

From: Marsha Burch mburchlaw@gmail.com 
Subject: AG Forest Wood Processing Bioenergy Facility -- Failure to respond to Public Records Requests: Re: PRA 25-19
Date: June 11, 2025 at 4:37 PM
To: Julie Cannard Julie.Cannard@lakecountycalifornia.gov, Jackson.Berumen@lakecountycalifornia.gov, Nicole Johnson nicole.johnson@lakecountycalifornia.gov
Cc: laura.hall@lakecountycalifornia.gov, Mireya Turner Mireya.Turner@lakecountycalifornia.gov, Pawan Upadhyay Pawan.Upadhyay@lakecountycalifornia.gov
Bcc: Barbara Morris bmor1952@icloud.com, Larry Kahn lardog@sbcglobal.net



Good afternoon.

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

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

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

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

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

We have requested the professional qualifications, names, license numbers, of any professionals who prepared or assisted in the preparation of the project application and the "sound level analysis". We received nothing. We have requested data used to analyze noise and air quality emissions, also receiving nothing.

The public is not required to beg the government for public records. In over 20 years of practice I have not seen a more egregious disregard for the obligations placed on an agency by the law. I have not been able to get even the slightest professional courtesy from County Counsel, and have been told repeatedly that I should contact various County departments to find out the status of my records requests, and

also to determine whether or not the recent request from the Department of Water Resources for additional time to review the grant agreement governing the use of the project site will result in a continuance of the appeal hearing. Presently, the Supervisors should be aware that they do not have a representative responding to my reasonable, professional, and legal requests. This lack of representation is shocking and is a disservice to the public and to the Supervisors.

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

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

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

Cal. Gov. Code, § 7927.705 – Attorney Client Privilege; Cal. Code Civ. Proc., § 2018.010 et

seq – Attorney Work Product Privilege; Cal. Gov. Code, § 7927.500 - Preliminary drafts not

retained by the public agency in the ordinary course of business.

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

‘[T]he agency must describe “each document or portion thereof withheld, and for each withholding it must discuss the consequences of disclosing the sought-after information.” ’ [Citations.] “Conclusory or boilerplate assertions that merely recite the statutory standards are not sufficient.” (*Ibid.*) “A statement is ‘conclusory’ ... where no factual support is provided for an essential element of the claimed basis for withholding

“ ‘[T]he agency must describe “each document or portion thereof withheld, and for each withholding it must discuss the consequences of disclosing the sought-after information.” ’ [Citations.] “Conclusory or boilerplate assertions that merely recite the statutory standards are not sufficient.” (*Ibid.*) “A statement is ‘conclusory’ ... where no factual support is provided for an essential element of the claimed basis for withholding

information.” (*Id.* at p. 83, fn. 13, italics omitted., 134 Cal.Rptr.3d 412.) *Golden Door Properties, LLC v. Superior Court* (2020) 53 Cal.App.5th 733, 790 [267 Cal.Rptr.3d 32, 76], as modified on denial of reh'g (Aug. 25, 2020)

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

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

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

If it is the County's intent to hold the appeal hearing on June 17, 2025, upon permission from my clients, this office will file a petition for writ of mandate for violation of the California Public Records Act in the Lake County Superior Court on Monday, June 16, 2025. We will seek a writ of mandate requiring the County to provide the requested records, and will also seek reimbursement of costs and attorneys' fees.

-Marsha



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

Mireya Turner
Interim Community Development Director

June 10, 2025

Dear Ms. Burch,

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

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

Thank you,
Julie Cannard
Helpline Technician
Community Development Department

**2025.03.14 PRA Request Lake
County.pdf**



**2025.03.15 PRA Request #2 Lake
County.pdf**



2.





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

Good afternoon, Ms. Burch,

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

Thank you,



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