

CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM



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SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
<http://www.sonoma.edu/nwic>

June 25, 2020

File No.: 19-2192

Sateur Ham, Project Planner
County of Lake
Community Development Department
255 N. Forbes Street
Lakeport, CA. 95453

re: County File Numbers UP 20-60, IS 20-74, EA 20-82 / 3681 Benmore Valley Road, Lakeport / Paul Dew Beste

Dear Sateur Ham:

Records at this office were reviewed to determine if this project could adversely affect cultural resources.

Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.

Project Description: The proposed project entails a Major Use Permit to allow two A-Type 3B: "Mixed-Light" cultivation for adult use cannabis in a structure using light deprivation and/or artificial lighting below a rate of 25 watts with a 44,000 sq ft canopy area. The project also includes one A-Type 3: "Outdoor" cultivation for adult use cannabis with 43,560 sq ft of canopy area within an approximately 174,240 sq ft cultivation area. Proposed improvements consist of a security fence, a security system, employee parking, trash bins, storage sheds, portable toilets, etc.

Previous Studies:

XX This office has no record of any previous cultural resource studies by a professional archaeologist for the proposed project area (*see recommendations below*).

Archaeological and Native American Resources Recommendations:

XX Based on an evaluation of the environmental setting and features associated with known sites, Native American resources in this part of Lake County have been found near areas of oak woodland, as well as near a variety of plant and animal resources. Sites are also found near lakeshores and watercourses. The proposed project area encompasses a heavily wooded hill. The project area is adjacent to a small lake or large pond and is in proximity to a creek. Given the similarity of these environmental factors,

there is a moderate potential for unrecorded Native American resources to be within the proposed project area.

We therefore recommend that a qualified archaeologist conduct further archival and field study to identify cultural resources. Field study may include, but is not limited to, hand auger sampling, shovel test units, or geoarchaeological analyses as well as other common methods used to identify the presence of archaeological resources. Please refer to the list of consultants who meet the Secretary of Interior's Standards at <http://www.chrisinfo.org>.

XX We recommend that the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at (916) 373-3710.

Built Environment Recommendations:

XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Lake County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at <http://www.chrisinfo.org>. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions, please contact our office at nwic@sonoma.edu or at (707) 588-8455.

Sincerely,

Jessika Akmenkalns, Ph.D.
Researcher

Sateur Ham

From: Halstead, Briana L <bhalstead@blm.gov>
Sent: Thursday, June 18, 2020 10:00 AM
To: Sateur Ham
Cc: Cooper, Ryan A; Vigil, Mary A
Subject: Re: [EXTERNAL] Request for Review: UP 20-60; IS 20-74; EA 20-82
Attachments: Lake County Cannabis Permit Letter_3681 Benmore Valley Rd Lakeport_UP_20-60;_IS_20-74;_EA_20-82.pdf

Good morning Sateur,

The parcel in this application borders BLM on it's southern border and would likely be transporting cannabis over BLM lands via Benmore Valley Rd to get to Hwy 175.
Please see the attached official response letter.

Briana Halstead

Planning & Environmental Specialist
OHV Grants, ES&R, and (interim) Walker Ridge Wind Energy Project Manager
Bureau of Land Management- USDI Region 10
Ukiah Field Office | Central California District
2550 North State Street, Suite 2
Ukiah, CA 95482
707-468-4051(w)

From: Sateur Ham <Sateur.Ham@lakecountyca.gov>
Sent: Friday, June 12, 2020 9:30 AM
To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Andrew Williams <Andrew.Williams@lakecountyca.gov>; Nafus, Aleta M <anafus@blm.gov>; CalCannabis (kevin.ponce@cdfa.ca.gov) <kevin.ponce@cdfa.ca.gov>; Calfire <mike.wink@fire.ca.gov>; CalTrans-Rex <Rex.Jackman@dot.ca.gov>; Carol Huchingson <Carol.Huchingson@lakecountyca.gov>; CDFW Kyle <kyle.stoner@wildlife.ca.gov>; CEQA CDFW <R2CEQA@wildlife.ca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; CRWQCB (Janae.Fried@Waterboards.ca.gov) <Janae.Fried@Waterboards.ca.gov>; David Casian <David.Casian@lakecountyca.gov>; Doug Gearhart <dougg@lcaqmd.net>; Elizabeth Knight <elizabethk@lcaqmd.net>; Fahmy-Lake County Air Quality <fahmya@lcaqmd.net>; Farm Bureau <lcfarmbureau@sbcglobal.net>; Jacob_dot <Jacob.Rightnar@dot.ca.gov>; Jim Campbell <Jim.Campbell@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Kelseyville Fire <pbleuss@kelseyvillefire.com>; Lake Co. Fire <Fdchf700@yahoo.com>; Greg Peters <Greg.Peters@lakecountyca.gov>; Lake Pillsbury <LPFPD.Chief.950@gmail.com>; Lakeport Fire <chief500@lakeportfire.com>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Michelle Scully <Michelle.Scully@lakecountyca.gov>; Northshore Fire <chief800@northshorefpd.com>; PG&E <PGENorthernAgencyIns@pge.com>; PG&E (CGF7@pge.com) <CGF7@pge.com>; pge <ERCL@pge.com>; Halstead, Briana L <bhalstead@blm.gov>; Richard Ford <Richard.Ford@lakecountyca.gov>; Saskia Rymer-Burnett <saskia.rymer-burnett@dot.ca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Sonoma State <nwic@sonoma.edu>; South Lake County Fire <Gloria.Fong@fire.ca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Susan Parker <Susan.Parker@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; Tina Scott <Tina.Scott@lakecountyca.gov>
Subject: [EXTERNAL] Request for Review: UP 20-60; IS 20-74; EA 20-82

Good morning,

Sateur Ham

From: Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>
Sent: Sunday, June 14, 2020 6:14 PM
To: Sateur Ham
Cc: Rick Bergem; Hakala, Jeff@CALFIRE; Jack Smalley; David Casian; Hannan, Jake@CALFIRE; Duncan, Paul@CALFIRE; Jeff Tunnell (jstunnel@blm.gov)
Subject: [EXTERNAL] Re: Request for Review: UP 20-60; IS 20-74; EA 20-82

Greetings Planner Ham.

These comments are from CAL FIRE.

The applicant indicates that some activities will be in structures that use electricity. That lends itself to being permitted structures for commercial use. All of the below apply when a commercial structure is placed in the wildland.

This Use Permit is in the SRA (State Responsibility Area). The requires the application of all Fire Codes, which also apply Title 14, PRC 4290 et'al.

The delay of any Fire Safe Standards is not allowed per Title, Code, Regulation et'al, and CAL FIRE does not support any delayed application of minimum fire safe standards.

If the AHJ chooses to not enforce minimum fire safe standards during the permit process that is required by the State Fire Safe Regulations (Title 14, PRC 4290 et'al), they are accepting all responsibility for not requiring the applicant to follow minimum State Fire Safe Regulations required in the SRA.

The Lake County Chief Building Official is also the County Fire Marshall who shall ensure all Codes, Laws, Regulations and etcetera for this project shall be applied. This is also within the local Fire Protection Districts Boundary, where they are a cooperator in applying and enforcing all Codes, Laws, Regulations and etcetera for this project and they will also have comments.

While not in Title, Code or Regulation, CAL FIRE does support the County of Lake's "Dark Sky Initiative". This standard reduces the false reporting of a vegetation fire from light during the night. False activation of the 911 system puts the community and first responders at risk when it can be avoided.

This location is within proximity and or surrounded by a "VERY HIGH Wildland Fire Hazard Severity Zone" area. This is the most extreme and hazardous area category for wildland fire risk. (see below)

Regulations for the AHJ to follow listed below to be , but not be limited to:

- Property line setbacks for structures shall be a minimum of 30 feet. A "Greenhouse" is a structure.
- Addressing that is reflective and of contrasting colors from the public roadway to the location and at every intersection.

- On site water storage for fire protection of each structure per NFPA 1142.
- Per NFPA 1142, fire suppression water storage tanks for commercial use shall be steel or fiberglass (not plastic).
- All private property roads / access used for this project shall meet minimum Fire Safe standards for emergency vehicle ingress and egress
- A "One Way" loop road standard could be used, or a two lane road.
- A "Road" is two 10 foot lanes of travel for a total of 20 feet of derivable surface not including the shoulders.
- A "Driveway" is a 10 foot wide road with a turnout every 400 feet. This shall not be used for commercial applications, or access to more than three structures that are residences.
- A "Turnout" shall be a minimum 10 feet wide and 30 feet long, with a 25 foot taper at each end
- A "One Lane", "One Way" only loop road is 12 feet wide of derivable surface, plus shoulders. A one lane road must connect on both ends to a two lane road or County Road.
- A bridge can meet the "One Lane", "One Way" 12 feet wide road standard with appropriate signage. A bridge must be marked by the owner of the bridge that it is rated to support 75,000 pounds.
- A bridge shall not be less than 12 feet wide.
- A bridge can meet the "Road " 20 feet wide standard. A bridge must be marked by the owner of the bridge that is is rated to support 75,00 pounds.
- Existing roadways on private property shall meet, and or be improved to meet "Road" standards.
- All weather roadway surfaces shall be rated/engineered for 75,000 lb vehicles is the minimum (including bridges).
- All weather roadway surfaces do not ever have mud, standing or flowing water that vehicles have to travel through.
- Maximum roadway slope is 16%.
- Gate width is 14 foot minimum.
- Gate set backs are a minimum of 30 feet from a road to the gate.
- Gates shall have access criteria locks and alike that meet the local Fire Protection District standard "KNOX" (or similar) access program.
- Parking at the site shall allow for turnarounds, hammerhead T, or similar.
- Minimum fuels reduction of 100 feet of defensible space from all structures.

- Some applications have mention that they may have a gasoline generator for backup power when solar is not available. If this is the case, the generator shall be placed on a minimum of a 10 foot radius of a non combustibile surface. It shall have a minimum of a 3A-40B.C Fire Extinguisher within the 10 foot radius.
- This property will meet the criteria to be, or will be a CERS / CUPA reporting facility/entity to Lake County Environmental Health (see hyperlink below), it shall also comply specifically with PRC4291.3 requiring 300 feet of defensible space and fuels reduction around structures. In summary, any structure or location that stores hazardous, flammable or dangerous items shall establish and maintain 300 feet of defensible space / fuels reduction around its radius.
- While not in Title, Code or Regulation, CAL FIRE does support the County of Lake's "Dark Sky Initiative". This standard reduces the false reporting of a vegetation fire from light during the night. False activation of the 911 system puts the community and first responders at risk when it can be avoided.

http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_codes

[California's Wildland-Urban Interface Code Information - CAL FIRE - Home
www.fire.ca.gov](http://www.fire.ca.gov)

The law requires that homeowners do fuel modification to 100 feet (or the property line) around their buildings to create a defensible space for firefighters and to protect their homes from wildfires. New building codes will protect buildings from being ignited by flying embers which can travel as ...

http://www.lakecountycalifornia.gov/Government/Directory/Environmental_Health/Programs/cupa.htm
[Hazardous Materials Management \(CUPA\)](#)

www.lakecountycalifornia.gov

The Lake County Division of Environmental Health is the Certified Unified Program Agency for all of Lake County, dealing with hazardous waste and hazardous materials.

[Hazardous Materials Management \(CUPA\)](#)

www.lakecountycalifornia.gov

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<https://www.nfpa.org/assets/files/AboutTheCodes/1142/1142-A2001-ROP.PDF>

[Report of the Committee on - NFPA
www.nfpa.org](#)

351 Report of the Committee on Forest and Rural Fire Protection Richard E. Montague, Chair FIREWISE 2000, Inc., CA [SE] John E. Bunting, Secretary New Boston Fire Dept., NH [U]

[Report of the Committee on - NFPA
www.nfpa.org](#)

Sateur Ham

From: Stoner, Kyle@Wildlife <Kyle.Stoner@wildlife.ca.gov>
Sent: Thursday, June 25, 2020 4:11 PM
To: Sateur Ham
Subject: [EXTERNAL] RE: Request for Review: UP 20-60; IS 20-74; EA 20-82

Hi Sateur,

This PMP seems incomplete, do you have any additional documents related to this file? The applicant attached a Notification of Lake or Streambed Alteration for a project in Mendocino county for some reason.

Kyle Stoner
Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife
North Central Region
1701 Nimbus Road
Rancho Cordova, CA 95670
Cell: (916) 767-8178
Fax: (916) 358-2912

From: Sateur Ham <Sateur.Ham@lakecountyc.ca.gov>
Sent: Friday, June 12, 2020 9:31 AM
To: Steven Hajik <Steven.Hajik@lakecountyc.ca.gov>; Andrew Williams <Andrew.Williams@lakecountyc.ca.gov>; BLM <anafus@blm.gov>; Ponce, Kevin@CDFA <Kevin.Ponce@cdfa.ca.gov>; Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>; Jackman, Rex A@DOT <rex.jackman@dot.ca.gov>; Carol Huchingson <Carol.Huchingson@lakecountyc.ca.gov>; Stoner, Kyle@Wildlife <Kyle.Stoner@wildlife.ca.gov>; Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyc.ca.gov>; Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>; David Casian <David.Casian@lakecountyc.ca.gov>; Doug Gearhart <doug@lcaqmd.net>; Elizabeth Knight <elizabethk@lcaqmd.net>; Fahmy-Lake County Air Quality <fahmy@lcaqmd.net>; Farm Bureau <lfarmbureau@sbcglobal.net>; Rightnar, Jacob@DOT <Jacob.Rightnar@dot.ca.gov>; Jim Campbell <Jim.Campbell@lakecountyc.ca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyc.ca.gov>; Kelseyville Fire <pbleuss@kelseyvillefire.com>; Lake Co. Fire <Fdchf700@yahoo.com>; Greg Peters <Greg.Peters@lakecountyc.ca.gov>; Lake Pillsbury <LPFPD.Chief.950@gmail.com>; Lakeport Fire <chief500@lakeportfire.com>; Lucas Bingham <Lucas.Bingham@lakecountyc.ca.gov>; Michelle Scully <Michelle.Scully@lakecountyc.ca.gov>; Northshore Fire <chief800@northshorefpd.com>; PG&E <PGENorthernAgencyIns@pge.com>; PG&E (CGF7@pge.com) <CGF7@pge.com>; pge <ERCL@pge.com>; POC-BLM <bhalstead@blm.gov>; Richard Ford <Richard.Ford@lakecountyc.ca.gov>; Rymer-Burnett, Saskia@DOT <Saskia.Rymer-Burnett@dot.ca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyc.ca.gov>; Sonoma State <nwic@sonoma.edu>; Fong, Gloria@CALFIRE <Gloria.Fong@fire.ca.gov>; Lori Baca <Lori.Baca@lakecountyc.ca.gov>; Susan Parker <Susan.Parker@lakecountyc.ca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyc.ca.gov>; Tina Scott <Tina.Scott@lakecountyc.ca.gov>
Subject: Request for Review: UP 20-60; IS 20-74; EA 20-82

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Good morning,

Sateur Ham

From: Rightnar, Jacob@DOT <Jacob.Rightnar@dot.ca.gov>
Sent: Friday, June 19, 2020 12:27 PM
To: Sateur Ham
Subject: [EXTERNAL] Request For Additional Information- UP 20-60; IS 20-74; EA 20-82

Good Afternoon,

Caltrans District 1 would like to request additional information regarding the proposed cannabis cultivation site located at 3681 Benmore Valley Road, Lakeport (MUP 20-60).

One of our reviewers has noted that California Department of Fish and Wildlife application (page 16) included in the property management plan is for a property on Feliz Creek Road in Mendocino County. We would like clarification on this address' relation to the project.

We also request a project site plan for our review.

Sincerely,
Jacob Rightnar
Caltrans District 1
Transportation Planning

DEPARTMENT OF TRANSPORTATION

DISTRICT 1
P O BOX 3700
EUREKA, CA 95502-3700
PHONE (951) 616-4101
FAX (707) 441-6314
TTY 711
www.dot.ca.gov/dist1



Making Conservation
a California Way of Life.

June, 26, 2020

Sateur Ham, Staff Planner
Lake County Community Development
255 N Forbes St
Lakeport, CA 95453

1- LAK- 175- 0.194
De Mello Cannabis
MUP 20-60

Dear Ms. Ham,

Thank you for the opportunity to comment on the proposed Use Permit (UP 20-60) to allow the development of a cannabis cultivation site located at 3681 Benmore Valley Road, Lakeport including two A-Type 3B: "Mixed-light" cultivation sites, and one A-type 3: "Outdoor" cultivation site. We have the following comments:

Traffic Safety

- Benmore Valley Road is a private, unpaved road with a gate and a gravel approach area to the SR 175 intersection. This is the second major use applicant using this private road that Caltrans has reviewed in the last 6 months. As we included in our comments for the previous permit (#UP 19-45, Benmore Valley Ranch, LCC), we request the County require this road approach be improved to current Caltrans standards for a private, commercial driveway, with a minimum throat width of 24 feet, per Appendix J of the Caltrans Encroachment Permits Manual. A couple of the deficiencies noticed include but are not limited to: an unpaved approach and less-than-standard sight distance. Due to the limited sight distance, an engineered plan (stamped by a California registered Civil Engineer) will be required for this private road approach.
- There is a private sign held up by two posts that appears to be placed within Caltrans Right of Way (R/W). Its location will need to be verified, and if found to be within Caltrans R/W, relocated outside the R/W. Verification and relocation are at the expense of the owner and/or applicant.

Encroachment Permits

- Any work within Caltrans right of way will require an encroachment permit from Caltrans. Permits to construct, upgrade, own, and operate road approaches to the state highway system are issued to the individual or legal entity with ownership rights of that road approach. It is not clear the applicant for this MUP has such rights. If they do have ownership/easement rights, they should submit proof of ownership/easement with

their application for a permit. If they do NOT have ownership/easement rights, then they may, with the property owner's written permission, apply for a permit on behalf of the owner as an authorized agent of the property owner.

- To streamline the process, we require that the applicant arrange and participate in a pre-submittal meeting with the Caltrans encroachment permits staff in Ukiah, prior to submitting a permit application. For more information or to request an encroachment permit, please contact the Ukiah permits office at 707-463-4743, and refer to this website: <https://dot.ca.gov/programs/traffic-operations/ep>.
- The deposit required for the permit application will be \$820. Prior to permit issuance a performance bond in the amount of \$20,000 will be required. Appendix J of the Caltrans Encroachment Permits Manual may be viewed here: <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/appendix-j-ada.pdf>, This will help aid the applicant in submitting a compliant design for the access point.

Sincerely,

A handwritten signature in black ink, appearing to read "Jacob Rightnar", with a stylized, flowing script.

Jacob Rightnar
Transportation Planning
District 1

Sateur Ham

From: Lori Baca
Sent: Friday, June 12, 2020 2:19 PM
To: Sateur Ham
Subject: RE: Request for Review: UP 20-60; IS 20-74; EA 20-82

Sateur,

Parcel 007-002-27 located at 3681 Benmore Valley Road in Lakeport is outside of any Special Districts service area, no impact.

Have a great day!

Lori A. Baca, CTA
Customer Service Coordinator
Lori.Baca@lakecountyca.gov
Office Number (707) 263-0119
Fax (707) 263-3836



From: Sateur Ham
Sent: Friday, June 12, 2020 9:31 AM
To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Andrew Williams <Andrew.Williams@lakecountyca.gov>; BLM <anafus@blm.gov>; CalCannabis (kevin.ponce@cdfa.ca.gov) <kevin.ponce@cdfa.ca.gov>; Calfire <mike.wink@fire.ca.gov>; CalTrans-Rex <Rex.Jackman@dot.ca.gov>; Carol Huchingson <Carol.Huchingson@lakecountyca.gov>; CDFW Kyle <kyle.stoner@wildlife.ca.gov>; CEQA CDFW <R2CEQA@wildlife.ca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; CRWQCB (Janae.Fried@Waterboards.ca.gov) <Janae.Fried@Waterboards.ca.gov>; David Casian <David.Casian@lakecountyca.gov>; Doug Gearhart <doug@lcaqmd.net>; Elizabeth Knight <elizabethk@lcaqmd.net>; Fahmy-Lake County Air Quality <fahmya@lcaqmd.net>; Farm Bureau <lcfarmbureau@sbcglobal.net>; Jacob_dot <Jacob.Rightnar@dot.ca.gov>; Jim Campbell <Jim.Campbell@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Kelseyville Fire <pbleuss@kelseyvillefire.com>; Lake Co. Fire <Fdchf700@yahoo.com>; Greg Peters <Greg.Peters@lakecountyca.gov>; Lake Pillsbury <LPFPD.Chief.950@gmail.com>; Lakeport Fire <chief500@lakeportfire.com>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Michelle Scully <Michelle.Scully@lakecountyca.gov>; Northshore Fire <chief800@northshorefpd.com>; PG&E <PGENorthernAgencyIns@pge.com>; PG&E (CGF7@pge.com) <CGF7@pge.com>; pge <ERCL@pge.com>; POC-BLM <bhalstead@blm.gov>; Richard Ford <Richard.Ford@lakecountyca.gov>; Saskia Rymer-Burnett <saskia.rymer-burnett@dot.ca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Sonoma State <nwic@sonoma.edu>; South Lake County Fire <Gloria.Fong@fire.ca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Susan Parker <Susan.Parker@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; Tina Scott <Tina.Scott@lakecountyca.gov>
Subject: Request for Review: UP 20-60; IS 20-74; EA 20-82



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Ukiah Field Office
2550 North State Street, Suite 2
Ukiah, CA 95482
www.blm.gov/office/ukiah-field-office

June 12, 2020

County of Lake
Community Development Department
Attn: Sateur Ham
255 N. Forbes Street, Lakeport, CA 95453

Dear Sateur,

Thank you for providing the Bureau of Land Management with the opportunity to share our concerns regarding county permitting for cannabis cultivation on private parcels if this affects federal lands or requires federal authorizations.

The Comprehensive Drug Abuse Prevention and Control Act of 1970 and more specifically Title II of the act (the Controlled Substances Act), lists Cannabis as a Schedule I drug. The BLM does not have any discretion to permit activities on the public land that will violate the Controlled Substances Act or any other federal law. The BLM therefore, cannot authorize any activities related to cannabis authorizations on public land such as the *cultivation, production, transportation or distribution* of supplies or product.

We recommend that permit applicants adjacent to or near BLM lands have their parcels surveyed by a professional land surveyor so that their operations do not trespass upon or cause impacts to federal lands. Individuals that cause resource damage (i.e. erosion or soil contamination) to BLM-administered lands from illicit acts, including the manufacturing of cannabis, may be subject to federal criminal and/or civil action. Permit applicants should also be aware that transporting cannabis across an existing right-of-way on federal lands to access a private parcel, is also illegal under federal law, and violators could face federal criminal action.

Thank you again for the opportunity to comment. Please contact me if you would like to further discuss the issue. You can reach me at 707-468-4070.

Sincerely,

Ryan Cooper
Field Manager

INTERIOR REGION 10 • CALIFORNIA-GREAT BASIN

CALIFORNIA*, NEVADA*, OREGON*

* PARTIAL

Central Valley Regional Water Quality Control Board

7 August 2023

Eric Porter
Lake County Planning Department
255 North Forbes Street
Lakeport, CA 95453
eric.porter@lakecountyca.gov

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, LAKEPORT FARM, UP 20-60 PROJECT, SCH#2023070067, LAKE COUNTY

Pursuant to the State Clearinghouse's 7 July 2023 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Lakeport Farm, UP 20-60 Project, located in Lake County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Cannabis General Order

Cannabis cultivation operations are required to obtain coverage under the State Water Resources Control Board's *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities Order No. WQ 2017-0023-DWQ* (the Cannabis General Order). Cultivators that divert and store surface water (stream, lake, subterranean stream, etc.) to irrigate cannabis also need a valid water right.

The Water Boards Cannabis Cultivation Programs offer an easy to use online Portal for cultivators to apply for both Cannabis General Order coverage and a Cannabis Small Irrigation Use Registration (SIUR) water right, if needed. Visit the Water Boards Cannabis Cultivation Programs Portal at:

<https://public2.waterboards.ca.gov/CGO>

Additional information about the Cannabis General Order, Cannabis SIUR Program, and Portal can be found at: www.waterboards.ca.gov/cannabis

For questions about the Cannabis General Order, please contact the Central Valley Water Board's Cannabis Permitting and Compliance Unit at: centralvalleysacramento@waterboards.ca.gov or (916) 464-3291. For questions about Water Rights (Cannabis SIUR), please contact the State Water Board's Division of Water Rights at: CannabisReg@waterboards.ca.gov or (916) 319-9427.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat*

Discharges to Surface Water (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento



August 7, 2023

Eric Porter, Associate Planner
Lake County Community Development Department
Courthouse – 255 North Forbes Street
Lakeport, CA 95453
CannabisCEQA@lakecountyca.gov

Re: Initial Study/Mitigated Negative Declaration for Lakeport Farm Commercial Cannabis;
Major Use Permit UP 20-60, Initial Study IS 20-74, (SCH No. 2023070067)

Dear Mr. Porter:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the County of Lake for the proposed Lakeport Farm Commercial Cannabis Project (Proposed Project).

DCC has jurisdiction over the issuance of licenses to cultivate, propagate, and process commercial cannabis in California. DCC issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries, cannabis processor facilities, and distribution facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: <https://cannabis.ca.gov/cannabis-laws/dcc-regulations/>.

DCC expects to be a Responsible Agency for this project under the California Environmental Quality Act (CEQA) because the project will need to obtain one or more annual cultivation licenses from DCC. In order to ensure that the IS/MND is sufficient for DCC's needs at that time, DCC requests that a copy of the IS/MND, revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to DCC. This should apply not only to this Proposed Project, but to all future CEQA documents related to cannabis cultivation applications in Lake County.

DCC offers the following comments concerning the IS/MND.

General Comments (GCs)

GC 1: Proposed Project Description

Certain comments provided in the specific comment table below relate to the need for additional detail regarding the description of the Proposed Project. In general, a more detailed project

description would be helpful to DCC. The following information would make the IS/MND more informative:

- 1) Description of the size and location of any existing natural features, such as vegetation, water features, and topography of the Proposed Project site;
- 2) Detailed description of existing and proposed infrastructure and operational activities that would occur within these facilities, as well as any other structures that may be existing or constructed as part of the Proposed Project;
- 3) Consistent descriptions of the number and size of greenhouses to be constructed, as well as a detailed description of their materials, height, and assembly processes;
- 4) Description of facility operations and maintenance including:
 - a. Any heavy equipment that will be used for cultivation operations, including tractors, forklifts, mowers, etc.;
 - b. Source(s) and amounts of energy expected to be used in operating the project, including any generators that may be used, as well as any energy management and efficiency features incorporated into the Proposed Project.

In addition, the IS/MND should include local street maps, topographic maps, aerial photographs, site plans, property diagrams, and/or other graphics to show the existing site conditions, the Proposed Project, and the surrounding area. The site plans that are provided in the IS/MND are not included at a resolution that would allow the reviewer to understand the general location and surrounding features, or to visualize the layout of existing and proposed features of the Project.

GC 2: Acknowledgement of DCC Regulations

The IS/MND does not acknowledge that the Proposed Project requires one or more cultivation licenses from DCC. The IS/MND could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cultivation activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations related to cannabis cultivation (Bus. & Prof. Code, § 26102(a)).

Additionally, the IS/MND's analysis could benefit from discussion of the protections for environmental resources provided by DCC's cultivation regulations, similar to the discussion provided with regard to County regulations. In particular, the impact analysis for each of the following resource topics could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts for each applicable topic:

- Aesthetics (See 4 California Code of Regulations §16304(a).)
- Air Quality and Greenhouse Gas Emissions (See §§ 15020(e); 16304(a)(4); 16305; 16306.)
- Biological Resources (See §§ 15006(i); 15011(a)(11); 16304(a).)
- Cultural Resources (See § 16304(a)(3).)
- Energy (See §§ 15006(h)(6); 15011(a)(5); 15020(e); 16305; 16306.)
- Hazards and Hazardous Materials (See §§ 15006(h)(5)(c); 15011(a)(4); 15011(a)(12); 16304(a)(5)); 16307; 16310.)

- Hydrology and Water Quality (See §§ 15006(h); 15011(a)(3); 15011(a)(7); 15011(a)(11); 16304(a)(1); 16307; 16311.)
- Noise (See §§ 16304(a)(4); 16306.)
- Public Services (See §§ 15011(a)(10); 15036; 15042.)
- Utilities and Service Systems (See §§ 16311; 17223.)
- Wildfire (See § 15011(a)(10).)
- Cumulative Impacts (related to the above topics)

GC 3: Impact Analysis

Several comments provided in the specific comment table below relate to the absence of information or support for impact conclusions in the document. CEQA requires that Lead Agencies evaluate the environmental impacts of proposed projects and support factual conclusions with “substantial evidence.” Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. In general, the IS/MND would be improved if additional evidence (e.g., regulatory setting, environmental setting, impact analysis and methodology) was provided to support all impact conclusions in the checklist, including clear identification of the sources of information relied upon to make conclusions.

GC 4: Requirements for Mitigation Measures

When a CEQA document identifies impacts that are potentially significant, CEQA requires the Lead Agency to propose mitigation measures, where feasible, that may avoid, reduce, and/or minimize these impacts. According to the CEQA Guidelines, mitigation measures must be practical, specific, enforceable, effective, and roughly proportional to project impacts. This requires a Lead Agency to clearly disclose potential impacts and be sufficiently specific about prescribed mitigation measures. In several instances throughout the document, mitigation measures are not sufficiently specific to establish how such measures would minimize significant adverse impacts resulting from Proposed Project activities.

GC 5: Site-Specific Reports and Studies

The IS/MND references several project-specific plans, studies, and reports, including Biological Resources Assessment, Hydrology Report, Stormwater Management Plan, Air Quality Management Plan, Cultural Resources Assessment, Erosion and Sediment Control Plan, Property Management Plan, Site Management Plan, and a Nitrogen Management Plan. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the County advise applicants to provide to DCC copies of all project-specific plans and supporting documentation with their state application package for an annual cultivation license.

GC 6: Evaluation of Cumulative Impacts

It is important for the CEQA analysis to consider the cumulative impacts of cannabis cultivation in Lake County as a whole. Of particular importance are topics for which the impacts of individual

projects may be less than significant, but where individual projects may make a considerable contribution to a significant cumulative impact. These topics include, but are not limited to:

- cumulative impacts from groundwater diversions on the health of the underlying aquifer, including impacts on other users and impacts on stream-related resources connected to the aquifer;
- cumulative impacts related to transportation;
- cumulative impacts related to noise; and
- cumulative impacts related to air quality and objectionable odors.

The IS/MND would be improved by acknowledging and analyzing the potential for cumulative impacts resulting from the Proposed Project along with other cannabis cultivation projects being processed by the County and any other reasonably foreseeable projects in Lake County that could contribute to cumulative impacts similar to those of the Proposed Project.

Specific Comments and Recommendations

In addition to the general comments provide above, DCC provides the following specific comments regarding the analysis in the IS/MND.

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Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
1	Project Description	1-2	16. Description of Project	• One (1) Type 13: Distributor Transport Only, Self-distribution License: The transport of medicinal cannabis goods between entities licensed pursuant to California Code. • One A – Type 3: "Medium Outdoor" License: Outdoor cultivation consisting of 43,560 square feet (sf) of canopy. The cultivation would occur in approximately 54 raised planted beds that are four feet wide and 200 feet deep. • Two A - Type 3B: "Medium Mixed-Light" Licenses: greenhouse canopy consists of 44,000 sf inside nineteen 30' x 100' greenhouses. • Five 2,500 gallon water tanks • One 8' x 40' shipping container • Two 10' x 10' sheds for chemical and fertilizer storage • Portable ADA-compliant restroom • Two regular parking spaces and one ADA-compliant parking space	The document would be improved if each of these features were included in a site plan showing their location and scale. DCC recommends that the County advise the applicant that a complete site plan is required to be submitted with its annual cannabis business license application(s).
2	Project Description	3	16. Description of Project: Figure 1	N/A (General Comment)	Figure 1 would be improved if the site plans were provided at a resolution and orientation that would allow the reader to discern the text

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
					and features depicted as well as existing and proposed facilities, staging areas, and other relevant features.
3	Project Description	3	16. Description of Project: Figure 1	N/A (General Comment)	The site plan does not depict greenhouses. If greenhouses are included in the Proposed Project, they should be shown on the site plans.
4	Project Description	3	16. Description of Project: Figure 1	N/A (General Comment)	The site plan does not include a depiction of the outdoor cultivation area. The document would be improved if this feature was shown on the site plans.
5	Project Description	4	16. Description of Project	The site is in a mapped Very High Fire Area, and because of this, the County will require a minimum of 5,000 gallons of water for fire suppression purposes to be placed on site with connectors that can easily be used by emergency service providers if needed for fire suppression.	The document would be more informative if it indicated whether the requirement to include a water tank for fire suppression is a mitigation measure, a part of the Proposed Project, or a condition of approval.
6	Project Description	4	16. Description of Project	The project will likely use a drip irrigation system to disperse water to the plants, which is the most water-efficient means of irrigation.	The project description would be more informative if it contained specific information regarding the Project's irrigation system, as the type of irrigation system would affect the amount of water that would be used by the Project.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
7	Project Description	4	16. Description of Project	The Report states that the County's Water Resources Department estimates that this aquifer has an overall storage capacity of 5,900 acre-feet (about 1,922,320,000 gallons), of which about 4500 acre-feet is regarded as being 'usable'. The average year water demand on this aquifer is about 4000 acre-feet according to the Report, leaving about 1000 acre-feet available.	The document does not appear to provide an accurate estimate regarding the available acre-feet. As written, the available acre-feet should be revised to 500 acre-feet.
8	Project Description	4	16. Description of Project	The project area has average rainfall of 41.38 inches during a non-drought year, and 7.34 inches during a drought year....Taking soil characteristics into account, the Report states that a total of 16.21 acre-feet will recharge during a non-drought year, and 14.16 acre-feet will recharge during a drought year.	The difference in precipitation does not appear to correspond with the difference in recharge rates between drought and non-drought years. The document would be improved if it included the hydrology report as an attachment to demonstrate how these data were generated.
9	Project Description	4	16. Description of Project	The average year water demand on this aquifer is about 4000 acre-feet according to the Report.....The Report suggests that the aquifer has a usable amount of 4,500 acre-feet of water, and that the current annual demand is 2,369 acre-feet of water	The document provides inconsistent figures regarding the annual demand on the aquifer. The document would be improved if it were revised for consistency.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
10	Project Description	5	16. Description of Project	There are no grid capacity issues at this location. PG&E was notified of this project.	The document would be more informative if it specified what updates to the existing electrical service at the Project site would be required.
11	Project Description	6	17. Surrounding Land Uses: Figure 2	N/A (General Comment)	The document would be more informative if it included a legend that identified the meaning of the overlay colors.
12	Project Description	6-7	18. Other public agencies whose approval is required	N/A (General Comment)	The IS/MND would be more informative if it identified the permit(s) or approval(s) required from each of the agencies listed. In addition, please take note that commercial cannabis regulation and licensing previously under the responsibility of the California Department of Food and Agriculture, the Bureau of Cannabis Control, and the Office of Manufactured Cannabis Safety have been consolidated into a new agency, the California Department of Cannabis Control.
13	Project Description	8	19. Have California Native American tribes traditionally and culturally affiliated with the project area requested	Lake County sent letters to 11 tribes on June 12, 2020, informing tribes of the proposed project and offering consultation under AB-52.	The document would be improved if it contained a list of the tribes that were notified.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
			consultation pursuant to Public Resources Code section 21080.3.1?		
14	I(a)	10	Aesthetics	N/A (General Comment)	The document would be improved if it identified County-designated scenic vistas within the vicinity of the Proposed Project as well as the Project's potential to impact those scenic vistas.
15	I(a)	10	Aesthetics	AES-1: The applicant shall install a minimum 6' tall screening fence around the cultivation area. Fabric shall not be used; the screening material shall be chain link with slats, or a solid wood or metal fence. This shall occur prior to any cultivation occurring on site.	The document would be improved if it described the height and appearance of the proposed greenhouses and provided an analysis of the overall aesthetic impacts of the fence and greenhouse to scenic vistas.
16	I(b)	10	Aesthetics	The applicant has stated that no trees will be removed by this proposal.	The project description states that the Proposed Project would require the removal of 20 mature oak trees. The document would be improved if it were consistent and the removal of 20 mature oaks was evaluated for aesthetic impacts.
17	I(d)	10	Aesthetics	N/A (General Comment)	The IS/MND would be strengthened if it referenced DCC's requirements that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
					avoid nighttime glare. The document could also cite DCC's requirements that all outdoor lighting for security purposes must be shielded and downward facing. (Cal. Code Regs., tit. 4 §§ 16304(a)(6), 16304(a)(7)).
18	III(a)	12	Air Quality	Because the Lake County Air Basin is in attainment of both state and federal air quality standards, LCAQMD has not adopted an Air Quality Management Plan, but rather uses Bay Area Air Quality Management District's 'significance thresholds' address air quality standards that are associated with a project..... According to the USDA Soil Survey and the ultramafic, ultrabasic, serpentine rock and soils map of Lake County, serpentine soils have not been found on the Project Property, and would pose no threat of asbestos exposure during either the construction phase or the operational phase. Air impacts from vehicle emissions is addressed in section c) below.	Section III(c) does not evaluate the Project's potential to conflict with or obstruct implementation of the applicable air quality plan. The document would be strengthened if it explicitly evaluated the Project's potential to result in a significant impact to air quality under this significance threshold.
19	III(b)	13	Air Quality	The Project area is in the Lake County Air Basin, which is designated as in attainment for state and federal air quality	The IS/MND would be improved by providing a description of applicable air quality standards, including BAAQMD thresholds of significance

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				standards for criteria pollutants (CO ₂ , SO ₂ , NO _x , O ₃ , PM ₁₀ , PM _{2.5} , VOC, ROG, Pb).	and LCAQMD Rules and Regulations; proposed equipment required for project operations (e.g., employee vehicles and supply trucks, road and vegetation maintenance equipment, cultivation equipment); and a quantitative assessment of impacts to air quality.
20	III(b)	13-14	Air Quality	N/A (General Comment)	The document would be improved if it summarized or provided the inputs used to determine the emissions represented in the tables on pages 13-14.
21	III(b)	13-14	Air Quality	As indicated by the Project's Air Quality Management Plan, near-term construction activities and long-term operational activities would not exceed any of the thresholds of significance for criteria pollutants.	The document would be strengthened if it provided a clearer distinction between the analysis of potential construction impacts and operation impacts. The analysis should also include an examination of potential cumulative impacts to air quality.
22	III(c)	14-16	Air Quality	N/A (General Comment)	The document would be strengthened if it provided a quantitative analysis of the PM _{2.5} and PM ₁₀ emissions that would be generated by vehicle travel on dirt and gravel roads during project operations. The analysis should also include an examination of potential cumulative impacts.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
23	III(c)	14-16	Air Quality	The proposed Project is evaluated for potential to result in short- and long-term air quality impacts from construction and operation of the proposed Project.	The IS/MND could be improved by describing the potential air quality impacts and providing an analysis of how mitigation measures would reduce impacts to less-than-significant levels.
24	III(c)	14-16	Air Quality	Implementation of mitigation measures would reduce air quality impacts to less than significant. Dust during site preparation would be limited during periods of high winds (over 15 mph). All visibly dry, disturbed soil and road surfaces would be watered to minimize fugitive dust emissions	The document does not specify any mitigation measures that include watering to mitigate fugitive dust impacts. According to the CEQA Guidelines, mitigation measures must be practical, specific, enforceable, effective, and roughly proportional to project impacts. The IS/MND would be strengthened if it specified what mitigation measures would be used to mitigate airborne dust emissions, the standards the mitigation measures are designed to achieve, and how such mitigation would be enforced. (See GC 4.)
25	III(c)	14-16	Air Quality	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.	Mitigation Measure AQ-6 appears to contain one or more errors that make it difficult to understand the requirements of the mitigation measure. The document would be improved if the language were corrected to clarify the actions that would be required. In addition, Mitigation Measure AQ-6 would be strengthened if it stated

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
					what specific maintenance activities would be used to mitigate airborne dust emissions and how such mitigation would be enforced.
26	III(c)	14-16	Air Quality	The cultivation area will be surrounded by a fence which will help to reduce off-site drift of pesticides, and only organic pesticides and fertilizers are proposed.	The document would be improved if it provided an analysis of whether mitigation measures would be required to prevent impacts related to pesticide drift. In addition, the IS/MND would be strengthened if it explained how the fence would prevent pesticide drift.
27	III(d)	16	Air Quality	The odor is seasonal around harvest time, and given the sparse population, the terrain, the separation distance of nearby sensitive receptors (dwellings), and large lot sizes in this area, the impact associated with cannabis odor should be minimal.	Outdoor cannabis cultivation activities typically produce odors, particularly during plant flowering cycles, that may adversely affect nearby sensitive receptors. The document should identify the type and location of nearby sensitive receptors that could be affected and provide an analysis, supported by data, of whether the Proposed Project operations would result in significant odor impacts. The analysis should include a description of the applicant's proposed odor mitigation measures and whether such measures would be sufficient to ensure odor impacts would be less than significant. The analysis should also include a discussion of potential cumulative impacts.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
28	IV(a)	17	Biological Resources	A Biological Assessment (BA) of the Project Property was prepared by Natural Investigations and is dated April 4, 2022. The BA states that two other Biological Assessments were done on the site under prior ownership by Natural Investigations. The year 2022 BA concluded that there are no potentially listed plant and animal species located in or near the 1-1/2 acre cultivation site	The document would be improved if it included a list of sensitive species that could occur onsite as well as a list of species observed during each of the four site visits. In addition, DCC recommends that the County advise applicants to include all biological assessments with their application for an annual cannabis business license.
29	IV(a)	17	Biological Resources	The BA does not discuss the probable removal of up to 20 oak trees due to the project (the exact amount of tree removal is not stated). The BA does recommend a 3:1 tree replacement ratio for any oak trees that are removed; therefore the following mitigation measures are added:	The document would be improved if it included the species, size, and location of the trees proposed for removal and trimming.
30	IV(d)	18	Biological Resources	No removal of riparian vegetation appears to be necessary for this project. Some vegetation will be removed by this project (staff estimates up to 20 healthy oak trees and unknown quantities of chaparral and grasses) will be needed for driveway improvements and	The document would be improved if it identified the type of vegetation that would be removed as well as the quantity removed during construction as well as during long term maintenance of the site. The IS/MND would be strengthened if it evaluated the Project's impact

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				defensible space clearing in and around all buildings proposed	associated with the creation of a defensible space.
31	IV(d)	18	Biological Resources	The BA concluded that there are no listed plant or animal species, and no mapped sensitive areas on the project site.	The document would be improved if it included a map of the location of all special-status habitats on or near the property on which the Project is located. The IS/MND would be improved if it evaluated the Project's potential to impact these habitats.
32	IV(d)	18	Biological Resources	The Study concluded that "no critical habitat for any Federally-protected species occurs in the Project Area or surrounding Study Area during the field survey other than ephemeral watercourses.	The document would be improved if it described all ephemeral watercourses at the Project site and included a figure showing the ephemeral watercourses in relation to the proposed Project activities and discussed the Project's potential to impact such watercourses.
33	IV(d)	18	Biological Resources	N/A (General Comment)	The IS/MND would be strengthened if it identified the species that might use the Proposed Project site as a migration corridor, then provided an analysis, supported by data, that supports its conclusion that the Project would not interfere with the movement of migratory species.
34	IV(e)	18	Biological Resources	The proposed project would not affect any wetlands, ephemeral drainages, or other sensitive habitats protected by the Lake County Zoning Ordinance. According to the material submitted, no tree removal will	This section conflicts with previous sections. Section IV(d) states that the Project has the potential to impact ephemeral drainages and the Project Description states that the Project would require the removal of 20 mature oak trees. The document

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				be required, so no County tree removal policies or ordinances would apply.	would be improved if it included consistent information and evaluated the Project's potential to impact these resources on the basis of such information.
35	V(a)	19	Cultural Resources	N/A (General Comment)	Mitigation Measures CUL-1 and CUL-2 would be improved if they specified whether they would be applicable to site preparation as part of Project operations, including plowing or tilling of soil.
36	VI(a)	20	Energy	The overall power usage of this operation would be up to 1200 additional amps of power.	This section conflicts with the estimated power usage stated in the project description (p. 5) which estimated that the Project would require approximately 800 additional amps of power. The document would be improved if it were revised for consistency.
37	VII(f)	23	Geology and Soils	According to the Cultural Study, the project site does not contain any known unique geologic feature or paleontological resources that might otherwise require protection or avoidance. There is a historic structure on the property located more than 100 feet from the cultivation site.	This IS/MND should indicate whether the Cultural Resource Assessment contained an evaluation on the likelihood of the discovery of paleontological resources. and the IS/MND would be improved if it included an evaluation of the Project's potential impacts to paleontological resources. The document would be improved if this section was revised to include mitigation regarding the accidental

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					discovery of paleontological resources.
38	VIII(a)	24	Greenhouse Gas Emissions	Construction emissions and operational emissions were calculated using the California Emissions Estimator Model (CalEEMod®), Version 2016.3.2. Construction and operational CO ₂ emissions are summarized above and in the tables of the Air Quality Section of this Initial Study.	The document would be improved if it summarized or provided the inputs used to determine the Project's emissions.
39	IX(a)	26-27	Hazards and Hazardous Materials	N/A (General Comment)	The document would be improved if it provided an analysis of potential impacts to the environment as a result of agricultural runoff, including pesticides and fertilizers.
40	IX(b)	27	Hazards and Hazardous Materials	Flood risk on the Project site is minimal; the entire property is located in the "X" flood zone, which has a low risk of flooding. According to Lake County GIS Portal data and the Project is not located in or near an identified earthquake fault zone.	This section contradicts the Project Description, which states that the Project property is located in both the "X" and "A" flood zone. The document would be improved if it were consistent throughout the analysis and included an evaluation of the Project's potential to release hazardous materials into the environment due to upset or accident conditions.
41	IX(b)	27	Hazards and Hazardous Materials	N/A (General Comment)	The IS/MND would be strengthened if it referenced DCC's pesticide use requirements (Cal. Code Regs., tit. 4 § 16307.)

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42	IX(g)	28	Hazards and Hazardous Materials	The Project site is within a mapped very high fire hazard severity zone. The applicant shall adhere to all federal, state, and local fire requirements and regulations for setbacks and defensible space required as mitigation measures	The document would be improved if it provided an analysis of whether the Proposed Project would use equipment during outdoor cultivation operations that would be likely to produce sparks and/or ignite fires.
43	X(a)	29-30	Hydrology and Water Quality	N/A (General Comment)	The document would be improved if it provided an analysis of potential impacts to the environment as a result of agricultural runoff, including pesticides and fertilizers.
44	X(a)	30	Hydrology and Water Quality	The proposed Project has been designed to meet the required riparian setbacks on the flattest portion of the property to reduce the potential for water pollution and erosion.	The document would be improved if it contained a description and analysis of how agricultural runoff and stormwater would be managed.
45	X(a)	30	Hydrology and Water Quality	The applicant provided a Hydrology Report and an Erosion and Sediment Control Site Plan (Sheet 6) for the proposed Project. According to the applicant's Property Management Plan, the following erosion control measures will be followed:	The document would be strengthened if it listed or summarized the measures included in the Erosion and Sediment Control Plan and the Stormwater Management Plan that would reduce or prevent impacts related to erosion.
46	X(c)	31	Hydrology and Water Quality	N/A (General Comment)	The analysis for question X(c): "Substantially alter the existing drainage pattern of the site or area, including through the alteration of

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					the course of a stream or river or through the addition of impervious surfaces, in a manner that would.....” appears to be missing. The document would be improved if it evaluated the Project’s potential to alter existing drainage patterns.
47	X(c)	31	Hydrology and Water Quality	The Project site is not located in an area of potential inundation by seiche or tsunami. The Project site is designated to be in Flood Zone X – areas of low flooding risk	This section contradicts the Project Description, which states that the Project property is located in both the “X” and “A” flood zone. The document would be improved if it were consistent throughout the analysis and provided an evaluation of whether the project would risk release of pollutants due to project inundation.
48	XIII(a)	34	Noise	NOI-1: ...This mitigation does not apply to night work.	The document would be improved if it specified why the mitigation measure would not apply to night work.
49	XIII(a)	34	Noise	N/A (General Comment)	The document would be improved if it described the sources of noise (e.g., cultivation equipment, fans, HVAC, odor control equipment, pumps, generators, operation and maintenance activities) expected to occur during Proposed Project operations, the levels of noise those sources are likely to generate, and how the decibel limits in Mitigation Measure NOI-2 would be met. In

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					addition, the document should describe the location and distance of any sensitive receptors from the Project and whether noise impacts to those receptors would be potentially significant.
50	XX(b)	42	Wildfire	N/A (General Comment)	The document would be improved if it provided an analysis of whether the Proposed Project would use equipment during outdoor cultivation operations that would be likely to produce sparks and/or ignite fires.
51	XXI(b)	43-44	Mandatory Findings of Significance (Cumulative Impacts)	N/A (General Comment)	The IS/MND would be more informative if it identified any other cannabis growing operations that exist or have been proposed in the vicinity of the Proposed Project, and whether the Proposed Project would make a considerable contribution to any cumulative impacts from these other projects. (See GC 6.)
52	N/A	44-45	Source List	N/A (General Comment)	The Source List would be improved if it provided additional information regarding some of the references. For referenced documents, the author, title, and date of each document should be provided. For personal communications, the agency or organization, person contacted, date of contact, and method of contact should be provided. For websites, the URL and

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					date accessed should be provided. In addition, sources that are project-related studies could be made available via weblink or as attachments to the IS/MND.

Conclusion

DCC appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 247-1659 or via e-mail at Kevin.Ponce@cannabis.ca.gov.

Sincerely,

Lindsay Rains
Licensing Program Manager