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October 11, 2024

PROJECT SUMMARY AND CLARIFICATIONS

(UP 20-96, IS 20-116)

HIGHLAND FARMS, LP

INTRODUCTION

This technical memorandum serves as a clarification of Project components responsive to comments raised on an appeal of the Planning Commission approval and adoption of the ISMND:

California Environmental Quality Act Environmental Checklist Form Initial Study And Mitigated Negative Declaration for the Highland Farms, LP Cultivation Project (UP 20-96, IS 20-116). Prepared by the County of Lake Community Development Department. (April 2024.)

The following sections of the Initial Study are clarified:

- Project Description:
 - Clarifications on the use of access roads and the Applicant's responsibilities for road improvements; and,
 - Reduction of the outdoor cultivation areas due to watercourse setbacks and concerns from the Appellants.
- Section III. Air Quality:
 - Expanded analysis of the potential risk of naturally-occurring asbestos exposure, the creation of an Asbestos Dust Control Plan, and the recommendation of addition of a Mitigation Measure AQ-7.
- Section IV. Biological Resources:
 - The performance of additional biological assessments, re-analysis of potential biological impacts, and the recommendation of the addition of a Mitigation Measure BIO-4 based on concerns raised by Appellants.
- Section V. Cultural Resources:
 - The performance of additional cultural resource assessments and the re-analysis of potential cultural resource impacts.
- Section X. Hydrology And Water Quality:
 - Expanded analysis of hydrology and water availability, and the performance of additional engineering studies.

These responses (project refinement, expanded analyses, additional technical studies) serve to address information requests by the County and concerns of the Appellants. The results of these analyses and studies have resulted in a proposed project with a smaller footprint and demonstrates continued regulatory compliance and the reduction of all project-related impacts to a less than significant level after mitigation.

PROJECT DESCRIPTION CLARIFICATIONS

Road Access

The access points to the proposed project are hereby clarified. The existing driveway from the proposed project to Highland Springs Road is the primary access. The existing driveway from the proposed project to Amber Ridge Court will only be used for emergency access and for utility easements.

The existing driveway from the proposed project to Highland Springs Road crosses two parcels owned publicly by Water Resources (APNs 007-043-04 and 007-043-01). The County has stated that because this road services a residence and several parcels, it should be considered a "public road." This means that Highland Farms LP has a right to use this public road for access to the proposed cultivation project. In the alternative, and in addition to the above, since Highland Farms LP does not have a defined easement survey that extends to the two parcels owned by Water Resources, Water Resources is willing to grant an "Access to Right License" which would serve as deeded easement access for purpose of the County requirements.

Site Plan

The original project description had two phases:

- Phase 1: four outdoor cultivation areas (A, B, C, and D)
- Phase 2: the same three outdoor cultivation areas (A, B, and D); outdoor cultivation area C reduced and portions developed with buildings (processing, greenhouse, nursery, etc.)

During public review, there was confusion about setback distances from ephemeral (Class III) watercourses: the Class III watercourse setback is either 50 feet or 100 feet. In 2022, the Planning Commission and Board of Supervisors voted to conform setbacks to the SWRCB Cannabis General Order (currently 100 feet from wetlands, 50 feet from Class III watercourses, 100 feet from Class II watercourses, etc.). However, the ordinance was not yet updated. The Community Development Department is now preparing that documentation for review and approval by the Board. Because of this uncertainty, the proposed project has created two sets of civil engineering project designs for Phase 1:

Site Plan Phase 1A site plan has the setbacks for Class III watercourses increased from 50 feet to 100 feet.

Site Plan Phase 1B has the setbacks for Class III watercourses at 50 feet, which is consistent with the SWRCB's Cannabis General Permit.

Note that both versions of the Phase 1 site plans have increased the setback from wetlands from 50 feet to 100 feet. Another change was the addition of a Class III watercourse that was required by the Central Valley Regional Water Board.

These setback revisions have caused a reduction in the proposed cultivation areas. The following tables summarize the revised site plans according to the reduced setbacks.

	Total Outdoor Cultivation Area, Square Feet (Areas A, B, C, and D)		
	Phase 1a	Phase 1b	Phase 2
Original Project	702,629	n/a	534,957
Revised Project	405,907	480,793	368,168

	Total Outdoor Cultivation Area, Acres (Areas A, B, C, and D)		
	Phase 1a	Phase 1b	Phase 2
Original Project	16.13	n/a	12.28
Revised Project	9.32	11.04	8.45

Section III. Air Quality

3c) The area that involves improvements to the access road to Highland Springs Road (see Figure xx). There are concerns of serpentine soils on a small portion of the eastern edge of this area. Mitigation measure AQ-7 is recommended to address this potential hazard of dust generated during construction activities of the access road.

Mitigation Measure AQ-7: To address the potential hazard of asbestos-containing dust exposure during the construction of the access road to Highland Springs Rod, the Asbestos Dust Control Plan prepared by Summit Engineering, Inc. (8/7/2024) will be implemented. This plan conforms to the Air Resources Board (2002) guidance and County Code requirements.

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Section IV. Biological Resources

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In addition to the 2 biological resource assessments previously prepared for the Proposed Project [Pinecrest Environmental Consulting (2020); AES-Montrose (2022)], the following new bioassessments were prepared:

- Graening and Associates, LLC. 2024a. Biological Resources Assessment for the Highland Farms Cannabis Cultivation Project at 7408, 7522, 7527, 7634, 7746 Highland Springs Road and 7257, 7357 Amber Ridge Court, Lakeport, California. 56 pp.
- Graening and Associates, LLC. 2024b. Technical Memo: Biological Survey of the Alternate Access Road (Amber Ridge Court), Highland Farms Cultivation Project. 7 pp.

These biological assessments determined that there was some limited potential for several special-status animals to occur on, and in the vicinity of, the Property. However, the Proposed Project avoided potential impacts by preserving habitat for special-status animals and limiting the Project Site to areas not suitable for special-status animals and by large setbacks from streams. Therefore, impacts to special-status animals are avoided through project design. To ensure that special-status animals do not migrate into the Project Site, a pre-construction survey for special-status species is recommended (Mitigation Measure BIO-4).

Mitigation Measure BIO-4: Because special-status animal species that occur in the vicinity could migrate into the Project Areas between the time that the last field survey was completed and the start of construction, a pre-construction survey for special-status species should be performed by a qualified biologist to ensure that special-status species are not present. If any listed species are detected, construction should be delayed, and the appropriate wildlife agency (CDFW and/or USFWS) should be consulted and avoidance and minimization measures implemented.

In addition to the 3 botanical surveys previously prepared [Pinecrest Environmental Consulting, Inc. (2021a and 2021b); AES-Montrose, Inc. (2022b)], the following new protocol botanical survey was conducted:

Graening and Associates, LLC. 2024c. Technical Memo: Special-status Plant / Botanical Survey on Access Road to Highland Farms Cultivation Project. 7 pp.

All of these surveys were completed consistent with CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. These 4 floristic surveys were completed for the Proposed Project and its two access roads, and they confirmed that special-status plants with the potential to occur were not present within or adjacent to the Project Areas. Therefore, there would be no impact to any known special-status plant population.

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Section V. Cultural Resources

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The following cultural resources assessments were conducted for the proposed project:

- Archaeological Survey Report, prepared by Konocti Cultural Resources Management (1/8/2021)
- Addendum to Highland Farms Archaeological Report, prepared by Konocti Cultural Resources Management (8/12/21)

An additional cultural survey was completed in October 2024 by Dr. John Parker (Archaeological Research, Inc.) for the Amber Ridge Court access road, which is the alternate emergency access to the Project Site.

No prehistoric or historic cultural resources were identified during any of the surveys conducted in the project areas. The consulting archaeologists concluded that the proposed project would have no effect on known historic properties. With Mitigation Measures CUL-1 and CUL-2 incorporated, all potential cultural impacts would be reduced to less than significant.

Section X: Hydrology and Water Quality

10a)

In September 2024, the Central Valley Water Board was formally consulted to verify the jurisdictional waters occurring within the project areas. Janae Fried (Engineering Geologist, Central Valley Water Board) agreed with all of the delineated waters (channels and wetlands) as mapped by Summit Engineering and Graening and Associates. However, Ms. Fried added one additional Class III watercourse, which bisects the proposed Cultivation Area D. This forced a change to the project designs, and two smaller cultivation areas (D1 and D2) were created after applying the setbacks to this previously undetected Class III watercourse. With the addition of this previously undetected Class III watercourse and the revision to the cultivation areas with the required setbacks, Ms. Fried stated by email dated September 17, 2024, that the revised site plans met the requirements of enrollment in the Cannabis General Order. Thus, the proposed project is compliant with the Cannabis General Order. Lake County also requires a more stringent setback requirement of 100 feet from Class III watercourses and is in process to adopt an Ordinance to make setback requirements consistent with State law. Accordingly, Applicant prepared two sets of designs to comply with changing setback requirements as described more fully in the updated civil plans, as described above. By implementing the setback requirements of the Cannabis General Order, impacts to surface waters are avoided and are rendered less than significant.

10b)

Two engineering studies were previously prepared for this project:

- Hydrology and Hydraulic Calculations Study prepared by Summit Engineering, Inc. (11/12/2021)
- Water Availability Analysis prepared by Summit Engineering, Inc. (1/20/2022)

To further refine the analyses, and to account for changes in the cultivation area configurations, Northpoint Consulting Group performed a third-party analysis of the existing hydrology studies and water availability analysis (October 2024).

The hydrology studies performed by Summit Engineering, Inc. and by Northpoint Consulting Group demonstrate that the project design, including detention basins, adequately address hydrological impacts such that the impacts are less than significant. The water availability analyses performed by Summit Engineering, Inc. and by Northpoint Consulting Group demonstrate that the existing on-site wells are capable of producing sufficient water supplies and are expected to meet the domestic, cultivation, and landscape irrigation demands of the Proposed Project. The Proposed Project will not substantially decrease groundwater supplies and all water usage data will be provided to the County annually. Impacts would be less than significant.

ENVIRONMENTAL CONSULTANT

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