

Poverty Flats Appeal – Biological, Cultural, and Slope Evidence

Incomplete Biological Surveys – Legal Red Flag

The Biological Assessment covered only ~6 acres of a nearly 200-acre parcel. This means wetlands, oak woodlands, and raptor nesting areas remain unstudied. CEQA requires a complete and accurate environmental baseline before approval. Partial surveys cannot support a Mitigated Negative Declaration.

Key Legal Precedents:

- Sundstrom v. Mendocino County (1988) 202 Cal.App.3d 296 – agencies cannot defer critical studies.
- Golden Door Properties, LLC v. County of San Diego (2020) 50 Cal.App.5th 467 – incomplete baseline invalidates CEQA review.
- Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692 – inadequate environmental setting requires EIR.

Steep Slopes Contradict Applicant's Narrative

The application claimed cannabis cultivation would be on 'flat ridge tops.' However, multiple sources confirm this is incorrect:

- Natural Investigations 2023 Cultural Report (photos, pg. 18).
- Graening & Associates 2024 Biological Report (slope data).
- Drone overflight (2023) shows grading scars on slopes exceeding 30%.

CEQA Appendix G explicitly identifies erosion, sedimentation, and slope instability as mandatory significance triggers requiring analysis in an Environmental Impact Report.

Cultural Resource Errors & Tribal Significance

The 2023 Cultural Assessment prepared by Natural Investigations incorrectly stated that the Patwin occupied this land. Historical and tribal sources, including the Mauldin Papers and testimony from tribal elders, confirm the Elem Pomo lived here for thousands of years.

- Schindler Creek (Cawb-die) is a traditional Clear Lake hitch spawning ground central to ceremony and food security.
- High Valley served as an annual multi-tribal gathering site, a ceremony similar to a swap meet.
- Historic significance includes:
 - Land patent signed by President U.S. Grant to Henry Leopold Wildegrube for 160 acres

of Poverty Flats.

- Timber Road at the base of the parcel, historically used as a trade and travel route to the coast.

CEQA Guidelines §15064.5 requires accurate identification of tribal cultural resources. The misidentification of Patwin instead of Elem Pomo and omission of cultural importance renders the analysis factually incorrect and legally deficient.