

## Eric Porter

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**From:** Fahmy Attar <FahmyA@lcaqmd.net>  
**Sent:** Friday, March 13, 2020 11:11 AM  
**To:** Eric Porter  
**Subject:** [EXTERNAL]Re: Lanier commercial cannabis project - IS/MND, Notice of Intent attached

Eric,

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](mailto:fahmya@lcaqmd.net)

On Mar 12, 2020, at 2:22 PM, Eric Porter <[Eric.Porter@lakecountyca.gov](mailto:Eric.Porter@lakecountyca.gov)> wrote:

Hi all,

The attached initial study was sent to the State Clearinghouse on 3/10/2020. Please provide any comments you may have to me by 4/12/2020.

Thank you,

Eric Porter

<Lanier IS 2.doc><NOI Lanier.docx>



March 24, 2020

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

Re: Review of Initial Study/Mitigated Negative Declaration (IS/MND) (SCH No. 2020030311) – Patricia Lanier

Dear Mr. Porter:

Thank you for providing the California Department of Food and Agriculture (CDFA) CalCannabis Cultivation Licensing Division (CalCannabis) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) (SCH No. 2020030311) prepared by Lake County for the proposed Patricia Lanier Project (Proposed Project).

CDFA has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California. CDFA issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries and cannabis processor facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code § 26012(a)(2).) All commercial cannabis cultivation within California requires a cultivation license from CDFA. Therefore, with respect to the Proposed Project, CDFA is a responsible agency under the California Environmental Quality Act (CEQA). For a complete list of all license requirements, including CalCannabis Licensing Program regulations, please visit: [https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text\\_01162019\\_Clean.pdf](https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text_01162019_Clean.pdf).

CDFA expects to be a Responsible Agency for this project because the project will need to obtain an annual cultivation license from CDFA. In order to ensure that the IS/MND is sufficient for CDFA's requirements, CDFA requests that a copy of the IS/MND, revised in response 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 CDFA. This should apply not only to this



Proposed Project, but to all future CEQA documents related to cannabis cultivation applications in Lake County.

CDFA offers the following comments concerning the IS/MND.

## **General Comments (GC)**

### ***GC 1: Proposed Project Description***

The IS/MND's Project Description lacks some important details about cultivation operations and maintenance that would take place at the project site. This includes:

- the types of and projected duration of use for operation and maintenance equipment anticipated for cultivation operations;
- the number of workers employed at the cultivation site and estimated number of daily vehicle trips during operation; and
- the source (equipment) and amounts of energy expected to be used in operating the cultivation facility, including any energy management and efficiency features incorporated into the Proposed Project.

The Project Description would be strengthened if it included these operation and maintenance details for the Proposed Project.

In addition, the Project Description refers to six phases of the Proposed Project. The Project Description indicates that Phase I includes construction and installation of greenhouses, a processing building, internal road improvements, fencing, and security cameras, and would take "between one and two months to build." However, there is no description of what activities would take place for the remaining phases of the project, nor is there a description of the proposed timeline for construction and operation. The IS/MND would be improved if it provided a detailed description of the proposed activities for all phases of the project, including details of those project components proposed for Phases II through VI. The IS/MND would be improved by providing a detailed description of how or whether operation and maintenance activities may change across the various phases of the project. For example, if future phases of the project involve expansion of the facility that would necessitate changes to operations, such as the hiring of additional employees, additional vehicle trips, modified equipment usage, or modified usage projections for physical resources (e.g., water, energy, and waste disposal), these changes should be clearly disclosed and analyzed for reasonable and foreseeable impacts.

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

The IS/MND acknowledges that CDFA is responsible for the licensing of cannabis cultivation and is responsible for the regulation of cannabis cultivation and enforcement, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and CDFA regulations related to cannabis cultivation (Bus. & Prof. Code, § 26103(a)). The IS/MND's analysis would also benefit from discussion of the protections for environmental resources provided by CDFA's regulations (Cal. Code Regs. tit. 3, § 8000 et seq.). In particular, the impact analysis would be further supported by a discussion of the effects of state regulations on reducing the severity of impacts on the following resource topics:

- Aesthetics (See 3 California Code of Regulations § 8304(c); § 8304(g).)
- Air Quality and Greenhouse Gas Emissions (See § 8102(s); § 8304(e); § 8305; § 8306.)
- Biological Resources (See § 8102(w); § 8102(dd); § 8216; § 8304(a-c); § 8304(g).)
- Cultural Resources (See § 8304(d).)
- Hazards and Hazardous Materials (See § 8102(q); § 8106(a)(3); § 8304(f); § 8307.)
- Hydrology and Water Quality (See § 8102(p); § 8102(v); § 8102(w); § 8102(dd); § 8107(b); § 8216; § 8304(a and b); § 8307.)
- Noise (See § 8304(e); § 8306.)
- Utilities and Service Systems (See § 8102(s); § 8108; § 8308.)
- Energy (See § 8102(s); § 8305; § 8306.)
- Cumulative Impacts (related to the above topics).

### **Specific Comments and Recommendations**

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

<b>Comment No.</b>	<b>Section Nos.</b>	<b>Page No(s).</b>	<b>Resource Topic(s)</b>	<b>IS/MND Text</b>	<b>CDFA Comments and Recommendations</b>
	N/A	5	Other Public Agencies Whose Approval is Required	N/A (General Comment)	The IS/MND could be more informative if it listed the permit(s) or approval(s) required from each of the agencies listed.
	Ques. 7	5	Tribal Consultations	All 11 Tribes located in Lake County were notified of this proposal. There are no scenic resources on the site...	The document would be improved if it listed the tribes contacted and the date(s) that contact was initiated.
	I(b)	8	Aesthetics		The IS/MND would be strengthened if it provided an analysis that supports this conclusion. This should include a description of the County's applicable policies for preservation of scenic resources.
	I(d)	8	Aesthetics	N/A (General Comment)	The IS/MND would be improved if it referenced CDFA's requirement that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare. (Cal. Code Regs., tit. 3 § 8304(g).)
	II(a)	9	Agriculture Forestry Resources	N/A (general comment)	The analysis of agricultural impacts would be more informative if it described whether the site contained any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and provided an evaluation of whether the Proposed Project would result in conversion of such farmland.
	III(a)	9	Air Quality	N/A (general comment)	The analysis of air quality impacts and proposed mitigation measures would

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	CDFA Comments and Recommendations
					<p>be improved if it disclosed and evaluated quantified pollutant emissions associated with operation of the Proposed Project, disclosed relevant air quality management plan(s) for consideration, and disclosed the air emissions significance threshold(s) against which the impacts of the Proposed Project are compared.</p> <p>The IS/MND would further be improved if it provided an analysis of how mitigation measures will reduce impacts to less than significant levels.</p>
	III(b)	9-10	Air Quality	N/A (general comment).	<p>The IS/MND would be improved if it explained how Proposed Project operations would meet County, regional or state air quality standards.</p>
	III(d)	10	Air Quality	Implementation of mitigation measures AQ-1 through AQ-3 will reduce impacts to less than significant.	<p>The IS/MND would be improved if it provided an analysis of how mitigation measures will reduce odors or dust impacts to less than significant levels.</p>
	IV(a)	10-13	Biological Resources	N/A (General Resource Comment)	<p>The IS/MND would be improved if it provided additional detail regarding the environmental setting for biological resources at the project site, and impact conclusions regarding individual special status species and their habitats, including nesting birds,</p>

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	CDFA Comments and Recommendations
					mammals, amphibians, and special status plants. Alternatively, if this detail is included in a separate source, such as the <i>Biological Assessment</i> prepared for the Proposed Project, that document may be attached to the IS/MND for reference.
	IV(b)	11	Biological Resources	<p>If additional land clearing is performed in the future, a pre-construction special-status species survey is recommended.</p> <p>If tree felling is performed in the future, a pre-construction nesting bird survey is recommended.</p>	The IS/MND would be more informative if it described whether the Proposed Project includes any land clearing or tree felling.
	VIII(a)	15	Greenhouse Gas Emissions	N/A (General Resource Comment)	The document would be improved if it quantified the projected emissions of the Proposed Project and provided an analysis of how the projected emissions relate to a specific threshold of significance.
	VIII(b)	15	Greenhouse Gas Emissions	This project will not conflict with any adopted plans or policies for the reduction of greenhouse gas emissions.	The IS/MND would be more informative if it provided an evaluation of the significance threshold " <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.</i> "



Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	CDFA Comments and Recommendations
					<p>This typically requires a qualitative comparison of Proposed Project emissions estimates with applicable local and statewide plans and GHG emission reduction goals. Where a jurisdiction does not have its own established thresholds of significance, it is acceptable for a jurisdiction to use the thresholds developed by other agencies from neighboring jurisdictions.</p>
	IX(c)	16	Hazards and Hazardous Materials	<p>The project site is not listed as a site containing hazardous materials in the databases maintained by the Environmental Protection Agency (EPA).</p>	<p>The IS/MND would be strengthened if it indicated whether the Proposed Project site was listed in hazardous materials site databases from the California Department of Toxic Substance and the State Water Resources Control Board (SWRCB).</p> <p>In addition, the document would be improved if it referenced CDFA regulations that require applicants to conduct an Envirostor search (Cal. Code Regs. tit.3, § 8102(g)).</p>
	X	17-18	Hydrology and Water Quality	N/A (general comment)	<p>The IS/MND could be improved if the applicant provided proof of enrollment in or exemption from the applicable SWRCB or Regional Water Quality Control Board (RWQCB) program for water quality protection (Cal. Code Regs., tit. 3 § 8102(o)), and either a</p>

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	CDFA Comments and Recommendations
					<p>final copy of proof of a lake and streambed alteration agreement issued by the California Department of Fish and Wildlife (CDFW) or written verification that an agreement is not needed. (Cal. Code Regs., tit. 3 § 8102(w).)</p>
	X(b)	17	Hydrology and Water Quality	<p>The project would not alter a stream or river, nor would it substantially increase the amount of runoff that would result in flooding. There are no above-ground water sources on the subject site or near the cultivation area.</p>	<p>Question X(ab) asks about the potential to decrease groundwater supplies or interfere with groundwater recharge, while the response to question X(b) addresses only surface water. The IS/MND would be improved if it provided an analysis indicating whether the Proposed Project would substantially decrease groundwater supplies or interfere with groundwater recharge. In addition, the document would be improved if it referenced the State's requirements regarding proposed water sources and groundwater use. (Cal. Code Regs., tit. 3 §§ 8102(v), 8107(b).)</p>
	X(c)	17-18	Hydrology and Water Quality	N/A (general comment)	<p>The IS/MND would be improved if it provided an analysis indicating whether the Proposed Project would substantially alter the existing drainage pattern of the site or area as well as a description or list of measures that would be employed to reduce erosion</p>

<b>Comment No.</b>	<b>Section Nos.</b>	<b>Page No(s).</b>	<b>Resource Topic(s)</b>	<b>IS/MND Text</b>	<b>CDA Comments and Recommendations</b>
					and runoff impacts to less than significant levels.
	X(e)	18	Hydrology and Water Quality	N/A (general comment)	The IS/MND would be improved if it identified any applicable water quality control plans and sustainable groundwater management plans, and addressed whether the Proposed Project would conflict with such plans.
	XIII(b)	19	Noise	The low-level truck traffic during construction and for deliveries would create a minimal amount of groundborne vibration.	The IS/MND would be improved if it described the number of trucks that would travel to and from the site on a daily basis during operation and provided an analysis of the groundborne vibration impacts that would occur as a result.
	XIV(a)	19	Population and Housing	The project is not anticipated to induce population growth.	The IS/MND would be improved if it disclosed the anticipated number of workers (both temporary and permanent) that would be employed by the Proposed Project.
27	XVII(a)	19	Transportation	A minimal increase in traffic is anticipated due to construction, maintenance and weekly and/or monthly incoming and outgoing deliveries through the use of van-type delivery vehicles.	The IS/MND would be improved if it provided an estimate of the number of delivery trips associated with general operations and routine maintenance activities.
28	XVII(b)	19	Transportation	N/A (general comment)	The IS/MND would be improved if it evaluated whether the Proposed Project would exceed an applicable

<b>Comment No.</b>	<b>Section Nos.</b>	<b>Page No(s).</b>	<b>Resource Topic(s)</b>	<b>IS/MND Text</b>	<b>CDFA Comments and Recommendations</b>
29	XVIII	20-21	Tribal Cultural Resources	See Response to Section V(a).	threshold of significance as defined by CEQA Guidelines section 15064.3(b)(1), and provided an impact determination. The IS/MND would be improved if it included an evaluation of tribal cultural resources using the significance thresholds listed in the CEQA Guidelines Appendix G Checklist.
33	XIX(d)	21	Utilities and Service Systems	The existing landfill has sufficient capacity to accommodate the project's solid waste disposal needs for the next 5 years according to Lars Ewing, Manager of Public Services in Lake County.	The IS/MND would be improved if it identified the existing landfill, disclosed the remaining capacity of the landfill, and compared the capacity with the anticipated quantity of waste projected to result from the Proposed Project. Further, the IS/MND would be strengthened by disclosing the anticipated disposal plan for waste following the first five years of operation.
	XX(a,b,c)	22	Wildfire	N/A (General Comment)	The IS/MND would be improved if it provided a specific analysis of whether project operations would exceed the significance thresholds listed in the CEQA Guidelines Appendix G Checklist.
	XXI(a)	23	Mandatory Findings of Significance	N/A (general comment)	The checkbox indicates impacts would be less than significant. However, the text of this section as well as the other findings in the IS/MND indicate that impacts would be less than significant

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	CDFA Comments and Recommendations
					with mitigation. The text and the checkbox should be made consistent.
	XXI(b)	23	Mandatory Findings of Significance	N/A (general comment)	The IS/MND could be improved by identifying whether any other cannabis growing operations 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.
	N/A	23-24	Source List	N/A (general comment)	The Source List would be improved if it provided additional information regarding some of the references. For referenced documents, the author, title, and date of each document could be provided. For websites, the URL and date visited could be provided.

## **Conclusion**

CDFA 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, at (916) 576-6407 or via e-mail at [Kevin.Ponce@cdfa.ca.gov](mailto:Kevin.Ponce@cdfa.ca.gov).

Sincerely,

A handwritten signature in cursive script that reads "Lindsay Rains".

Lindsay Rains,  
Licensing Program Manager

CALIFORNIA  
HISTORICAL  
RESOURCES  
INFORMATION  
SYSTEM



ALAMEDA  
COLUSA  
CONTRA COSTA  
DEL NORTE

HUMBOLDT  
LAKE  
MARIN  
MENDOCINO  
MONTEREY  
NAPA  
SAN BENITO

SAN FRANCISCO  
SAN MATEO  
SANTA CLARA  
SANTA CRUZ  
SOLANO  
SONOMA  
YOLO

**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>

August 1, 2018

File No.: 18-0092

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

re: Minor Use Permits MUP 18-28 / 18211 Ponderosa Trail (APN 012-048-11) / Patricia and Ray Lanier

Dear Mireya Turner,

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:** Outdoor cultivation for medicinal cannabis without the use of light deprivation and/or artificial lighting in the canopy area; cultivation for medicinal cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting

**Previous Studies:**

XX This office has no record of any previous cultural resource studies for the proposed project area (*see recommendation below*).

**Archaeological and Native American Resources Recommendations:**

XX The proposed project area has the possibility of containing unrecorded archaeological site(s). Native American cultural resources in this part of Lake County have been recorded in valleys, midslope benches, ridges and hilltops, and near intermittent or perennial watercourses. Due to these environmental factors, 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,



Cameron Felt  
Researcher



RECEIVED

JUN 18 2018

Lake County  
Environmental Health



**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: June 18, 2018

REQUEST FOR REVIEW  
FOR SUFFICIENCY

- @ AG. COMMISSIONER
- @ AIR QUALITY MGMT
- ARMY CORPS ASSESSOR
- BLM
- @ BUILDING DIVISION
- @ CAL FIRE
- @ CALTRANS
- @ CDFA
- @ FIRE DIST: Lake Cty
- @ CRWQCB
- @ CA FISH & WILDLIFE
- @ DPW ROADS
- @ ENVIRONMENTAL HEALTH DEPARTMENT

- LAKE TRANSIT
- NATIVE AM. HERITAGE
- NRCS
- OFFICE OF EDUCATION
- PG&E
- PUBLIC SERVICES
- @ SHERIFF
- @ CALCANNABIS
  
- @ SONOMA STATE
- @ SPECIAL DISTRICTS
- STATE DEPT. HEALTH
- @ SURVEYOR
  
- @ TAX COLLECTOR

- @ TRIBES:
- @ Big Valley Rancheria
- @ Cache Creek
- @ Cortina Rancheria
- @ Elem Colony
- @ Koi Nation
- @ Middletown Rancheria
- @ Robinson Rancheria
- @ Scotts Valley Band of Pomo
  
- @ Upper Lake Habematolel
  
- @ WATER RESOURCES

FROM: Mireya Turner, Associate Planner

REQUEST: Minor Use Permits MUP 18-28 – **M-Type 1 (outdoor)** and MUP 18-29 – **M-Type 2B (mixed light)**, Initial Study 18-33 and Early activation 18-25

APPLICANT/OWNER: Patricia and Ray Lanier

APNs: 012-048-11

LOCATION: 18211 Ponderosa Trail, Lower Lake

ZONING: "A" Agriculture

GENERAL PLAN: Agriculture

FLOOD ZONE: D – Project area not in flood zone

PROPOSAL: Permit to operate an M-Type 1 (Outdoor) and M-Type 2B (mixed light) commercial cannabis cultivation

Description of the type of requested permit:

**M - Type 1: "specialty outdoor"**: Outdoor cultivation for medicinal cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.

**M - Type 2B: "small mixed-light"**: Cultivation for medicinal 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 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

**Property Managements Plans** are available upon request that contains the following sections: Air Quality, Cultural Resources, Energy Usage Fertilizer Usage, Fish and Wildlife Protection, Operations manual, Pest Management, Security, Video Surveillance, Fences, Storm Water management, and Waste Management.

A biological study has not been submitted for this project.

The cultivation sites are required to meet the following **access standards**: 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. Driveway encroachments onto County-maintained roadways shall be constructed to current County standards and shall be constructed with an encroachment permit obtained from the Department of Public Works. All driveways shall be constructed and maintained so as to prevent road surface and fill material from discharging to any surface water body. The design of all access to and driveways providing access to the site where the cannabis related activity that is permitted shall be sufficient to be used by all emergency vehicles and shall be approved by the applicable fire district. Gates shall not be constructed across driveways or access roads that are used by neighboring properties or the general public.

Please let us know if this site meets these standards. The applicant is requesting early activation of use. No building construction or grading can be authorized for early activation of use permits.

**The following sheets are attached for your reference: Sheet 1 cover, Sheet 2 surrounding area aerial, sheet 3 site plan, existing conditions, Sheet 4 site plan proposed conditions, Sheet 5 Cannabis cultivation Site, Sheet 6 Cannabis Related Building Layouts and Sheet 7 Security.**

An Initial Study will be prepared for the project, in compliance with the California Environmental Quality Act. 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 **Monday 7/2/2018**. Please email your comments to Mireya Turner at [Mireya.Turner@lakecountyca.gov](mailto:Mireya.Turner@lakecountyca.gov) or mail them to the address listed in the letterhead above.

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_ *See attached memorandum* \_\_\_\_\_  
\_\_\_\_\_

NAME \_\_\_\_\_ *Pina Rubin* \_\_\_\_\_ DATE *6/19/18* \_\_\_\_\_

cc: 1 Supervisorial District (RFR Only) \_\_\_\_\_ Redbud Audubon  
Other (Examples: X Sierra Club X Admin \_\_\_\_\_ Farm Bureau / etc.) (RFR Only)



## COUNTY OF LAKE

HEALTH SERVICES DEPARTMENT

Division of Environmental Health

Lakeport:

922 Bevins Court, Lakeport, CA 95453-9739  
Telephone 707/ 263-1164 FAX: 263-1681

**Denise Pomeroy**  
Health Services Director

**Sara Goldgraben, MD, MPH, MBA**  
Public Health Officer

**Jasjit Kang**  
Environmental Health Director

### Memorandum

**DATE:** June 19, 2018

**TO:** Mireya Turner, Associate Planner

**FROM:** Tina Dawn-Rubin, Environmental Health Aide

**RE:** MUP 18-28, M-Type 1; MUP 18-29 M-Type 2B; IS 18-33; EA 18-25 Commercial Cannabis Cultivation

**APN:** .012-048-11 18211 Ponderosa Trail, Lower Lake

The applicant must meet the Lake County Division of Environmental Health requirements regarding on-site wastewater treatment and potable water requirements.

There are currently 2 On-Site Wastewater Treatment Systems (OWTS) on the parcel. Permit # 18102 is designed to service a 3 bedroom single family dwelling that is under construction. The OWTS permit was issued on 2/9/17; a final inspection without structure was completed by our office on 5/12/17; awaiting accurate as-built to be submitted; awaiting final inspection with structure. Permit # 20777 was issued on 7/16/12 and was designed to service a 2 bedroom manufactured home. The final inspection was completed and an as-built was received and approved on 3/15/13.

The applicant must meet the Lake County Division of Environmental Health setback requirements to the on-site wastewater treatment system and/or wells, streams, intermittent streams, and ponds.

The applicant may need to demonstrate the location of the existing and/or proposed wastewater systems, wells, existing structures and the location of the proposed project on a to-scale site plan prior to any future building permit issuance (site plan proposes construction of office/breakroom and other outbuildings). Any proposed structure with plumbing wastewater will need to meet the Lake County Division of Environmental Health requirements regarding on-site wastewater treatment.

Lake County Environmental Health 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 Material Declaration.

If the applicant stores hazardous materials equal or greater than 55 gallons of a liquid, 500 pounds of a solid or 200 cubic feet of compressed gas, the applicant will be required to submit a Hazardous Materials Inventory Disclosure Statement/ Business Plan to the Environmental Health Division via the California Electronic Reporting System (CERS) and it shall be renewed and updated annually or if quantities increase.

If the applicant increases hazardous material storage, they will need to update their Hazardous Materials Business Plan.

The storage of hazardous materials shall be located at least 100 feet from any water well. These materials shall not be allowed to leak onto the ground or contaminate surface waters.

Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site authorized to accept such materials.

Industrial Waste shall not be disposed of on-site without review or permit from the Environmental Health Division or the Regional Water Quality Control Board.

Hazardous Waste must be handled according to all Hazardous Waste Control Laws.

## Eric Porter

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**From:** Dino Beltran <dbeltran@koination.com>  
**Sent:** Monday, June 18, 2018 4:17 PM  
**To:** Mireya Turner  
**Cc:** KN@KoiNation  
**Subject:** Re: Request for Review - commercial cannabis cultivation - Black Oak Ridge Rd, Lower Lake

We have interest in this project.  
We will need to assess the approximate location to known arch sites and see the recent archeological report.

Thank you,

Dino

Sent from my iPhone

On Jun 18, 2018, at 11:13 AM, Mireya Turner <[Mireya.Turner@lakecountyca.gov](mailto:Mireya.Turner@lakecountyca.gov)> wrote:

Good morning,  
Attached please find a request for review for two minor use permits for Type 1 and Type 2B commercial cannabis cultivation. The project location is 18211 Ponderosa Trail, Lower Lake. The applicant is Noble Gardens (Patricia and Ray Lanier).  
Site plans are available at the link below:  
<https://filetransfer.co.lake.ca.us/message/jCvt1Sng3xTVUe4zxIsi9b>

The management plan documents are available at the link below:  
<https://filetransfer.co.lake.ca.us/message/iNPcKxt5ppDEQijXLEtJK9>

Please let me know if you have any difficulty accessing the documents.  
Your consideration and comments no later than Monday, July 2, 2018, are greatly appreciated.

Cordially,

*Mireya G. Turner, MPA - Associate Planner*

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

<RFR Lanier.pdf>



**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: June 18, 2018

**REQUEST FOR REVIEW**  
**FOR SUFFICIENCY**

- @ AG. COMMISSIONER
- @ AIR QUALITY MGMT
- ARMY CORPS ASSESSOR
- BLM
- @ BUILDING DIVISION
- @ CAL FIRE
- @ CALTRANS
- @ CDFA
- @ FIRE DIST: **Lake Cty**
- @ CRWQCB
- @ CA FISH & WILDLIFE
- @ DPW ROADS
- @ ENVIRONMENTAL HEALTH DEPARTMENT

- LAKE TRANSIT
- NATIVE AM. HERITAGE
- NRCS
- OFFICE OF EDUCATION
- PG&E
- PUBLIC SERVICES
- @ SHERIFF
- @ CALCANNABIS
  
- @ SONOMA STATE
- @ SPECIAL DISTRICTS
- STATE DEPT. HEALTH
- @ SURVEYOR
  
- @ TAX COLLECTOR

- @ **TRIBES:**
- @ Big Valley Rancheria
- @ Cache Creek
- @ Cortina Rancheria
- @ Elem Colony
- @ Koi Nation
- @ Middletown Rancheria
- @ Robinson Rancheria
- @ Scotts Valley Band of Pomo
  
- @ Upper Lake Habematolel
  
- @ WATER RESOURCES

FROM: Mireya Turner, Associate Planner

REQUEST: Minor Use Permits MUP 18-28 – **M-Type 1 (outdoor) and MUP 18-29 – M-Type 2B (mixed light)**, Initial Study 18-33 and Early activation 18-25

APPLICANT/OWNER: Patricia and Ray Lanier

APNs: 012-048-11

LOCATION: 18211 Ponderosa Trail, Lower Lake

ZONING: "A" Agriculture

GENERAL PLAN: Agriculture

FLOOD ZONE: D – Project area not in flood zone

PROPOSAL: Permit to operate an M-Type 1 (Outdoor) and M-Type 2B (mixed light) commercial cannabis cultivation

Description of the type of requested permit:

**M - Type 1: "specialty outdoor":** Outdoor cultivation for medicinal cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.

**M - Type 2B: "small mixed-light":** Cultivation for medicinal 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 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

**Property Managements Plans** are available upon request that contains the following sections: Air Quality, Cultural Resources, Energy Usage Fertilizer Usage, Fish and Wildlife Protection, Operations manual, Pest Management, Security, Video Surveillance, Fences, Storm Water management, and Waste Management.

A biological study has not been submitted for this project.

The cultivation sites are required to meet the following **access standards**: 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. Driveway encroachments onto County-maintained roadways shall be constructed to current County standards and shall be constructed with an encroachment permit obtained from the Department of Public Works. All driveways shall be constructed and maintained so as to prevent road surface and fill material from discharging to any surface water body. The design of all access to and driveways providing access to the site where the cannabis related activity that is permitted shall be sufficient to be used by all emergency vehicles and shall be approved by the applicable fire district. Gates shall not be constructed across driveways or access roads that are used by neighboring properties or the general public.

Please let us know if this site meets these standards. The applicant is requesting early activation of use. No building construction or grading can be authorized for early activation of use permits.

**The following sheets are attached for your reference: Sheet 1 cover, Sheet 2 surrounding area aerial, sheet 3 site plan, existing conditions, Sheet 4 site plan proposed conditions, Sheet 5 Cannabis cultivation Site, Sheet 6 Cannabis Related Building Layouts and Sheet 7 Security.**

An Initial Study will be prepared for the project, in compliance with the California Environmental Quality Act. 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 **Monday 7/2/2018**. Please email your comments to Mireya Turner at [Mireya.Turner@lakecountyca.gov](mailto:Mireya.Turner@lakecountyca.gov) or mail them to the address listed in the letterhead above.

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME \_\_\_\_\_ DATE \_\_\_\_\_

cc: 1 Supervisorial District (RFR Only) \_\_\_\_\_ Redbud Audubon  
Other (Examples: X Sierra Club X Admin \_\_\_\_\_ Farm Bureau / etc.) (RFR Only)

## Eric Porter

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**From:** Jill Shaul  
**Sent:** Monday, June 18, 2018 1:15 PM  
**To:** Mireya Turner  
**Subject:** RE: Request for Review - commercial cannabis cultivation - Black Oak Ridge Rd, Lower Lake

Mireya,

The subject parcel is outside any Special Districts service areas. No impact.

Jill Shaul, CTA  
Customer Service Coordinator  
jill.shaul@lakecountyca.gov  
phone #263-0119  
fax #263-3836

**From:** Mireya Turner  
**Sent:** Monday, June 18, 2018 11:14 AM  
**To:** Anthony Arroyo <aarroyosr@hpultribe-nsn.gov>; Augustin Garcia <a.garcia@elemindiancolony.org>; Batsulwin Brown <bbrown@big-valley.net>; Brenda Torres <btorres@middletownrancheria.com>; Brian Martin <Brian.Martin@lakecountyca.gov>; Chris Macedo <Chris.Macedo@lakecountyca.gov>; Chris Vallerga <Chris.Vallerga@fire.ca.gov>; David Cowan <David.Cowan@lakecountyca.gov>; Dean Rogers <drogers@robinsonrancheria.org>; Dino Beltran <kn@koination.com>; Doug Gearhart <doug@lcaqmd.net>; Ed Robey <edrobey@wildblue.net>; Fish and Wildlife <r2ceqa@wildlife.ca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; James Scott <James.Scott@lakecountyca.gov>; Jill Shaul <Jill.Shaul@lakecountyca.gov>; Justin Lord <jlord@middletownrancheria.com>; Karola Kennedy <kkarolaepa@gmail.com>; Lamont Brown <l.brown.elem@gmail.com>; Linda Rosas <lrosas@hpultribe-nsn.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Mary Jane Montana <MaryJane.Montana@lakecountyca.gov>; Melissa Tinsley <Melissa.Tinsley@lakecountyca.gov>; Mike Schaver <mschaver@robinsonrancheria.org>; Moke Simon <jsimon@middletownrancheria.com>; Paula Glavin <Paula.Glavin@lakecountyca.gov>; Roberta Lyons <roberta.lyons@att.net>; Ryan Peterson <rpeterson@middletownrancheria.com>; Sally Peterson <speterson@middletownrancheria.com>; Sarah Ryan <sryan@big-valley.net>; Stephanie Reyes <slreyes@middletownrancheria.com>; Stephen Carter, Jr. <Stephen.Carter@lakecountyca.gov>; Steve Navarez <admin@rvrpomo.net>; Steven Hajik <Steven.Hajik@lakecountyca.gov>; Steven Herdt <Steven.Herd@lakecountyca.gov>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Victoria Brandon <vbrandon@lakelive.info> <vbrandon@lakelive.info>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>  
**Cc:** Moke Simon <Moke.Simon@lakecountyca.gov>; fdchf700@yahoo.com  
**Subject:** Request for Review - commercial cannabis cultivation - Black Oak Ridge Rd, Lower Lake

Good morning,

Attached please find a request for review for two minor use permits for Type 1 and Type 2B commercial cannabis cultivation. The project location is 18211 Ponderosa Trail, Lower Lake. The applicant is Noble Gardens (Patricia and Ray Lanier).

Site plans are available at the link below:

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The management plan documents are available at the link below:

<https://filetransfer.co.lake.ca.us/message/iNPcKxt5ppDEQIJxLEtJK9>



Please let me know if you have any difficulty accessing the documents.  
Your consideration and comments no later than Monday, July 2, 2018, are greatly appreciated.

Cordially,

*Mireya G. Turner, MPA - Associate Planner*

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

## Eric Porter

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**From:** Gordon Haggitt  
**Sent:** Wednesday, June 20, 2018 2:39 PM  
**To:** Mireya Turner  
**Subject:** RE: Request for Review - commercial cannabis cultivation - Black Oak Ridge Rd, Lower Lake

Mireya: I put a copy of their deed and the easement and all the "stuff" that goes with it. The roads shown in the deed don't match the GIS nor AP map so it's anybody's guess where the access is. The deed shows a road going there but is that what they're using? What I would do is require the applicant to provide the documentation showing the access and let them do the leg work. I would require them to have their land surveyor, design professional, title company, etc. show the easement on a map and have them and the applicant sign it. I don't have the time nor the inclination. As far as me "blessing" the access as acceptable for the dope growing (unless it's public road) I'm not going to do it. I will be happy to review the easement as to its location.

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

**From:** Mireya Turner  
**Sent:** Monday, June 18, 2018 11:14 AM  
**To:** Anthony Arroyo <aarroyosr@hpultribe-nsn.gov>; Augustin Garcia <a.garcia@elemindiancolony.org>; Batsulwin Brown <bbrown@big-valley.net>; Brenda Torres <btorres@middletownrancheria.com>; Brian Martin <Brian.Martin@lakecountyca.gov>; Chris Macedo <Chris.Macedo@lakecountyca.gov>; Chris Vallerga <Chris.Vallerga@fire.ca.gov>; David Cowan <David.Cowan@lakecountyca.gov>; Dean Rogers <drgers@robinsonrancheria.org>; Dino Beltran <kn@koination.com>; Doug Gearhart <doug@lcaqmd.net>; Ed Robey <edrobey@wildblue.net>; Fish and Wildlife <r2ceqa@wildlife.ca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; James Scott <James.Scott@lakecountyca.gov>; Jill Shaul <Jill.Shaul@lakecountyca.gov>; Justin Lord <jlord@middletownrancheria.com>; Karola Kennedy <kkarolaepa@gmail.com>; Lamont Brown <l.brown.elem@gmail.com>; Linda Rosas <lrosas@hpultribe-nsn.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Mary Jane Montana <MaryJane.Montana@lakecountyca.gov>; Melissa Tinsley <Melissa.Tinsley@lakecountyca.gov>; Mike Schaver <mschaver@robinsonrancheria.org>; Moke Simon <jsimon@middletownrancheria.com>; Paula Glavin <Paula.Glavin@lakecountyca.gov>; Roberta Lyons <roberta.lyons@att.net>; Ryan Peterson <rpeterson@middletownrancheria.com>; Sally Peterson <speterson@middletownrancheria.com>; Sarah Ryan <sryan@big-valley.net>; Stephanie Reyes <slreyes@middletownrancheria.com>; Stephen Carter, Jr. <Stephen.Carter@lakecountyca.gov>; Steve Navarez <admin@rvrpomo.net>; Steven Hajik <Steven.Hajik@lakecountyca.gov>; Steven Herdt <Steven.Herd@lakecountyca.gov>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Victoria Brandon <vbrandon@lakelive.info> <vbrandon@lakelive.info>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>  
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Your consideration and comments no later than Monday, July 2, 2018, are greatly appreciated.

Cordially,

*Mireya G. Turner, MPA – Associate Planner*

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*Lake County – Community Development Department  
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County Website: [www.lakecountyca.gov](http://www.lakecountyca.gov)  
Phone: (707) 263-2221*



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## Central Valley Regional Water Quality Control Board

8 April 2020

Eric Porter  
Lake County Planning Department  
255 North Forbes Street, 3<sup>rd</sup> Floor  
Lakeport, CA 95453

### **COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, PATRICIA LANIER INITIAL STUDY IS 18-33 PROJECT, SCH#2020030311, LAKE COUNTY**

Pursuant to the State Clearinghouse's 10 March 2020 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 Patricia Lanier Initial Study IS 18-33 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

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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/](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 Activities (Construction General Permit), Construction General Permit Order No. 2009-009-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)

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/)

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

#### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.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_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](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)

#### **Waste Discharge Requirements – Discharges to Land**

Pursuant to the State Board's Onsite Wastewater Treatment Systems Policy, the regulation of the septic system may be regulated under the local agency's management program.

Please note that only domestic wastewater coming from bathrooms and kitchens should be discharged to septic systems. Cannabis cultivation can generate other wastewaters such as irrigation runoff, water treatment effluent, cleaning agents, and wash waters. Discharges of these wastewaters to an on-site wastewater system such as a septic tank and leach field must obtain separate regulatory authorization, such as waste discharge requirements (WDRs), a conditional waiver of WDRs, or other permit mechanism, prior to discharge. The application to obtain WDRs or a conditional waiver of WDRs can take over a year to process and requires that you characterize the wastewater chemistry and volume. In lieu of discharging to a septic system, Water Board staff recommends that wastewaters from cannabis cultivation activities be discharged to a holding tank and then hauled by a servicing company to a community wastewater treatment plant for disposal.

For more information on waste discharges to land, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_land/index.shtm](http://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_land/index.shtm)

!

#### **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_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](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](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.

*Original Signed By:*

Peter Minkel  
Environmental Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,  
Sacramento (via email)

**Eric Porter**

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**From:** Willie Sapeta <fdchf700@yahoo.com>  
**Sent:** Tuesday, July 9, 2019 10:13 AM  
**To:** Eric Porter  
**Subject:** Fw: Request for Review - commercial cannabis cultivation - Black Oak Ridge Rd, Lower Lake  
**Attachments:** RFR Lanier.pdf

FYI

William "Willie" Sapeta, Fire Chief

Lake County Fire Protection District

14815 Olympic Drive, Clearlake, CA. 95422

Office. (707) 994-2170 Fax. (707) 994-4861

Cell. (707) 489-0966

----- Forwarded Message -----

**From:** Willie Sapeta <fdchf700@yahoo.com>  
**To:** Mireya Turner <Mireya.Turner@lakecountyca.gov>; Lorraine Ruvalcaba <lorraine.ruvalcaba@lakecountyca.gov>; Jack Smalley <jack.smalley@lakecountyca.gov>; Mary Jane Montana <maryjane.montana@lakecountyca.gov>; Cory Smith <csmith@lakecountyfire.com>; Cory Smith <bigsmoke.cs@gmail.com>; C. Diener <cdiener@lakecountyfire.com>  
**Sent:** Tuesday, July 9, 2019, 09:42:17 AM PDT  
**Subject:** Re: Request for Review - commercial cannabis cultivation - Black Oak Ridge Rd, Lower Lake

Good afternoon, on behalf of the Lake County Fire Protection District, we require the applicant to fill out an application for a permit, which would include a series of plans and to ensure they are compliant with PRC-4290 & 4291. This information along with a copy of our ordinance and FAQ's can be obtained at our District Office located at 14815 Olympic Drive, Clearlake, ca. 95422. Once received our Fire Marshal Charlie Diener and/or Cory Smith will coordinate with the applicant to move forward. If you have any questions please feel free to contact our District Office at 707-994-2170 and ask for Charlie Diener or Cory Smith. Thank you for your time.

Respectfully

William "Willie" Sapeta, Fire Chief

Lake County Fire Protection District

14815 Olympic Drive, Clearlake, CA. 95422

Office: (707) 994-2170 Fax: (707) 994-4861

Cell: (707) 489-0966

On Monday, June 18, 2018, 11:14:03 AM PDT, Mireya Turner <Mireya.Turner@lakecountyca.gov> wrote:

Good morning,

Attached please find a request for review for two minor use permits for Type 1 and Type 2B commercial cannabis cultivation. The project location is 18211 Ponderosa Trail, Lower Lake. The applicant is Noble Gardens (Patricia and Ray Lanier).

Site plans are available at the link below:

<https://filetransfer.co.lake.ca.us/message/jCvt1Sng3xTVUe4zxIsi9b>

The management plan documents are available at the link below:

<https://filetransfer.co.lake.ca.us/message/iNPcKxt5ppDEQiJxLEtJK9>

Please let me know if you have any difficulty accessing the documents.

Your consideration and comments no later than Monday, July 2, 2018, are greatly appreciated.

Cordially,

**Mireya G. Turner, MPA – Associate Planner**

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*Lake County – Community Development Department*

*255 N. Forbes Street, Lakeport, CA 95453*

*County Website: [www.lakecountyca.gov](http://www.lakecountyca.gov)*

*Phone: (707) 263-2221*