

Johanna DeLong

From: Thrive95453@outlook.com
Sent: Thursday, August 8, 2024 9:03 PM
To: Carolyn Purdy; Johanna DeLong; Lake County Clerk of the Board
Cc: Mary Claybon; Casey Shorrock; Kelley Taber
Subject: [EXTERNAL] Fw: MUP 20-96 Highland Farms (Lake County) WDID 5S17CC429031 - Standing and Status

Hello, Carolyn and Johanna,

Please include the email thread below as additional documentation for Highland Farms Appeal AB24-02, UP 20-96, IS 20-116. Central Valley Water Board, Cannabis Regulation and Enforcement Unit (CREU) is interested in the Highland Farms appeal, AB24-02. The appeal hearing date is Tuesday, 13 August.

Thank you for your assistance.

Best wishes,
Margaux Kambara
Lake County Resident

From: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Sent: Wednesday, August 7, 2024 8:42 AM
To: Thrive95453@outlook.com <Thrive95453@outlook.com>
Cc: Pham, Jonathan@Waterboards <Jonathan.Pham@Waterboards.ca.gov>; Casey Shorrock <cshorrock@somachlaw.com>; Mary Claybon <Mary.Claybon@lakecountycalifornia.gov>
Subject: RE: MUP 20-96 Highland Farms (Lake County) WDID 5S17CC429031 - Standing and Status

Good morning,

Thank you for all of this information. Most of this is all very relevant to my regulatory realm. I will be in the field all day tomorrow and Friday. I hope to review what you have sent me in relation to the documents we have on file next week. I have copied Mary Claybon from Lake County, as much of what you have explained is in the County's jurisdiction as well.

Janae Fried (she/her)
Engineering Geologist
Central Valley Water Board, Redding Office
Cannabis Regulation and Enforcement Unit (CREU)
364 Knollcrest Drive, Suite 205
Redding, CA 96002
Office Line: 530-224-3291

From: Thrive95453@outlook.com <Thrive95453@outlook.com>
Sent: Wednesday, August 7, 2024 7:38 AM
To: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Cc: Pham, Jonathan@Waterboards <Jonathan.Pham@Waterboards.ca.gov>; Casey Shorrock

Caution: External Email. Use caution when clicking links or opening attachments. When in doubt, contact DIT or use the Phish Alert Button.

Hello, Ms. Fried,

A belated thank you for your reply and introducing Mr. Pham into the conversation. I appreciate your clarification of the scope of your work. Mr. Pham was kind enough to follow up with an email describing his scope; it appears that the Highland Farms Project is out of Mr. Pham's scope. By the way, I've copied my attorney, Casey Shorrock, for the Highland Farms cannabis permit appeal on this email.

There are aspects of the Highland Farms cannabis permit application within your scope that may be of interest:

Access Road

- The part of the Project site that, with certainty, contains serpentine formations and soils includes the portion of the site access road located on County-owned parcels that would connect the cultivation area to Highland Springs Road. This portion of the access road containing serpentine soils was not included in the analyses or studies performed for the Mitigated Negative Declaration (MND), in violation of California Environmental Quality Act (CEQA). CEQA requires that a Lead Agency (Lake County) fully analyze "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment... ." [\[1\]](#) For detail, please see attachment Letter to BOS p. 1 (Serpentine Soils on access road) and p. 3 (Wetlands, required setbacks violated).
- The MND fails to analyze impacts associated with those road improvements and future roadway use and further fails to provide necessary and feasible mitigation; it also omits any discussion of the many rules and regulations, including County policies, governing construction in and around serpentine soils.

Required Wetland Setbacks Violated, Discharge of Sediment into Setback Area

The MND fails to acknowledge or abide by the recommendation of the Project biologist that no cultivation occur in areas where it is currently proposed because of the impossibility of avoiding wetlands and maintaining required setbacks. For detail, see attachment Letter to BOS p. 3 (Wetlands), p. 7 (second bullet, State Water Resources Control Board).

Specifically, the Project biologist stated: "Due to the configuration of wetlands and watercourses onsite, we do not believe it is feasible to cultivate on the majority of the north parcel. The configuration of potential wetlands, and the existence of three branches of jurisdictional watercourse appear to preclude access to any potential cultivation areas on the north parcel without having to transit through wetlands or watercourses. Potential wetlands and watercourses shown in the original BA [Biological Assessment] that are in the same hydrological drainage can be assumed to be connected even if they are not shown as such in the original BA, making access to any potential cultivation areas in the north parcel problematic ... In addition, State Water Quality Control Board Cannabis General Order requires 100-foot

setbacks from wetlands, and it would be difficult to avoid any discharge of sediment into any setback area while grading the top of the two hills on the north parcel due to the small size of these potential cultivation areas. [See Attachment G for more on this violation.] In addition, there is a high diversity of native species on the tops of the hills, most of the native species diversity on the parcel is concentrated in these wetlands and hills ... Our recommendation is to limit cultivation to the south parcel and to restore the wetlands in the north parcel.”

Disturbed Areas – BMP not Followed

The Project ignores BMP when it has not completed the required biological studies. The Project will displace 6,500 cubic yards of soil on county property, and 108,000 cubic yards of soil on private property. This is a significant amount of land disturbance. To put in context, a volume of 6,500 cubic yards is approximately the size of an open pit more than 3 feet deep the size of the parcel the Lake County Courthouse sits upon and 108,000 cubic yards is the size of an open pit 20 feet deep and larger than Library Park in Lakeport.

Incorrect or Incomplete Project Parcels Zoning Reported

The discharger reported incorrect or incomplete zoning information for the Project parcels. The Project parcels are zoned RL-B5-WW (Rural Lands – Frozen – Waterways) yet the discharger reported the zoning in its permit application to the Lake County Planning Commission as RL only. Please see attached Lake County Request for Review for Sufficiency; file name: Highland Farms Zoning Info Detail and attachment Highland Farms Zoning_Staff Report.

Out of curiosity, did the discharger inform the Central Valley Water Board that the Project parcels are zoned RL-B5-WW? I understand that parcels with WW designation are subject to restrictions.

Appeal Hearing Set for Tuesday, 13 August 2024 09:15 a.m.

The hearing can be watched via Zoom. Zoom information will be on the Lake County Board of Supervisors meeting agenda, expected to be posted by this Friday. I will send the link when it is available.

The appendices and exhibits files for the appeal are too large to send; they will be posted on the county's website. I'll send the link when it is available with notes on where to find detail on the Project's issues of access road, wetland setback violation and discharge of sediment in setback area.

Ms. Fried, thank you for your consideration. I appreciate your interest in Lake County commercial cannabis cultivation and the county's revision of its cannabis ordinance. If you have questions about the Highland Farms appeal, please let me know.

Best wishes,

Margaux Kambara
Lake County Resident and Property Owner

[1] (CEQA Guidelines, § 15378, subd. (a); see also, e.g., Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonoma (2007) 155 Cal.App.4th 1214, 1222; Assn. for a Cleaner Environment v. Yosemite Community College Dist. (2004) 116 Cal.App.4th 629, 637.)

From: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Sent: Monday, July 15, 2024 11:57 AM
To: Thrive95453@outlook.com <Thrive95453@outlook.com>
Cc: Pham, Jonathan@Waterboards <Jonathan.Pham@Waterboards.ca.gov>
Subject: RE: MUP 20-96 Highland Farms (Lake County) WDID 5S17CC429031 - Standing and Status

Thank you for all the information.

My area of regulation is Discharges of Waste *from* Cannabis Activities to waters of the state. So my areas of concern more lie along BMPs for disturbed areas, access road issues, not over-watering and therefore causing runoff and soil erosion, keeping chemicals in proper containment etc. I work in the Division of Water *Quality* for the Water Boards. I have cc'd my colleague, Jonathan Pham, who works in the Division of Water *Rights* and may have more input to the specific water use concern you are bringing to our attention.

Thank you for telling me about the agenda for today. I was not planning on attending today. I will listen in on the COTF meeting, but my attention will be divided between my work and the meeting. I appreciate it.

Janae Fried (she/her)
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From: Thrive95453@outlook.com <Thrive95453@outlook.com>
Sent: Monday, July 15, 2024 10:43 AM
To: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Subject: Re: MUP 20-96 Highland Farms (Lake County) WDID 5S17CC429031 - Standing and Status

EXTERNAL:

Hello, Ms. Fried,

Thank you for the AMR and your question. Yes, we have serious concerns about the discharger's hydrology plan and development in the wetland area. We are appealing the permit's approval. We will send you details, probably by the end of this week.

Regarding water usage, the discharger intends to pump millions of gallons annually and about one million gallons per month during the dry season. This is an unprecedented amount of water usage for our area by several orders of magnitude. Our neighbor, whose property abuts the discharger's project area, depends on a perennial spring for residential use. It flowed reliably year-round for decades until the last year of the historic drought (2023) when it stopped flowing, and he had to truck in water. He has expressed concerns that the pumping from this project and the cumulative effects of the pumping from another cannabis project also near his property will cause his spring to dry up regularly or permanently. The discharger's hydrology report did not address this risk.

By the way, today's Lake County Cannabis Ordinance Task Force meeting agenda, has an item that may be of interest: prohibited uses - water. I don't know whether the task force will get to this item today. Meeting progress has been slow.

Thank you for your reply and consideration. If we have questions or concerns about the discharger's AMR, we will let you know.

Best wishes,
Margaux Kambara & Tom Lajcik
Lake County Residents

From: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Sent: Friday, July 12, 2024 1:14 PM
To: Thrive95453@outlook.com <Thrive95453@outlook.com>
Subject: RE: MUP 20-96 Highland Farms (Lake County) WDID 5S17CC429031 - Standing and Status

Here you go, there isn't much to it, as they Site appears to had not begun development yet in 2023. Do you have water quality concerns from things you have seen on the ground that you would like to share?

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From: Thrive95453@outlook.com <Thrive95453@outlook.com>
Sent: Wednesday, July 10, 2024 10:31 AM
To: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Subject: Re: MUP 20-96 Highland Farms (Lake County) WDID 5S17CC429031 - Standing and Status

EXTERNAL:

Hello, Ms. Fried,

Thank you for your response. No, worries about the delay. I appreciate your reply and I look forward to reading the discharger's 2023 AMR. Meanwhile, I wish you respite from the heat.

Best wishes,
Margaux Kambara
Lake County Resident

From: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Sent: Wednesday, July 10, 2024 10:26 AM
To: Thrive95453@outlook.com <Thrive95453@outlook.com>
Subject: RE: MUP 20-96 Highland Farms (Lake County) WDID 5S17CC429031 - Standing and Status

Greetings,

Apologies for the delay in response. Yes, the discharger has submitted their 2022 & 2023 AMRs. The 2023 AMR was submitted on time this year. And all invoices are up to date. I will get back to you on sharing their 2023 AMR.

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From: Thrive95453@outlook.com <Thrive95453@outlook.com>
Sent: Thursday, June 20, 2024 5:41 PM
To: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Subject: MUP 20-96 Highland Farms (Lake County) WDID 5S17CC429031 - Standing and Status

EXTERNAL:

Hello, Ms. Fried,

As a member of the public, I was encouraged by your interest in attending Monday's Lake County Cannabis Task Force meeting. Cannabis cultivation projects have profound environmental impacts—especially on groundwater.

I'm writing to follow up on the status and standing of Discharger MUP 20-96 Highland Farms. In your email dated 8 September 2023 to Lake County Assistant Planner Mary Claybon on review for sufficiency for the Discharger, you noted that the Discharger was not in compliance. The Discharger was tardy in submitting its 2022 Annual Monitoring Report (AMR), due in March 2023 and not received as of 8 September 2023.

Has your office received the Discharger's 2022 ARM and 2023 ARM? If so, may I have a copy of the 2023 ARM? An electronic copy is fine. And is the Discharger current on its invoices?

Thank you for your consideration. Please let me know if you have questions or would like additional information.

Best wishes,
Margaux Kambara
Lake County Resident & Property Owner