

Comments Relating to a Notice of Intent to Adopt a Mitigated Negative Declaration

Regarding

Liu Farm Cannabis Cultivation Project; Major Use permit (UP20-33); Initial Study (UIS 20-39)

Project Location 8531 High Valley Road, Clearlake Oaks, CA 95423

From

The Daly Joint Trust by Carole Daly, Trustee, Owner of property located at 8732 High Valley Road, Clearlake Oaks, CA 95423

My husband and I own the property located across High Valley Road and adjacent to the location of the proposed Cannabis Cultivation Project. To better understand the Hydrogeological Study prepared by Luhdorff & Scalmanini, I hired Lombardini Geological Services to review the Luhdorff & Scalmanini study and advise me of the potential impact of the Cannabis project on our property.

Based on the recommendations of Lombardini Geological Services I have the following comments.

1. The proposed use of water for the project should be clarified so that the water usage is limited to that indicated in the permit sought by Liu Farm. The Notice of Intent indicates usage of approximately 7.67 Acre feet or 2.5 Million gallons per year. However, the Technical Hydrogeological report indicates that the well could support a volume of 9.4-14.5 Acre feet or essentially 5 Million gallons per year which is a much greater demand on the aquifer and would have a much greater impact our property.
2. Water quality testing of the Cannabis proposed well should be required and provided to us to assure that no pesticides, herbicides or constituents of concern are reaching the local aquifer.
3. Well use data should be provided to us on a monthly or quarterly basis of total gallons used and depth to static groundwater elevations by turning off the pump and allowing approximately 1 hour of recharge.

My initial concern for the Cannabis Project was the impact on the overall aquifer and more specifically on our property. While we do not currently have a well established on our property we do have several active springs that could be impacted. After reviewing both the Luhdorff & Scalmanini Memorandum and the Review from Lombardini Geological Services I am relying on their expertise that the water usage by the Cannabis Project would have a low impact on our property. However, while it is projected that the existing aquifer has sufficient water to support the Project, I am reminded that these are only projections and we are entering climate conditions that have not been experienced before; water is a precious and limited entity that requires safeguards and protection.

Thank you for the opportunity to comment on the Liu Farm Cannabis Cultivation Project. Please notify me of any future opportunities to provide input regarding this project.

Carole Daly, Trustee  
The Daly Joint Trust  
2355 Bailey Hill Road  
Eugene, Oregon 97405  
541 543-4402

August 25, 2023

Re: The proposed Liu Cannabis Cultivation Project at 8531 High Valley Rd. Clearlake Oaks, CA 95423

The following letter includes comments from Denise and Chad Love, owners of nearby property at 8422 High Valley Ridge Road.

We strongly oppose the proposed cannabis cultivation for the following main reason:

- 1) The project poses at least a low to moderate risk to depletion and contamination of the surrounding local groundwater and aquifer. Water is our greatest and most important resource.
- 2) High Valley Road is a dirt road; not paved. Heavy equipment use for the project poses a risk to the condition of the road, impacting the ability to safely accessing property, as well as surrounding properties.
- 3) The level of monitoring for compliance with the project proposed poses another risk. Specifically, there is a risk of a lack of continuous monitoring of water usage, contamination, expansion of the project without permits, and compliance, now and in the future.

Thank you for your detailed and careful consideration of this proposed project. For further questions, please call:

Denise Orpustan-Love

(707) 349-0695

Chad Love

(707) 349-2582

High Valley Ridge Ranch

**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

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**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  
<dist1planningcomm@lakecountyca.gov>; Dist2 PlanningComm  
<dist2planningcomm@lakecountyca.gov>; Dist3 PlanningComm  
<dist3planningcomm@lakecountyca.gov>; Dist4 PlanningComm  
<dist4planningcomm@lakecountyca.gov>; Dist5 PlanningComm  
<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](mailto: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