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

Mireya G. Turner
Community Development Director

MEMORANDUM

TO: Office of Planning and Research

FROM: Lake County Planning Department

SUBJECT: SCH #: 2024080301 “Poverty Flats Ranch” commercial cannabis cultivation, file no. UP 23-09, IS 23-20. Corrections have been made to the Initial Study that was submitted, triggering the recirculation of the MND.

DATE: Revised April 25, 2025

MESSAGE:

On August 7, 2024, Lake County published an IS/MND regarding a Major Use Permit for commercial cannabis cultivation. Following the publication of the IS/MND, staff became aware that there was a mistake in the IS/MND. The IS/MND lacked information regarding the approximately 7,450 cubic yards of earth disturbance, as well as sufficient details about the road culvert used to access one of the gardens. The applicants consultant has since provided much more detail for both items, so the report has been revised accordingly.

30-day review period will be January 6, 2024, through February 6, 2024.

Per CEQA Guidelines 15073.5. (a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption.

Notice of recirculation shall comply with Sections 15072 and 15073.

COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone: (707) 263-2221 FAX: (707) 263-2225

August 7, 2024
Revised January 6, 2025

CALIFORNIA ENVIRONMENTAL QUALITY ACT ENVIRONMENTAL CHECKLIST FORM INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION (UP 23-09; IS 23-20)

1. Project Title:	Poverty Flats Ranch
2. Permit Numbers:	Major Use Permit UP 23-09 Initial Study IS 23-20
3. Lead Agency Name and Address:	County of Lake Community Development Department Courthouse, 3rd Floor, 255 North Forbes Street Lakeport, CA 95453
4. Contact Person:	Max Stockton, Assistant Planner II (707) 263-2221
5. Project Location(s):	10535 High Valley Road Clearlake Oaks, CA 95423 APN: 006-004-22
6. Project Sponsor's Name & Address:	Rusty Barthel 24760 E, Bright Avenue Welches, OR 97067
7. General Plan Designation:	RL – Rural Lands
8. Zoning:	RL-WW-SC – Rural Lands (base zoning) with Waterway and Scenic Combining Districts
9. Supervisor District:	District 3
10. Flood Zone:	"X & D"; Project site is in the "X" (areas of minimal flood hazard) designated portion of the property
11. Slope:	Varied; Moderately steep to gently sloping with an average 39.5 percent slopes
12. Fire Hazard Severity Zone:	California State Responsibility Area (CALFIRE):

Moderate Risk; Very High Risk

13. Earthquake Fault Zone: None

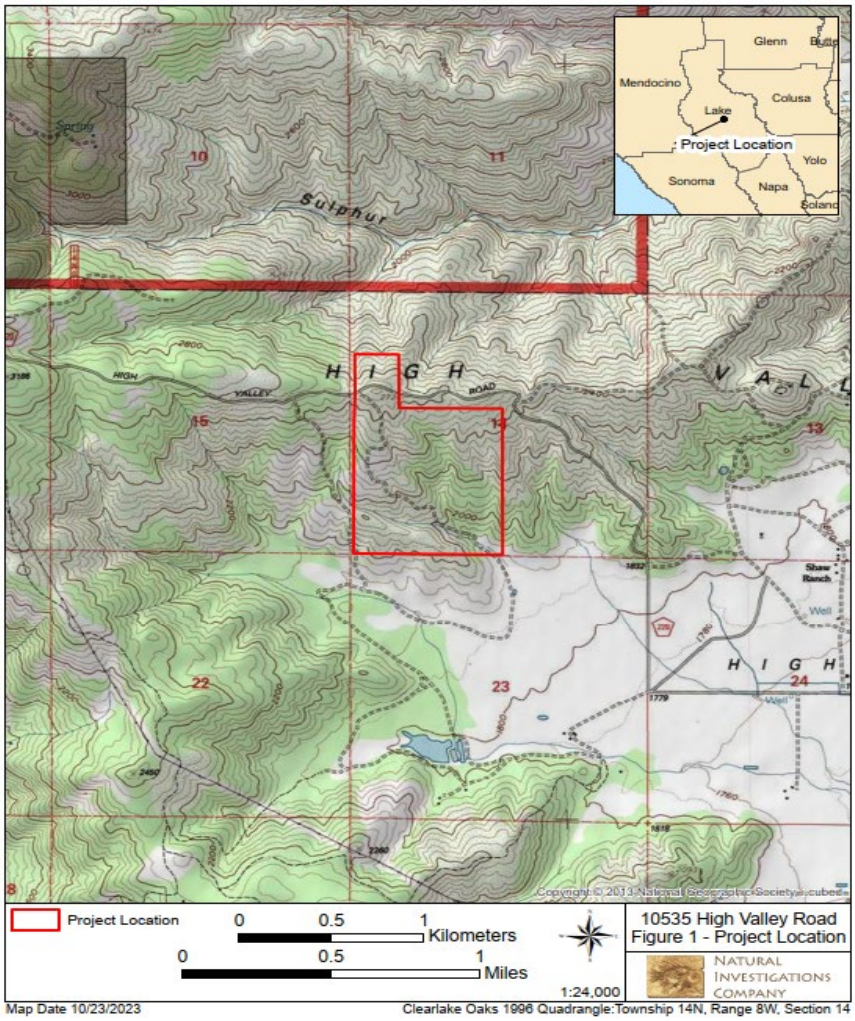
14. Dam Failure Inundation Area: Not located within Dam Failure Inundation Area

15. Parcel Sizes: 196.7 acres

16. Description of Project:

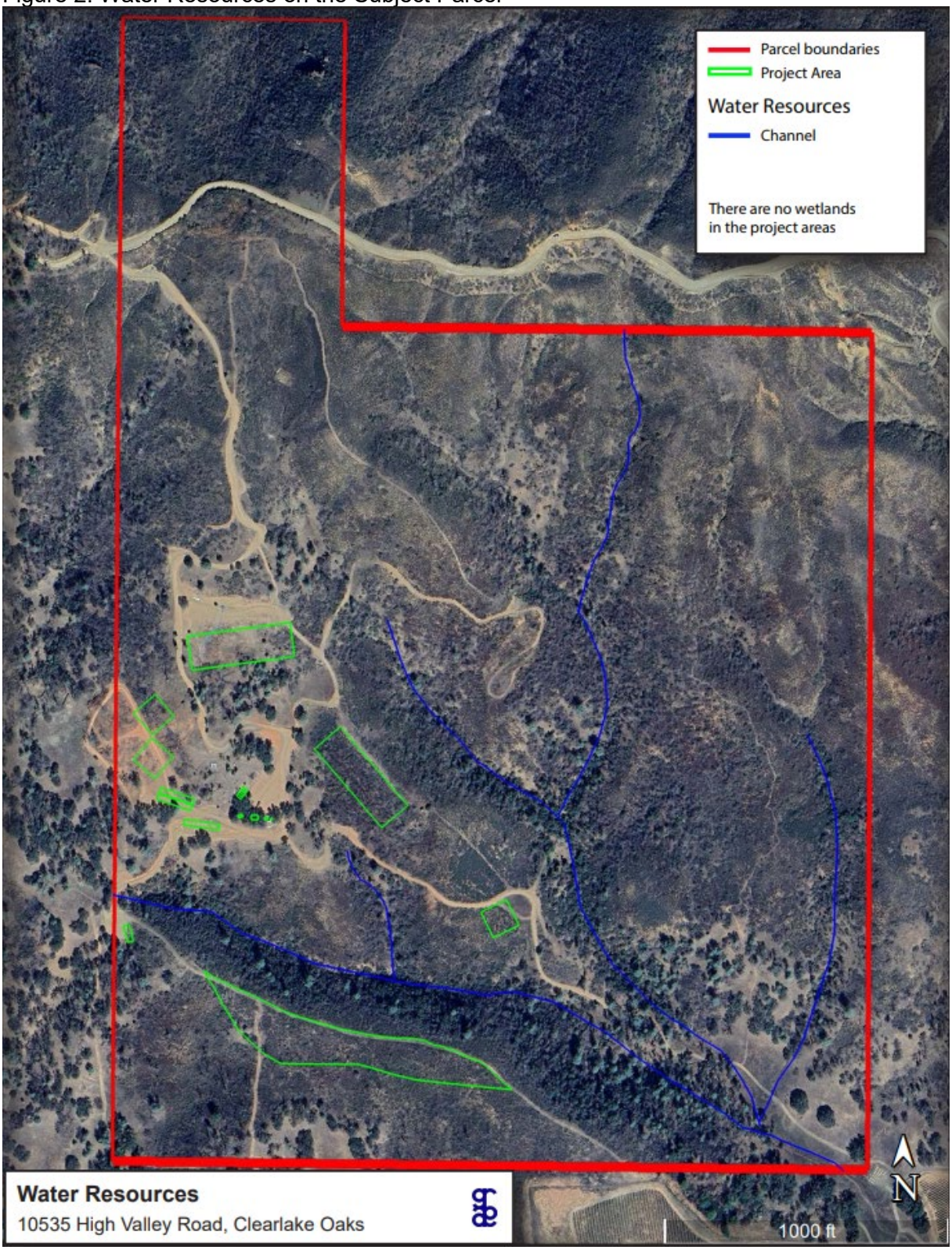
The applicant is seeking discretionary approval of a Major Use Permit, (UP 23-09), for five (5) A-Type 3 Outdoor licenses (one acre each) and three (3) A-Type 2 licenses (10,000 sq. ft. each) for commercial cannabis cultivation totaling up to 5.69 acres (247,800 sq. ft.) of cultivation on APN: 006-004-22 at 10535 High Valley Road, Clearlake Oaks. The applicant is also seeking approval for 8,700 sq. ft. of immature plant propagation in greenhouses, and a Type 13 self-distribution license.

Figure 1. Vicinity Map



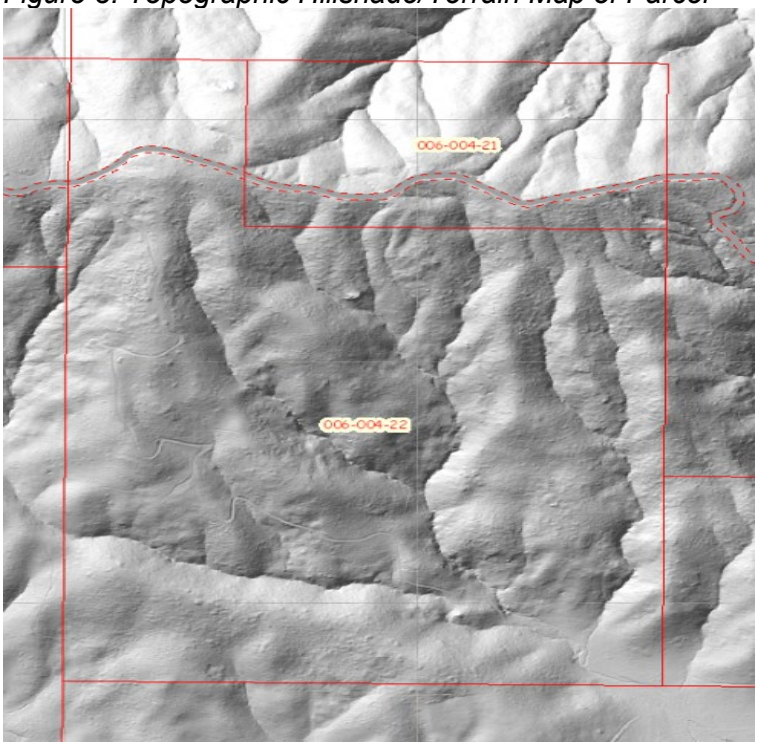
Source: Lake County Parcel Viewer, Topographic Basemap

Figure 2: Water Resources on the Subject Parcel



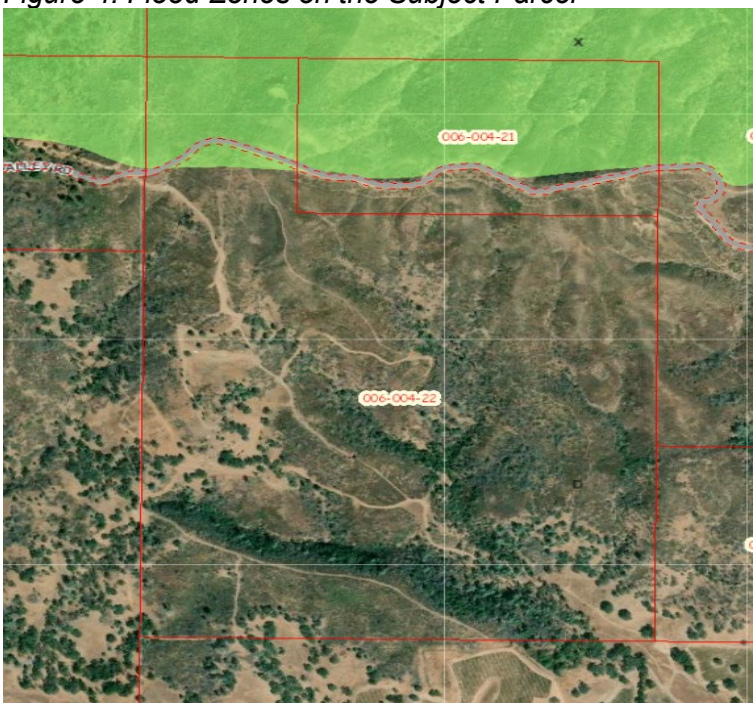
Source: Biological Resources Assessment, 2024

Figure 3: Topographic Hillshade/Terrain Map of Parcel



Source: Lake County Parcel Viewer, 2024

Figure 4: Flood Zones on the Subject Parcel

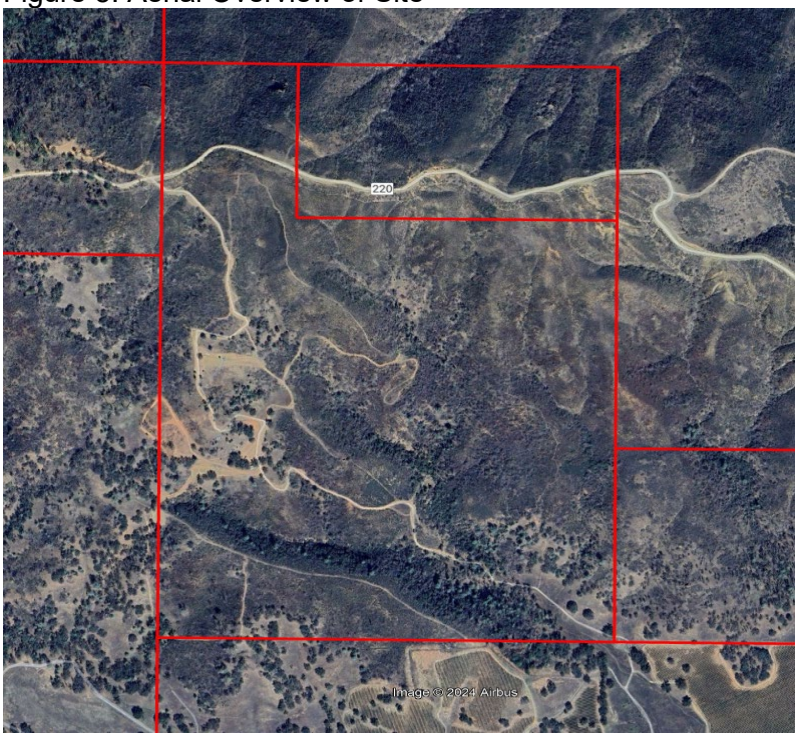


Source: Lake County Parcel Viewer, 2024

The Project proposes to use the following:

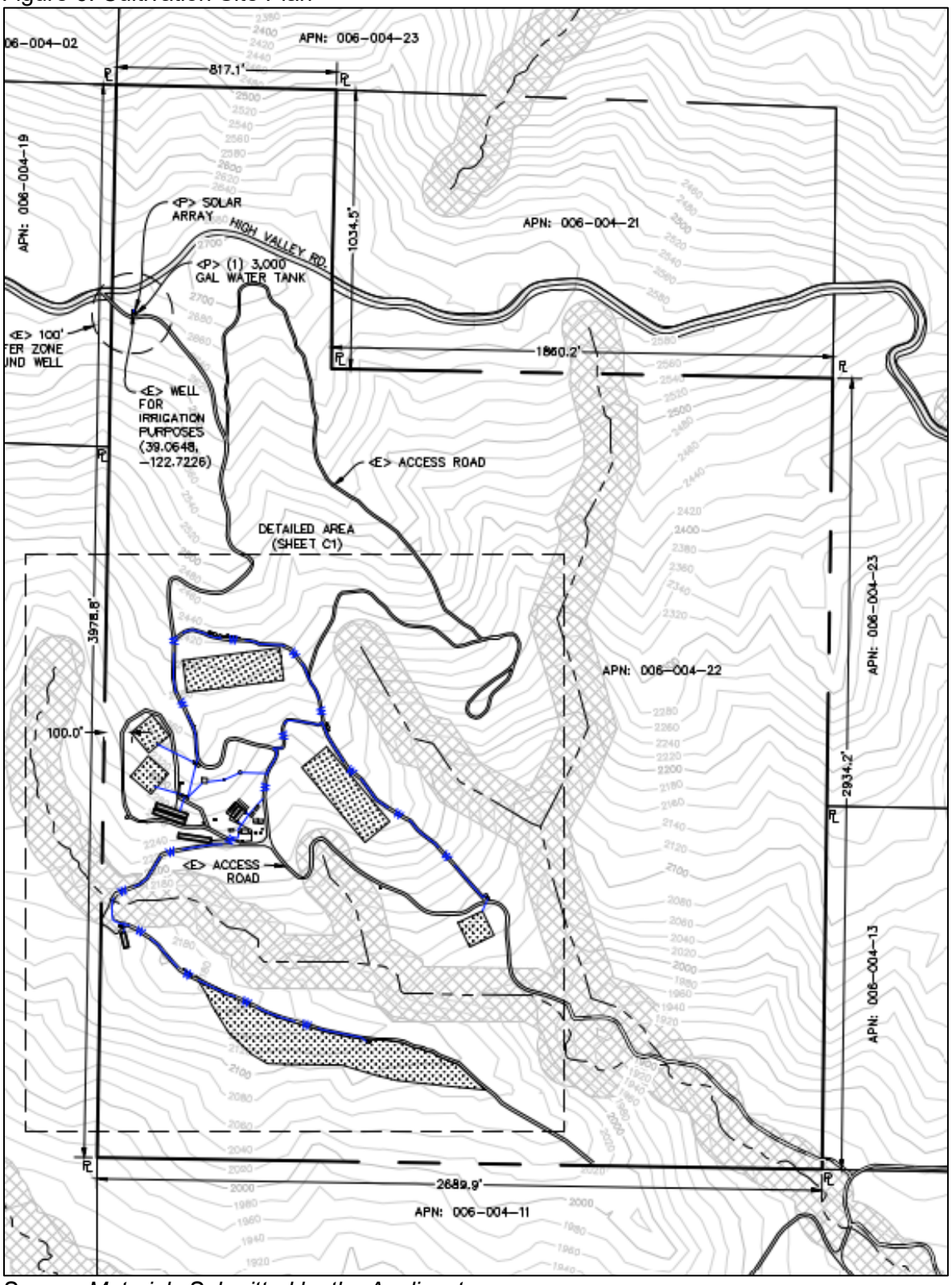
- Up to 247,800 sq. ft. of outdoor canopy area (5.69 acres) within cultivation area of approximately 5.69 acres;
  - Cultivation could also occur in temporary agricultural exempt hoop-houses, if the requirements of Ordinance No. 3132 are met.
- Up to 8,700 sq. ft. of ancillary plant propagation areas in greenhouses;
- A 2,400 sq. ft. processing building with an ADA restroom;
- Security fence around the cultivation area, 6 ft. high wire fences, constructed of heavy gauge wire fence (or similar), with steel gates and padlocks, and a security system at each cultivation area;
- Irrigation water sourced from an existing groundwater well;
- Water storage in up to twenty-five (25) 3,000-gallon water tanks and one (1) 4,000-gallon water tank (total of 79,000 gallons of water storage);
- A minimum of 12,500 gallons of designated fire suppression water storage and fire risers;
- Drip irrigation system, consisting of a water storage tank, valves and filters, PVC pipe, black polyvinyl flexible tubes, drip emitters;
- Waterproof storage shed/Conex container or similar for storage of fertilizers, agricultural chemicals, and hand tools;
- Electricity supplied by proposed solar power system with a generator backup;
- Nine (9) parking spaces, including required ADA-space;
- A proposed new onsite wastewater treatment system, with three (3) portable restrooms to service employees prior to construction and permitting of the new septic system;
- Trash enclosures, compost piles, and soil piles located within each fenced cultivation area.

Figure 5: Aerial Overview of Site



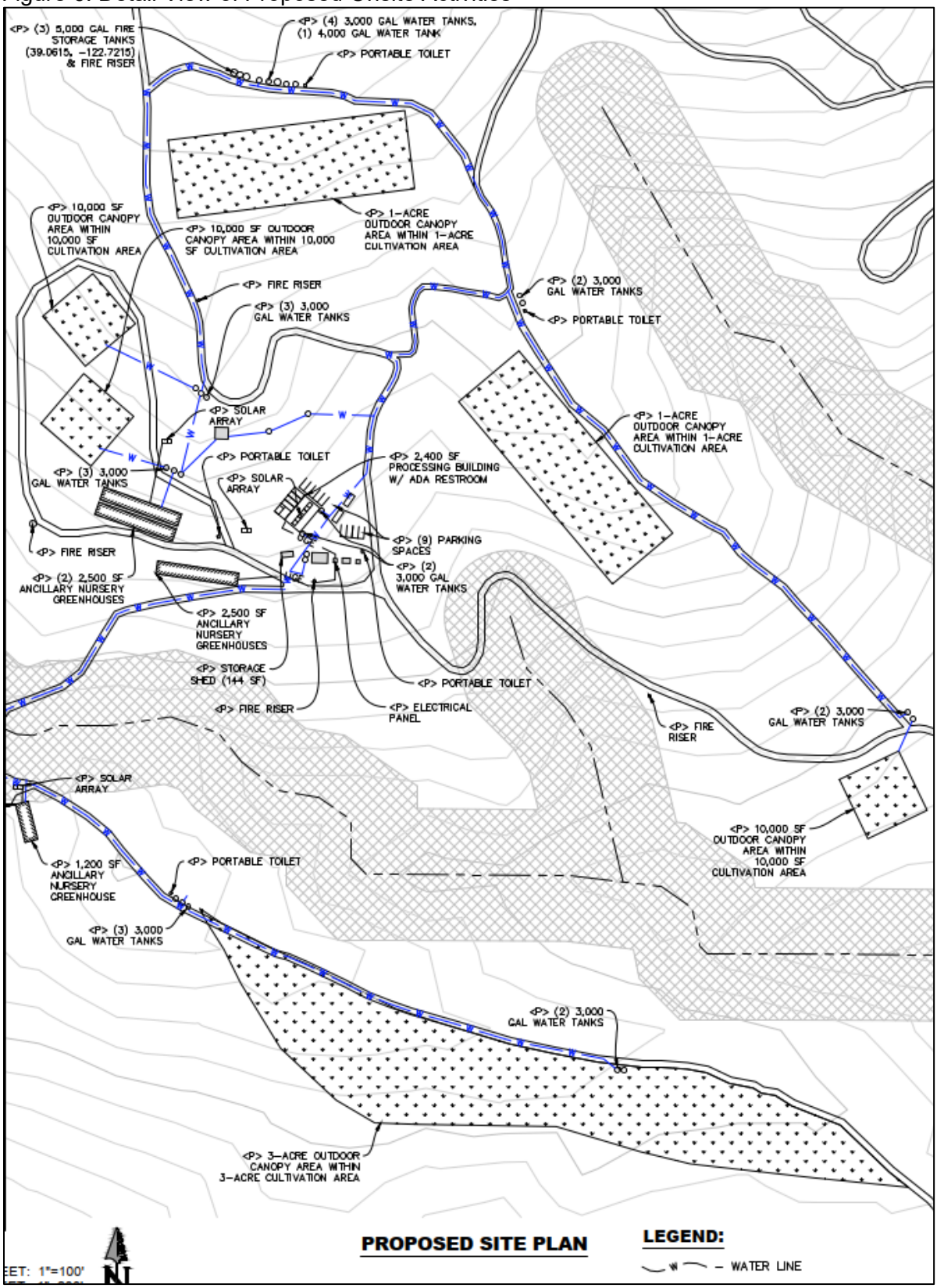
Source: Google Earth, 2023

Figure 6. Cultivation Site Plan



Source: Materials Submitted by the Applicant

Figure 6: Detail View of Proposed Onsite Activities



Source: Application Site Plans, 2024

Construction

Construction traffic would occur over approximately one (1) to two (2) months. Equipment would be mobilized at the beginning of the construction season and the end of the construction season. Equipment would include backhoe, excavator and similar, primarily for grading purposes, for the approximately 7,450 cubic yards of earth movement, as proposed in the grading plans provided. During construction, it is expected that there would be approximately three (3) to four (4) construction employees, with up to two (2) round trips per day on average, totaling up to eight (8) trips per day. Dust may be produced, but it proposed that dust will be kept to a minimum by wetting the soil with a mobile water tank and hose, or by delaying ground disturbance activities until site conditions are not windy. It is assumed an average of two (2) deliveries per week during construction. Total construction delivery trips would be approximately sixteen (16) delivery trips per month, or a maximum of 32 over the two-month construction period. This equals approximately 0.53 delivery trips per day, but for calculation purposes, a value of one (1) delivery trip per day is assumed. Therefore, conservatively, combining employee trips and delivery trips, approximately nine (9) trips per day would occur during construction.

Operation

The proposed project would use solar power to operate cultivation-related activities. Cultivation is proposed to be outdoor, with no lights or fans for flowering cultivation, and thus minimal power needs. Onsite power would be required for the immature plant area (with low-wattage lights and fans) drying activities (requiring lights and climate control systems), security systems/lighting, and well pumps. The solar system is proposed to be a 5.5-kW No generators are proposed for regular use; a backup generator would be utilized during power outages or during an emergency.

The project proposes full-sun outdoor cultivation in cultivation beds on existing agricultural fields. No mixed-light cultivation is proposed. Temporary hoop structures could be utilized and would be permitted under the requirements of Ordinance No. 3132. All cultivation areas would be located outside of watercourse setbacks and away from sensitive areas.

According to the Property Management Plan, all pesticides, fertilizers, and hazardous materials would be stored in the proposed Conex (or similar) shipping containers and/or approximately 8’x8’ storage sheds. Pesticides and fertilizers would be held within their manufacturer’s original containers, which would be within secondary containment structures. The shipping containers/storage sheds would be located within fenced cultivation areas.

The cultivation area would be fully secured with a 6-foot-tall wire deer fencing and a minimum of a 14-foot-wide locked gate with a Knox Box for emergency vehicle access.

Operations would occur up to seven (7) days per week from approximately April to October every year, depending on weather conditions. The hours of operation for the proposed activities would typically be 6 a.m. to 8 p.m. on Monday through Sunday. The Lake County Zoning Ordinance restricts deliveries and pickups to 9 a.m. – 7 p.m. Monday through Saturday and Sunday from 12 p.m. to 5 p.m.

Between one (1) to three (3) full-time staff would be required to run the operation on average, with an additional one (1) to six (6) seasonal cultivation staff for peak events (e.g., planting, harvesting). A maximum of nine (9) employees would be required to operate the proposed project.

Employees would initially have access to up to a portable restroom located centrally onsite, and would have access to the future onsite wastewater treatment system constructed as part of the processing facility, once installed. Portable toilets would be served regularly by a licensed cleaning facility. Portable toilets would include a hand-washing station.

The project property is accessed by a private driveway off High Valley Road. An existing private driveway will be used to access the cultivation area. A total of nine (9) parking spaces are proposed, including at least one (1) ADA-accessible parking space.

During operations, there would be between one (1) to nine (9) employees onsite, depending on the time of year, or between four (4) to eighteen (18) trips per day from employees. Assuming that the maximum number of full-time employees of three (3) works the entire 180-day cultivation season, and that the maximum of six (6) part time employees operate half of the cultivation season (90 days), the proposed project would generate an average of eleven (11) daily trips from employees during operation. Delivery vehicles would be expected twice monthly, on average, or conservative estimate for calculation purposes of one (1) per day. Total operation trips would be approximately twelve (12) per day.

Note that the proposed project would only operate during approximately six (6) months out of the year, meaning that trips from employees would be approximately six (6) trips per day, on average over the course of a calendar year.

Water for cultivation activities would be sourced from one (1) existing onsite well (lat/long: 39.064783, -122.722353). The well was drilled and permitted in August of 2022, to a depth of 400 feet below ground surface. The well has an estimated yield of 40 gpm. The Well Completion Report is included as an appendix in the Hydrology Report prepared for the Project by NorthPoint Consulting Group, Inc.

Water would be pumped or gravity-fed from the well to twenty-five (25) 3,000-gallon water tanks and one (1) 4,000-gallon water tank (79,000 gallons of irrigation water storage total). Water would be conveyed to the cultivation sites by well pumps and gravity-feed methods through polyethylene pipes, powered by PG&E or solar energy. From the tanks, water would be conveyed to drip irrigation systems to water the individual cultivation beds. Drip lines would be sized to irrigate the cultivation areas at a slow rate, maximizing absorption and preventing runoff.

Projected water demand for the 5.69 acres of canopy area and the 0.20 acres of ancillary nursery square footage is expected to be approximately 11.2 acre-feet per year (AFY), or approximately 3,650,000 gallons per year. This is based off of a 180-day outdoor cultivation season, assuming 65% of the season involves irrigation of vegetative plants, which utilize more water, and 35% of the season involves irrigation of flowering plants. The projected average water demand during the cultivation season is 20,280 gallons per day, and the maximum water demand during flowering season is approximately 27,850 gallons per day. Thus, the total demand for the Project would be 11.2-acre feet per year (approximately 3.65 million gallons). See Table 1 for a monthly breakdown of water use.

Table 1: Estimated Monthly Water Demand for Proposed project

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Irrigation (1,000 gal)	0	0	0	243	502	486	502	747	835	334	0	0	3,650

Source: Hydrology Report, 2023

The property is enrolled with the State Water Resources Control Board (SWRCB) for Tier 2, Low Risk coverage under Order No. WQ 2019-001-DWQ (Cannabis Cultivation General Order). The Cannabis Cultivation General Order implements Cannabis Policy requirements with the purpose of ensuring that the diversion of water and discharge of waste associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, or springs. The site was assigned WDID No. 5S17CC429313.

The Cannabis Cultivation General Order requires the preparation of a Site Management Plan (SMP), a Nitrogen Management Plan (NMP), and the submittal of annual technical and monitoring reports demonstrating compliance. The purpose of the SMP is to identify Best Practicable Treatment or Control (BPTC) measures that the site intends to follow for erosion control purposes and to prevent stormwater pollution. The purpose of the NMP is to identify how nitrogen is stored, used, and applied to crops in a way that is protective to water quality. The SMP and NMP are required to be submitted to the SWRCB prior to commencing cultivation activities.

In addition, the Property Management Plan describes BMPs that would be implemented during onsite operations, as follows:

- Install fiber rolls between cultivation areas and watercourse setbacks during construction, to disturbed soils from entering waterways
- Stabilize disturbed areas with temporary erosion control prior to rain events
- Stabilize complete disturbed areas with permanent erosion control (e.g., seeding, vegetation) methods, prior to rain events
- Maintain onsite rolling dips/water bars on the existing road network
- Clear the onsite 18” High-density Polyethylene (HDPE) culverts of debris prior to the rainy season
- Preserve existing vegetation, as feasible

17. The proposed Poverty Flats Ranch, LLC Project is located at 10535 High Valley Road, Clearlake Oaks, California, on APN 006-004-22 (referred to as the project “property”, “site”, or “parcel”). The site is 196.7 acres and is approximately 3.8 miles northwest of Clearlake Oaks (Figure 1). The Project is located within the Shoreline Communities Planning Area. In 2018, the property was burned in the Ranch Fire.

18. The project property is accessed by a private driveway off High Valley Road. From Clearlake Oaks, CA, head northeast on SR-20E for 0.3 miles towards Lake Street/Lakeland Street. Turn left and take High Valley Road for 5.4 miles. The Private Driveway for 10535 High Valley Road will be on the left. The project property will be 0.8 miles down the Private Driveway. High Valley Road is an existing County-maintained Road, comprised of gravel and natural material. The driveway measures 16 feet in width with an existing 15-foot-wide gate, per Google Earth (2024). The well-established onsite road network is comprised of natural material and gravel.

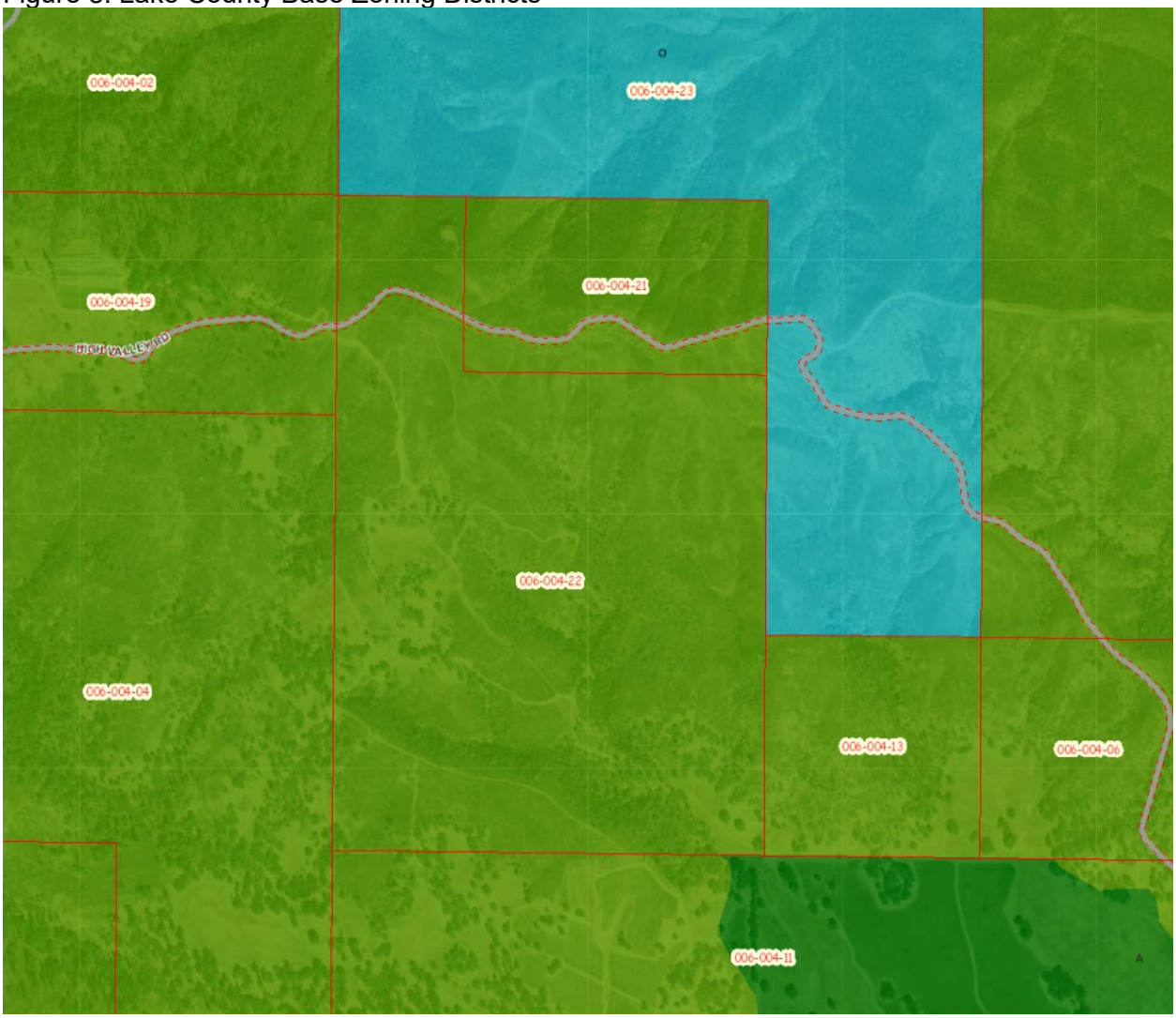
19. Existing conditions onsite consist of a primarily undeveloped parcel, historically used for recreation purposes (Figure 5). The site is developed with access roads, an existing well and pump house, domestic water tanks, an 18’ x 20’ rain catchment structure, a 16’ x 24’ hunting cabin, two tool sheds, and two shipping containers. The cabin was constructed pre-1968 and the property has primarily been used for permitted hunting activities.

20. The hunting cabin historically included an onsite wastewater treatment system behind the cabin; however, it was damaged in 2018 during the Ranch Fire and is currently non-functional. Per discussions with the Lake County Environmental Health Division, the onsite system will need to be repaired or decommissioned and reconstructed in order to be used again for domestic or cannabis activities.
21. The property is located within the Inner North Coast Range geographic subregion, which has a Mediterranean-type climate of hot, dry summers and wet winters. Elevations in the project area range from approximately 1,850 feet to 2,700 feet above mean sea level. The parcel is comprised of a southern aspect sloping montane topography, classified as shrub/scrub in the National Land Cover Database. Onsite topography is variable, consisting of mountain slopes, ridgetops, and valleys, with slopes ranging from 0% to over 50%.
22. The project site is located within a California Department of Forestry and Fire Protection (CALFIRE) State Responsibility Area (SRA). Within the SRA, the Project is designated as a Very High Fire Hazard Severity Zone. The property was fully engulfed by the Ranch Fire in 2018, and a significant amount of onsite vegetation burned.
23. Onsite vegetation communities, per the Biological Resources Assessment, are comprised of Chamise chaparral, Blue Oak Woodland, and Ruderal/Disturbed areas. Disturbed grassland areas are also present onsite (Figure 14).
24. Several Class III (ephemeral) drainages are present onsite, all which are tributary to Schindler Creek, within the High Valley Basin (watershed HUC12-180201160308). The Project area generally drains to the southeast into High Valley, eventually flowing to Clear Lake. The parcel contains one (1) stream crossing.
25. All cultivation areas and disturbed areas are located outside of appropriate stream and wetland buffers, per State Water Resources Control Board (SWRCB) regulations (150 feet from Class I, 100 feet from Class II and wetlands, and 50 feet from Class III watercourses) (Figure 6, Figure 7). The minimum buffer from watercourses, per Lake County Zoning Ordinance, is 100 feet, which is greater than the 50-foot buffer for Class III watercourses required by the SWRCB. Only the Southwestern cultivation garden will be accessed over a previously established 18" pipe culvert high-density polyethylene.
26. The northern area of the property, north of High Valley Road, is designated as "X" Flood Zone, meaning the majority of the property and area are not within a designated flood hazard zone. The remaining, southern portion of the property is not classified as having any type of designated flood zone (Figure 3).
27. The site is zoned Rural Lands (RL) and land uses surrounding the project site include agricultural, and Open Space (O) as much of the area is undeveloped properties.

    Surrounding Land Uses and Setting:
    Surrounding land uses include scattered rural lands properties, agriculture properties, and open space properties. The proposed project site is surrounded by parcels zoned Rural Lands (RL), Agriculture (A), and Open Space (O).

    Specifically, Rural Lands (RL) zoned properties border the subject parcels to the northwest, west, south, and east, an Agriculture (A) zoned property borders the subject parcel to the southeast, and an Open Space (O) zoned property borders the subject parcel to the north, northeast, and east.

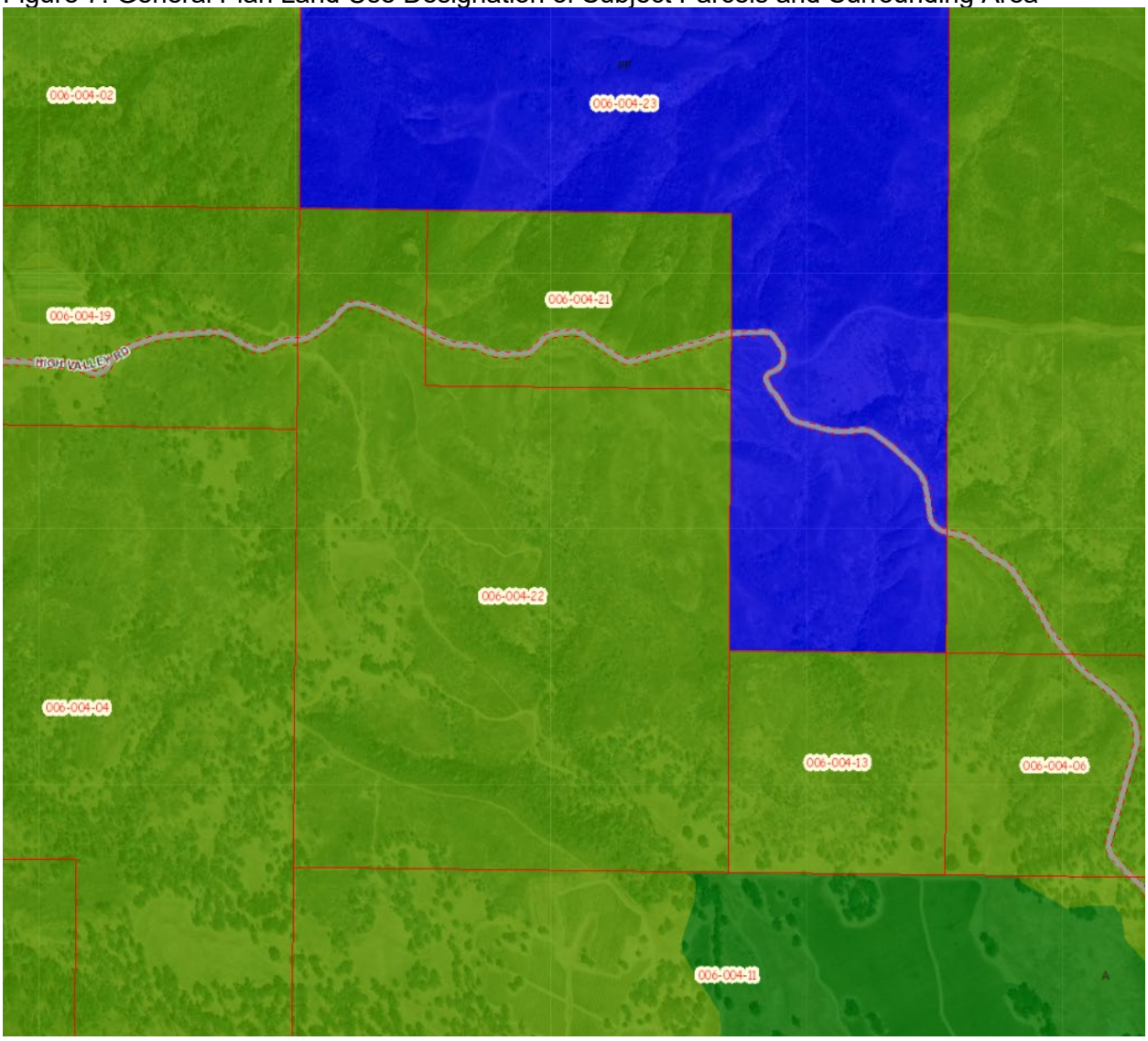
Figure 8: Lake County Base Zoning Districts



Source: Lake County Parcel Viewer

Note that Dark Green is Agriculture (A), Light Green is Rural Land (RL), and Blue is Open Space (O) (Source: Lake County Parcel Viewer, 2024)

Figure 7: General Plan Land Use Designation of Subject Parcels and Surrounding Area



Source: Lake County Parcel Viewer

Note that Dark Green is Agriculture(A), Light Green is Rural Land (RL), Dark Blue is Public Facilities (PF) (Source: Lake County Parcel Viewer, 2024)

28. Other public agencies whose approval is required (e.g., Permits, financing approval, or participation agreement).

    The extent of this environmental review falls within the scope of the Lead Agency, the Lake County Community Development Department, and its review for compliance with the Lake County General Plan, the Northshore Area Plan, the Lake County Zoning Ordinance, and the Lake County Municipal Code. Other organizations in the review process for permitting purposes, financial approval, or participation agreement can include but are not limited to:

    Lake County Department of Environmental Health
    Lake County Air Quality Management District
    Lake County Department of Public Works
    Lake County Department of Public Services

Lake County Agricultural Commissioner
Lake County Sheriff Department
Northshore Fire Protection District
Department of Motor Vehicles
Central Valley Regional Water Quality Control Board
California Water Resources Control Board
California Department of Food and Agricultural
California Department of Pesticides Regulations
California Department of Public Health
California Bureau of Cannabis Control
California Department of Consumer Affairs
California Department of Fish & Wildlife (CDFW)
California Department of Forestry & Fire Protection (CALFIRE)
California Department of Transportation (CALTRANS)

29. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

    Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process, per Public Resources Code §21080.3.2. Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3 (c) contains provisions specific to confidentiality.

    The proposed project was sent to Notification of the project was sent to Big Valley Rancheria, Cortina Rancheria, Elem Colony, Koi Nation, Mishewal-Wappo, Middletown Rancheria, Redwood Valley Rancheria, Robinson Rancheria, Scotts Valley Band of Pomo Indians, Habematolel Pomo of Upper Lake Tribe, and Yocha Dehe Wintun Nation on December 20th, 2023. Two tribes responded, not requesting consultation, and as of the date of this document, no further responses have been received and no consultation has been formally requested.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☒ Aesthetics	☐ Greenhouse Gas Emissions	☐ Public Services
☐ Agriculture & Forestry Resources	☒ Hazards & Hazardous Materials	☐ Recreation
☒ Air Quality	☒ Hydrology / Water Quality	☒ Transportation
☒ Biological Resources	☐ Land Use / Planning	☒ Tribal Cultural Resources
☒ Cultural Resources	☐ Mineral Resources	☒ Utilities / Service Systems
☐ Energy	☒ Noise	☒ Wildfire
☒ Geology / Soils	☐ Population / Housing	☒ Mandatory Findings of Significance

DETERMINATION: (To be completed by the lead Agency)
On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Initial Study Prepared By: Max Stockton, Assistant Planner II

Signature: *Max Stockton* Date: April 25, 2025

Max Stockton, Assistant Planner II
Lake County Community Development Department

SECTION 1

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to Projects like the one involved (e.g., the Project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the Project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, and then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c) (3) (D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the Project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a Project's environmental effects in whatever format is selected.

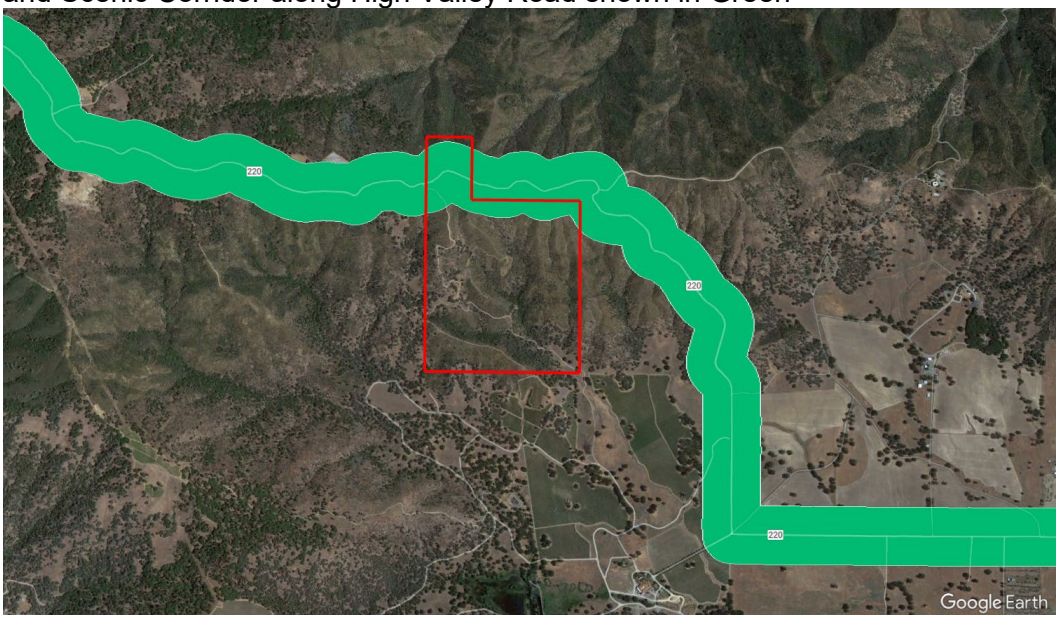
9) The explanation of each issue should identify:
   a) The significance criteria or threshold, if any, used to evaluate each question; and
   b) The mitigation measure identified, if any, to reduce the impact to less than significance

I. AESTHETICS	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
Except as provided in Public Resource Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐

Discussion:

a) The project site is accessed off of High Valley Road, a ridgetop road comprised of gravel and natural earth materials. High Valley Road is designated by Lake County as having a Scenic Corridor (“SC”) Combining Zone District designation (Figure 10).

Figure 8: Designated Scenic Corridor on the Project Site - Subject Parcel shown in Red and Scenic Corridor along High Valley Road shown in Green



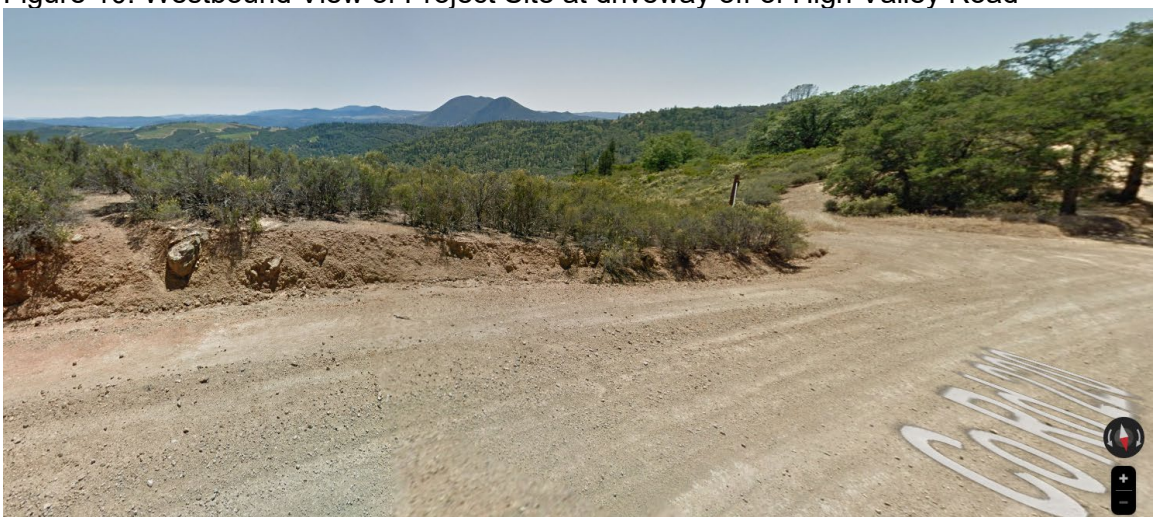
Source: Google Earth, 2024

The site is in a rural area that is surrounded by densely vegetated hillsides of pine, brush, and oak trees, which naturally screens a majority of the parcel from view from High Valley Road. In addition, natural topography blocks the proposed cultivation sites from being seen. Per Google Earth, it appears that the Cultivation Areas would be obscured from views off of High Valley Road due to existing vegetation and the topography of the site (Figure 11, Figure 12).

Figure 9: Eastbound View of Project Site at driveway off of High Valley Road

Source: Google Earth, 2024

Figure 10: Westbound View of Project Site at driveway off of High Valley Road



Source: Google Earth, 2024

The SC district boundary spans approximately 500-550 feet on either side of High Valley Road (Figure 10). All proposed development associated with the project – including greenhouses, proposed buildings, etc. – would be located outside of this SC District boundary approximately 1,300 feet from High Valley Road and over 750 feet outside of the boundary of the SC District. Natural vegetation and topography block a majority of views of the site from High Valley Road. The cultivation sites may be visible from High Valley Road through patchy vegetation; however, the SC Combining Zone regulations specifically allow agriculture as a permitted use and the proposed project would follow the Performance Standards. In addition, the proposed activities are agriculture in nature and are consistent with the primary zoning designation and allowed uses of the property, as well as surrounding existing uses. Therefore, the impacts would be less than significant.

Less than Significant Impact

b) The site is not located along a designated state scenic highway. State Highway 20, located approximately 3 miles south of the proposed project, is eligible to be designated at a state level. The project is not clearly visible from this State Highway, nor is this state highway clearly visible from the project site. Furthermore, the County of Lake has not applied to the California Department of Transportation for official Scenic Highway status nor does the County's General Plan (or other policies or directives) require the County to do so. There are no scenic resources, rock outcroppings, or historic buildings on or in the vicinity of this property, and the Project is not visible from or located along a state scenic highway. Therefore, the impacts would be less than significant.

Less than Significant Impact

c) See response to Section I (a). The site is located in a rural, unincorporated area of Lake County, and is not within an urbanized area. The proposed use would not substantially degrade the existing visual character of the site or the quality of public views of the site. Site topography and existing vegetation mostly obscures the Project areas from High Valley Road, a public vantage point. The site is not clearly visible from any public location and is consistent with the property zoning and allowable uses of the site. Therefore, the Proposed

project would not substantially degrade the existing visual character and/or quality of public views.

Less than Significant Impact

d) The Project has some potential to create additional light and/or glare through exterior security lighting. The proposed use is an outdoor commercial cannabis cultivation operation. No mixed-light cultivation with supplemental lighting is proposed. Any lighting, e.g., nursery lighting, associated with the proposed project would need to comply with the recommendations of the International Dark Sky Standards and local ordinances. To ensure that light or glare does not create a new source of substantial light or glare which could adversely impact day or nighttime views in the area, Mitigation Measure AES-1 has been incorporated.

Less than Significant Impact with Mitigation Measure AES-1 Incorporated

AES-1: All outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that would not broadcast light or glare beyond the boundaries of the subject property. All lighting equipment shall comply with the recommendations of the International Dark-Sky Association (www.darksky.org) and provisions of Section 21.48 of the Zoning Ordinance. Security lighting shall be shaded, facing downward, and motion activated.

II. AGRICULTURE AND FORESTRY RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

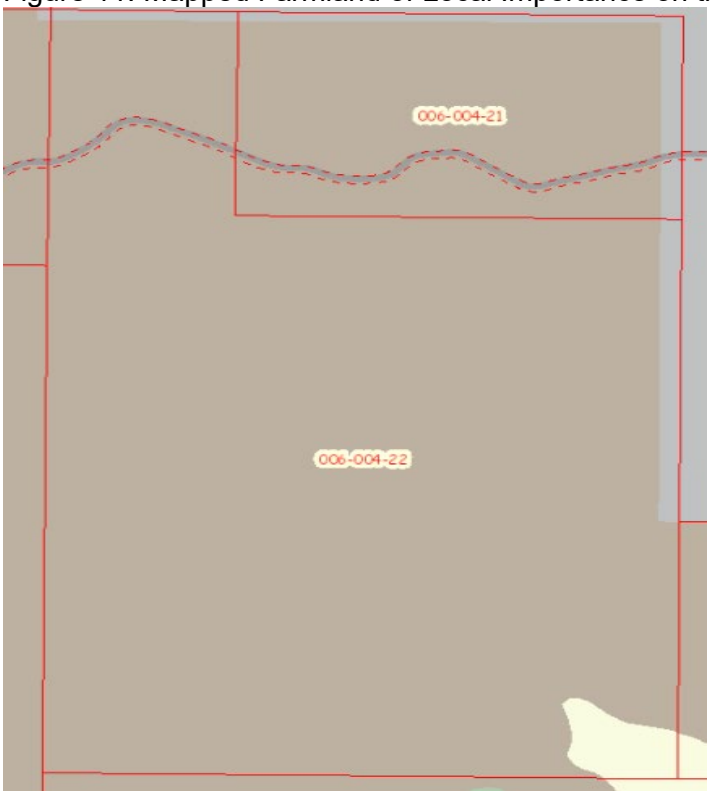
Discussion:

a) No portion of the site slated for cultivation-related development is located on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The majority of the property is classified as Grazing Land, which is not considered “Farmland”. There are approximately 3 acres of Farmland of Local Importance located on the southeastern corner of the parcel (Figure 13).

The small area of Farmland of Local Importance is located outside of areas proposed for development. Cultivation would only occur within the area classified as Grazing Land and would not convert farmland to non-agricultural uses; therefore, the Proposed project would not convert Farmland of Local Importance, or other state-designated farmland, to a non-agricultural use and no impact would occur.

No Impact

Figure 11: Mapped Farmland of Local Importance on the Subject Parcels



Source: Lake County FMMP Mapping, 2024) - Note: Brown denotes "Grazing Land”, and Light Tan denotes "Farmland of Local Importance"

b) The site is not under a Williamson Act contract. The cultivation site is not located within a Lake County Farmland Protection Zone and is not within 1 mile of a Farmland Protection Zone. The cultivation portion of the site would not interfere with the ability of the owner or neighbors to use the non-cannabis land for more traditional crop production. The site is zoned Rural Land (RL), which is a designated zone for agriculture, including cannabis cultivation. Therefore, the Proposed project would not conflict with an existing zoning for agricultural use or a Williamson Act contract. No impact would occur.

No Impact

c) Public Resources Code §12220(g) defines “forest land” as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

Public Resources Code §4526 defines “timberland” as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees.

Government Code §51104(g) defines “timberland production zone” as an area that has been zoned pursuant to Government Code Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses.

The property is zoned Rural Land (RL) and does not contain forest land, nor is it adjacent to forest lands or lands zoned Timberland Production; therefore, the Proposed project would not conflict with existing zoning and/or cause the rezoning of forest land as defined by Public Resource Code section 4526, or of timberland as defined by Government Code section 51104(g). Furthermore, the Project does not propose a zone change that would rezone forest land or timberland, so no impact would occur.

No Impact

d) Please see response to Section II(c). The Project would not result in the loss or conversion of forest land to a non-forest use.

No Impact

e) See responses to II (a) – (d). As proposed, this Project would not induce changes to existing farmland that would result in its conversion to non-agricultural use.

No Impact

III. AIR QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐	☐

b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under and applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
d)	Result in other emissions (such as those leading to odors or dust) adversely affecting a substantial number of people?	☐	☒	☐	☐

Discussion:

a) The Project site is located within the Lake County Air Basin, which is under the jurisdiction of the Lake County Air Quality Management District (LCAQMD). The LCAQMD applies air pollution regulations to all major stationary pollution sources and monitors air quality. The Lake County Air Basin is in attainment with both state and federal air quality standards.

According to the USDA Soil Survey and the ultramafic, ultrabasic, serpentine rock and soils map of Lake County, serpentine soils have not been found within the Project area or Project vicinity and would pose no threat of asbestos exposure during either the construction phase or the operational phase. Additionally, per the Lake County Parcel Viewer (2024), the parcel does not contain Serpentine Soils.

Due to the fact that 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 its Rules and Regulations to address air quality standards.

The Proposed project was sent out for review from the LCAQMD on January 4th, 2024. No adverse comments or comments in opposition to the project were received from the LCAQMD.

According to the Lake County Zoning Ordinance section on Commercial Cannabis Cultivation (§27.11), Air Quality must be addressed in the Property Management Plan. The intent of addressing this is to ensure that "all cannabis permittees shall not degrade the County's air quality as determined by the Lake County Air Quality Management District" and that "permittees shall identify any equipment or activity that may cause, or potentially cause the issuance of air contaminates including odor and shall identify measures to be taken to reduce, control or eliminate the issuance of air contaminants, including odors". This includes obtaining an Authority to Construct permit pursuant to LCAQMD Rules and Regulations.

The applicant has addressed Air Quality in the Property Management Plan. Additionally, the applicant has developed an Odor Response Program response process in the event that an odor complaint is received. Per the Property Management Plan, the contact information of the applicant would be provided to all property owners and residents within a 1,000-foot radius of the facility. If an odor complaint is received, a written response would be required from the applicant, and the activities causing the odor would immediately cease. See the Property Management Plan for further details.

Construction impacts to air quality would be relative to complex grading and scraping for approximately 7,450 cubic yards of earth movement. These would occur over a 4-to-8-

week period and would be temporary in nature. Operational impacts to air quality would include dust and fumes from site preparation of the cultivation area and vehicular traffic, including delivery vehicles and employee traffic. Mitigation Measures AQ-1 through AQ-5 have been incorporated to ensure that impacts to air quality from temporary construction activities and ongoing operational activities remain less than significant.

Impacts would be Less than Significant with Mitigation Measures AQ-1 through AQ-5 Incorporated

AQ-1: The applicant shall contact the Lake County Air Quality Management District and obtain an Authority to Construct (A/C) Permit, as applicable, prior to commencing construction operations, or demonstrate that a permit is not needed.

AQ-2: All mobile diesel equipment used must be in compliance with State registration requirements. Portable and stationary diesel-powered equipment must meet all Federal, State, and local requirements, including the requirements of the State Air Toxic Control Measures for CI engines.

AQ-3: The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District with such information in order to complete an updated Air Toxic emission Inventory.

AQ-4: Any vegetation removed during site development shall be chipped and spread for ground cover and/or erosion control. The burning of vegetation, construction debris, including waste material is prohibited.

AQ-5: All driveways and parking areas shall be surfaced with non-white rock gravel, chip seal, asphalt, or other all-weather surfacing to reduce fugitive dust generation. The applicant shall regularly maintain any graveled areas to reduce fugitive dust generations. The use of white rock as a road base or surface material is prohibited.

b) The County of Lake is in attainment of state and federal ambient air quality standards. Burning cannabis waste is prohibited within the commercial cannabis ordinance for Lake County, and use of generators are only allowed during a power outage. On-site construction is likely to occur over a relatively short period of time (estimated 4 to 8 weeks) with complex grading of approximately 7,450 cubic yards of earth moved. Potential particulate matter could be generated during construction activities and build-out of the site, however, in general, construction activities that last for less than one year, and use standard quantities and types of construction equipment, are not required to be quantified and are assumed to have a less than significant impact. It is unlikely that this use would generate enough particulates during and after construction to violate any air quality standards.

Less than Significant Impact

c) Sensitive receptors (i.e., children, senior citizens, and acutely or chronically ill people) are more susceptible to the effects of air pollution than the general population. Land uses that are considered sensitive receptors typically include residences, schools, playgrounds, childcare centers, hospitals, convalescent homes, and retirement homes.

There are no schools, parks, childcare centers, hospitals, convalescent homes, or retirement homes located near the Project. The nearest off-site residence appears to be located more than 2,000 feet south of the southernmost cultivation site according to Lake County Parcel Viewer. Article 27 of the Lake County Zoning Ordinance requires that the minimum setback requirement for commercial cannabis cultivation be 200 feet from off-site residences. Measures AQ-1 through AQ-5 require the Proposed project to implement dust control measures that would reduce impacts of dust generation from on-site roads and parking areas.

Pesticide application would be used during the growing season and as described in the Property Management Plan, will be applied carefully to individual plants. The cultivation area will be surrounded by a fence in order to prevent off-site drift of pesticides. Additionally, no demolition or renovation will be performed which would cause asbestos exposure, and no serpentine soils have been detected and are not mapped onsite. Impacts would be less than significant with Mitigation Measures AQ-1 through AQ-5 incorporated.

Impacts would be Less than Significant with Mitigation Measures AQ-1 through AQ-5 Incorporated.

d) See response III(c). Odors generated by the plants, particularly during harvest season, would be mitigated through passive means (separation distance) and fencing. Implementation of mitigation measures would reduce air quality impacts to less than significant.

Pesticide application will be used during the growing season and as described in the Property Management Plan, will be applied carefully to individual plants. The cultivation area will be surrounded by a fence in order to prevent off-site drift of pesticides. Additionally, no demolition or renovation will be performed which would cause asbestos exposure, and no serpentine soils have been detected and are not mapped onsite.

Additionally, the proposed cultivation would generate minimal amounts of carbon dioxide from operation of small gasoline engines (tillers, weed eaters, lawn mowers, etc.) and from vehicular traffic associated with staff and delivery / pickups. Mitigation Measures AQ-1 through AQ-5 would reduce impacts of dust generation from on-site roads and parking areas.

Impacts would be Less than Significant with Mitigation Measures AQ-1 through AQ-5 Incorporated.

IV. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐

b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
c)	Have a substantial adverse effect on state or federally protected wetlands (including, not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion:

a) The Proposed project area is within the High Valley Basin Watershed. Several Class III (ephemeral) drainages drain southeasterly through the property, toward Schindler Creek and eventually drain to Clear Lake, to which the applicant has completed a Lake Streambed agreement with the California Waterboard to access one of the gardens over an 18" HDPE pipe, that already exists to ensure that vehicles are not traveling through the waterway. The cultivation areas have previously been disturbed by fire and grading activities. Other portions of the Project site, which will not be disturbed by Project activities, are comprised of annual grasslands, chaparral (chamise/scrub oak), and oak woodlands.

A Biological Resources Assessment (BA) and a Botanical Survey Report (BS), dated May 8th, 2024, was conducted for the Proposed project by Graening and Associates, LLC. The purpose of the BA was to provide information as to whether the proposed cultivation area contains or potentially contains special-status species or habitat for special-status species requiring mitigation under CEQA. The BA refers to the cultivation areas as the Project Area(s), and the entire parcel as the Study Area. The BS included in-season botanical survey for all areas proposed to be disturbed by the Proposed project.

Wildlife Species

The Study Area has been used as a hops farm in the past, and all areas proposed for cultivation have been previously disturbed. The BA included a query of all available databases for special-status wildlife species that could be potentially impacted by the Proposed project. All available databases were reviewed for potential sensitive species to occur within a 10-mile radius of the site. Databases included the USFWS National Wetland Inventory, California Natural Diversity Database (CNDDB), and the USFWS species list. The database searches resulted in a list of sensitive species with the potential to be located onsite. The list included 21 animal species (2 amphibians, 5 birds, 2 fish, 3 bats, 3 mammals, 1 reptile, 1 crustacean, and 4 insects), and 25 plant species. In addition to the CNDDB database review, the BA included a list from the USFWS' IPaC Trust Resource Report System, which included four additional species (1 bird, 1 reptile, 1 insect, and 1 flowering

plant) that should be considered for the impact assessment. Migratory birds protected under the Migratory Bird Treaty Act were also noted by the BA as having the potential to be impacted by the Proposed project.

In addition to the database queries, onsite biological field surveys were conducted on October 28, 2020, and on April 27, 2024. No special-status animal species were detected onsite during these field surveys.

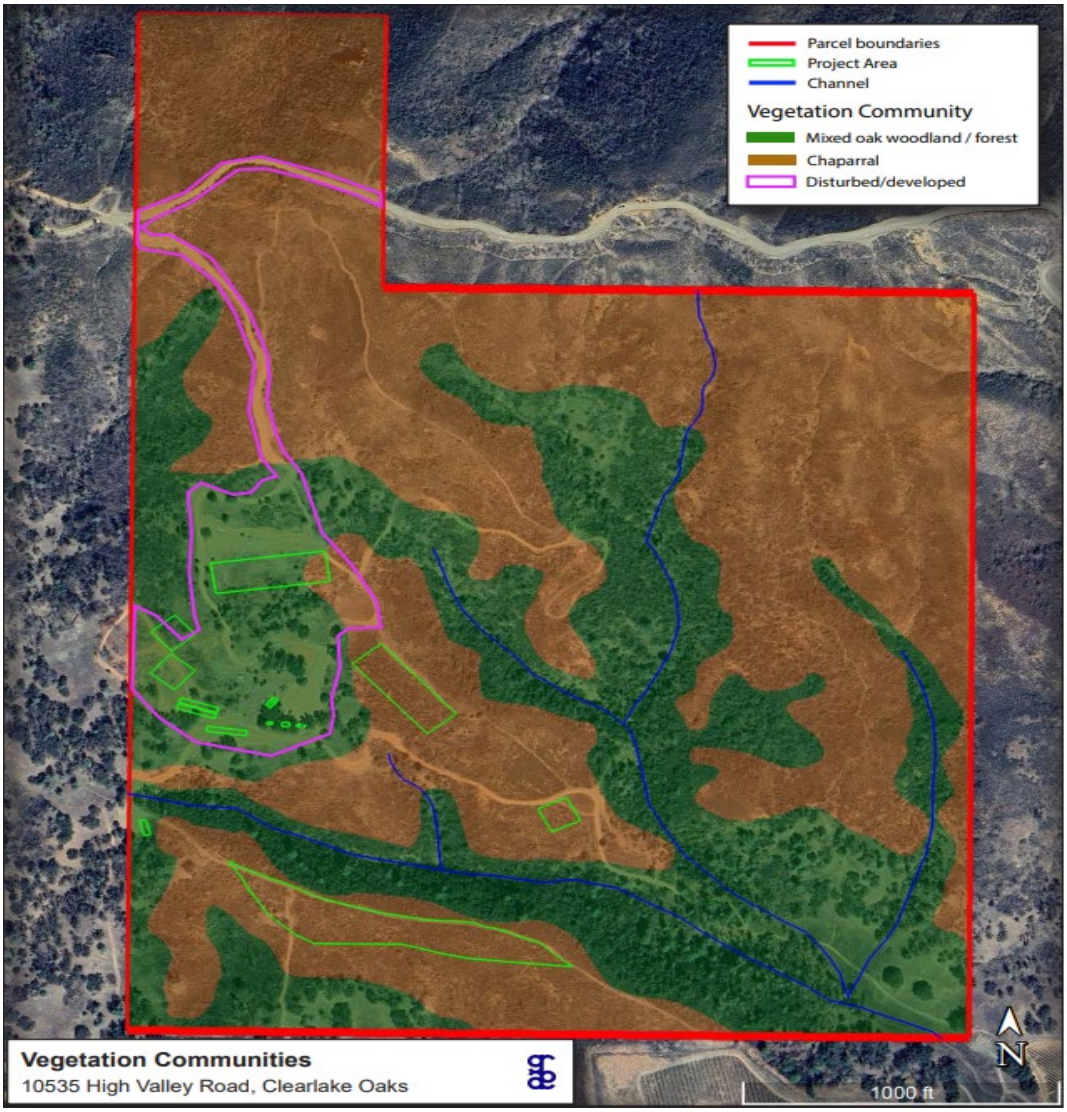
The BA concluded that “no special-status animal species have a moderate or high potential to occur in the Project Areas”. The BA noted that some special-status animals have a “moderate” potential to occur in the ephemeral channels present onsite. As the Project was designed with setbacks of at least 100 feet from all ephemeral drainages, the BA concluded that no direct impacts to special-status animals are expected from implementation of the Proposed project.

Although no special-status species were identified onsite, the BA did note that construction activities or tree removal activities could impact special-status bird species. Therefore, if construction activities or tree removal activities (if any) occur during the nesting season (February through August), a pre-construction survey for the presence of special-status bird species and nesting bird species should occur. This recommendation has been included as Mitigation Measure BIO-1.

Plant Species and Vegetative Communities

According to the BA and the BS, the Study Area contains terrestrial vegetation communities including Chaparral (Chamise), Blue Oak Woodland, and Ruderal/Disturbed areas (Figure 14). The Chaparral communities were significantly impacted by the 2018 Ranch Fire but have since recolonized a majority of the fire-disturbed area. None of these communities are considered Sensitive Natural Communities, per the BA.

Figure 12: Vegetation Communities on the Subject Parcel

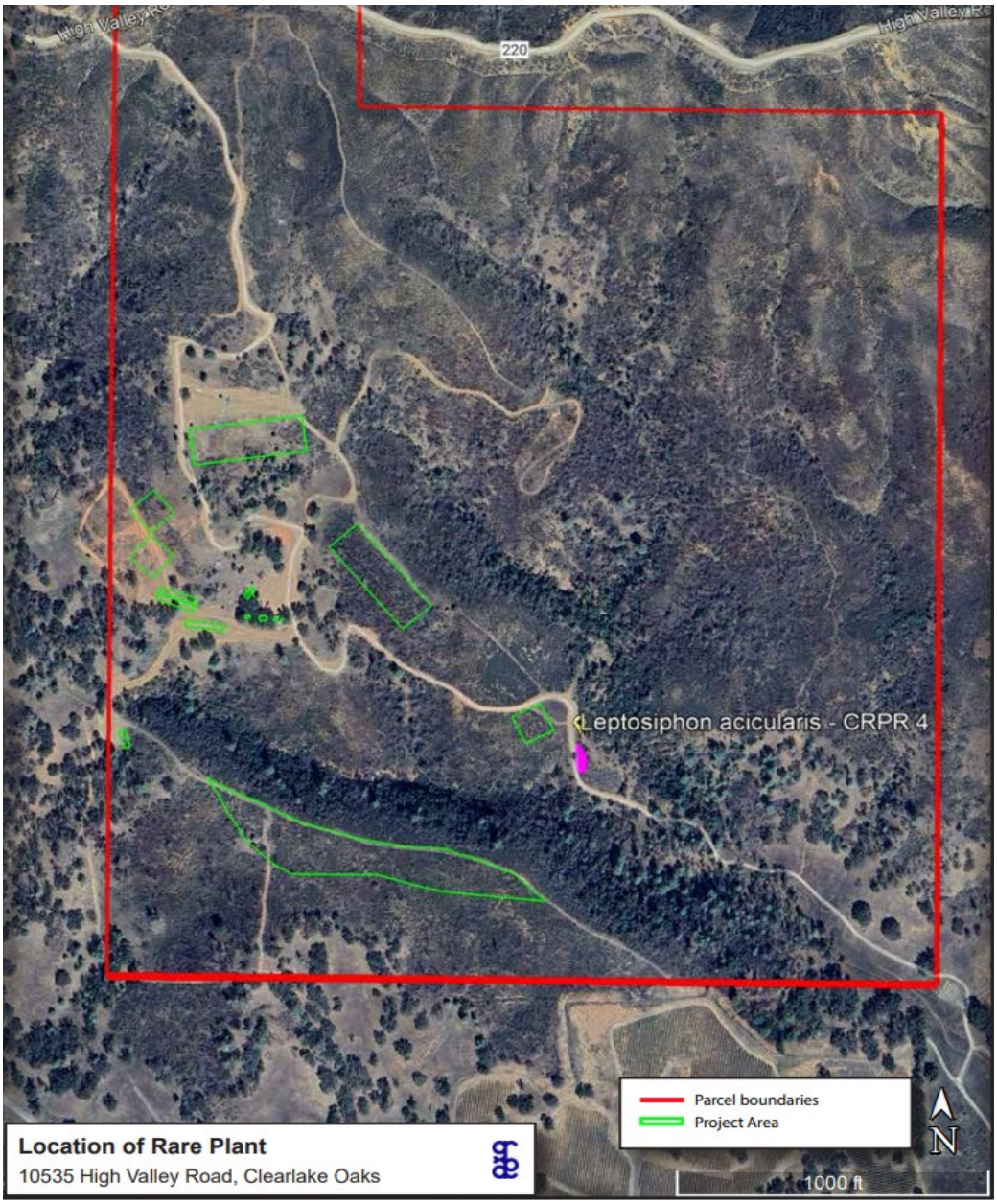


Source: Biological Resources Assessment, 2024

The BA and the BS reviewed available databases and determined that, between the CNDDB, California Native Plant Society (CNPS), and the USFWS IPaC databases, a total of 25 special-status flowering plant species had the potential to occur onsite. The field surveys on the dates listed above included botanical site surveys.

On the April 27th, 2024 site survey, a small stand of Bristly Leptosiphon (*Leptosiphon acicularis*) was identified approximately 100 feet from a proposed Cultivation Area (Figure 15). Bristly Leptosiphon is identified by the CNPS as List 4, which is considered "Watch list: plants of limited distribution. As it is not a CNPS-ranked 1, 2, or 3, plant, it is not considered significant under CEQA, per the BA. In addition, this stand of Bristly Leptosiphon would not be impacted by the Proposed project.

Figure 13: Location of identified Bristly Leptosiphon population on the subject parcel



Source: Biological Resources Assessment, 2024

Potentially Jurisdictional Waters

As described above, several Class III ephemeral drainages run through the property. Development associated with the Proposed project is located outside of all appropriate buffers: 150 feet from a Class I stream, 100 feet from a Class II stream or wetland, and 100 feet from a Class III watercourse. No wetlands, vernal pools or springs are present within the Project area. Potential impacts to watercourses and waterways are discussed further in Section b), below.

Wildlife Corridors

There are no specifically mapped wildlife corridors on the property. Potential impacts to wildlife corridors are discussed in further detail in Section d), below.

Impacts would be Less than Significant with Mitigation Measures BIO-1 Incorporated

BIO-1: If Project activities occur during the bird nesting season (February through August), a qualified biologist shall conduct a pre-construction survey for the presence of special-status bird species or any nesting bird species within 500 feet of the proposed construction areas.

If the qualified biologist identifies any active nests within 500 feet of the proposed construction areas, CDFW and/or USFWS, as applicable, shall be consulted to develop appropriate measures to avoid "take" of active nests and establish appropriate avoidance measures.

b) Refer to Section IV (a). The parcel contains several Class III ephemeral drainages that flow during precipitation events. No development is proposed within 100 feet of these watercourse, which is consistent with Article 27 of the Lake County Zoning Ordinance that regulates commercial cannabis cultivation, and in excess of the watercourse buffers described in the SWRCB Cannabis General Order. No wetlands, wet areas, springs, vernal pools, ponds, or other water bodies are present onsite.

Therefore, Project implementation would not directly impact any channels. Soil disturbance from Project implementation could increase erosion and sedimentation. Regulations at both the County and State levels require creation and implementation of an erosion control plan / stormwater management plan.

The applicant is required to obtain a Complex Grading Permit. has provided a Property Management Plan and a Preliminary Grading Plan with an Erosion Control Plan. These plans address controlled water runoff in a manner that reduces impacts to this stream. No development would occur within the drainage buffers and setbacks and there are no sensitive natural communities within the Project area and access to the Southwestern garden will be across an already installed 18" HDPE pipe that allows the waterway to easily flow without potential impacts of being driven through. The applicant regularly cleans the pipe, ensuring that no blockages are present to cause potential impacts or obstructions. Erosion control measures to control erosion and sedimentation during construction and operation have been identified in the submitted plans. Erosion control measures include swales, stockpile management, road and parking lot management, and sediment management. Refer to the Project Description, above, for specific Best Management Practices (BMPs) measures slated to be impacted.

Furthermore, the Project is enrolled with the SWRCB for Tier 2, Low Risk coverage under Order No. WQ 2019-001-DWQ (General Order). The site was assigned WDID No. 5S17CC429313. Tier 2 dischargers reflect cultivation sites that disturb over one acre and are located on flat slopes outside of riparian setbacks. The General Order requires the preparation of a Site Management Plan (SMP) and a Nitrogen Management Plan (NMP). The purpose of the SMP is to identify Best Practicable Treatment or Control (BPTC) measures that the site intends to follow for erosion control purposes and to prevent stormwater pollution. The purpose of the NMP is to identify how nitrogen is stored, used, and applied to crops in a way that is protective to water quality. The SMP and NMP are required prior to commencing cultivation activities.

Continued compliance with this Order would ensure that cultivation operations would not significantly impact water resources by using a combination of Best Practicable Treatment and Control (BPTC) measures, Best Management Practices (BMPs), buffer zones,

sediment and erosion controls, inspections and reporting, and regulatory oversight. Implementation of these plans, BPTCs, BMPs, compliance with Water Board, and Mitigation Measure BIO-2 would ensure that the impacts are less than significant. Refer also to Section IV(a) and (b).

Impacts would be Less than Significant with Mitigation Measure BIO-2 Incorporated.

BIO-2: All work should incorporate erosion control measures consistent with Lake County Grading Regulations and the State Water Resources Control Board Order No. WQ 2019-001-DWQ.

c) Refer to Section IV (a) and (b). No wetlands are present onsite, per the BA. All activities associated with Project development have been sited greater than 100 feet from watercourse channels. Therefore, Project implementation would not directly impact any channels or wetlands.

Soil disturbance from Project implementation could potentially increase erosion and sedimentation and indirectly impact the wetland. However, regulations at both the County and State levels require creation and implementation of an erosion control plan / stormwater management plan. Potential adverse impacts to water resources could occur during operation of cultivation activities resources by discharge of sediment or other pollutants (fertilizers, pesticides, human waste, etc.) into receiving waterbodies. The applicant is enrolled with the SWRCB for Tier 2, Low Risk coverage under Order No. WQ 2019-001-DWQ (Cannabis Cultivation General Order) and will continue to comply with this Order. Ongoing compliance with SWRCB regulations would ensure that cultivation operations would not significantly impact water resources by using a combination of Best Practicable Treatment and Control (BPTC) Measures, Best Management Practices (BMPs), buffer zones, sediment and erosion controls, inspections and reporting, and regulatory oversight. Therefore, a less than significant impact would occur.

Less than Significant Impact

d) Refer to Section IV (a). The Project area does not contain mapped wildlife corridors or critical habitat for federal or state-listed species. The BA identified the onsite watercourses watercourse as unlikely potential wildlife corridors for aquatic species, however, regardless, all cultivation would be located outside of appropriate setbacks from this watercourse and BMP measures would be implemented to ensure that the Proposed project did not indirectly impact onsite watercourse.

Although no mapped wildlife corridors (such as the California Essential Habitat Connectivity Area layer in the CNDDB) exist within or near the Study Area, the open space and the stream corridors in the Study Area facilitate animal movement and migrations, primarily those of the black-tailed deer. The cultivation areas are proposed to be fenced, which could impede movement of animals. However, the BA concluded that the Proposed project would not have a significant impact on this movement, as the fenced areas would be isolated, and the majority of the Study Area will still be available for corridor and migration routes. In addition, no change to migratory bird patterns is anticipated from the impacts of this Proposed project. The BA did not recommend further mitigation measures.

Implementation of the Project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

Less than Significant Impact

e) In Article 27 of the County of Lake, CA Zoning Ordinance, under §27.13 on Conditions for Commercial Cannabis Cultivation, Tree Removal is listed under Prohibited Activities, whereas "(the) removal of any commercial tree species as defined by the California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species (Quercus species) or Tan Oak (Notholithocarpus species) for the purpose of developing a cannabis cultivation site should be avoided and minimized."

Furthermore, the County of Lake General Plan Policy OSC-1.13 states the County shall support the conservation and management of oak woodland communities and their habitats, and Resolution Number 95-211 was adopted as a Management Policy for Oak Woodlands in Lake County. Resolution Number 95-211 aims to monitor oak woodland resources, pursue education of the public, federal, state and local agencies on the importance of oak woodlands, promote incentive programs that foster the maintenance and improvement of oak woodlands, and, through federal, state, and local agency land management programs, foster oak woodlands on their respective lands within the county.

The Property Management Plan states that the applicant does not intend to remove any trees. Therefore, implementation of the Project does not conflict with any county or municipal policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Less than Significant Impact

f) No special conservation plans have been adopted for this site and no impacts are anticipated. Therefore, the Proposed use would not conflict with an adopted Habitat Conservation Plan or Natural Community Conservation Plan, or any other local, regional, or state habitat conservation plan.

No Impact

V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?	☐	☒	☐	☐

c)	Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Discussion:

a) A Cultural Resources Assessment was prepared by Natural Investigations Company, dated December 2023. The report focused on archaeological and cultural resources but did not identify any historical resources onsite. No historical resources were identified onsite in the report.

The 16' x 24' onsite cabin was constructed prior to 1968 and is greater than 50 years old. This cabin is not listed in the California Register of Historical Resources (CRHR) and was not identified as being a historical resource in the Cultural Resources Assessment, which included a pedestrian site survey. The onsite cabin is unrelated to the Proposed project and would not be impacted by onsite cannabis activities. Therefore, impacts to a historic resource would be less than significant.

Less than Significant Impact

b) A California Historical Resources Information System (CHRIS) records search was completed by the Northwest Information Center (NWIC) to determine if the Project would affect archaeological resources. The record search found that there are no known or mapped significant archaeological resources on this site. See above analysis.

Less than Significant with Mitigation Measures CUL-1 and CUL-3 Incorporated

CUL-1: All employees shall be trained in recognizing potentially significant archaeological, paleontological, or cultural materials that may be discovered during ground disturbance. Prior to ground disturbing activities, the Permittee shall submit a Cultural Resources Plan, identifying methods of sensitivity training for site workers, procedures in the event of an accidental discovery, and documentation and reporting procedures. Prior to ground disturbing activities, the Permittee shall submit verification that all site workers have reviewed the Cultural Resources Plan and received sensitivity training.

CUL-2: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted within 100 feet of the find(s). A professional archaeologist certified by the Registry of Professional Archeologists (RPA) shall be notified and shall evaluate the find(s) and recommend mitigation procedures, if necessary. The findings and mitigation measures shall be reviewed and approved by the Lake County Community Development Director prior to commencing work.

CUL-3: Should any human remains be encountered, the applicant shall halt all work within 100 feet, notify the Sheriff's Department, the culturally affiliated Tribe(s), and a qualified archaeologist for proper internment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.

c) The Project site does not contain a cemetery, and no known formal cemeteries are located within the immediate site vicinity. In the event that human remains are discovered on the Project site, the Project would be required to comply with the applicable provisions of Health and Safety Code §7050.5, Public Resources Code §5097 et. seq. and CEQA

Guidelines §15064.5(e). California Health and Safety Code §7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Pursuant to California Public Resources Code §5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the coroner.

According to the CRA, it is possible, but unlikely, that human remains could be discovered during Project construction. State of California Health and Safety Code Section 7050.5 states that no further disturbance may occur until the County Coroner has made a determination of origin and disposition of the remains pursuant to PRC Section 5097.98. The County Coroner must be notified of the find immediately upon discovery. If the human remains are determined to be of Native American origin, the Coroner will notify the NAHC, which will determine and notify a Most Likely Descendent (MLD). The MLD must complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. As discussed above in Section V(a), the Project, with the proposed mitigation measures, would not likely disturb any human remains.

Less than Significant with Mitigation Measures CUL-1 through CUL-3 Incorporated

VI. ENERGY	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
Would the project:				
a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resource, during construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Discussion:

a) Onsite power would be supplied by proposed solar power. The applicant has had a 5.5kW system designed to power the Project. The outdoor cultivation areas would have minimal needs for power. No mixed-light cultivation is proposed. Power demand for the Project would include lighting and climate control systems for the nursery, security systems and lighting, and well pumps. Energy is not proposed to be used in a wasteful, inefficient, or unnecessary way.

Less than Significant Impact

b) There are no mandatory energy reductions for cultivation activities within Article 27 of the Lake County Zoning Ordinance unless the applicant proposes “indoor cultivation” (not proposed with this application). The Project is proposed as outdoor cultivation and has minimal power demand requirements. As proposed, the Project would not conflict with or

obstruct relevant energy-related components of the Lake County Zoning Ordinance or Lake County General Plan. Therefore, impacts would be less than significant.

Less than Significant Impact

VII. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Measures	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potentially substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special. Publication 42. ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☒	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☒	☐
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Discussion:

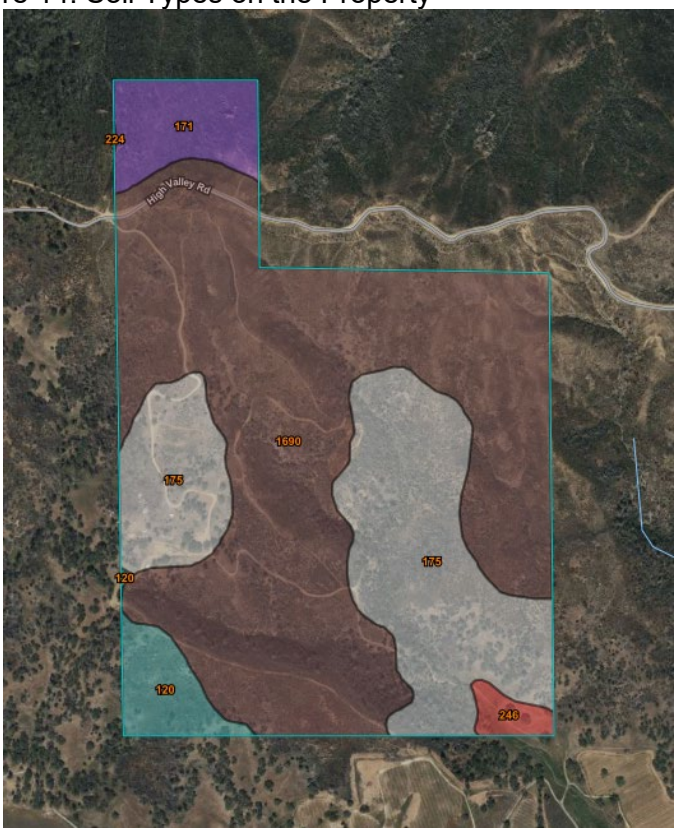
a) The Project site is located in a seismically active area of California and is expected to experience moderate to severe ground shaking during the lifetime of the Project. That risk is not considered substantially different than that of other similar properties and Projects in California.

i) <u>Earthquake Faults</u>
Lake County contains numerous known active faults. Per Lake County Parcel Viewer (2024), there are no mapped Earthquake Fault Zones near the Proposed project. Per the California Geological Survey Data online map, there is a pre-quaternary fault that runs

through the southern area of the property. No information is available for this pre-quaternary fault, however, in general, pre-quaternary faults are not considered to be active faults. The nearest Earthquake Fault Zones are the Clover Vallely Faults and Fault Zones, located approximately 2.3 miles west and south of the Project Site. No Alquist-Priolo fault zones are located near the property; the nearest mapped Alquist-Priolo Earthquake Fault Zone is located approximately 5 miles southwest of the Project Site. The Project involves construction of greenhouses for cultivation purposes, outbuildings and sheds, and placement of shipping containers for harvest storage, none of which are constructed to house employees or residents long-term. All proposed construction would be required to be built consistent with current California Building Code construction standards.

ii, iii) <u>Strong Seismic Ground Shaking and Seismic-Related Ground Failure, including liquefaction</u>
Per the NRCS Web Soil Survey Database, there are five (5) different soil types on the parcel on areas proposed for cultivation activities (Figure 16). These soil types include: Bressa-Millsholm loams, 15 to 30 percent slopes (Map Unit 120; 3.9% of the property), Maymen-Hopland-Etsel association, 15 to 50 percent slopes (Map Unit 171; 5.7% of the property), Maymen-Millsholm-Bressa complex, 30 to 50 percent slopes (Map Unit 175; 28% of the property), Wolfcreek gravelly loam soils (Map Unit 246; 1.3% of the property), and Maymen-Etsel-Snook complex, 30 to 75 percent slopes (Map Unit 1690; 61% of the property). The majority of cultivation activities occurs on Maymen-Etsel-Snook complex soil types and Maymen-Millsholm-Bressa complex soil types, neither of which are considered soils with a high risk for liquefaction.

Figure 14: Soil Types on the Property



Source: NCRS Web Soil Survey, 2024

Future seismic events in the Northern California region can be expected to produce seismic ground shaking at the site. No significant construction is proposed that would cause any significant danger from ground shaking. Factors determining liquefaction potential are soil type, the level and duration of seismic ground motions, the type and consistency of soils, and the depth to groundwater. According to the soil survey of Lake County, prepared by the U.S. Department of Agriculture, the cultivation site is mapped as being generally stable to unstable. In addition, per the California Geological Survey Map from the Department of Conservation, the Project Site is not listed as a liquefaction zone. The soil is not in danger of subsidence, liquefaction, or collapse as a result of the Proposed project as there is no grading or proposed ground disturbance on any unstable soils. Lastly, the area is not identified as a high-risk of earthquake-triggered liquefaction per the USGS Earthquake-triggered Ground-failure Inventory.

(iv) Landslides

The Project parcel is located on the High Valley Ridgetop, with steep terrain. There are some risks of landslides on the parcel, however, the Proposed project's cultivation sites are located on established flat areas of the property. According to the Landslide Hazard Identification Map prepared by the California Department of Conservation's Division of Mines and Geology, the area is considered generally stable and does not have a high risk of landslides or recorded historic landslides. As such, the Project's cultivation site is not considered highly susceptible to landslides and would not likely expose people or structures to substantial adverse effects involving landslides, including losses, injuries or death.

Less than Significant Impact

b) Grading, scraping, and vegetation clearing would be required to prepare the proposed cultivation sites. The Preliminary Grading Plan submitted with the application materials estimated approximately 6,200 cubic yards of cut and 1,250 cubic yards of fill, which would inherently impact the upper layer of soil in the areas proposed for grading. The soil types of the areas proposed to be graded are not topsoil-rich agricultural soils that would result in a significant loss of topsoil. Furthermore, the areas proposed to be graded represent approximately 3% of the total parcel size, representing a minor impact to onsite soils and topsoil, if present.

In addition, the Project is enrolled with the State Water Resources Control Board (SWRCB) for Tier 2, Low Risk coverage under Order No. WQ 2019-001-DWQ (General Order). The General Order requires the preparation of a Site Management Plan (SMP) and a Nitrogen Management Plan (NMP). The purpose of the SMP is to identify Best Practicable Treatment or Control (BPTC) measures that the site intends to follow for erosion control purposes and to prevent stormwater pollution. As part of the Applicant's enrollment, they are required to complete Annual Monitoring and Reporting to the State Water Board, which requires that winterization BPTC measures for erosion and sediment control are in place prior to the winter period. To ensure impacts remain less than significant, Mitigation Measures GEO-1 through GEO-3 have been incorporated.

In addition, a Complex Grading Permit would be required to be obtained prior to grading. The Grading Permit would detail the incorporated Best Management Practices (BMPs) to the maximum extent practical to prevent or reduce discharge / erosion from construction activities. All grading is proposed to consume cut from on the property as fill where

necessary; meanwhile, excess cut material will be taken to a proper disposal site when not appropriate to locate in the designated location on site.

Less than Significant Impact with Mitigation Measures BIO-2, GEO-1 through GEO-3 Incorporated.

GEO-1: Excavation, filling, vegetation clearing, or other disturbance of the soil shall not occur between October 15 and April 15 unless authorized by the Community Development Department Director. The actual dates of this defined grading period may be adjusted according to weather and soil conditions at the discretion of the Community Development Director.

GEO-2: The permit holder shall monitor the site during the rainy season (October 15 – April 15), including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed.

GEO-3: If greater than fifty (50) cubic yards of soil are moved, a Grading Permit shall be required as part of this Project. The Project design shall incorporate Best Management Practices (BMPs) to the maximum extent practicable to prevent or reduce the discharge of all construction or post-construction pollutants into the County storm drainage system. BMPs typically include scheduling of activities, erosion and sediment control, operation and maintenance procedures, and other measures in accordance with Chapters 29 and 30 of the Lake County Code.

c) As mentioned above, onsite soils are not typically considered to be subject to liquefaction. The cultivation site is mapped as being generally stable to unstable. No commercial buildings are proposed that would pose a risk to occupants. Therefore, the soil is not in danger of subsidence, liquefaction, or collapse as a result of the Proposed project.

Less than Significant Impact

d) See discussion of VII(a) (ii) and (iii), above. The Project site is not identified as containing landslides or other unstable geologic conditions. Expansive soils possess a “shrink-swell” characteristic. Shrink-swell is the cyclic change in volume (expansion and contraction) that occurs in fine-grained clay sediments from the process of wetting and drying. Structural damage may occur over a long period of time due to expansive soils, usually the result of inadequate soil and foundation engineering or the placement of structures directly on expansive soils. According to the USDA Soil Survey, the shrink-swell potential for the Proposed project soil types are low to moderate, and therefore not considered to be expansive. There is a less than significant chance of landslide, subsidence, liquefaction or collapse as a result of the Proposed project.

Less than Significant Impact with Mitigation Measure GEO-3 Incorporated

e) The Project site would initially be served by portable toilets, and eventually by a proposed onsite wastewater treatment system. The Project site historically had an onsite wastewater treatment system to serve the onsite hunting cabin. However, this system was damaged in the 2018 Ranch Fire. According to a March 4th, 2024 Memorandum from the Lake County Health Services Department – Environmental Health Division, the applicant would be required to obtain a Major Repair with Site Evaluation permit to repair and/or replace the system.

The proposed 2,400-sq. ft. processing facility would include an ADA-compliant restroom for employee use. Construction of this facility would warrant plumbing and the installation of a septic system. Per discussions with Environmental Health Division, the applicant would likely apply for a new septic permit, in addition to the Major Repair Permit, to repair the old system and install the proposed new system. Prior to installation, the applicant would be required to obtain a permit and complete a Site Evaluation through the Environmental Health Division. The permit and Site Evaluation process would ensure that the proposed type and size of the septic system, which has not yet been designed, would be appropriate and suitable for the property topography, soils, size, and vegetation. This would include a septic suitability investigation, complete with test pits to understand soil profiles, slope gradient and direction, etc.

If the applicant does not pursue the processing building and does not install the proposed septic system, or if the Site Evaluation demonstrates that no suitable septic system can be designed, then the Proposed project would continue to operate on portable restrooms, and no trimming would occur onsite.

The Proposed project would not have soils incapable of supporting an onsite wastewater treatment system because the Proposed project would obtain a Major Repair Permit and Site Evaluation through the Environmental Health Division, which would require onsite testing and determination of soil suitability, otherwise, the Proposed project would continue operating on portable restrooms. Therefore, a less than significant impact would occur.

Less than Significant Impact

f) The Project site does not contain any known unique geologic features or paleontological resources. Disturbance of these resources is not anticipated; however, in the event that paleontological resources are discovered, Mitigation Measure GEO-4 has been implemented to reduce impacts to less than significant.

Less than Significant with Mitigation Measure GEO-4 Incorporated

GEO-4: If paleontological resources are encountered during implementation of the Project, ground disturbing activities will be temporarily redirected from the vicinity of the find. A qualified paleontologist shall be retained by the developer to make an evaluation of the finding. If a significant paleontological resource(s) is discovered on the property, the qualified paleontologist / archaeologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in the find a local qualified repository, and preparation of a report summarizing the find.

VIII. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact

Would the project:

a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Discussion:

a) The Project consists of 5.69 acres of cannabis cultivation. The site is located within the Lake County Air Basin, which is under the jurisdiction of the LCAQMD. The Lake County Air Basin is in attainment for all air pollutants and has therefore not adopted thresholds of significance for GHG emissions. The LCAQMD applies air pollution regulations to all major stationary pollution sources and monitors air quality. Climate change is caused by greenhouse gases (GHGs) emitted into the atmosphere around the world from a variety of sources, including the combustion of fuel for energy and transportation, cement manufacturing, and refrigerant emissions. GHGs are those gases that have the ability to trap heat in the atmosphere, a process that is analogous to the way a greenhouse traps heat. GHGs may be emitted as a result of human activities, as well as through natural processes. Increasing GHG concentrations in the atmosphere are leading to global climate change.

The primary GHGs that are of concern for development Projects include carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N2O). CO_2, CH_4, and N2O occur naturally, and through human activity. Emissions of CO_2 are largely by-products of fossil fuel combustion and CH_4 results from off-gassing associated with agricultural practices and landfills. CO_2 is the most common GHG emitted by human activities.

The Proposed project would be powered by solar power and would have minimal power needs. All cultivation would be outdoors, with minimal lights and fans. No mixed-light cultivation is proposed. The cultivation areas would not have specific greenhouse gas-producing elements, and the cannabis plants would, to a small degree, help capture CO_2. In addition, burning plant material is prohibited in Lake County; no plant material would be burned as a result of the Proposed project.

In general, greenhouse gas emissions from the Proposed project would come from construction activities (vehicles) and from post-construction activities (vehicles primarily). Construction activities on the Project site will be minimal (i.e., approximately 4 to 8 weeks), and would require between three (3) and four (4) employees, or up to eight (8) trips per day on average during the construction period. In addition, up to one (1) delivery trip per day on average is assumed. Therefore, projected trips generated during construction would be approximately nine (9) trips per day. Larger equipment would be mobilized once at the beginning of the construction period, and out at the end of the Project. Construction impacts would be short-term.

Operation of the Proposed project would require between one (1) to nine (9) employees, which would generate between four (4) to 18 trips per day, depending on the time of year. Assuming that full-time staff (up 3 employees) work the entire 180-day cultivation season and that seasonal staff (up to 6 employees) work for 90 days during the season, the

Proposed project would generate an average of eleven (11) daily trips from employees, and a conservative estimate of an average of one (1) trip per day from deliveries, totaling twelve (12) trips per day during operation. Note that these trips are only during a 6-month period of the year; the rest of the year the Project would be dormant and would not generate these trips.

The site is located approximately 4 miles from the City of Clearlake Oaks, the nearest jurisdiction. Clearlake Oaks is a small, rural community with a population of approximately 2,074 (US Census, 2022). Clearlake is the nearest highly populated area, with a population of approximately 16,700 (Census, 2022). Clearlake is approximately 13 miles from the Project site. From this information, in order to calculate potential greenhouse gas emissions from employee vehicular travel, it is assumed that approximately 30% of employees travel 8 miles daily to and from the Site from Clearlake Oaks, 60% of employees travel approximately 13 miles daily from Clearlake, and another 10% travel approximately 40 miles to and from the Site daily from unspecified locations around the rural County. Therefore, on average, employees may cumulatively travel approximately 278 miles per day to and from work. This number reflects the mileage traveled from an average number of employees and delivery trips over the course of the 6-month cultivation season. Therefore, the Proposed project would generate approximately 50,112 driving miles per year.

A vehicle generates an average of 404 grams of CO_2 per mile traveled. The Project would result in an estimated 50,112 miles traveled per year (excluding on-site idling construction equipment, which will be limited in duration to the construction period). This would result in a total of 20,245,248 grams of CO_2 per year, or approximately 20.2 metric tons of CO_2 per year.

As described above, Lake County has not developed thresholds for significant CO_2 emission levels. However, the Bay Area Quality Management District (BAAQMD) has established GHG thresholds that can be used in for significance determination. These thresholds are used by other counties in California without adopted thresholds of significance. Thus, for the analysis of GHG emissions, BAAQMD's GHG thresholds are used to evaluate the significance of the Proposed project's operational GHG emissions. For land use development Projects, the BAAQMD GHG threshold is "annual emissions less than 1,100 metric tons per year (MT/yr.) of CO2e" (BAAQMD, 2017). As described above, the Proposed project would generate approximately 20.2 MT CO_2 per year. Given this projected CO_2 output of this Project, it would take about 50 years for this Project to meet 'life of Project' thresholds for CO_2 emissions. Therefore, impacts would be less than significant.

Less than Significant Impact

b) To date, Lake County has not adopted any specific GHG reduction strategies or climate action plans. For purposes of this analysis, the Project was evaluated against the following applicable plans, policies and regulations:
   - The Lake County General Plan
   - The Lake County Air Quality Management District
   - AB 32 Climate Change Scoping Plan & 2022 Update
   - AB 1346 Air Pollution: Small Off-Road Equipment

   Policy HS-3.6 of the Lake County General Plan on Regional Agency Review of Development Proposals states that the "County shall solicit and consider comments from local and regional agencies on Proposed projects that may affect regional air quality. The County shall continue to submit development proposals to the Lake County Air Quality Management

District for review and comment, in compliance with the California Environmental Quality Act (CEQA) prior to consideration by the County."

The 2022 AB 32 Climate Change Scoping Plan recognizes that local government efforts to reduce emissions within their jurisdiction are critical to achieving the State's long term GHG goals, which includes a primary target of being carbon-neutral by 2045.

On October 9, 2021, AB 1346 Air Pollution: Small Off-Road Equipment (SORE) was passed, which will require the state board, by July 1, 2022, consistent with federal law, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, as defined by the state board. The bill would require the state board to identify and, to the extent feasible, make available funding for commercial rebates or similar incentive funding as part of any updates to existing applicable funding program guidelines to local air pollution control districts and air quality management districts to implement to support the transition to zero-emission small off-road equipment operations, and the applicant should be aware of and expected to make a transition away from SOREs by the required future date.

The Lake County Air Basin is in attainment for all air pollutants with a high air quality level, and therefore the LCAQMD has not adopted an Air Quality Management Plan, but rather uses BAAQMD's rules and regulations for the purpose of determining 'levels of significance' and for reducing the emissions of greenhouse gases. The Proposed project does not conflict with any existing LCAQMD rules or regulations and would therefore have no impact at this time. As described above in Section VIII (a), the Proposed project would generate greenhouse gas emissions at approximately 2% of the BAAQMD's maximum threshold of significance for GHG emissions.

The Project, as proposed, does not conflict with these local, regional, or state-wide policies. The Project is for outdoor cannabis cultivation, without the use of energy-intensive lighting or fans. No wasteful use of energy is proposed. Therefore, impacts would be less than significant.

Less than Significant Impact

IX. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒

e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☒	☐	☐

Discussion:

a) The Proposed project is an agricultural Project on an existing agricultural farm. Materials associated with agriculture, including agricultural chemicals (e.g., fertilizers, pesticides, herbicides), petroleum products (e.g., diesel and gasoline), and standard cleaning products (e.g., hydrogen peroxide, alcohol, and bleach) are already existing onsite and could be used for the Proposed project. These materials may be considered hazardous if released into the environment. Per application materials, all potentially harmful chemicals would be stored within airtight containers and stored within secondary containment in shipping containers or sheds located adjacent to each cultivation area.

The Project will comply with Section 41.7 of the Lake County Zoning Ordinance that specifies that all uses involving the use or storage of combustible, explosive, caustic, or otherwise hazardous materials shall comply with all applicable local, state, and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion. The Project would also implement adequate firefighting and fire suppression equipment, including the installation of a minimum of 12,500 gallons of water storage tanks specifically designated for fire suppression.

The Lake County Division of Environmental Health, which acts as the Certified Unified Program Agency (CUPA) for Hazardous Materials Management, has been consulted about the Project and the Project is required to address Hazardous Material Management in the Property Management Plan, which has been reviewed by the Lead Agency to ensure the contents are current and adequate. In addition, the Project will require measures for employee training to determine if they meet the requirements outlined in the Plan and measures for the review of hazardous waste disposal records to ensure proper disposal methods and the number of wastes generated by the facility. If the Project stores applicable quantities of hazardous materials (i.e., 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas), the applicant would be required to develop a Hazardous Materials Business Plan per CUPA regulations. This has been incorporated as Mitigation Measure HAZ-1.

The Property Management Plan also addresses the following:

- Fertilizers and pesticides will be stored within secondary containment within sheds located near the cultivation area. The pesticide, fertilizer, chemical, and petroleum product storage buildings will have impermeable floors. The storage building will be located over 100 feet from any watercourses.

- Fertilizers and pesticides will be stored separately and will be properly labeled. Employees will be properly trained on fertilizer and pesticide use and will follow manufacturer's suggested application rates.

- Any petroleum products brought to the site, such as gasoline or diesel to fuel construction equipment, will be stored and covered in containers deemed appropriate by the Certified Unified Program Agency. All pesticides and fertilizers products will be stored a minimum of 100 feet from all potentially sensitive areas and watercourses.

- Cannabis waste will be chipped and spread on site or composted as needed. The burning of cannabis waste is prohibited in Lake County and will be not take place as part of Project operations.

- A spill containment and cleanup kit will be kept on site in the unlikely event of a spill. All employees would be trained to properly use all cultivation equipment, including pesticides. Proposed site activities would not generate any additional hazardous waste.

- All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of in accordance with applicable local, state, and federal regulations. No hazardous waste would be generated onsite.

As long as the Project is in operation, the Certified Uniform Program Agency and Lead Agency will conduct regular and/or annual inspections and monitor activities to ensure that the routine transport, use, and disposal of hazardous materials will not pose a significant impact.

Less than Significant Impact with Mitigation Measures HAZ-1 Incorporated

HAZ-1: If the storage of hazardous materials is equal to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, then a Hazardous Materials Inventory Disclosure Statement/Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.

b) According to the Lake County GIS Portal data, flood risk at the Project site is minimal. The site is not located within a FEMA flood zone or adjacent to an identified earthquake fault zone. Fire hazard risk on the Project site is rated by CAL FIRE as "Very High."

See also response to IX (a). The Proposed project involves the use of fertilizers and pesticides, which would be properly stored in a secure, stormproof structure within secondary containment. The Project site does not contain any identified areas of serpentine soils or ultramafic rock, and the risk of asbestos exposure during construction is minimal. The site preparation for the proposed processing building would require some construction equipment and will last for about 4 to 8 weeks. All equipment staging shall occur on previously disturbed areas on the site.

As stated above, a spill kit would be kept on site in the unlikely event of a spill. All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of consistent with applicable local, State, and Federal regulations.

Less than Significant Impact

c) The Proposed project is not located within one-quarter mile of an existing or proposed school. The nearest school is East Lake School, located in Clearlake Oaks approximately 3.5 miles from the Proposed project.

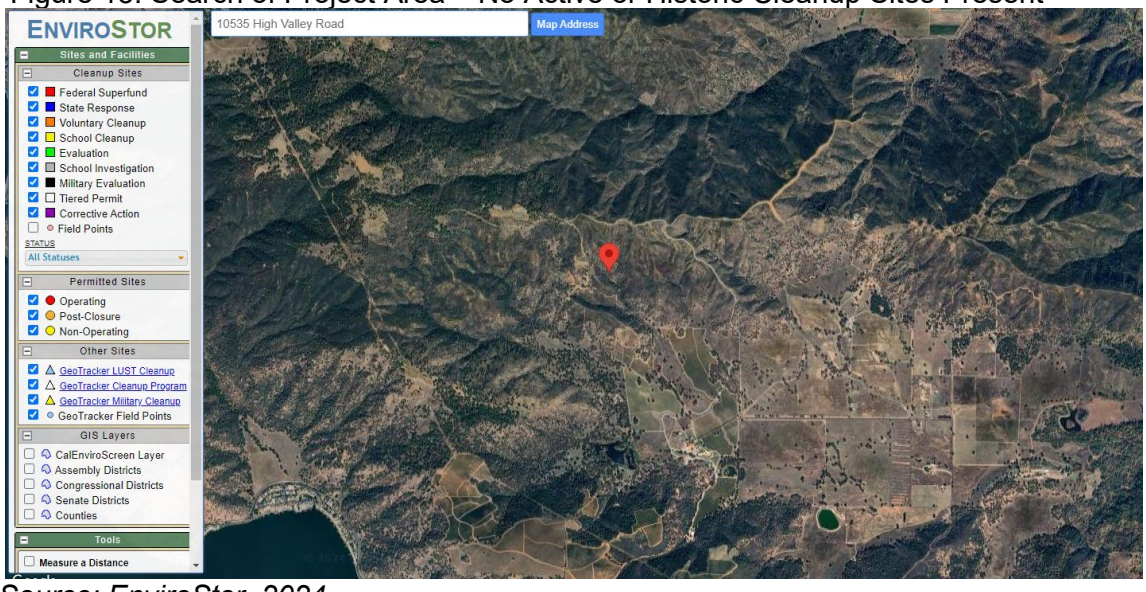
No Impact

d) The California Environmental Protection Agency (CALEPA) has the responsibility for compiling information about sites that may contain hazardous materials, such as hazardous waste facilities, solid waste facilities where hazardous materials have been reported, leaking underground storage tanks and other sites where hazardous materials have been detected. Hazardous materials include all flammable, reactive, corrosive, or toxic substances that pose potential harm to the public or environment. The following databases compiled pursuant to Government Code §65962.5 were checked for known hazardous materials contamination within 0.25 mile of the Project site:

- State Water Resources Control Board (SWRCB) GeoTracker database
- Department of Toxic Substances Control EnviroStor database
- SWRCB list of solid waste disposal sites with waste constituents above hazardous waste levels outside the waste management unit.

The Project site is not listed in any of these databases as a site containing hazardous materials as described above (Figure 17).

Figure 15: Search of Project Area – No Active or Historic Cleanup Sites Present



Source: EnviroStor, 2024

No Impact

e) The Proposed project is not located within two (2) miles of an airport and/or within an Airport Land Use Plan.

No Impact

f) Access to the Site is from High Valley Road, a well-maintained road in compliance with PRC 4290. The Project site does not contain any emergency facilities. An emergency turnaround for vehicles is included in the plans. High Valley Road is an evacuation route on the Lake County Fire Safe Council Evacuation Maps.

At maximum, the Project would employ nine (9) persons onsite, which would not represent a significant impact to the safe evacuation of the area. During long-term operation, adequate access for emergency vehicles via High Valley Road would remain available. Furthermore, the Project would not result in a substantial alteration to the design or capacity of any public road that would impair or interfere with the implementation of evacuation procedures. Therefore, the Project would not impair or interfere with an adopted emergency response or evacuation plan.

Less than Significant Impact

g) The site is mapped by CALFIRE as having a Fire Hazard Severity rating of Very High. The Project would involve outdoor cultivation, which is a low fuel load based on the lack of shrubs and trees. At least 12,500 gallons of fire water storage would be dedicated onsite, exceeding the minimum of 5,000 gallons of onsite designated fire suppression water, per CALFIRE requirements. This volume was calculated using the National Fire Protection Association (NFPA) 1142 standard development fire suppression method, as requested per CALFIRE comment. The 12,500 gallons was based off of the area of largest structure (the 2,400-sq. ft. proposed onsite building), the occupancy classification of the structure, the construction classification, and the building volume based off of the height of the structure, which resulted in a minimum required fire suppression amount of 12,118 gallons. The interior driveway shall demonstrate compliance with or be brought to PRC 4290 and 4291 commercial driveway standards, per County requirements. Road standard improvements are further required by incorporation of Mitigation Measure HAZ-1.

Less than Significant Impact with Mitigation Measure HAZ-1 Incorporated

X. HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☒	☐	☐

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would: i) Result in substantial erosion or siltation on-site or off-site; ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) Impede or redirect flood flows?	☐	☐	☒	☐
d) In any flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☒	☐	☐

Discussion:

a) The Proposed project area is located on a ridge in the High Valley Basin surface water watershed and in an undefined groundwater basin in the Franciscan Formation. Several ephemeral (Class III) drainages are located on the property. Cultivation activities are set back 100 feet from all onsite watercourses, per County standards and in excess of SWRCB watercourse buffers of 50 feet from ephemeral drainages.

Potential adverse impacts to water resources could occur during construction by modification or destruction of stream banks or riparian vegetation, or by increased erosion and sedimentation in receiving water bodies due to soil disturbance. Project implementation will not directly impact any channels or wetlands, as all proposed development is adequately set back from onsite aquatic resources and no wetlands are located onsite.

Soil disturbance from Project implementation could increase erosion and sedimentation. However, the applicant is enrolled with the State Water Resources Control Board (SWRCB) for Tier 2, Low Risk coverage under Order No. WQ 2019-001-DWQ (General Order). Tier 2 dischargers reflect cultivation sites that disturb over one acre and are located on flat slopes outside of riparian setbacks. Compliance with this Order will ensure that cultivation operations will not significantly impact water resources by using a combination of BPTC measures, buffer zones, sediment and erosion controls, inspections and reporting, and regulatory oversight. In addition, a sediment and erosion control plan would be implemented as part of the greater Site management Plan. In addition, a Preliminary Site Grading Plan was prepared by NorthPoint Consulting Group (2024) that incorporated an Erosion Control to address BMP measures for erosion control and prevention of sedimentation.

The onsite watercourses are ephemeral in nature and are not listed on the California Clean Water Act Section 303(d) List; however, the onsite ephemeral drainages drain to Schindler Creek, which eventually drains to Clear Lake. Clear Lake is listed on the 303(d) List for Mercury and Nutrients. Inputs of mercury to Clear Lake include past and present discharges from Mercury mines, geothermal sources, erosion of soils with naturally occurring mercury,

and atmospheric deposition. The Proposed project is not a source of mercury.

Clear Lake is also on the list for over pollution of nutrients. Clear Lake Nutrients result in nuisance algae blooms as a result of phosphorous loading. Sources of phosphorous include point sources from permitted stormwater dischargers and nonpoint sources. Nonpoint sources include irrigated agriculture from about 13,000 acres throughout the County. The total cultivation proposed is 5.69 acres, which represents only a minor amount, 0.04%, of the County's irrigated agricultural area. In addition, as described above, the applicant is enrolled with the SWRCB General Order, which requires development of a Nitrogen Management Plan and a Site Management Plan to address discharges of waste associated with cannabis cultivation from irrigation runoff, fertilization, road construction, grading activities, etc. Enrollees are required to submit technical and monitoring reports to demonstrate compliance with the Cannabis Cultivation General Order. Because the Proposed project represents a minor amount of the County's total irrigated area, and because the Proposed project must comply with the Cannabis Cultivation General Order, the impacts to Clear Lake Nutrients would be less than significant.

Lastly, the Proposed project has been designed to maintain riparian buffers and grading setbacks of 100 feet from all watercourses. No development would occur within the drainage buffers and setbacks. The current development areas have been placed as far away as possible from waterbodies and in the flattest practical areas to reduce the potential for water pollution and erosion. The Proposed project would be required to follow all local, regional, and state plans regulating water quality.

Therefore, due to all of the above, the Proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality.

Less than Significant Impact

b) The proposed 5.69 acres of cannabis cultivation would utilize groundwater as the water source for irrigation. Water would be sourced from one (1) existing groundwater well onsite, located near the driveway entrance (Lat/Long: 39.064783, -122.722353). No surface water diversion is proposed for this Project.

Due to the existing exceptional drought conditions, on July 27, 2021, the Lake County Board of Supervisors passed an Urgency Ordinance (Ordinance 3106) requiring land use applicants to provide enhanced water analysis during a declared drought emergency. Ordinance 3106 requires that all Projects that require a CEQA analysis of water use include the following items in a Hydrology Report prepared by a licensed professional experienced in water resources:

- Approximate amount of water available for the Project's identified water source,
- Approximate recharge rate for the Project's identified water source, and
- Cumulative impact of water use to surrounding areas due to the Project

In addition, a Drought Management Plan is required to describe how the applicant would reduce water during a declared drought emergency.

A Hydrology Report and Drought Management Plan, compliant with Ordinance 3106, was prepared for the Proposed project by NorthPoint Consulting Group, Inc. in November 2023.

Well Information and Yield

Water for the cultivation would be sourced from the existing onsite permitted well. The well was drilled in August of 2022, to a depth of 400 below ground surface (bgs), through 23 feet bgs of brown shale and clay, 20 feet to 200 feet bgs of black shale, and 200 ft to 400 ft bgs of sandstone. Depth to water was detected at 200 ft bgs. At the time of drilling, a two hour well production test yielded 40 gallons per minute (gpm), per the Well Completion Report.

Water Demand, Storage, and Irrigation

According to the Property Management Plan, water for the entirety of the Proposed project would be 11.2 acre-feet per year (AFY). This is based on a conservative estimate of 14.7 gallons of water per canopy square foot per year. The projected average water demand during the cultivation season is 20,280 gallons per day, and the maximum water demand during flowering season is approximately 27,850 gallons per day. Thus, assuming a 180-day cultivation season, with 65% of the cultivation season reflecting a vegetative irrigation state (average) state and 35% of the season reflecting a flowering irrigation state (maximum), the total demand for the Project would be 11.2 AFY (approximately 3.65 million gallons). See Table 1 in the Project Description for a monthly breakdown of water use.

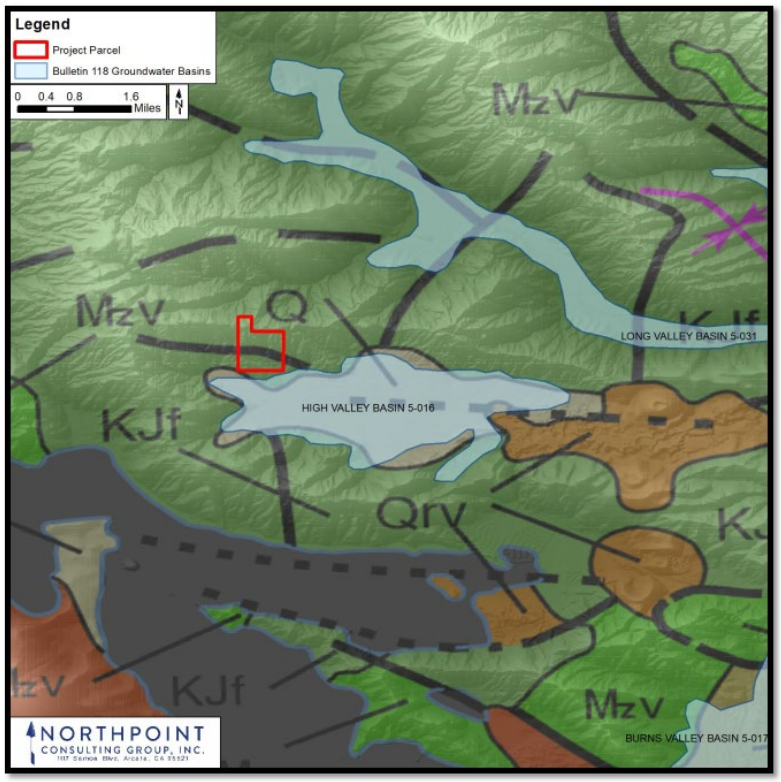
The Hydrology Report notes that the estimated 11.2 AFY is based on a conservative estimate and is to be used as an upper limit of water use for analysis purposes; the true water usage is likely to be less than projected.

Total water storage for irrigation is proposed to be 79,000 gallons, representing 3 to 4 days of water storage for the cannabis operation. Water would be pumped and/or gravity-fed from the wells to 25 x 3,000-gallon capacity plastic water storage tanks and one (1) 4,000-gallon plastic water storage tank. The locations of proposed water tanks are shown on the Site Map in. Water would be conveyed to the cultivation sites by well pumps and gravity-feed methods through polyethylene pipes, powered by solar energy. From the water tanks, water would be conveyed to drip irrigation systems to water the individual cultivation beds or outdoor pots.

Groundwater Basin Information and Hydrogeology

The Proposed project is located in an undefined groundwater basin within the Franciscan Formation. The High Valley Groundwater Basin (Basin #5-16) is located approximately 0.5 miles southeast of the Project, and the Long Valley Groundwater Basin (#5-31) is located approximately 2 miles to the northeast. Although the Project Site is located in between both basins, the site drains southeast toward the High Valley Groundwater Basin (Figure 18).

Figure 16: California Bulletin 118 Groundwater Basins in relation to the Project Site (in red)



Source: Hydrology Report and Drought Management Plan, 2023

As the Project site drains to the High Valley Groundwater Basin (#5-016), that basin was the primary source of analysis in the Hydrology Report. The High Valley Groundwater Basin (HVGB) is approximately 2,357 acres (3.7 square miles). It is located within the Schindler Creek Watershed, and includes a small, 3-mile-long valley called High Valley. The valley drains to Schindler Creek, and eventually into Clearlake. According to the Hydrology Report, there are two water-bearing formations in the High Valley Basin: an unconfined aquifer within the Quaternary Alluvium (approximately 100 ft. in depth) and a confined aquifer within the Holocene Volcanics (below the alluvium).

According to the Lake County Groundwater Management Plan, the average-year agricultural groundwater demand in the High Valley Basin is approximately 36 acre-feet per year; however, a recent report from Kimley Horn (2021) presented to the Lake County Planning Commission estimated irrigation use in the HVGB to be approximately 360 acre-feet annually. Additionally, the HVGB Boundary Description from the Department of Water Resources estimates groundwater extraction from agriculture to be approximately 78 acre-feet annually (2004). Estimates vary widely; however, for the purposes of this section and analysis, the most conservative estimate was used.

The HVGB has a “Very Low” Priority rating from the Sustainable Groundwater Management Act (SGMA) Basin Prioritization Dashboard, meaning that the California Department of Water Resources has not identified this basin as a critically over drafted basin. Critically over drafted is defined by DWR as, “A basin subject to critical overdraft when continuation of present water management practices would probably result in

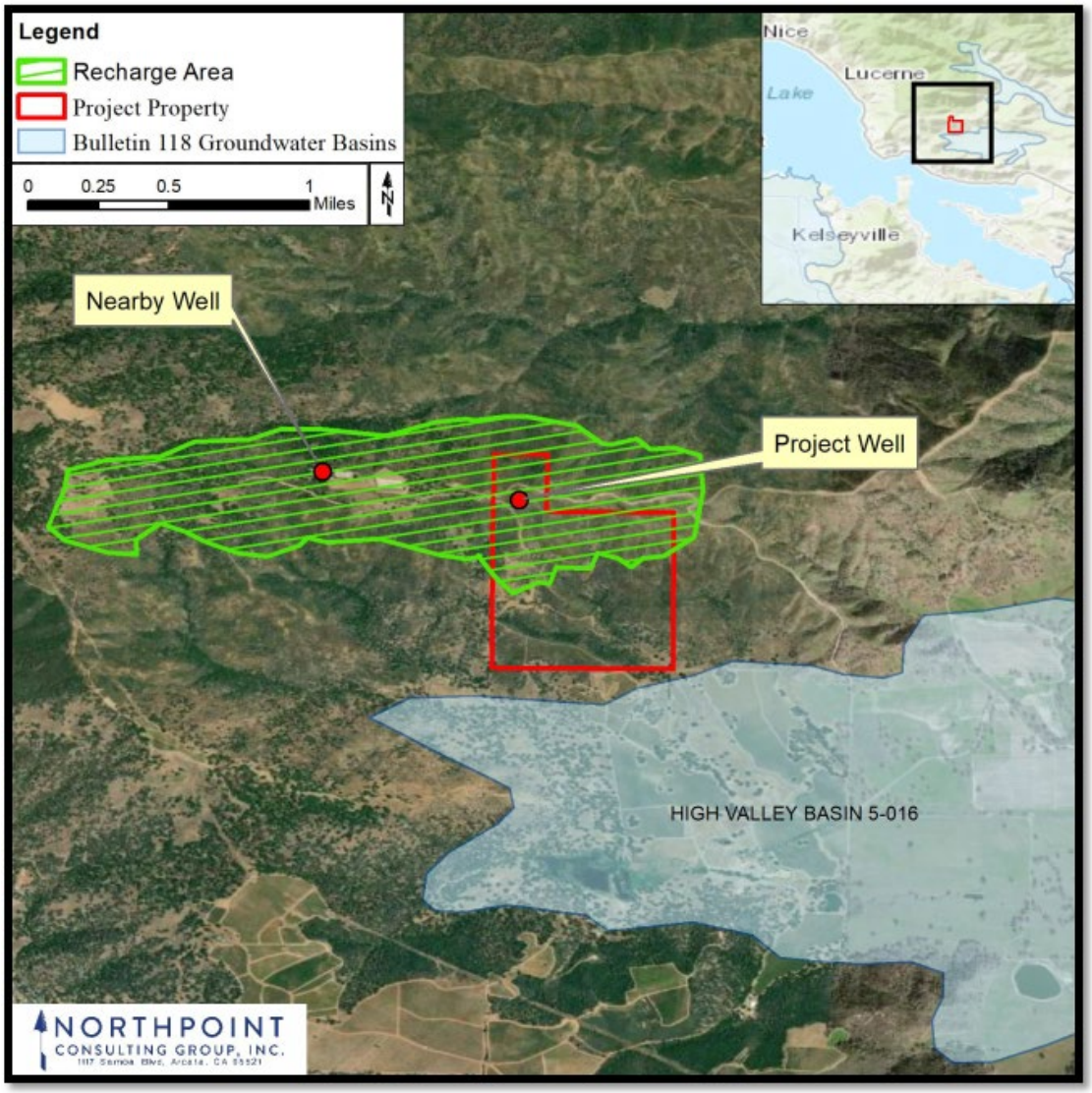
significant adverse overdraft-related environmental, social, or economic impacts." In addition, as part of the California Statewide Groundwater Elevation Monitoring (CASGEM) Program, DWR created the CASGEM Groundwater Basin Prioritization statewide ranking system to prioritize California groundwater basins in order to help identify, evaluate, and determine the need for additional groundwater level monitoring. California's groundwater basins were classified into one of four categories high-, medium-, low-, or very low-priority. As stated above, the groundwater basin pertaining to this Project is ranked as a "Very Low" priority basin by the CASGEM ranking system.

Groundwater Recharge and Storage:

The Hydrology Report calculated groundwater recharge using the depth of the completed well and the elevation of the well, resulting in an approximate recharge area of 462 acres (Figure 19).

Once the recharge area was estimated, the Curve Number (CN) method was used to estimate surface runoff and potential volumes of groundwater recharge over the 462-acre recharge area. The CN method was based on hydrologic soil group, cover type, condition, and land use over the area of recharge. Using the CN method and average precipitation values over the area from 2000 to 2022 during both an average precipitation year (33 inches) and a drought precipitation year (8 inches), the estimated annual recharge over the recharge area of the Project's well was estimated to be 107 acre-feet during a drought year and 139 acre-feet during an average rainfall year. Recharge rates were also calculated for the parcel (196.7 acres). Results are summarized in Table 2.

Figure 17: Project Site and the nearby High Valley Basin groundwater basin, Project well location and nearby well locations, and recharge area



Source: Hydrology Report and Drought Management Plan, 2023

Table 2: Estimated annual recharge over the Recharge Area of the Project's Wells (953 acres) and the Project's Parcel Area (302.5 acres)

Recharge Area (acres)	P (inches)	CN	S (inches)	I_a (inches)	Q (inches)	Recharge = $P - Q - {}^{*}I_a$ (inches)	Recharge (AF)
462	8.1	73.5	3.601	0.72	5.0	2.8	107
462	33.0	73.5	3.601	0.72	29.0	3.6	139
196.7	8.1	73.5	3.601	0.72	5.0	2.8	46
196.7	33.0	73.5	3.601	0.72	3.6	3.6	59

Source: Hydrology Report, 2023

These results were further analyzed using another method of recharge from available USGS data, which yielded a much higher estimate. Based on the USGS estimates for groundwater recharge between 10 to 66% of precipitation, the 462-acre recharge area would apply to approximately 31.3 – 206.3 AFY during a drought year, and 127 AFY – 838 AFY during an average precipitation year. Over the 196.7-acre parcel recharge area, recharge would be between 13.3 – 87.9 AFY during a drought year, and between 54.1 – 256.8 AFY during an average precipitation year.

For the remaining calculations in the Hydrology Report, the lowest estimates of recharge over the parcel area, based on 10% of precipitation (13.3 AFY for a drought year and 54.1 AFY during an average year), were used to calculate a conservative estimate of long-term average groundwater recharge. Using the most conservative estimate, the 196.7-acre parcel area would have sufficient recharge, even during a drought year, to meet the maximum Project demand of 11.2 AFY. The Hydrology Report concluded that, using the most conservative estimates of groundwater recharge, in all cases the recharge over both the 462-acre recharge area and the 196.7-acre Project parcel would exceed the Project water demand of 11.2 AFY.

Therefore, the Hydrology Report concluded that the Project's groundwater supply, both in recharge and storage, would be sufficient to meet the Project demand.

Cumulative Impact to Surrounding Areas:
The Project site is in a relatively rural area, within an undefined groundwater basin in close proximity to HVGB. There is an existing cannabis cultivation project (UP 20-21) utilizing an existing well within the groundwater recharge area. The neighboring project is located approximately 1,500 feet to the northwest of the proposed project site, on APN 006-004-19. The demand for the adjacent cannabis site is approximately 6.6 AFY. Therefore, the cumulative demand within the recharge area is 17.8 AFY (11.2 AFY + 6.6 AFY). As discussed above, the lowest estimate of recharge over the recharge area during a drought year is 31.3 AFY; therefore, there is sufficient recharge to meet both Project's demands, using conservative estimates.

Furthermore, the proposed 79,000 gallons of storage proposed for the Project represents 3 to 4 days of the maximum daily water demand, providing sufficient recovery time for the onsite well and even further reducing the potential for the Project's groundwater usage to impact neighboring wells.

Conclusions:
The Hydrology Report concluded that there would be sufficient groundwater recharge and supply to meet the Project's demand. However, since the Project's water source is in an undefined basin with little background information, it was recommended that the Project applicant monitor water levels in the wells. Specifically, the Hydrology Report recommended pre- and post-season well level monitoring and weekly water extraction and well level monitoring. These have been incorporated as Mitigation Measures HYD-1 and HYD-2. See the description under (e), below, for further details.

In addition, the applicant would be required to follow the Drought Management Plan prepared for this Project. In the event that the wells are showing signs of slowing production or if a well is unable to meet Project needs, the applicant would be required to cease use of the well and develop an alternative solution (e.g., reducing cultivation area, reducing cultivation season, installing additional water storage, developing a rain

catchment system, etc.). This has been incorporated as Mitigation Measure HYD-3 to ensure that impacts remain less than significant.

The Hydrology Report concluded that, since there is sufficient groundwater supply and annual recharge to meet the Project's demand during both average and dry precipitation years, since the Project is situated in an area of extremely low population and well densities, and since the Project proposes to store at least three (3) days of onsite maximum season water storage to allow wells to recharge, that there is little impact from the Proposed project to surrounding wells, especially with the implementation water monitoring, reporting, conservation measures, and drought management practices (Mitigation Measures HYD-1, HYD-2, and HYD-3). With implementation of these mitigation measures, the Proposed project would not have a direct nor a cumulative impact on groundwater supply in the HVGB and the surrounding area.

Less than Significant Impact with Mitigation Measures HYD-1 through HYD-3 Incorporated

HYD-1: The applicant shall conduct seasonal static water level monitoring. The water level in each of the used wells shall be measured and recorded once in the Spring, prior to cultivation activities, and once in the fall, after cultivation is complete for the season. Records shall be kept and reported to the County and state agencies as part of the Project's annual reporting requirements.

HYD-2: The applicant shall have a meter to measure the amount of water pumped on each well. The applicant shall take weekly recordings of the amount of water used during extraction. In addition, water levels of each well shall be monitored weekly during well usage. Records of weekly water levels in each well shall be kept, and elevations shall be reported to the County and state agencies as part of the Project's annual reporting requirements. If water levels are dropping significantly, a revised Water Management Plan, including a revised water budget and water mitigation strategies, shall be prepared and submitted to the County for review and approval prior to continuing operation.

HYD-3: The applicant shall adhere to the measures described in the Drought Management Plan (Hydrology Report, 2023) during periods of a declared drought emergency. In addition, in the event that a well is unable to supply required water for the Project, the applicant shall either (1) reduce the amount of cultivation and/or length of cultivation season, as appropriate, (2) install additional water storage, (3) implement a rainwater catchment system, or (4) develop an alternative, legal water source in coordination with Lake County and Water Resource agencies. In no event shall water be diverted from surface waters.

c) The proposed cultivation areas are in flat areas that have already been cleared and graded for agriculture or would require grading and vegetation removal activities for new cultivation. The cultivation areas have all been designed to maintain riparian buffers and grading setbacks of 100 feet or 150 feet, depending on stream classification. No development would occur within the drainage buffers and setbacks. The Proposed project has been designed to maintain existing flow paths. The Project proposes approximately 7,500 sq. ft. of new impervious surfaces (2,400 sq. ft. of new building, water tanks, portable toilets, solar panels, and accessory sheds).

(i) As discussed in Section (a) above, construction activities and operation of the Proposed project would not result in substantial erosion or siltation, with the erosion control plan and SWRCB General Order.

(ii) and (iii) The Proposed project includes approximately 7,500 sq. ft. of new impervious surface area. Hoop houses were not included in this calculation; if hoop houses are used, they would be temporary and would follow the requirements of Ordinance 3132, thus not increasing impervious surface area. The proposed 7,500 sq. ft. of new impervious surface area represents less than .1% of the 196.7-acre property, a minimal increase that would be easily absorbed by natural site soils and would not require significant additional stormwater treatment systems.

In addition, the Project would be required to comply with the SWRCB General Order and implement BMPs. See the Project Description for a list of BMPs to be implemented onsite, including installation of straw wattles, preserving existing vegetation, rocking access roads, and implementing sediment control measures on disturbed areas. Therefore, the Project would not increase the rate or amount of surface runoff or create or contribute to runoff water which would exceed the capacity of an existing drainage system.

(iv) The proposed cultivation area is not within a FEMA Flood Zone. The Project would not impede or redirect flood flows.

Less than Significant Impact

d) The proposed cultivation areas are not located in a floodplain, tsunami, or seiche zone.

No Impact

e) Refer to Section X(b), above. The Hydrology Report concluded that there was sufficient groundwater supply, storage, and recharge for the 11.2 AFY maximum Proposed project demand. The Hydrology Report also concluded that the Project's irrigation usage would not directly or cumulatively impact water supply, with proper monitoring, conservation, and drought management practices.

The Project has adopted a Drought Management Plan (DMP) as part of the requirements of Lake County Ordinance 3106, passed by the Board of Supervisors on July 27, 2021, which depicts how the applicant proposes to reduce water use during a declared drought emergency and ensures both the success and decreased impacts to surrounding areas. This Drought Management Plan is included in the Hydrology Report. The Project also proposes water metering and conservation measures as part of the standard operating procedures, and these measures will be followed whether or not the region is in a drought emergency. As part of the Project's standard operational procedures, the Project proposes to implement ongoing water monitoring and conservation measures that would reduce the overall use of water. These measures are included in the Water Use Management Plan (Section 15.2) as required by Article 27, Section 27.13 (at) 3 of the Lake County Zoning Ordinance.

On-going water conservation measures include:

- No surface water diversion

- The selection of plant varieties that are suitable for the climate of the region
- The use of driplines and drip emitters rather than spray irrigation
- Covering drip lines with straw mulch or similar materials to reduce evaporation
- Using water application rates modified from data obtained from soil moisture meters and weather monitoring
- Utilizing shutoff valves on hoses and water pipes
- Daily visual inspections of irrigation systems
- Immediate repair of leaking or malfunctioning equipment
- Water-use metering and budgeting

A water budget will be created every year and water use efficiency from the previous year will be analyzed.

In addition to water use metering, water level monitoring is also required by Lake County Zoning Ordinance Article 27 Section 27.11 (at) 3.v.e., specifically that wells must have a meter to measure the amount of water pumped as well as a water level monitor. Well water level monitoring and reporting will be performed as follows:

Seasonal Static Water Level Monitoring

The purpose of seasonal monitoring of the water level in a well is to provide information regarding long-term groundwater elevation trends. The water level in each well will be measured and recorded once in the Spring (March or April), before cultivation activities begin, and once in the fall (October) after cultivation is complete, as the California Statewide Groundwater Monitoring Program (CASGEM) monitors semi-annually, around April 15 and October 15 of each year. Records shall be kept, and elevations reported to the County as part of the Project's annual reporting requirements. Reporting shall include a hydrograph plot of all seasonal water level measurements, for all Project wells, beginning with the initial measurements. Seasonal water level trends will aid in the evaluation of the recharge rate of the well. If the water level in a well measured during the Spring remains relatively constant from year to year, then the water source is likely recharging each year. This has been incorporated in Mitigation Measure HYD-1.

Water Level Monitoring During Extraction

The purpose of monitoring the water level in a well during extraction is to evaluate the performance of the well and determine the effect of the pumping rate on the water source during each cultivation season. This information will be used to determine the capacity and yield of the Project's wells and to aid the cultivators in determining pump rates and the need for water storage. The frequency of water level monitoring will depend on the source, the source's capacity, and the pumping rate. It is recommended that initially the water level be monitored twice per week or more, and that the frequency be adjusted as needed depending on the impact that the pumping rate has on the well water level. Records will be kept, and elevations reported to the County as part of the Project's annual reporting requirements. Reporting will include a hydrograph plot of the water level measurements for all Project wells during the cultivation season and compared to prior seasons. This has been incorporated in Mitigation Measure HYD-2.

Measuring a water level in a well can be difficult and the level of difficulty will depend on site-specific conditions. As part of the well monitoring program, the well owner or operator will work with a well expert to determine the appropriate methodology and equipment to measure the water level, as well as who will conduct the recording and monitoring of the

well level data. The methodology of the well monitoring program will be described and provided in the Project's annual report.

In addition to monitoring and reporting, an analysis of the water level monitoring data will be provided and included in the Project's annual report, demonstrating whether or not use of the Project wells is causing significant drawdown and/or impacts to the surrounding area and what measures can be taken to reduce their impacts. If there are impacts, a revised Water Management Plan will be prepared and submitted to the County for review and approval, which demonstrates how the Project will mitigate the impacts in the future.

Drought Emergency Water Conservation Measures

In addition to the above on-going water monitoring and conservation measures, during times of drought emergencies or water scarcity, the Project may implement the following additional measures as needed or appropriate to the site in order to reduce water use and ensure both the success and decreased impacts to surrounding areas:

- Install moisture meters to monitor how much water is in the soil at the root level and reduce watering to only what is needed to avoid excess
- Cover the soil and drip-lines with removable plastic covers or similar to reduce evaporation
- Irrigate only in the early morning hours or before sunset
- Cover plants with shaded meshes during peak summer heat to reduce plant water needs
- Use a growing medium that retains water in a way to conserve water and aid plant growth. Organic soil ingredients like peat moss, coco coir, compost and other substances like perlite and vermiculite retain water and provide a good environment for cannabis to grow
- Install additional water storage

In the event that the well cannot supply the water needed for the Project, the following measures may be taken:

- Reduce the amount of cultivation and/or length of cultivation season
- Install additional water storage
- If possible, develop an alternative, legal, water source that meets the requirements of Lake County Codes and Ordinances.

The requirement to follow the Drought Emergency Water Conservation Measures has been included as Mitigation Measure HYD-3.

Less than Significant Impact with Mitigation Measures HYD-1 through HYD-3 Incorporated

XI. LAND USE PLANNING	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact

Would the project:

a)	Physically divide an established community?	☐	☐	☐	☒
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Discussion:

a) The Proposed project is located on an existing agricultural property and no land divisions or residential development are proposed. This Project does not have the potential to physically divide an established community, which typically include new freeways and highways, major arterial streets, and railroad lines or development that would make traveling more difficult in the area. No new roads or homes are proposed, and the Project is consistent with existing Rural Lands zoning requirements. Therefore, the Proposed project would not physically divide an established community and no impact would occur.

No Impact

b) The General Plan Land Use designation and Zoning District designation currently assigned to the Project site is Rural Land (RL) – Waterway Combining (WW), Scenic Combining (SC). The Lake County Zoning Ordinance allows for commercial cannabis cultivation in the RL land use zone with a major use permit.

The SC Zoning District, as described in the Lake County Zoning Ordinance Article 34.1, sets forth to "protect and enhance views of scenic areas from the County's scenic highways and roadways for the benefit of local residential and resort development, the motoring public, and the recreation-based economy of the County." According to Article 34.2, scenic criteria that applies to the Project parcel include 1) varied topographic features including dominant hills and mountains; 2) vegetative features including significant stands of trees and plants; and 3) pastoral features such as pastures and vineyards, all visible from High Valley Road at the location of the Project site.

The Proposed project is consistent with the existing General Plan, Shoreline Communities Local Area Plan due to the rugged, mountainous terrain and east-facing slope that will not obstruct public views on the lake, and Zoning designation, including Article 27 of the County of Lake Zoning Ordinance, which allows cannabis cultivation in lands Zoned as RL. The Project is consistent with the Lake County Cannabis Cultivation Ordinance (Number 3084). Furthermore, the Project Site is not located in a Commercial Cannabis Cultivation Exclusion Zone, as defined by the County.

Less than Significant Impact

XII. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

Discussion:

a) The Aggregate Resource Management Plan (ARMP) does not identify the Project site as having an important source of aggregate. Additionally, according to the California Department of Conservation, Mineral Land Classification, there are no known mineral resources on the Project site. Further, the Proposed project does not propose structures or uses that would permanently prevent future access to any mineral resources on site.

No Impact

b) According to the California Geological Survey's Aggregate Availability Map, the Project site is not within the vicinity of a site being used for aggregate production. In addition, the site is not delineated on the County of Lake's General Plan, the Shoreline Communities Planning Area Plan nor the Lake County Aggregate Resource Management Plan as a mineral resource site. Therefore, the Project has no potential to result in the loss of availability of a local mineral resource recovery site.

No Impact

XIII. NOISE	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Result in the generation of excessive ground-borne vibration or ground-borne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion:

a) Noise related to outdoor cannabis cultivation could occur either during construction, or as the result of machinery related to operations, such as a well pump. Power would be supplied by solar power. A backup generator is proposed for power outages.

The Project has potential to generate noise related to site preparation, and during the life of the Project. With regard to the Lake County General Plan Chapter 8 - Noise, sensitive receptors are defined as schools, health care facilities, and libraries. Under this definition, there are no sensitive noise receptors within one (1) mile of the Project site, and Community Noise Equivalent Levels (CNEL) are not expected to exceed the 55 dBA during daytime hours (7am – 10pm) or 45 dBA during night hours (10pm – 7am) when measured at the property line. Additionally, Chapter 8 – Noise states that noise-reducing mitigation measures during construction when residential uses or other sensitive receptors are located within 500 feet shall be implemented. As stated previously, the nearest residence to the Project area is located approximately 2,000 feet to the south of the Project. Therefore, the property size, topography, and vegetation would diminish noises potentially heard by neighboring properties. In addition, Mitigation Measures NOI-1 and NOI-2 have been incorporated to fully limit the potential sources of noise.

Impacts would be Less than Significant with Mitigation Measures NOI-1 through NOI-2 Incorporated

NOI-1: All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00 a.m. and 7:00 p.m., and Saturdays from 12:00 noon to 5:00 p.m. to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work.

NOI-2: Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00 a.m. to 10:00 p.m. and 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.

b) The Project is not expected to create significant groundborne vibration due to major construction or to post-construction operation. The proposed 2,400 sq. ft. processing building would be constructed; however, it is proposed on an existing flat area and would not require major construction to erect. There will be grading, scraping, and vegetation clearing activities for preparation of the Cultivation Areas, however, these activities are consistent with existing past agricultural uses of the site and are not expected to generate groundborne vibration or noise levels detectable to any neighboring properties.

Less than Significant Impact

c) The Project site is located over 15 miles from the nearest airport or airstrip. Therefore, the Project would not expose people residing or working in the Project area to excessive noise levels from air travel.

No Impact

XIV. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Measures	Less Than Significant Impact	No Impact

Would the project:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion:

a) The Proposed project does not involve the construction of homes or facilities (e.g., new roads) that would directly or indirectly induce population growth. Up to nine (9) employees would be required for the operation, six (6) of which would be seasonal employees. Employees would likely live in the area already and commute to the site daily. Therefore, the Proposed project would not directly or indirectly induce substantial population growth.

No Impact

b) No residences are proposed to be constructed or impacted. Therefore, no people or housing would be displaced as a result of the Proposed project and no impact would occur.

No Impact

XV. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: 1) Fire Protection? 2) Police Protection? 3) Schools? 4) Parks? 5) Other Public Facilities?	☐	☐	☒	☐

Discussion:

1) The Proposed project is not anticipated to substantially increase the demands for fire protection services such that new or expanded facilities would be warranted (e.g., no new housing is proposed that would warrant substantial expansion of public services). No roads, housing, or extension of public facilities (e.g., public water/sewer, telecommunications, etc.) is proposed.

Fire Protection. The Project is served by the Northshore Fire Authority Fire Protection District. The Northshore Fire Protection Districts Main Fire Station is located approximately

5.3 miles south of the site via High Valley Road and Highway 20. In addition, there is a CALFIRE Station located at 140 Spring Rd. Clearlake Oaks, CA 95423. To offset the increased demand for fire protection services, the Proposed project would be conditioned by the County to provide a minimum of fire safety and support fire suppression activities and installations, including compliance with State and local fire codes, as well as minimum private water supply reserves for emergency fire use. The Project would be required to comply with all applicable local and state fire code requirements related to design and emergency access. The Project includes on-site improvements related to public services, including water storage tanks for fire protection, improved road widths for emergency access, and site address posting. The Project includes the installation and maintenance of a minimum of 12,500 gallons of fire protection tanks. With these measures in place, and with the proposed improvements, the Project would have a less than significant impact on fire protection. In addition, the district received notice of this Project and had no adverse comments.

Police Protection. The Project is served by the Lake County Sheriff's Department. The Proposed project is located approximately 17 miles from the Lake County Sheriff's Office.

Article 27 of the Lake County Zoning Ordinance lays out specific guidelines for security measures for commercial cannabis cultivation to prevent access of the site by unauthorized personnel and protect the physical safety of employees. This includes 1) establishing a physical barrier to secure the perimeter access and all points of entry; 2) installing a security alarm system to notify and record incident(s) where physical barriers have been breached; 3) establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, and/or visitors; 4) maintaining the premises such that visibility and security monitoring of the premises is possible; and 5) establishing procedures for the investigation of suspicious activities. See Sheet C2 of the Site Plans for locations of proposed security cameras, access gates, and fencing.

Construction and operation of the Proposed project may result in accidents or crime emergency incidents that would require police services. Construction activities would be temporary and limited in scope. Accidents or crime emergency incidents during operation are expected to be infrequent and minor in nature, and with these measures the impact is expected to be less than significant. The Sheriff's Department was notified of this Project and had no comment.

Schools and Parks. The Project site is located within the Konocti Unified School District. There are no schools or public parks within 1000 feet of the subject site, and since no population increase would occur with this Project (other than workers commuting to the site and leaving at the end of each shift), no increased demand on parks or schools would result.

Other Public Facilities. The Project would use solar power. Water for irrigation would be sourced from the onsite well, and the proposed onsite septic system and/or portable toilets would be used. The Project would be required to comply with all applicable local and state fire code requirements related to design and emergency access.

There would not be a need to increase fire or police protection, schools, parks, or other public facilities as a result of the Project's implementation.

Less than Significant Impact

XVI. RECREATION	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion:

a) The Project would generate business income, an increase in local employment opportunities, and increase public fee and tax revenue which may result in slight increases in population growth, which could lead to increased use of park and recreation facilities. However, the potential increased use of park and recreation facilities from the maximum nine (9) employees, would occur over a large area and in multiple sites and therefore be diminished and would not substantially deteriorate existing parks or other recreational facilities. The Project would not have any impact on existing parks or other recreational facilities.

No Impact

b) This Project does not include recreational facilities and will not necessitate the construction or expansion of any recreational facilities.

No Impact

XVII. TRANSPORTATION	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☒	☐	☐
b) For a land use project, would the project conflict with or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)(1)?	☐	☐	☒	☐
c) For a transportation project, would the project conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(2)?	☐	☐	☐	☒
d) Substantially increase hazards due to geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒

e) Result in inadequate emergency access? ☐ ☒ ☐ ☐

Discussion:

a) The Project site is accessed by one (1) private driveway directly off High Valley Road, a public, natural surface / gravel road that is at least 14 feet wide with turnouts. High Valley Road is County maintained and is defined as a "Major Local Road" in the County General Plan, Chapter 6 – Transportation and Circulation. The driveway would be required to demonstrate PRC 4290/4291 compliance prior to commencement of cultivation operations, per County Requirements and further required by Mitigation Measure WDF-1.

There are no bicycle or pedestrian facilities on High Valley Road. There are no transit stops within 0.25 miles of the Project site.

Therefore, the Proposed project does not conflict with any existing program plan, ordinance, or policy addressing roadway circulation, including the Lake County General Plan Chapter 6 – Transportation and Circulation.

Less than Significant Impact with Mitigation Measure WDF-1 Incorporated

WDF-1: Prior to operation, the applicant shall improve the interior driveway to meet Public Resource Code 4290 and 4291 commercial driveway standards. The applicant shall arrange a site inspection by the County Building Official (Fire Marshal) to confirm that the interior driveway is Public Resource Code 4290 and 4291 compliant, including gate width.

b) State CEQA Guidelines Section 15064.3, Subdivision (b) states that for land use Projects, transportation impacts are to be measured by evaluating the Proposed project's vehicle miles traveled (VMT), as follows:

> "Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, Projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the Project area compared to existing conditions should be presumed to have a less than significant transportation impact."

To date, the County has not yet formally adopted its transportation significance thresholds or its transportation impact analysis procedures. As a result, the Project-related VMT impacts were assessed based on guidelines described by the California Office of Planning and Research (OPR) in the publication Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory, 2018. The OPR Technical Advisory identifies several criteria that may be used to identify certain types of Projects that are unlikely to have a significant VMT impact and can be "screened" from further analysis. One of these screening criteria pertains to small Projects, which OPR defines as those generating fewer than 110 new vehicle trips per day on average. OPR specifies that VMT should be based on a typical weekday and averaged over the course of the year to take into consideration seasonal fluctuations.

The site would not be open to public visitation; only trips in and out would be from employees or deliveries. The estimated trips per day during construction are nine (9), including all earth movement work. These construction trips are temporary in nature, approximately one to two

months. The estimated average trips per day during operation are between twelve (12) per day, which is less than the 110 trips per day threshold. Therefore, it is not expected for the Project to have a potentially significant level of VMT, therefore, impacts related to CEQA Guidelines section 15064.3. subdivision (b) would be less than significant.

Less than Significant Impact

c) The Proposed project is not a transportation Project and does not propose any changes to road alignment or other features, does not result in the introduction of any obstacles, nor does it involve incompatible uses that could increase traffic hazards.

No Impact

d) The Proposed project does not propose any changes to road alignment or other features, does not result in the introduction of any obstacles, nor does it involve incompatible uses that could increase traffic hazards. Equipment used in cultivation will be transported to the Project site as needed and will not need to be operated on High Valley Road or other County or State roadways.

No Impact

e) The Project does not propose any changes to road alignment or other features, does not result in the introduction of any obstacles, nor does it involve incompatible uses that could increase traffic hazards. The Project site does not contain any emergency facilities. The entrance gate to the private driveway is at least 14 feet wide. Emergency turnarounds for vehicles are included in the plans.

High Valley Road is an evacuation route on the Lake County Fire Safe Council Evacuation Maps. The Proposed project would employ up to (9) persons onsite, which would not represent a significant impact to the safe evacuation of the area. During long-term operation, adequate access for emergency vehicles via High Valley Road would remain available. Furthermore, the Project would not result in a substantial alteration to the design or capacity of any public road that would impair or interfere with the implementation of evacuation procedures.

In addition, the Project would be required to comply with CALFIRE requirements for vehicles under PCR 4290/4291 prior to operation, as required by County regulations and Mitigation Measure WDF-1. With incorporation of compliance with PCR 4290/4291, impacts would be less than significant.

Less than Significant Impact with Mitigation Measure WDF-1 Incorporated

XVIII. TRIBAL CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
Would the project Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape,				

sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☐	☒	☐
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☒	☐	☐

Discussion:

a) The onsite cabin was constructed prior to 1968 but does not appear on the California Register of Historical Resources (CRHR) and is not part of the proposed cannabis Project. The structure would not be impacted by the Proposed project. There are no other known resources, property uses or signs of historic activities onsite that would cause this Project to be eligible for inclusion on a historic registry at a local, state, or federal level. Therefore, impacts would be less than significant.

Less than Significant Impact

b) The Proposed project was sent to Big Valley Rancheria, Cortina Rancheria, Elem Colony, Koi Nation, Mishewal-Wappo, Middletown Rancheria, Redwood Valley Rancheria, Robinson Rancheria, Scotts Valley Band of Pomo Indians, Hopland Band of Pomo Indians, Habematolel Pomo of Upper Lake Tribe, and Yocha Dehe Wintun Nation on December 20th, 2023. No adverse comments have been received, and no formal requests for consultation have been submitted to date; however, Elem Tribe contacted former staff involved in this project via telephone. Staff coordinated a meeting between the applicant and Tribe, which occurred on January 8, 2024. An agreement was not reached between the two parties. The consultation process concluded on the same day.

The Cultural Resources Assessment yielded negative results for the presence of sensitive or potentially sensitive relics, items or prior tribal use of the site for rituals or other activities. The one (1) resource identified in prior reports is located outside of property boundaries and outside of the proposed areas of disturbance from the Project. Therefore, impacts would be less than significant with Mitigation Measures TCR-1 and TCR-2 incorporated.

Impacts would be Less than Significant with Mitigation Measures TCR-1 through TCR-2 Incorporated

TCR-1: All on-site personnel of the project shall receive tribal cultural resource sensitivity training prior to initiation of ground disturbance activities on the project. The training must be according to the standards of the NAHC or the culturally affiliated tribe(s). Training will address the potential for exposing subsurface resources and procedures if a potential resource is identified. The training will also provide a process for notification of discoveries to culturally affiliated tribes, protection, treatment, care and handling of tribal cultural resources discovered or disturbed during ground disturbance activities of the Project. Tribal monitors will be required

to participate in any necessary environmental and/or safety awareness training prior to engaging in any tribal monitoring activities for the project.

TCR-2: If previously unidentified tribal cultural resources are encountered during the project altering the materials and their stratigraphic context shall be avoided and work shall halt immediately. Project personnel shall not collect, move, or disturb cultural resources. A representative from a locally-affiliated tribe(s) shall be contacted to evaluate the resource and prepare a tribal cultural resources plan to allow for identification and further evaluation in determining the tribal cultural resource significance and appropriate treatment or disposition.

XIX. UTILITIES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☒	☐	☐
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Discussion:

a) The Proposed project would be served by an existing onsite well. No new wells or water systems are proposed. Solar energy would provide power to the Project. The power demands anticipated by this Project will be similar to a single-family dwelling and are limited to immature plant area lighting, well pumps, security system, fans for drying, and security lights. The Project would use portable toilets brought to the site and serviced regularly. No new wastewater treatment facilities, storm water drainage, electric power, natural gas, or telecommunication systems are proposed. Therefore, impacts would be less than significant.

Less than Significant Impact

b) See response to X(b) and XIX(a). One (1) existing, permitted well would be used for irrigation. The subject parcel is served by an existing well as described in the Hydrology Report and Drought Management Plan submitted with the Use Permit application, and the cultivation operation is enrolled as a Tier II / Low Risk cultivation operation in the State Water Resources Control Board's Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (General Order). Compliance with this Order would ensure that cultivation operations will not significantly impact water resources by using a combination of BPTC measures for water conservation, including shut-off valves on water tanks, drip irrigation, continued maintenance of equipment, in addition to buffer zones, sediment and erosion controls, inspections and reporting, and regulatory oversight. Therefore, impacts would be less than significant with Mitigation Measures HYD-1 through HYD-3 incorporated.

Less than Significant Impact with Mitigation Measures HYD-1 through HYD-3 incorporated

c) The Project would include installation of a regularly serviced, ADA-compliant portable restroom onsite. This portable toilet would be regularly serviced by a licensed business. The Project could also use a proposed onsite wastewater treatment system, if permitted and installed. The Project site is not connected to a municipal wastewater treatment system that could be determined to have inadequate capacity. Therefore, no impact would occur.

No Impact

d) According to the Property Management Plan – Waste Management section, waste management bins would be located within the fenced-in area of the cultivation areas. Recyclables would be separated from solid waste and stored in bins. At regular intervals, as needed, staff would take waste and recyclables to a licensed facility. Green waste and organic waste would be composted onsite. Waste would be hauled to an appropriate licensed facility by a private waste-hauling contractor, or by cultivation operation staff. See the Property Management Plan for further details.

Projected waste for the Proposed project would be approximately 300 lbs. of solid waste and approximately 10 cubic yards of green waste per acre per year.

Eastlake Landfill, South Lake Refuse Center, and Quackenbush Mountain Resource Recovery and Compost Facility are located within reasonable proximity of the Project site. Lake County Waste Solutions Transfer Station and Recycling Center is located approximately 23 miles northwest of the subject parcel. As of 2019, the Eastlake Landfill had 659,200 cubic yards available for solid waste, with an additional 481,000 cubic yards approved in 2020. The Project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, and accordingly, impacts would be less than significant.

Less than Significant Impact

e) The County imposes a standard condition of approval regarding compliance with all federal, state and local management for solid waste. The Project would be in compliance with federal, state, and local management and reduction statutes.

Less than Significant Impact

XX. WILDFIRE	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b) Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☒	☐	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☒	☐	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Discussion:

a) The mapped fire risk on the site is very high fire hazard severity zone within a State Responsibility Area, per CALFIRE. High Valley Road is shown on the Lake County Fire Safe Council Evacuation Maps as an existing Evacuation Route.

The Proposed project would involve onsite construction that would not impede traffic on the public High Valley Road. During the 180-day cultivation season, a maximum of nine (9) employees would be onsite during peak seasonal events (approximately 90 days per year), and a maximum of six (6) employees would be onsite during the rest of the season (approximately 90 days per year). In either case, a maximum six (6) or nine (9) persons evacuating the site would not pose a significant impact to High Valley Road, which is designated as a “Major Local Road” per the Lake County General Plan, capable of handling local traffic connecting development to larger, arterial roads.

Therefore, construction and operation of the Proposed project would not impede emergency access or impair an adopted emergency response plan. The applicant would adhere to all regulation of California Code Regulations Title 14, Division 1.5, Chapter 7, Subchapter 2, and Article 1 through 5 shall apply to this Project; and all regulations of California Building Code, Chapter 7A, Section 701A, 701A.3.2.A. A less than significant impact would occur.

Less than Significant Impact

b) The mapped fire risk on the site is very high fire hazard severity zone within a State Responsibility Area, per CALFIRE. Slopes on the property range from 0% to over 50%, although cultivation sites are located generally on ridgetops. The site driveway would be

required to demonstrate compliance with PRC 4290 and 4291 for width, surface material (gravel), overhead clearance, slope and turn-arounds, which will be verified by County site inspection prior to cultivation occurring. To confirm road standards, WDF-1 has been included as a mitigation measure. With proposed improvements, the Project would improve fire access and the ability to fight fires at or from the Project site.

Less than Significant Impact with Mitigation Measure WDF-1 Incorporated

WDF-1: Prior to operation, the applicant shall improve the interior driveway to meet Public Resource Code 4290 and 4291 commercial driveway standards. The applicant shall arrange a site inspection by the County Building Official (Fire Marshal) to confirm that the interior driveway is Public Resource Code 4290 and 4291 compliant, including gate width.

c) The Proposed project, as described in the application documents, would not exacerbate fire risk through the installation of maintenance of associated infrastructure. The Proposed project would require maintenance to meet and/or maintain roadway and driveway standards. A minimum 12,500 gallons of water fire storage would be kept onsite for fire protection per calculations using the National Fire Protection Association (NFPA) 1142 standard development fire suppression method.

The Project was referred to the Northshore Authority Fire Protection District and CALFIRE on January 3rd, 2024. CALFIRE responded the same day providing comments for the Proposed project, including a verification of the proposed onsite water storage, the need for roads to meet PRC §4290/4291 standards, requirement of structures to have defensible space, and requirement that the proposed shipping containers would meet the County standards of ingress/egress for Conex boxes. The requirement of the site to comply with PRC 4290/4291 standards has been incorporated as Mitigation Measure WDF-1. The remaining comments would be incorporated by the County as Conditions of Approval. Although no response was provided by the Northshore Authority Fire Protection District, CALFIRE provided a significant number of comments, yet nothing adverse was provided.

Less than Significant Impact with Mitigation Measure WDF-1 Incorporated

d) In 2018, the Ranch Fire engulfed the Project parcel and burned significant portions of the site; however, the site is located on a ridge and a majority of the cultivation areas are flat, ridgetop areas. Cultivation areas are generally flat and there would be little risk from flooding, landslides, or mudslides as a result of post-fire slope instability. Therefore, a less than significant impact would occur.

Less than Significant Impact

XXI. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-	☐	☒	☐	☐

	sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Discussion:

a) Per the impact discussions above, the potential of the Proposed project to substantially degrade the environment is less than significant with incorporated mitigation measures. As described in this Initial Study, the Proposed project has the potential for impacts related to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. However, these impacts would be avoided or reduced to a less-than-significant level with the incorporation of mitigation measures discussed in each impact section.

   According to the technical studies conducted and the Project materials, and with incorporation of all Mitigation Measures, the Proposed project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods in California History or prehistory.

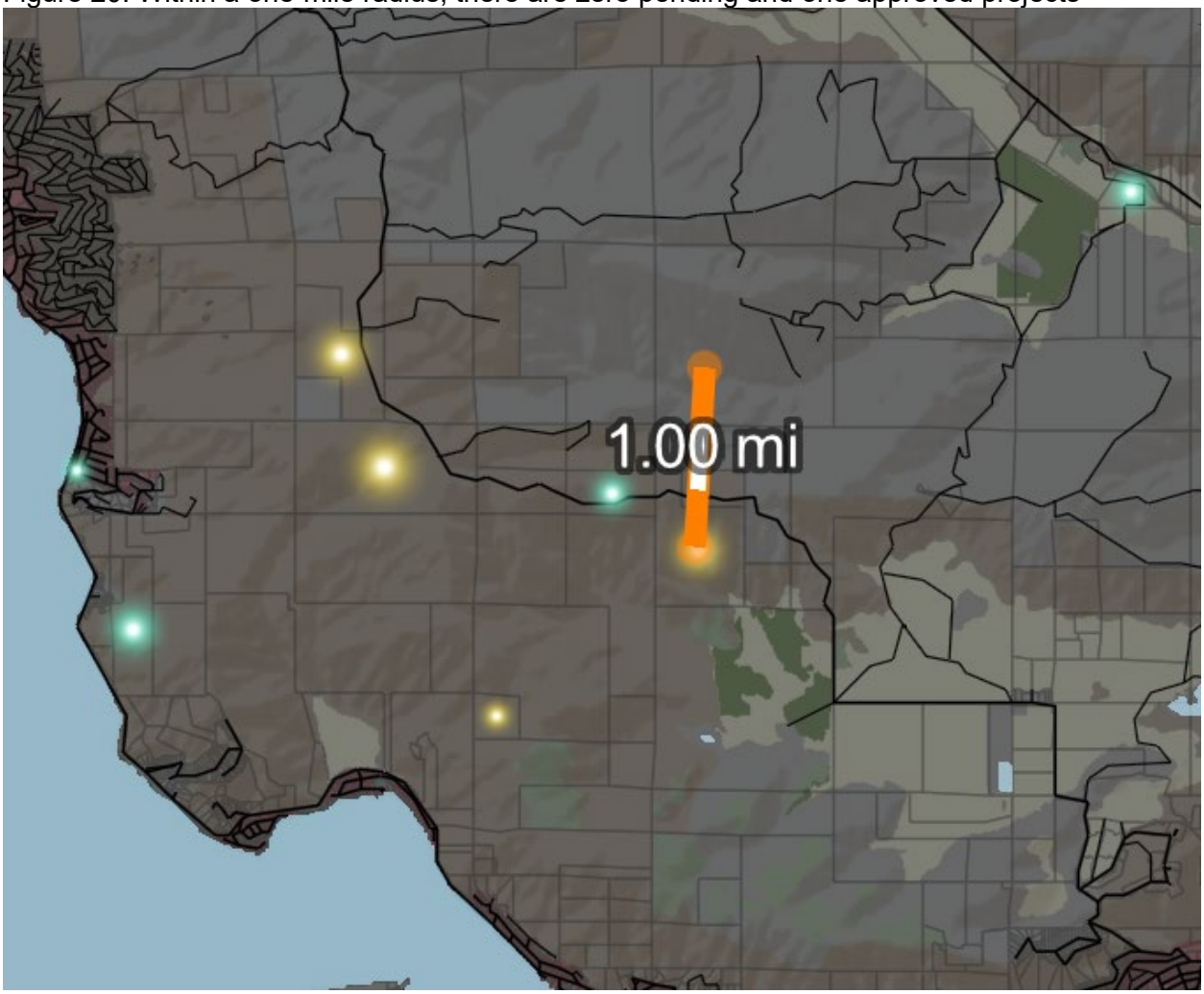
   Less than Significant with Mitigation Measures Incorporated

b) Potentially significant impacts have been identified related to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. These impacts could cumulatively contribute to significant effects on the environment.

   Of particular concern, one particular concern would be the cumulative effects on hydrology and water resources. To address this issue, the Lake County Board of Supervisors adopted Ordinance 3106 on July 27, 2021, requiring the applicant to submit a Hydrological Study and Drought Management Plan. Another concern would be the very high fire hazard severity zone per CALFIRE, which would be addressed by incorporating mitigation measure WDF-1. Upon review of the Hydrological Study and Drought Management Plan, implementation of hydrological mitigation measures, and incorporating mitigation measure WDF-1, the Project is expected to have a less than significant cumulative impact.

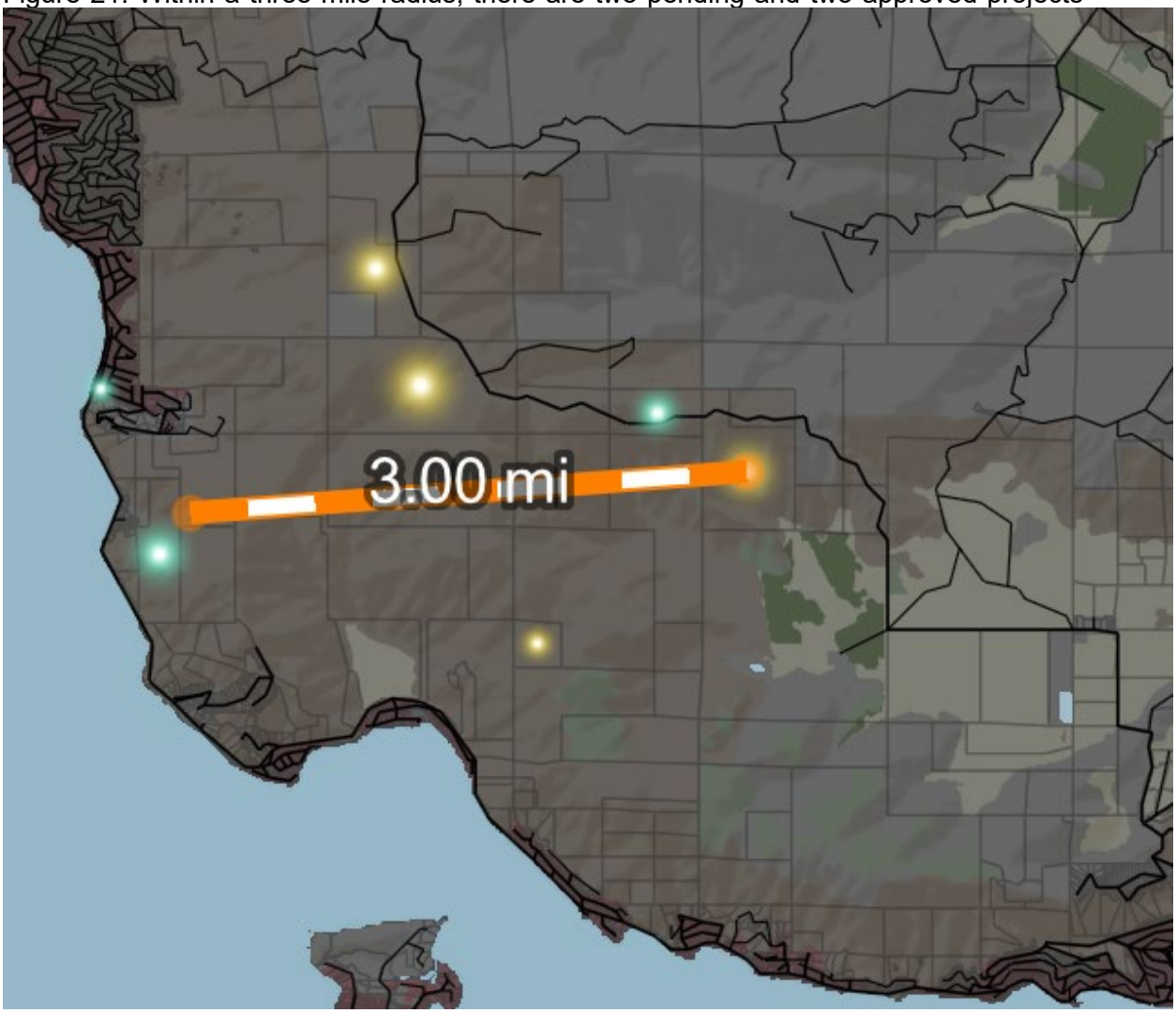
Implementation of and compliance with mitigation measures identified in each section as Project conditions of approval would avoid or reduce potential impacts to less than significant levels and would not result in any cumulatively considerable environmental impacts.

Figure 20: Within a one-mile radius, there are zero pending and one approved projects



Source: ArcGIS

Figure 21: Within a three-mile radius, there are two pending and two approved projects



Source: ArcGIS

Less than Significant with Mitigation Measures Incorporated

c) The Proposed project has potential to result in adverse indirect or direct effects on human beings in the areas Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. Implementation of and compliance with mitigation measures identified in each section would reduce impacts to 'less than significant' levels.

Less than Significant with Mitigation Measures Incorporated

* Impact Categories defined by CEQA

**Source List

1. Lake County General Plan
2. Lake County GIS Database

3. Lake County Zoning Ordinance
4. Shoreline Communities Area Plan
5. Rusty Barthel – Poverty Flats Cannabis Cultivation Application – Major Use Permit.
6. U.S.G.S. Topographic Maps
7. U.S.D.A. Lake County Soil Survey
8. Lake County Important Farmland Map, California Department of Conservation Farmland Mapping and Monitoring Program
9. Department of Transportation's Scenic Highway Mapping Program, *(https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways)*
10. Lake County Serpentine Soil Mapping
11. California Natural Diversity Database (https://www.wildlife.ca.gov/Data/CNDDB)
12. U.S. Fish and Wildlife Service National Wetlands Inventory
13. Biological Resources Assessment, Graening and Associates, May 2024
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