

From: Marsha Burch <mburchlaw@gmail.com>

Date: June 11, 2025 at 4:38 PM PDT

To: Julie Cannard <Julie.Cannard@lakecountyca.gov>

Subject: Re: AG Forest Wood Processing Bioenergy Facility -- Failure to respond to Public

Records Requests: Re: PRA 25-19

On Jun 11, 2025, at 4:38 PM, Marsha Burch <mburchlaw@gmail.com> wrote:

Good afternoon.

Thank you to Ms. Cannard for sending the link to the records responses. I was able to open just three new documents. I want to confirm that the three new documents are the following:

1. A letter to me dated June 10, 2025.
2. An email chain with Laura Hall dated January 6, 2025.
3. An email chain with Laura Hall dated September 25, 2024.

These are the only three documents I was able to find on the OpenGov page (other than what was produced on April 22, 2025).

Please confirm that these are the only documents that will be produced in response to my records request dated March 28, 2025.

The County has made no real attempt to provide the responsive documents. For example, our March 28, 2025 request (attached) sought a copy of the Williamson Act Contract for the project site. The County administers the Williamson Act Program, and continues to ignore this request and withhold an obviously public document. The County has also failed to provide documents in response to a request for **five years** of staff and applicant correspondence, providing a handful of emails.

We have requested the professional qualifications, names, license numbers, of any professionals who prepared or assisted in the preparation of the project application and the "sound level

analysis". We received nothing. We have requested data used to analyze noise and air quality emissions, also receiving nothing.

The public is not required to beg the government for public records. In over 20 years of practice I have not seen a more egregious disregard for the obligations placed on an agency by the law. I have not been able to get even the slightest professional courtesy from County Counsel, and have been told repeatedly that I should contact various County departments to find out the status of my records requests, and also to determine whether or not the recent request from the Department of Water Resources for additional time to review the grant agreement governing the use of the project site will result in a continuance of the appeal hearing. Presently, the Supervisors should be aware that they do not have a representative responding to my reasonable, professional, and legal requests. This lack of representation is shocking and is a disservice to the public and to the Supervisors.

We have yet to receive **any** responses to my second PRA request dated April 15, 2025. All of the documents requested in that letter relate to the status of the project site as a tax-payer-funded purchase that was required to be placed under a conservation easement. This is the issue DWR has requested additional time to address. The County has been in communication with DWR about this issue, and yet the County has not provided a single document in response to our request.

The letter included with the production of the three additional documents includes a statement that there are responsive records that have been **withheld** because they are subject to various privileges. Here is the language from the letter:

Please note, some records or information otherwise responsive to this request are not subject to disclosure on grounds that may include, but are not limited to:

Cal. Gov. Code, § 7927.705 – Attorney Client Privilege; Cal. Code Civ. Proc., § 2018.010 et seq – Attorney Work Product Privilege; Cal. Gov. Code, § 7927.500 - Preliminary drafts not retained by the public agency in the ordinary course of business.

For all documents withheld under a claim of privilege, please provide a description of the document along with the reasons for non-disclosure. We are entitled to that explanation and expect that you will provide it immediately.

‘[T]he agency must describe “each document or portion thereof withheld, and for each withholding it must discuss the consequences of disclosing the sought-after information.” ’ [Citations.] “Conclusory or boilerplate assertions that merely recite the statutory standards are not sufficient.” (*Ibid.*) “A statement is ‘conclusory’ ... where no factual support is provided for an essential element of the claimed basis for withholding information.” (*Id.* at p. 83, fn. 13, italics omitted., 134 Cal.Rptr.3d 472.) *Golden Door Properties, LLC v. Superior Court* (2020) 53 Cal.App.5th 733, 790 [267 Cal.Rptr.3d 32, 76], *as modified on denial of reh'g* (Aug. 25, 2020)

Providing a description of the withheld documents with a reason for withholding is not optional.

The appeal hearing is six days away. Documents are clearly being withheld, and I do not think it will be a difficult task to show the Superior Court that the responses to my PRA requests has been woefully inadequate. The documents are being withheld and the delay in compliance clearly violates the California Public Records Act, and there is no doubt this violation will prejudice my clients’ interests in the upcoming hearing, with the result being a failure to provide due process.

This is a formal request for a continuance of the appeal hearing so that responsive records that are obviously in the County’s possession may be provided and reviewed. The Department of Water Resources has also formally notified the County that it will not be able to complete its investigation and review with the State Controller regarding the use of the grant funds for purchase of the project site until later in the summer. That issue will not be resolved before next Tuesday.

If it is the County’s intent to hold the appeal hearing on June 17, 2025, upon permission from my clients, this office will file a petition for writ of mandate for violation of the California Public Records Act in the Lake County Superior Court on Monday, June 16, 2025. We will seek a writ of

mandate requiring the County to provide the requested records, and will also seek reimbursement of costs and attorneys' fees.

-Marsha

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On Jun 10, 2025, at 3:03 PM, Julie Cannard <Julie.Cannard@lakecountyca.gov> wrote:

Good afternoon, Ms. Burch,

I have added three new attachments to OpenGov 25-19. Please review.

Thank you,

Julie Cannard

Helpline/Complaint Technician

Department of Community Development

255 N. Forbes St.

Lakeport, CA 95453

Phone: (707) 263-2221 x 37110

Fax: (707) 263-2225

Email: julie.cannard@lakecountyca.gov

STAY CONNECTED:



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Courthouse-255 N. Forbes Street
Lakeport, California 95453
Planning Division · Building Division · Code Enforcement Division
707/263-2221 · FAX 707/263-2225

Mireya Turner
Interim Community Development Director

June 10, 2025

Dear Ms. Burch,

Please accept this letter as our final response to your Public Records Act Request concerning the Ag Forest Wood Processing Bioenergy Project Major Use Permit UP 23-05, Initial Study IS 23-10 ("Project")

In response to your request received on May 4, 2025, regarding the need to provide additional records, I have reopened your Public Information Request dated March 14, 2025. This was to review and address any potential deficiencies in our initial response to your original request, PRA 25-19, which was completed on April 22, 2025. After thorough review, the Community Development Department and County Counsel has located two additional emails responsive to your request. No additional responsive records have been found in the Community Development Department. Please note, some records or information otherwise responsive to this request are not subject to disclosure on grounds that may include, but are not limited to: Cal. Gov. Code, § 7927.705 – Attorney Client Privilege; Cal. Code Civ. Proc., § 2018.010 et seq – Attorney Work Product Privilege; Cal. Gov. Code, § 7927.500 - Preliminary drafts not retained by the public agency in the ordinary course of business.

Thank you,
Julie Cannard
Helpline Technician
Community Development Department

From: [Laura Hall](#)
To: [Thomas Jordan](#)
Cc: [Mireya Turner](#)
Subject: RE: [EXTERNAL] MUP "Wood Processing Campus Upper Lake"
Date: Monday, January 6, 2025 4:40:00 PM
Attachments: [Attachment 1 Mitigation Monitoring & Reporting Program \(MMRP\).pdf](#)
[California Department of Fish and Wildlife.pdf](#)

Tom,

No, you should not do any clearing. I would suggest reading BIO-2 and BIO-3 again as they both give instructions on what to do if certain species are found during ground disturbance, or if active nests or found during vegetation removal between February 1 through August 31.

Thank you,

Laura

From: Thomas Jordan <Thomas.jordan@sv-nsn.gov>
Sent: Monday, January 6, 2025 3:15 PM
To: Laura Hall <Laura.Hall@lakecountyca.gov>
Cc: Mireya Turner <Mireya.Turner@lakecountyca.gov>
Subject: RE: [EXTERNAL] MUP "Wood Processing Campus Upper Lake"

Well that totally disrupts the project schedule.

Is there any way that we can clear the 5 acre portion of the property, given the MUP's biological restrictions unless I am mis-reading those restrictions?

Tom Jordan
CEO, SVEC
Scotts Valley Band of Pomo Indians

From: Laura Hall <Laura.Hall@lakecountyca.gov>
Sent: Monday, January 6, 2025 1:07 PM
To: Thomas Jordan <Thomas.jordan@sv-nsn.gov>
Cc: Mireya Turner <Mireya.Turner@lakecountyca.gov>
Subject: RE: [EXTERNAL] MUP "Wood Processing Campus Upper Lake"

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Tom,

We received the appeal on December 19, which due to the Christmas holiday was too late to get on the Board's January 14 calendar. In addition, due to a special meeting on January 28 and midyear budget on February 2, we would not be able to schedule until February 11 if all goes well.

Thank you,

Laura

From: Thomas Jordan <Thomas.jordan@sv-nsn.gov>
Sent: Wednesday, January 1, 2025 4:54 PM
To: Mireya Turner <Mireya.Turner@lakecountyca.gov>
Cc: Laura Hall <Laura.Hall@lakecountyca.gov>
Subject: RE: [EXTERNAL] MUP "Wood Processing Campus Upper Lake

Thankyou for your response,
I dan only hope at this point; do not see much joy forthcoming

Will extend your salutations to Virginia

Tom Jordan
Economic Development Director
Scotts Valley Band of Pomo Indians

From: Mireya Turner <Mireya.Turner@lakecountyca.gov>
Sent: Wednesday, January 1, 2025 2:18 PM
To: Thomas Jordan <Thomas.jordan@sv-nsn.gov>
Cc: Laura Hall <Laura.Hall@lakecountyca.gov>
Subject: Re: [EXTERNAL] MUP "Wood Processing Campus Upper Lake

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Hi Tom,

I do understand the sense of urgency you convey due to your funding timelines. As I am sure you understand, the approval by the Planning Commission has been appealed to the Board of Supervisors, in compliance with the due process rights described in the Lake County Municipal Code. Our offices are closed today, but I will confer with Laura when we return to the office and get back to you with our estimated timeline for the BOS hearing asap.

Please extend my best New Year's wishes to Virginia. I hope you and yours much joy and success in 2025.

Cordially,

Mireya G. Turner, MPA

Director, Community Development Department

County of Lake

707.263.2221

On Jan 1, 2025, at 12:45 PM, Thomas Jordan <Thomas.jordan@sv-nsn.gov> wrote:

Mireya, good afternoon and Happy New Year.

I am writing to express my frustration with the time required for the above referenced MUP process. You may recall that you had indicated to me that you would put this on a fast track. As of today's date, that process has taken 23 months and yet to be concluded with an appeal pending and no date scheduled for the appeal hearing before the Board of Supervisors.

This latter point is of great concern because of the MUP's biological restrictions. The biological consultant has informed us that the wildlife nesting season spans the period between 1 February and August of each year. This means that we will not be allowed to clear the 5 acres under lease during this period. The option is to clear this month, January, or wait until after August. After August places the entire project in jeopardy. We assume one cannot begin the land clearing process until after the appeal hearing is held as its outcome is unknown. To this end a hearing needs to be held no later than the 19th of January. Any later date will not provide the time to coordinate and complete the clearing activity before 1 February.

We would be grateful to know any resolution you may have to address this situation.

Tom Jordan

CEO, SVEC

Scotts Valley Band of Pomo Indians

From: [Laura Hall](#)
To: [Thomas Jordan](#)
Cc: [Michelle Irace](#); [Steve](#)
Subject: Re: Initial Study IS 23-10 for AG Forest Wood Processing Bioenergy Project:
Date: Wednesday, September 25, 2024 9:53:16 AM

Thomas,

Yes, you will be notified when the meeting is scheduled for the planning commission.

As for the newspaper article, no I have not read that article, but we will make it clear during the planning commission meeting who the owner of the property is.

Thank you,

Laura

From: Thomas Jordan <thomas.jordan@sv-nsn.gov>
Sent: Tuesday, September 24, 2024 5:29 PM
To: Laura Hall
Cc: Michelle Irace; Steve
Subject: [EXTERNAL] RE: Initial Study IS 23-10 for AG Forest Wood Processing Bioenergy Project:

Thank you and yes we will have someone there assuming notice is given.

On an unrelated note. The Record Bee article on last Wednesday's WRTH mtg has reported a second time that I am an owner of Jordan Vineyards.

If only that were true. I have not read the article in its entirety. Past experience leads me to believe there will be other inaccuracies. If something strikes you as misleading or questionable, please feel free to ask me.

Tom Jordan
CEO, SVEC
Scotts Valley Band of Pomo Indians

From: Laura Hall <Laura.Hall@lakecountyca.gov>
Sent: Monday, September 23, 2024 4:22 PM
To: Thomas Jordan <thomas.jordan@sv-nsn.gov>
Cc: Michelle Irace <Michelle.Irace@lakecountyca.gov>; Steve <srr@woodbridge-energy.com>
Subject: RE: Initial Study IS 23-10 for AG Forest Wood Processing Bioenergy Project:

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Thomas,

Yes, we will. Also, as mentioned before someone from your side will want to be there to answer questions.

Thank you,

Laura

From: Thomas Jordan <thomas.jordan@sv-nsn.gov>

Sent: Monday, September 23, 2024 11:05 AM

To: Laura Hall <Laura.Hall@lakecountyca.gov>

Subject: [EXTERNAL] RE: Initial Study IS 23-10 for AG Forest Wood Processing Bioenergy Project:

Thank you,

Please let us know when this item is placed on the Planning Commission's agenda

Tom Jordan

Economic Development Director

Scotts Valley Band of Pomo Indians

From: Laura Hall <Laura.Hall@lakecountyca.gov>

Sent: Monday, September 23, 2024 8:46 AM

To: Thomas Jordan <thomas.jordan@sv-nsn.gov>; Ulehla, Derek (Federal) <DUlehla@eda.gov>

Subject: RE: Initial Study IS 23-10 for AG Forest Wood Processing Bioenergy Project:

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Thomas,

Please see the attached IS/MND with attachments included. There were a few revisions made to the original document to address some of the comments received. Everything can also be reviewed on the State Clearinghouse here: <https://ceqanet.opr.ca.gov/2024040980>.

Thank you,

Laura

From: Thomas Jordan <thomas.jordan@sv-nsn.gov>
Sent: Friday, September 20, 2024 6:10 PM
To: Ulehla, Derek (Federal) <DUlehla@eda.gov>
Cc: Laura Hall <Laura.Hall@lakecountyca.gov>
Subject: [EXTERNAL] FW: Initial Study IS 23-10 for AG Forest Wood Processing Bioenergy Project:

Derrek,, good evening.

I searched my emails and came across the attached tow documents provided by Ms. Hall of the County's Community Development Department.
I believe the IS (Initial Study) is the basis of the CEQA process and thus includes the latter.
By copy I am asking Ms. Hall to confirm or correct my assumption since you have requested to receive both the IS And CEQA documents

Tom Jordan
Economic Development Director
Scotts Valley Band of Pomo Indians

From: Laura Hall <Laura.Hall@lakecountyca.gov>
Sent: Tuesday, April 23, 2024 3:14 PM
To: Elizabeth Knight <elizabethk@lcaqmd.net>; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; William Collins <William.Collins@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Craig Wetherbee <Craig.Wetherbee@lakecountyca.gov>; Lars Ewing <Lars.Ewing@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Lake County Community Development - Resource Planning <ResourcePlanning@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Vance Ricks <Vance.Ricks@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; wrth.chairman@gmail.com; lmccollough@candswaste.com; chief800@northshorefpd.com; gdm@paratransit.net; PGEPlanReview@pge.com; ulcwg@yahoo.com; apetrie@ulusd.org; jduarte@ulusd.org; R2CEQA@wildlife.ca.gov; jesse.robertson@dot.ca.gov; CentralValleySacramento@waterboards.ca.gov; Stephanie.Tadlock@waterboards.ca.gov; roberta.lyons@att.net; wiseacre1farm@gmail.com; redbud.audubon@gmail.com; donnamackiewicz@gmail.com; sryan@big-valley.net; rmontez@big-valley.net; cww281@gmail.com; l.brown.elem@gmail.com; rgeary@hpultribe-nsn.gov; aarroyosr@hpultribe-nsn.gov; lrosas@hpultribe-nsn.gov; Kn@koination.com; thpo@middletownrancheria.com; kkennedy@rrcbc-nsn.gov; Jesse Gonzalez <jesse.gonzalez@sv-nsn.gov>; Patricia Franklin <patty.franklin@sv-nsn.gov>; streppa@hpultribe-nsn.gov; EC@hpultribe-nsn.gov; THPO@hpultribe-nsn.gov; kn@koination.com; sjelliott@hoplandtribe.com; mlrivera@middletownrancheria.com; jsimon@middletownrancheria.com; mshaver@middletownrancheria.com; THPO@middletownrancheria.com; btorres@middletownrancheria.com; sshope@middletownrancheria.com; mlrivera@middletownrancheria.com; TC@middletownrancheria.com; scottg@mishewalwappotribe.com; admin@rvrpomo.net; tanderson@rrcbc-nsn.gov; Terre Logsdon <terre.logsdon@sv-nsn.gov>; Thomas Jordan <thomas.jordan@sv-nsn.gov>;

nsn.gov; jkinter@yochadehe-nsn.gov; aroberts@yochadehe-nsn.gov; pkicenski77@gmail.com; lakecocan@gmail.com; SunFace110@gmail.com; wrth.chairman@gmail.com

Cc: Steve <srr@woodbridge-energy.com>; Thomas Jordan <thomas.jordan@sv-nsn.gov>

Subject: Initial Study IS 23-10 for AG Forest Wood Processing Bioenergy Project:

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Dear Agencies and Tribal Members,

Please see the attached Initial Study IS 23-10 and Notice of Intent (NOI) for UP 23-05; IS 23-10, AG Forest Wood Processing Bioenergy Project. This project proposes to construct a wood processing bioenergy facility at 755 E. State Hwy 20, Upper Lake, CA 95485 (APN 004-010-04). The IS/MND and NOI were posted to the State Clearing House on April 23, 2024, and have been assigned SCH Number 2024040980. The commenting period is from April 23, 2024, to May 22, 2024.

Please do not hesitate to email me at laura.hall@lakecountyca.gov or call at 707-263-2221 with any questions.

Sincerely,

Laura Hall,
Senior Planner



Laura L. Hall, MS
Senior Planner
Community Development Department
Planning Division – 3rd Floor
Address: 255 N. Forbes St.
Lakeport, CA 95453
Phone: (707) 263-2221
Fax: (707) 263-2225
Email: laura.hall@lakecountyca.gov

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