

From: [Lake County Community Development - Planning Counter](#)
To: [Trish Turner](#); [Ruby Mitts](#)
Subject: FW: [EXTERNAL] UP 20-33 Liu Farms - Public Comment
Date: Wednesday, April 24, 2024 8:55:47 AM

From: Maria Kann <mariackann@gmail.com>
Sent: Tuesday, April 23, 2024 11:51 PM
To: Lake County Community Development - Planning Counter
<planningcounter@lakecountyca.gov>; Dist1 PlanningComm
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<dist5planningcomm@lakecountyca.gov>
Cc: Eddie Crandell <Eddie.Crandell@lakecountyca.gov>
Subject: [EXTERNAL] UP 20-33 Liu Farms - Public Comment

Please submit my comments as a matter of public record. DENY UP 20-33.

I've been reading through all the documents presented by the applicant and the agency comments, as well as the documentation presented for other cannabis projects, and it has become glaringly obvious that a large part of the documentation is regurgitated policy statements and repetitive information that only serves to pad the package put together by the applicant and tick off boxes required by the government process. Several of the letters provided by agencies that have jurisdiction over specific aspects impacted by the project simply cite policy and make suggestions as to what "should" happen on the site and do absolutely nothing to actually protect the environment or ensure their suggestions are required or acted upon. Where is the followthrough to make sure compliance is executed? To me, this is an absolute failure on the part of the government agencies we, as taxpayers, expect are created and funded to be stewards of our natural resources and accountable to the people. You could not be doing more of a disservice to the people and our state resources than you are with behavior such as this. Any project that tears up the land for agriculture use should have a full environmental impact report prepared, especially any that are proposed for areas neighboring forest and open space land. Unspoiled land should be strictly protected and our county government should carefully consider the fact that once the wild areas are developed, the habitat and ecosystem is lost forever. According to a CEQA search, not one Environmental Impact Report has been required for any of these cannabis projects. The blanket use of the Mitigated Negative declaration is inadequate as evidenced by the environmental disaster created and left behind by the SourzHVR project in High Valley. Not only did that project create an unmitigated nuisance of noise, dust, pollution, traffic, and constant disturbance to the residents, they left behind a wake of destruction and a scar on the land that can easily be viewed from Google Earth. According to Brassfield's management, there was significant damage and detrimental impacts resulting from the previous owner's cannabis project.

Liu Farms started the permit process for 8531 High Valley Road, Clearlake Oaks, CA 95423 in 2020. Prior to obtaining any permits to grow cannabis, Liu Farms chose to go ahead and illegally clear the land and plant a crop in 2021. On 08/03/2021, Lake County Sheriff's Office in conjunction with US Forest Service served a warrant on the address. The USFS was involved because "this address is on private property within the USFS Mendocino National Forest DPA (Direct Protection Area)" (Letter dated April 11, 2020 from Mike Wink with CALFIRE). Two things stand out here. First, Liu Farms immediately breaks the law by growing without a permit. Second, their property is within the Mendocino National Forest which is federal land. Cannabis is still considered a Schedule 1 drug by the DEA and federally illegal. Given Liu Farms is knowingly violating State and Federal laws, why should anyone believe their word in the project plan and conditions of approval? They have demonstrated untrustworthy behavior

and a lack of integrity.

Please make sure these project applicants are vetted carefully and that we don't sell out to cartels and organizations that will only use our resources and destroy our forests and open spaces. Once the habitat is gone, it's lost forever. No amount of money is worth that. Do not turn Lake County into the Bay Area.

Project Site Plans:

Figure 1 SITE PLANS (to be updated prior to operation)

Site plans should be finalized prior to seeking Use Permit so all parties have clear, accurate, definitive information for the determination. Once the Use Permit is issued and operations commence, it is highly unlikely that paperwork will be updated and completed as promised.

Operation:

Six days per week for 270 days annually

20 employees peak plus deliveries

40 employee trips per day (10 to/10 from) for six days plus 8 delivery trips (4 to/4 from) per week =

$40 \times 6 = 240/\text{week}$; plus $8/\text{week} = \mathbf{248 \text{ trips/week}}$

$248 \text{ trips per week} \times 45 \text{ weeks (270 days/6 day week)} = \mathbf{11,160 \text{ trips per year}}$

The project plan does not include a traffic study. Given there are already two large wineries and two approved cannabis projects on High Valley Road, a cumulative traffic study should be done to prevent the project from being detrimental to the public health, safety, or welfare or as to be a nuisance.

Air Quality Mitigation:

AQ-5: The applicant shall have the primary access and parking areas surfaced with chip seal, asphalt, or an equivalent all weather surfacing to reduce fugitive dust generation. The use of white rock as a road base or surface material for travel routes and/or parking areas is prohibited.

AQ-6: All areas subject to infrequent use of driveways, overflow parking, etc., shall be surfaced with gravel, chip seal, asphalt, or an equivalent all weather surfacing. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations.

Will the applicant or the county be chip-sealing the stretch of High Valley Road from Brassfield's last entrance on the valley floor to Liu Farms? Currently the chip seal ends and turns into a dusty, dirt road that turns muddy in the winter months.

"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." Letter dated April 21, 2020 Fahmy Attar, Air Quality Engineer, Lake County Air Quality Management District

"All weather roadway surfaces do not ever have mud, standing or flowing water that vehicles have to travel through." Letter Dated Saturday, April 11, 2020 11:26 PM, Mike Wink CALFIRE
<Mike.Wink@fire.ca.gov>

Land Use:

“The approval of the use permit will allow both the agricultural industry and the cannabis industry to strengthen and revitalize the overall community through promoting economic development. Employment opportunities, as well as tax and other revenues for the County. According to the applicant, the operation will include approximately 16 employees throughout the growing season. Employees will spend money locally on commodities such as food, gas, rent, and other items, which in turn will benefit local area merchants.”

According to our experience, no revitalization will occur to the community. Employees are not local and spend minimal money in the immediate community. The community experiences increased pollution and litter. How many local community members will be hired to work on Liu Farms?

Cultural Resources:

The applicant has submitted a Cultural Resources Assessment (CRA) for the proposed project prepared by Wolf Creek Archeology in March of 2020. According to the Property Management Plan if any archaeological, paleontological, or cultural materials be discovered during site development, all activity would be halted in the vicinity of the find(s), the applicant will notify the culturally affiliated Tribe, and a qualified archaeologist to evaluate the find(s). All employees are to be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance.

“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.”
Letter dated April 22, 2020 Bryon Much at California Historical Resources Information Systems

The applicant has not had a qualified archaeologist conduct further archival and field study for the entire project area prior to commencement of project activities. It is unrealistic to expect project employees to become experts in identifying cultural artifacts and archeological resources through some sort of training. Who is conducting the training and what is the scope and duration? Once any artifacts are destroyed, that history is lost. Please protect the land and history of Lake County.

Biological Resources:

BIO-1: If the establishment of cultivation operations requires the removal of pine forest or the destruction of chaparral habitat, a pre-construction survey for special-status species should be performed by a qualified biologist prior to vegetation clearing or grading to ensure that special- status species are not present. If any listed species or special-status species are detected, construction should be delayed, and the appropriate wildlife agency, either the California Department of Fish and Wildlife or the US Fish and Wildlife Service, should be consulted, and Project impacts and mitigation should be reassessed.

The project site plan shows a clear overlap of cultivation area and vegetation habitat, therefore, a qualified biologist should perform a pre-construction survey for special-status species.

BIO-2: Prior to any removal of trees or shrubs, or disturbance to riparian habitat, and if these activities occur during the nesting season (usually March to September), a pre-construction survey for the presence of special-status bird species or any nesting bird species should be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests are identified in these areas, the California Department of Fish and Wildlife or the US Fish and

Wildlife Service should be consulted to develop measures to avoid a “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are

independent of the nest site.

The request for a Use Permit is now clearly within the nesting season of March to September, therefore, a qualified biologist should perform a pre-construction surveyor the presence of special-status bird species or any nesting bird species. Please also review comment letter dated August 10, 2023 from Richard Ramirez, Environmental Scientist with California Department of Fish and Wildlife, North Central Region Cannabis Program who lists several aspects of potential significant impacts to wildlife such as loss of habitat, pesticides, noise, and artificial light, to name a few.

“Redbud Audubon recommends another more in-depth biological study be done. The call for a more precise biological survey is warranted. It is noted there are no actual bird counts and the report was done in 2020 – so much has changed since then.” Letter dated March 5, 2023, Donna Mackiewicz, Redbud Audubon Society

Other Comments:

Several cannabis project plans mention background checks and fingerprinting for employees but this is not true. Per the community development department cannabis contact, only the owners are checked. This does not make the public feel safe when these projects bring in their own workers into our neighborhoods and towns.

Liu Farms will be using pesticides that will flow downhill during the rainy season and most certainly have an adverse effect on plants and animals below the site. This is an environmental hazard. According to Bruno Sabatier, protecting our environment is first and foremost.

Please DENY UP 20-33

Respectfully,
Maria Kann

April 24, 2024

To: Planning Commissioners Price, Hess, Chavez Perez, Brown and Field

Re: PC Agenda Item on 4/25/22, Item 24-458 at 9:05AM Liu Farms continuation.

I am writing to request a postponement of the Planning Commission Meeting Item 6., 9:05 AM, Liu Farms to be heard on April 25, 2024 for the following reasons:

The property is located by the National Monument boundaries and is accessible only from High Valley Road. High Valley Road is a county-maintained right-of-way which passes through federal lands in both directions. According to federal statutes it is illegal to possess, transport or use cannabis on federal lands.

The permittee is requesting a cultivation and distribution permit. While the county currently requires a signed indemnity agreement as a "condition of use," this agreement acknowledges the project can not be accessed without illegally transporting cannabis over federal lands. Thus the county, by permitting and then accepting sales tax from the project, will be receiving funds from an unlawful activity.

If future zoning changes allow cannabis consumption lounges and retail sales, visitors could be unknowingly breaking the law by buying and leaving establishments with cannabis in their possession. The required waiver only protects the county from legal actions brought forth by the permittee - not those potentially by the federal government nor the public.

BLM is very clear on their position of cannabis on federal lands, and according to a letter in my possession, also states that our neighboring counties do not grant permits to applicants who are surrounded by federal lands.

Through my conversations with Supervisor Crandell, the legality of this matter is in the hands of County Council for determination and a decision.

I am requesting that the postponement remain in effect until such time when County Council has finalized an opinion and determination.

Thank you,

Chuck Lamb

Clearlake Oaks, CA

From: [Trish Turner](#)
To: [Ruby Mitts](#)
Subject: FW: [EXTERNAL] Deny Liu UP 20-33
Date: Tuesday, April 23, 2024 10:11:51 AM
Attachments: [image.png](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image005.png](#)

Comments received for UP 20-33 Liu Farms.



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STAY CONNECTED:



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From: Lake County Community Development - Planning Counter
<planningcounter@lakecountyca.gov>
Sent: Tuesday, April 23, 2024 10:08 AM
To: Trish Turner <Trish.Turner@lakecountyca.gov>
Subject: FW: [EXTERNAL] Deny Liu UP 20-33

From: Donna Mackiewicz <donnammackiewicz@gmail.com>
Sent: Tuesday, April 23, 2024 9:04 AM
To: Lake County Community Development - Planning Counter <planningcounter@lakecountyca.gov>
Subject: [EXTERNAL] Deny Liu UP 20-33

Dear Planning Counter,

Please deny the Liu Farms request for Major Use Permit UP 20-33, IS 20-39, EA 20-40 for the following reasons:

1. Both access routes on High Valley Rd cross federal lands - BLM to the east and Mendocino National Forest to the west. Ryan Cooper, Field Manager, US Department of the Interior "states " Permittee should be aware that transporting cannabis across an existing right-of-way on federal lands to access a private parcel is illegal under federal law and violators could face federal criminal action."
2. There are multiple errors throughout the Initial Study:
3. The biological study does not reflect the recovery from past fires.
4. The Northwest Biological Study also reports there will be impacts but on page 75 of the new document it contradicts the bio study.
5. High Valley Road is not fire safe in width of road or condition (please note the numerous official reports especially by High Valley Road property owners)
6. Northshore Fire could not respond quickly if a fire broke out.
7. Project lighting does not follow the Dark Sky Initiative
8. High Valley Ridge is a scenic corridor and is important for tourism.
9. Trucks will travel E. Highway 20 to High Valley turning at East Lake School. The reports do not reflect the impact on East Lake Elementary anywhere.
10. High Valley Ridge is rich in history. Pomo tribes would meet yearly for a swap meet using the ridge as travel coming all the way from the ocean. And the stagecoach traveled using High Valley. Mauldin paper.
11. Hitch passage is very important and the bio study states "The CNDDDB reported the following special-status habitats in a 10-mile radius outside of the Study Area: Clear Lake Drainage Cyprinid/ Catostomid Stream; Clear Lake Drainage Seasonal Lakefish Spawning Stream; Coastal and Valley Freshwater Marsh and Great Valley Mixed Riparian Forest.", As you may recall, March 6, 2013, was the first report from Charton Bonham, Director State of CA Fish and Wildlife to the importance of Hitch preservation. It is not too late, and we "county" should do all we can to stop the extinction.
12. Page 73 wording contradicts itself under discussion A and B.
13. Lake County CA is in the Pacific Flyway, used by hundreds of thousands of birds and butterflies each year for migration. This was not mentioned in any reporting. Spotted Owl sightings are documented on High Valley Ridge - this was not mentioned, either. The Spotted Owl is listed as Threatened under the Endangered Species Act.
14. Why is a county document marked up in red with strike through and has ERROR written in it - was the documentation not reviewed before posting this?

One would think the CDD/County would be embarrassed to present an unfinished report or is this a format that will now be acceptable?

15. The newer report filed this week does not reflect the following:

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

3. What is the Liu Pesticide Operator ID number as was requested by the comment on page 8 24-258 (hand-written by county employee. It reports the use of pesticides.

Please note the following taken directly from the on-line Northwest Biological Report (my comments are in red)

2. ENVIRONMENTAL SETTING

The topography of the Study Area is mountainous and consists of the west-facing slopes of a ridge crest. **The slopes drain directly to Clear Lake.** A small portion of the property drains east down Sulphur Canyon into Long Valley. The elevation ranges from 2,600 feet to 3,050 feet above mean sea level. The Property is undeveloped land used for livestock ranging. **It is surrounded by Mendocino National Forest.** The surrounding land uses are private estates, timberland, recreation, and grazing land.

3.2. FIELD SURVEY

Consulting biologist Tim Nosal, MS. conducted a reconnaissance-level field survey on **March 20, 2020.**

4. RESULTS

4.1. INVENTORY OF FLORA AND FAUNA FROM FIELD SURVEY *Note: 105 bird species are recorded for High Valley in eBird.*

were detected within the Study Area during the field survey: The following animals sharp-tailed snake (*Contia tenuis*); Slugs are the primary food and salamanders **Biologist Tim Nosal found this animal so there must be water for their food. Like ephemeral pond or stream.** pileated woodpecker (*Dryocopus pileatus*) **eBird has never recorded a Pileated here pointing to the importance of preserving it.** red breasted nuthatch (*Sitta canadensis*) **eBird has never recorded a red-breasted nuthatch in High Valley pointing to the importance of preserving the area. In fact, Redbud Audubon noted the disappearance of this species in the past three of 50 years Christmas Bird Counts.** Stellar's jay (*Cyanocitta stelleri*) **Only 3 sighting reported in eBird, one in Jan and 2 in Nov (none by me)** Am. Kestrels (Year-round), Merlin (Jan/Feb) **eBird reports these birds of special concern as well as** Prairie Falcon sightings in Jan/Feb/Mar, Golden Eagle Feb/Aug/Nov and N. Harrier Jan/Feb/Apr/Sept/Nov **again alluding to the importance of preservation of the ecosystem.**

Thank you for taking time to listen to my comments.

Sincerely,

Donna Mackiewicz March 2024

576 Surf Lane, Clearlake Oaks, CA 95423



March 5, 2023

RE: UP 20-33 IS 20-39 Lui Farms, 8531 High Valley Road, Clearlake Oaks CA

Thank you for considering our comments. Redbud Audubon recommends another more in-depth biological study be done.

The call for a more precise biological survey is warranted. It is noted there are no actual bird counts and the report was done in 2020 – so much has changed since then. On a recent bird watching trip up on High Valley we recorded Western Bluebirds, California Thrashers, Wrentits, California Quail, American Kestrel, Western Meadowlarks and more species but nothing was mentioned about the abundant birds that call this area home. The noise, lights and increased traffic will greatly affect them.

And please note Lake County supports the Night Sky Initiative. This will permanently change the future night sky views which will affect migratory species.

US Department of Interior, Fish & Wildlife letter dated March 14, 2020 mentions the three critically protected species that have been spotted but are not on the project parcels. What mitigation measures are in place? Spotted Owls have been sighted near the project area.

Have you considered visiting the area today after the rains and seen the rich emergent wetland? Wetlands provide habitat for thousands of species of aquatic and terrestrial plants and animals. Wetlands are valuable for flood protection, water quality improvement, shoreline erosion control, natural products, recreation, and aesthetics. This area of study was overlooked due to the date and climate of the earlier studies performed by biologist Tim Nosel in 2020. Today not only would you find the size of the original 3 wetlands seen in 2020, greatly expanded but the expansion of the Class III watercourse and the emergent wetlands, most likely, as of today 3/4/2024, will have merged. A drone flyover could document this and highlight the importance of the 3 riverine water courses.

The project area is rich in history. Professionals, like Dr. John Parker of Wolf Archaeology, could easily uncover native artifacts in this heavily used roadway of long ago. Where is an in-depth reporting on the study area that companies like Natural Investigations or Wolf is known for producing? If a tribal comment is not received, please don't dismiss the fact we should still do the research. High Valley Road was very important.

Please take into consideration the great impacts this proposal will have on the future of Lake County.

Thank you, Donna Mackiewicz, Redbud Audubon Society

www.redbud.audubon@gmail.com

www.redbudaudubon.org