford@lakecountyca.gov>; Jim Campbell <Jim.Campbell@lakecountyca.gov>; David Casian <David.Casian@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Gloria Gregore <Gloria.Gregore@lakecountyca.gov>; Dennis Keithly <Dennis.Keithly@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; chief500@lakeportfire.com; pbleuss@kelseyvillefire.com; chief800@northshorefpd.com; Gloria.Fong@fire.ca.gov; mike.wink@fire.ca.gov; Fdchf700@yahoo.com; PGENorthernAgencylns@pge.com; KJC8@pge.com; kyle.stoner@wildlife.ca.gov; R2CEQA@wildlife.ca.gov; centralvalleysac@waterboards.ca.gov; Janae.Fried@Waterboards.ca.gov; nwic@sonoma.edu; kevinponce@cdfa.ca.gov
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Sincerely,

Simone Hingston - Assistant Planner

Lake County – Community Development Department
255 N. Forbes Street, Lakeport, CA 95453
County Website: www.lakecountyca.gov
Phone: (707) 263-2221



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 20-33
8531 High Valley Rd
Clearlake Oaks, CA

In review of the Security Management Plan submitted for MUP 20-33 via the Lake County Community Development Department in April 2020. 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

Simone Hingston

From: Mike Ciano <chief800@northshorefpd.com>
Sent: Monday, April 13, 2020 11:18 AM
To: Simone Hingston
Subject: [EXTERNAL]Re: Request for Review for Major Use Permit (UP 20-33, IS 20-39, EA 20-40)
Attachments: 8531 High Valley Road, Clearlake Oaks, CA.docx

Please see Attached

*Mike Ciano , Fire Chief
Northshore Fire Protection District
707-274-3100 Office
707-813-7720 Cell*

On Thu, Apr 9, 2020 at 3:20 PM Simone Hingston <Simone.Hingston@lakecounttyca.gov> wrote:

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Sincerely,

Simone Hingston – Assistant Planner



NORTHSHORE FIRE PROTECTION DISTRICT

6257 Seventh Avenue • Post Office Box 1199 • Lucerne, California 95458

(707) 274-3100 • (707) 274-3102 Fax

District Fire Chief Mike Ciancio

Station 75
(707) 998-3294

Station 80
(707) 274-3100

Station 85
(707) 274-8834

Station 90
(707) 275-2446

April 13, 2020

Northshore Fire Protection District has the following comments regarding the proposed project.

Major Use Permit UP 20-33; Initial Study IS 20-39; Early Activation EA 20-40

Liu Farm; Meili Liu

8531 High Valley Road, Clearlake Oaks, CA

The Northshore Fire Protection District provides year-round fire protection services to the project area. Our closest staffed station to the project is at 12655 E. Hwy 20 Clearlake Oaks about 9 miles from the project area.

The project area is also in State Responsibility Area (SRA). California Department of Forestry and Fire Protection (Cal Fire) has primary responsibility for wildland fire protection during the fire season which generally runs from June to October. Cal Fire may require the project to meet state Public Resource Codes. Your Cal Fire contact will be at the St. Helena Station which is the Lake/ Napa and Sonoma Unit Headquarters for Cal Fire.

A proposed Use Permit may will require a Change of Occupancy and will be subject to the requirements of the California Fire Code and NFPA standards and the Public Resource Code. The need for fire hydrants and supporting water storage will be determined by the Lake County Building official and/or Cal Fire. Sprinkler systems, fire alarm systems, portable fire extinguishers, fire hose reels and other fire protection methods may need to be provided as required by the California Fire Code and the Lake County Building official.

The project may be subject to Fire Mitigation Fees. Once plans are submitted those fees may be calculated if applicable.

Fire Access Roads shall be meet the requirements of CCR 1273/PRC 4290.

Premises Identification- approved address numbers shall be placed on all buildings and or driveways in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.

Key Box- a rapid entry lock box, approved by this fire district will be required if a gate is installed.

Thank you for your consideration in this matter. Please feel free to contact me if you have any questions or concerns regarding these comments.

Respectfully,

**Fire Chief
NorthShore Fire Protection District**

Simone Hingston

From: Northwest Information Center <nwic@sonoma.edu>
Sent: Monday, April 13, 2020 12:04 PM
To: Simone Hingston
Subject: [EXTERNAL]Re: Request for Review for Major Use Permit (UP 20-33, IS 20-39, EA 20-40)

Thank you for your UP 20-33, IS 20-39, EA 20-40, Liu Farm, 006-003-34 request, we have added it to our queue and will be in touch if questions arise.

Your file has been assigned NWIC 19-1791

Contact our office referencing this number for any further questions or concerns regarding this project.

Thanks,
Claire Shudde
Northwest Information Center
150 Professional Center Dr., Suite E, Rohnert Park, CA 94928
T: (707) 588-8455
nwic@sonoma.edu
www.sonoma.edu/nwic

On Thu, Apr 9, 2020 at 3:20 PM Simone Hingston <Simone.Hingston@lakecountyca.gov> wrote:

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Sincerely,

Simone Hingston

From: Yuliya Osetrova
Sent: Thursday, April 16, 2020 1:12 PM
To: Simone Hingston
Subject: RE: Request for Review for Major Use Permit (UP 20-33, IS 20-39, EA 20-40)

Simone,

For this project:

- Require silt fences and straw wattles installation on the canopy's perimeter to ensure water quality of Clear Lake.
- Information of well's yield is missing
- Water availability analysis is inconclusive due to no info on the yield.
- Information on installed measuring equipment (water flow and levels) is missing.

Yuliya Osetrova
Water Resources Engineer III
Lake County Water Resources Department
(707) 263-2344

From: Simone Hingston
Sent: Thursday, April 9, 2020 3:13 PM
To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Doug Gearhart <dougg@lcaqmd.net>; fahmya@lcaqmd.net; Elizabeth Knight <elizabethk@lcaqmd.net>; Richard Ford <Richard.Ford@lakecountyca.gov>; Jim Campbell <Jim.Campbell@lakecountyca.gov>; David Casian <David.Casian@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Gloria Gregore <Gloria.Gregore@lakecountyca.gov>; Dennis Keithly <Dennis.Keithly@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; chief500@lakeportfire.com; pbleuss@kelseyvillefire.com; chief800@northshorefpd.com; Gloria.Fong@fire.ca.gov; mike.wink@fire.ca.gov; Fdchf700@yahoo.com; PGENorthernAgencyIns@pge.com; KJC8@pge.com; kyle.stoner@wildlife.ca.gov; R2CEQA@wildlife.ca.gov; centralvalleysac@waterboards.ca.gov; Janae.Fried@Waterboards.ca.gov; nwic@sonoma.edu; kevinponce@cdfa.ca.gov
Subject: Request for Review for Major Use Permit (UP 20-33, IS 20-39, EA 20-40)
Importance: High

Good Afternoon Fellow Agencies,

The above attachments are a Request for Review for Major Use Permit (UP 20-33, IS 20-39, EA 20-40), please review the attached documents.

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 project that would reduce potential environmental impacts. Due to the provisions of state law, it is essential that we receive your comments as soon as possible but in no case later than **April 24, 2020**. Please email your comments to simone.hingston@lakecountyca.gov or mail them to the address listed on the RFR document.

Simone Hingston

From: Northwest Information Center <nwic@sonoma.edu>
Sent: Wednesday, April 22, 2020 11:26 AM
To: Simone Hingston
Subject: [EXTERNAL]Results for NWIC File # 19-1791 UP 20-33, IS 20-39, EA 20-40 , APN 006-003-34 at 8531 High Valley Rd., Clearlake Oaks
Attachments: 19-1791 results.pdf

Good Morning Simone Hingston,

Please see the attached results for project review NWIC File # 19-1791 UP 20-33, IS 20-39, EA 20-40, APN 006-003-34 at 8531 High Valley Rd., Clearlake Oaks, Liu Farm, Meili Liu.

If you have any questions, please email us at nwic@sonoma.edu.

Thank you,

Jillian Guldenbrein

Northwest Information Center

150 Professional Center Dr., Suite E, Rohnert Park, CA 94928

T: (707) 588-8455

nwic@sonoma.edu

www.sonoma.edu/nwic

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Northwest Information Center
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
<http://www.sonoma.edu/nwic>

April 22, 2020

File No.: 19-1791

Simone Hingston, Project Planner
Lake County
Community Development Department
255 N. Forbes Street
Lakeport, CA. 95453

re: UP 20-33, IS 20-39, EA 20-40 / APN 006-003-34 at 8531 High Valley Rd., Clearlake Oaks / Liu Farm, Meili Liu

Dear Simone Hingston,

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: requesting approval of a Major Use Permit for commercial cannabis cultivation. The applicant is proposing to allow the following (Please refer to the attached Project Management Plan and Site Plans): • Seven (7) acres of outdoor cultivation area (304,920 square feet). • Thirteen (13) 30'x100' greenhouses (39,000 square feet). • 16 employees and up to 20 at peak. • 14 parking spaces and 2 ADA parking spaces.

Previous Studies:

XX Study # 12522 (Gary 1991) and Study # 11949 (Flaherty 1990), covering approximately 55% of the proposed project area, identified no cultural resources within the project areas (*see recommendation below*).

Archaeological and Native American Resources Recommendations:

XX Due to the archaeological sensitivity of the area, the proposed project area has the possibility of containing unrecorded archaeological sites. Due to the passage of time since the previous surveys (Gary 1991 and Flaherty 1990) 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 archaeological resources. A study is recommended prior to commencement of project activities.

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.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at <http://www.chrisinfo.org>. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 588-8455.

Sincerely,


For Bryan Much
Coordinator

Simone Hingston

From: Fahmy Attar <FahmyA@lcaqmd.net>
Sent: Tuesday, April 21, 2020 11:37 AM
To: Simone Hingston
Subject: [EXTERNAL]Re: Request for Review for Major Use Permit (UP 20-33, IS 20-39, EA 20-40)
Importance: High

Simone,

For a Cannabis operation site, here is a list of Air Quality requirements that may be applicable to the site:

1. Off-site odor impacts should be mitigated to minimize nuisance to nearby residences, property, and public roads.
2. Any manufacturing or delivery Cannabis operations must comply with LCAQMD rules and regulations. An application must be submitted. Contact LCAQMD for more details.
3. Any demolition or renovation is subject to the Federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for all major renovations and all demolition. An Asbestos Notification Form with the Asbestos inspection report must be submitted to the District at least 14 days prior to beginning any demolition work. The applicant must contact the District for more details and proper approvals. Regardless of asbestos content or reporting requirements all demolition and renovation activities should use adequate water/ amended water to prevent dust generation and nuisance conditions.
4. Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.
5. If construction or site activities are conducted within Serpentine soils, a Serpentine Control Plan may be required. Any parcel with Serpentine soils must obtain proper approvals from LCAQMD prior to beginning any construction activities. Contact LCAQMD for more details.
6. All engines must notify LCAQMD prior to beginning construction activities and prior to engine Use. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet RICE NESHAP/NSPS requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines, and must meet local regulations. Contact LCAQMD for more details.
7. Site development, vegetation disposal, and site operation shall not create nuisance odors or dust. During the site preparation phase, the District recommends that any removed vegetation be chipped and spread for ground cover and erosion control. Burning is not allowed on commercial property, materials generated from the commercial operation, and waste material from construction debris, must not be burned as a means of disposal.
8. Significant dust may be generated from increase vehicle traffic if driveways and parking areas are not adequately surfaced. Surfacing standards should be included as a requirement in the use permit to minimize

dust impacts to the public, visitors, and road traffic. At a minimum, the District recommends chip seal as a temporary measure for primary access roads and parking. Paving with asphaltic concrete is preferred and should be required for long term occupancy. All areas subject to semi truck / trailer traffic should require asphaltic concrete paving or equivalent to prevent fugitive dust generation. Gravel surfacing may be adequate for low use driveways and overflow parking areas, however, gravel surfaces require more maintenance to achieve dust control, and permit conditions should require regular palliative treatment if gravel is utilized. White rock is not suitable for surfacing (and should be prohibited in the permit) because of its tendency to break down and create excessive dust. Grading and re-graveling roads should utilize water trucks if necessary, reduce travel times through efficient time management and consolidating solid waste removal/supply deliveries, and speed limits.

Best,

Fahmy Attar
Air Quality Engineer
Lake County Air Quality Management District
2617 S. Main Street, Lakeport, CA, 95453
(707) 263-7000 | fahmya@lcaqmd.net

On Apr 9, 2020, at 3:42 PM, Simone Hingston <Simone.Hingston@lakecountyca.gov> wrote:

Good Afternoon Fellow Agencies,

The above attachments are a Request for Review for Major Use Permit (UP 20-33, IS 20-39, EA 20-40), please review the attached documents.

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 project that would reduce potential environmental impacts. Due to the provisions of state law, it is essential that we receive your comments as soon as possible but in no case later than **April 24, 2020**. Please email your comments to simone.hingston@lakecountyca.gov or mail them to the address listed on the RFR document.

Sincerely,

Simone Hingston - Assistant Planner

Lake County – Community Development Department
255 N. Forbes Street, Lakeport, CA 95453
County Website: www.lakecountyca.gov
Phone: (707) 263-2221

<UP 20-33 RFR.PDF><UP 20-33 RFR Site Plans.pdf><UP 20-33 RFR PMP Report.pdf><UP 20-33 RFR bio report.pdf>

Central Valley Regional Water Quality Control Board

24 August 2023

Trish Turner
County of Lake, Community Development
Department, Planning Division
255 North Forbes Street
Lakeport, CA 95453
trish.turner@lakecountyca.gov

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, UP 20-33 - LIU FARMS PROJECT, SCH#2023070581, LAKE COUNTY

Pursuant to the State Clearinghouse's 27 July 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 UP 20-33 - Liu Farms 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 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_201805.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/

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_issues/waste_to_surface_water/)

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

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

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

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

Haggerty, Nicole@Wildlife



From: Ramirez, Richard@Wildlife
Sent: Thursday, August 10, 2023 2:31 PM
To: trish.turner@lakecountycal.gov
Cc: Wildlife R2 CEQA; Sheridan, Kursten@Wildlife; Garcia, Jennifer@Wildlife; Haggerty, Nicole@Wildlife
Subject: CEQA Comments: UP 20-33 Liu Farms
Attachments: CEQA_PT2020-0187-0000-R2-CmntRef.docx

Hello,

My name is Richard Ramirez, I am an Environmental Scientist contacting you on behalf of the California Department of Fish and Wildlife, North Central Region Cannabis Program (CDFW). CDFW received and reviewed the Initial Study (IS) from Lake County regarding the Notice of Intent (NOI) to file for a Mitigated Negative Declaration (MND) for Liu Farms Cannabis Cultivation Project (Project). This email is in regard to the request for CEQA comments, received by CDFW Staff on August 1, 2023. The following comments have been provided:

Mitigation Measure BIO-2

Mitigation Measures BIO-2 (MM BIO-2) acknowledges the potential presence of active bird nests and the need for inspections before any tree felling or ground clearing, however it states that the nesting bird season occurs during March to September. CDFW recognizes the nesting bird season occurring from approximately February 15th to August 31st and recommends a similar time frame for any potential surveys.

Bat Roosting Sites

The IS for the project does not recognize the potential for the occurrence of bat species in the surrounding area and does not disclose concern for bat roosting sites. Roosting sites for bats are considered by CDFW to be a significant biological resource. Based on review of Project materials the Project site contains potential habitat for structure and tree roosting bats. Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment, (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). CDFW recommends bat preconstruction surveys are conducted for suitable roosts (i.e. hollows or crevices) prior to any tree felling or ground disturbing activities, and incorporating a new measure to construct replacement roost structures (bat houses or other structures) if the removal of a bat roost (inactive or active) is necessary for the Project.

Tricolored Blackbird

Issue: The CEQA document does not adequately analyze Project impacts on tricolored blackbird (*Agelaius tricolor*).

Evidence impact would be significant: Consistent with CEQA Guidelines, Section 15380, the status of the tricolored blackbird as a threatened species under the California Endangered Species Act (Fish & G. Code, § 2050 *et seq.*) qualifies it as an endangered, rare, or threatened species under CEQA.

Tricolored blackbird populations, which once numbered in the millions in California, have declined significantly in recent years according to state censuses (CDFW 2018). The long-term decline is primarily related to habitat loss and degradation (including both the nesting vegetation and the larger foraging landscape) from urbanization and conversion to agriculture, particularly in the Central Valley (Beedy et al. 2017). Tricolored Blackbirds require three resources for successful nesting: 1) secure nesting vegetation, 2) a source of water, and 3) foraging habitat (usually much larger in extent than the nesting vegetation) that provides sufficient insect

food resources. Loss of any of these habitat components can result in an area becoming unsuitable for breeding. Additional known or suspected threats to the tricolored blackbird include destruction of breeding colonies when nesting vegetation is harvested, high levels of predation by native and nonnative predators, direct and indirect (food resources) effects of pesticides, killing as an agricultural pest through shooting or poisoning, drought, and climate change. The species' colonial breeding nature puts them at increased risk to many of these threats (CDFW 2018).

Based on the foregoing, Project impacts would potentially substantially reduce the number and restrict the range of tricolored blackbirds.

The following are potential impacts of cannabis cultivation on tricolored blackbirds.

Pesticides used at cannabis cultivation sites may impact tricolored blackbirds by:

- Poisoning (Fleischli et al. 2004, Pimentel 2005, Mineau and Palmer 2013)
- Starvation or reductions in reproductive success from decreased prey availability (Goulson 2014, Hallmann et al. 2014, Forister et al. 2016)
- Alterations of the thyroid gland that negatively impacts thyroid homeostasis and metabolism (Pandey and Mohanty 2015)
- Impaired immune function (Gibbons et al. 2015)
- Reduction in reproductive capacity, including declines in egg production and reduced clutch sizes (Beedy and Hayworth 1992, Pimentel 2005, Berny 2007, Gibbons et al. 2015)
- Decreased ability to thermoregulate and short-term hypothermia (Grue et al. 1997)
- Declines in fat stores and body mass (Gibbons et al. 2015, Eng et al. 2017)
- Disorientation which may inhibit regular behavior and movement

Pesticides and fertilizers can also run-off into watersheds polluting them and degrading habitat quality (Bauer et al. 2015, Carah et al. 2015). Fertilizer run-off has also been shown to cause algae outbreaks in wetlands.

Vegetation removal for cultivation sites may impact tricolored blackbirds as they require sufficient vegetation to provide cover for the nest (Beedy 2008). This is especially true at sites where Tricolored Blackbird colonies have bred in the past, or when the vegetation removed includes plant species that provide high quality nesting habitat (e.g. emergent wetland plants, Himalayan blackberry, thistles, nettles, and certain agricultural grain fields). Vegetation removal can also reduce the extent of available foraging habitat, which is critical for successful nesting by Tricolored Blackbird colonies. Additionally, vegetation clearing can cause fragmentation and create edge effects that permeate far beyond the cultivation site (Harris 1988, Murcia 1995).

Invasive plant species may also reduce habitat quality for tricolored blackbirds, and many activities involved in cannabis cultivation can exacerbate this issue. Imported soils used on many cultivation sites can often contain invasives (Butsic and Brenner 2016), and road use can increase the spread of invasive plant species (Brothers and Spingarn 1992, Greenberg et al. 1997). Areas where greenhouses are constructed also often become degraded and are prone to establishment of invasives as are areas where vegetation removal is taking place (Mallery 2010).

Noise from road use, generators, and other equipment may disrupt tricolored blackbird mating calls or songs which could impact their reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). Noise has been shown to reduce the density of nesting birds (Francis et al. 2009). Bayne et al. (2008) found that songbird abundance and density was significantly reduced in areas with high levels of noise.

Artificial light may attract or disorient tricolored blackbirds, disrupting their navigation (Ogden 1996, Longcore and Rich 2004, 2016). It can also suppress the immune system of birds (Moore and Siopes 2000). Additionally, songbirds that live in areas with artificial lights often begin morning choruses during night hours (Derrickson 1988, Miller 2006, Fuller et al. 2007).

Therefore, Project impacts on tricolored blackbirds would be **potentially significant**.

Pursuant to Public Resources Code §21092 and §21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the Project to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Please direct any questions or action items to my email or phone number, provided below.

Thank You,

Richard Ramirez, Environmental Scientist

North Central Region
Habitat Conservation – Cannabis Program
1701 Nimbus Rd.
Rancho Cordova, CA 95670
Cell: (916) 932-3201
richard.ramirez@wildlife.ca.gov



To report poachers and polluters please call 1-888-334-2258.