

From: [Stoner, Kyle@Wildlife](mailto:Stoner.Kyle@Wildlife)
To: [Max Stockton](#)
Cc: [Wildlife R2 CEQA](#)
Subject: [EXTERNAL] RE: UP 23-09; IS 23-29; GR 25-01 Poverty Flats Ranch
Date: Thursday, February 6, 2025 2:12:45 PM
Attachments: [image001.png](#)

Dear Max Stockton,

The California Department of Fish and Wildlife (CDFW) appreciates the opportunity to comment on the Mitigated Negative Declaration (MND) for the Major Use Permit UP 23-09, Poverty Flats Ranch (project). CDFW is responding to the MND as a Trustee Agency for fish and wildlife resources (Fish & G. Code, §§ 711.7 & 1802, and CEQA Guidelines, §§ 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 et seq.) and/or a California Endangered Species Act (CESA) Permit for incidental take of endangered, threatened, and/or candidate species (California Fish and Game Code Sections 2080 and 2080.1).

The project is located at Assessors Parcel Number (APN) 006-004-220-000, 10535 High Valley Rd, Clearlake Oaks, CA, 95423 in Lake County. The project consists of Major use permit to obtain five (5) A- Type 3 Outdoor cultivation licenses consisting of 5 acres within three separate areas of outdoor cultivation; three (3) A-Type 2 Small Outdoor cultivation licenses consisting of (3) 10,000 sf of outdoor cultivation areas, and one (1) A-Type 13 Self Transportation Only Self Distribution license. Project proposes five greenhouses for immature plants and several small sheds.

The site is 196.7 acres and is approximately 3.8 miles northwest of Clearlake Oaks. The Project property is accessed by a private driveway off High Valley Road. High Valley Road is an existing County-maintained Road, comprised of gravel and natural material. The driveway measures 16 feet in width with an existing 15-foot-wide gate, per Google Earth. The well-established onsite road network is comprised of natural material and gravel. Existing conditions onsite consist of a primarily undeveloped parcel, historically used for recreation purposes. The site is developed with access roads, an existing well and pump house, domestic water tanks, an 18' x 20' rain catchment structure, a 16' x 24' hunting cabin, two tool sheds, and two shipping containers.

CDFW recommends the following item be addressed in the future planning of the project:

1. Lake and Streambed Alteration:

Based on the maps provided, there are multiple potential stream crossings that will be used for Project activities. CDFW recommends that all existing and proposed stream crossings be identified and evaluated for their capacity to convey expected 100-year flood flows plus entrained sediment and floating debris, and to prevent soil erosion and/or sediment deposition. Such evaluations should be completed by a qualified professional licensed to practice in California. CDFW recommends a supplemental hydrologic analysis be completed that includes detailed watercourse mapping, and an analysis of all existing stream crossings to assess each crossing for stability and the ability to pass the 100-year storm event. CDFW recommends that culverts be sized to accommodate the 100-year storm event along with associated sediment and debris. Cafferata et al., 2017 and Weaver et al., 2014 provide design guidance that support CDFW's recommendation that culverts

be sized to pass the 100-year flood flow, including debris and sediment loads through a single pipe, without impounding water.

Impacts to Areas Subject to Fish and Game Code 1602

Fish and Game Code Section 1602 requires an entity to notify CDFW prior to commencing any activity that may: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake.

The MND should identify all the project activities in areas subject to CDFW's Section 1602 of the Fish and Game Code. These areas include all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state and any habitats supported by these features such as wetlands and riparian habitats. If these features are found within the Project site a map delineating those areas should be prepared for the MND to identify any potential significant impacts to these resources. The map should include a delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed Project including an estimate of impact to each habitat type.

Please note that areas subject to CDFW's Section 1602 of the Fish and Game Code differs from other agencies such the U.S. Army Corps of Engineers or the Regional Water Quality Control Board. The MND should identify the areas present within the Project limits subject to Section 1602 of the Fish and Game Code.

If it is determined that projects developed under the Project would impact areas under areas subject to CDFW, the MND must propose mitigation measures to avoid, minimize, and mitigate impacts to these resources.

Department of Cannabis Control Annual License

To ensure that such activities do not adversely impact fish and wildlife resources, CDFW is engaged in environmental review and permitting, enforcement, and coordination with other agencies developing and implementing regulatory programs for cannabis cultivation.

To satisfy the Department of Cannabis Control (DCC) licensing requirement set forth in Business and Professions Code section 26060.1 (b)(3), one of the following must be provided to DCC:

- A final Streambed Alteration Agreement issued by CDFW
- A draft Streambed Alteration Agreement provided by CDFW that has been signed and returned to CDFW
- Written verification from CDFW that a streambed alteration agreement is not needed

The applicant is responsible for complying with all applicable local, State, and federal laws in completing the Project. A copy of the determination and your Notification with all attachments should be available at all times at the Project site. Please note, any material or changes otherwise made to your Project description in the Notification, will require submittal of a new Notification and corresponding fee to CDFW. To learn more about the California cannabis market, state licenses or laws, visit <https://cannabis.ca.gov/>.

More information regarding the Cannabis Program can be accessed using this link: <https://wildlife.ca.gov/Conservation/Cannabis>

The Environmental Permitting Information Management System can be accessed using this link: <https://epims.wildlife.ca.gov/index.do>.

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the project. Written notifications may be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670.

CDFW appreciates the opportunity to comment on the project and recommends that the Lake County Planning Department address CDFW's comments and concerns in the forthcoming CEQA document. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter or wish to schedule a meeting and/or site visit, please contact Kyle Stoner, Senior Environmental Scientist (Specialist) at (916) 767-8178 or Kyle.Stoner@wildlife.ca.gov.

Work Cited

Cafferata P, D. Lindsay, T. Spittler, M. Wopat, G. Bundros, S. Flanagan, D. Coe, and W Short. 2017. Designing Watercourse Crossings for Passage of 100-year Flood Flows, Wood, and Sediment. California Forestry Report 1 (revised) California Department of Forestry and Fire Protection, Sacramento, CA. 126 p.

Weaver W, E. Weppner, and D. Hagans. 2015. Handbook for forest, ranch and rural roads: a guide for planning, designing, construction, reconstructing, upgrading, maintaining and closing wildland roads (Rev. 1st ed.). Mendocino County Resource Conservation District, Ukiah, CA. 406 p.
<http://mcrd.org/>

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From: Max Stockton <Max.Stockton@lakecountyca.gov>

Sent: Monday, January 6, 2025 12:28 PM

To: sham@blm.gov; cdavis@blm.gov; BLM_CA_Web_ML@blm.gov; Local Verification@Cannabis <localverification@cannabis.ca.gov>; Stoner, Kyle@Wildlife <Kyle.Stoner@wildlife.ca.gov>; Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>; Duncan, Paul@CALFIRE <Paul.Duncan@fire.ca.gov>; Gjerde, Daniel W@DOT <Daniel.Gjerde@dot.ca.gov>; ROBERTSON, JESSE GRAHAM@DOT <jesse.robertson@dot.ca.gov>; Rightnar, Jacob@DOT <Jacob.Rightnar@dot.ca.gov>; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Jack Smalley <Jack.Smalley@lakecountyca.gov>; Katie Carpenter <Katie.Carpenter@lakecountyca.gov>; David Bingham

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Subject: UP 23-09; IS 23-29; GR 25-01 Poverty Flats Ranch

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Hello,

Please find Notice of Intent that Major Use Permit UP 23-09, Poverty Flats Ranch, a cannabis project has an Initial Study, Mitigated Negative Declaration, ready for your review. Please provide comments by February 6, 2025. All applicable documents are attached with this email.

Thank you,



Max Stockton

Assistant Planner II

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