

MASTER VIOLATION SUMMARY

Poverty Flats Ranch UP 23-09 / IS 23-20 — Appeal PL 25-198
(Consolidated Violations from Chapters 1–12)

I. Federal Law / Cross-Jurisdictional Violations

Citation	Brief Description
43 U.S.C. § 1761 et seq. (FLPMA)	Requires Right-of-Way authorization for commercial use of federal lands; none issued for Poverty Flats access.
43 C.F.R. § 2808.10	Prohibits unauthorized use or trespass on BLM lands without a ROW grant.
18 U.S.C. §§ 2, 371, 1856	Aiding, abetting, or conspiracy to commit trespass or unauthorized use of federal property.
21 U.S.C. §§ 841, 844, 846	Possession/transport of cannabis on federal lands constitutes a federal criminal offense.
18 U.S.C. § 1962 (c),(d)	Potential RICO liability for a pattern of unlawful approvals or profit from federally illegal activity.
NEPA (42 U.S.C. § 4332)	No federal environmental review performed for actions affecting BLM lands.
Clean Water Act §§ 301, 303, 401, 404 / 33 U.S.C. §§ 1311 et seq.	Unpermitted discharge, stream alteration, or fill within waters of the U.S.; no delineation or permits issued.
Fish & Wildlife Coordination Act (16 U.S.C. § 661 et seq.)	No federal consultation for culvert or channel modifications.
Bald & Golden Eagle Protection Act (16	Unanalyzed disturbance of nesting

U.S.C. § 668)	eagles documented onsite.
Migratory Bird Treaty Act (16 U.S.C. §§ 703–712)	No seasonal surveys for migratory or nesting species.
Safe Drinking Water Act (42 U.S.C. § 300f et seq.)	Industrial use of non-potable irrigation well violates federal drinking-water standards.
National Pollutant Discharge Elimination System (NPDES)	No permit for potential effluent or septic discharges to surface waters.
Archaeological Resources Protection Act (ARPA) / NAGPRA	Ground-disturbing activity without qualified archaeological/tribal oversight; no repatriation or discovery protocol.
Federal Interagency Wildfire Policy (2017)	Development on strategic ridge violates interagency wildfire-access coordination principles.

II. State of California — CEQA / Environmental / Professional Violations

Citation	Brief Description
CEQA Guidelines §§ 15063(d), 15064(a),(f), 15070-15130 et seq., Appendix G	Incomplete, unstable, or inaccurate project description; omitted baseline data; failed to analyze cumulative, wildfire, biological, or hydrologic impacts.
CEQA Guidelines § 15073.5(a)	Substantive revisions between IS/MND versions required recirculation; not done.
CEQA Guidelines § 15088(b)	Failure to respond to substantive agency and public comments.
CEQA Guidelines § 15124 & § 15125(a)	Project description and environmental setting inaccurate (federal access, solar, grading, septic, slope).
CEQA Guidelines § 15126.2(a)	Significant impact areas omitted (roads, evacuation, hydrology, biology, cultural).
CEQA Guidelines § 15126.4(a)(1)-(2)	Deferred or unenforceable mitigation (BIO-1, WDF-1, hydrology, road).
CEQA Guidelines § 15130(a)	Cumulative impact analysis missing or illusory (roads, groundwater, habitat).
CEQA Guidelines § 15144 / 15151 / 15384	Conclusions speculative; unsupported by substantial evidence.
Pub. Res. Code §§ 21080.3.1–21082.3 (AB 52)	County failed to complete government-to-government tribal consultation.
PRC § 4290 / 14 CCR §§ 1270-1273.08 / PRC § 4291	Violated State Minimum Fire Safe Regulations (width, grade, curve, surface, defensible space).
California Water Code §§ 13750-13755, 13801	Missing witnessed annular seal, pump-test, and industrial classification for well.
DWR Bulletins 74-81/90 & 118	No calibrated 24–72 hr pump test; seal depth below industrial standard.

Fish & Game Code §§ 1602 & 3511	No Lake/Streambed Alteration Agreement; Bald Eagle protection ignored.
Health & Safety Code § 5411 / Water Code § 13050(m)	Potential wastewater discharge creating nuisance/pollution.
State Water Board OWTS Policy & Cannabis Policy (WQ 2023-0102-DWQ)	Siting on >30% slopes without required discharge permit; septic non-compliant with LAMP.
California Plumbing & Building Codes (2022) §§ 713, 2902.1 / Title 8 Cal/OSHA §§ 3364-3366	Indoor processing without approved sanitary facilities violates workplace and plumbing codes.
Bus. & Prof. Code §§ 5536, 6735, 7835	Engineering, grading, and solar plans not signed and sealed by licensed professionals.
California Civil Code § 1668	Indemnification agreements attempting to waive illegality are void.
CEQA Case Law (Sundstrom, Friends of B Street, Golden Door, League to Save Lake Tahoe, Vineyard, CBE, City of Marina)	Each violated by current record.

III. County / Local Violations (Lake County)

Citation	Brief Description
Lake County Code Ch. 21 (Zoning – Use Permits)	Major Use Permit issued without lawful access, accurate baseline, or verified mitigation.
Lake County Code Ch. 30 (Grading & Erosion Control)	Complex grading (>50 cu yds) performed under voided permits GR22-12/GR25-01; no inspections.
Lake County Code Ch. 13 (Fire & Construction Safety)	Fire-safe road width, turnout, and construction verification omitted.
Lake County Code Ch. 9 (Health & Sanitation)	Wastewater discharge and damaged septic system unaddressed; nuisance condition.
Lake County Ordinance 1823 / § 9-68.1	Industrial well seal installed without Health Officer witness.
Lake County Code Art. 27 § 27.11	Lacks required water-monitoring and reporting framework.
County Surveyor Guidance	GIS parcel lines used in lieu of survey-grade mapping; buffer and ownership errors.
County Administrative Practice / CDD Procedures	Omission of indemnification agreements, BLM denial letters, and agency comments from public record; systemic misuse of VMT screening.
Public Works / Fire Department Findings	Known safety hazards ignored during approval.
Environmental Health Memo (Mar 4 2024)	Required septic replacement conditions omitted from final MND.
County Conditions of Approval (2025)	Contingencies lack measurable triggers or enforcement.

Gov. Code §§ 23005, 25203, 25303	CDD exceeded delegated contracting authority (unauthorized indemnification agreements).
Gov. Code § 6253(c)	Public Records Act compliance failure; missing privilege or exemption log.
Gov. Code § 6200 / Penal Code § 118	Concealment or falsification of official records constitutes felony offense.