

Chapter 9: Slope, Survey, Scaling, and Boundary Defects

Section A — Steep Slopes (Significance & Misclassification)

Principle

CEQA requires an accurate, stable, and finite project description—showing the precise location and boundaries on a detailed map—and mandates an EIR whenever substantial evidence indicates a project may cause significant effects (CEQA Guidelines §§15124, 15064(a)) [A1][A2]. Under the State Water Board’s cannabis framework, a site is not “Low Risk” if any portion of the disturbed area is on slopes >30%; that condition elevates the risk tier (at least Moderate Risk) and triggers slope-specific BPTC measures, monitoring, and documentation [A3].

Argument

1. **The record admits steep terrain—and the site plan’s own pad/road placements contradict the “flat ridgetop” claim..**

The IS/MND reports an average slope of ~39.5%, and the Property Management Plan describes southern-aspect sloping montane topography—both incompatible with a “flat ridgetop” characterization [A4][A5]. In addition, the site plan locates multiple cultivation pads, access roads, and fencing lines along south- and southwest-facing hillslopes below the ridgeline, with contour spacing that reflects steep grade bands (e.g., 30–50% and greater) rather than level ridgetop benches (Figure A1, A2, A3, A4). Several features would require cut/fill and slope-length breaks to achieve workable grades, which further confirms the on-slope siting. Taken together, the file’s own drawings place project elements on steep slopes, directly contradicting the narrative assertion that cultivation areas are “flat, ridgetop areas” and triggering the need for slope-responsive analysis under CEQA. [A11][A12][A4][A5] [A6]

2. **Risk tiering is misapplied: >30% slopes defeat “Low Risk.”**

Because portions of the disturbed/cultivation areas are on >30% slopes, the Water Board framework requires at least Moderate Risk classification with corresponding steep-slope planning (hydrology/sediment modeling, phased construction limits, post-storm inspections). The IS/MND does not provide these slope-specific analyses [A3].

3. $\geq 50\%$ slopes foreclose Tier-2 enrollment and require denial or an EIR.

The State Water Board's Cannabis Policy prohibits cannabis cultivation or cultivation-related disturbance on slopes $\geq 50\%$ unless a Regional Water Board issues site-specific WDRs [A16]. The Statewide Cannabis General Order (WQ 2023-0102-DWQ) treats $>30\%$ and $<50\%$ as Moderate Risk but does not allow Tier-2 enrollment where any portion of the disturbed area is $\geq 50\%$ [A15][A17]. The record now shows disturbed polygons intersecting $\geq 50\%$ grades (Figure A3). Because the IS/MND neither discloses nor analyzes a site-specific WDR path—and CEQA forbids post-approval fixes—the Tier-2 premise fails as a matter of law. The appropriate action is to deny the Major Use Permit. If the applicant wishes to pursue any alternative regulatory pathway (including site-specific WDRs or any relocated design to address $\geq 50\%$ slopes), that would be a new or substantially revised project that must proceed by EIR, not by this IS/MND. [A15][A16][A17]

4. Mapped evidence corroborates steep-slope hazards.

Site-plan overlays and USDA soil mapping place cultivation polygons across 30–50% and 50–75% slopes, on units the Clear Lake Nutrient TMDL identifies as severe erosion hazard (e.g., Maymen–Etsel–Snook 30–75% (severe); Maymen–Millsholm–Bressa 30–50% (severe)), confirming high potential for sediment delivery absent robust controls [A14] (Figure A4).

5. Consequences of the steep setting are unaddressed.

Steep, south-facing slopes increase runoff velocity, slope-stability risk, and sediment yield—especially where vegetation is removed or soils are graded for pads/roads. A compliant analysis would: (i) quantify slope distributions within each disturbed footprint; (ii) model design-storm runoff/sediment on steep soils; (iii) specify numeric performance standards (e.g., post-project peak flow $\leq$ pre-project for the design storm); and (iv) commit to enforceable construction windows, slope-length breaks, energy dissipation, and post-storm monitoring. The IS/MND does not provide this analysis [A2][A3].

6. Enrollment/tiering claims must match facts on the ground.

Tier-2 “Low Risk” presumes no portion of the disturbed area exceeds 30% slope. Because the record and mapping show the opposite, the risk tier and associated mitigation program are mismatched to actual site conditions, rendering the impact findings unsupported [A3].

7. Defective project description under CEQA: unreconciled inconsistencies render the findings speculative.

CEQA requires an accurate, stable, and finite description (Guidelines §15124) and prohibits speculative significance determinations (Guidelines §15064(a)). Here, the County never reconciles its narrative assertions (“flat, ridgetop areas”; Tier-2 Low Risk premised on flat slopes outside riparian setbacks) with the record evidence already established in §A.1 (~39.5% average slope, on-slope siting of pads/roads on south–SW hillslopes) and §A.2’s threshold logic (>30% slopes defeat “Low Risk”). Because the impact conclusions (e.g., landslide/erosion/runoff and buffer compliance) depend on that unresolved conflict, the IS/MND’s significance findings are unsupported and legally unstable, requiring correction in an EIR with: (i) a survey-tied, slope-distribution map/book for each disturbed polygon; (ii) enrollment/tiering revised to match the actual slope regime; and (iii) enforceable, numeric performance standards and monitoring sized to steep-slope hydrology. [A1][A2][A11][A12][A13][A4][A5][A6]

Conclusion

The project’s own admissions (~39.5% average slope; south-facing sloping terrain), together with USDA/TMDL evidence of severe erosion hazard and the Water Board’s >30% slope rule, demonstrate that steep-slope risks are material and unanalyzed. Labeling the sites “flat ridgetops” to justify low-risk enrollment contradicts record evidence and violates CEQA’s requirement for an accurate, stable project description [A1][A2][A3]. On this record, an EIR is required to (1) correct the project description using survey-tied locations; (2) classify risk based on actual slope distributions; and (3) develop enforceable, numeric, slope-responsive mitigation and monitoring. On this record—given the presence of ≥50% slopes that categorically foreclose Tier-2 enrollment—the County must deny the Major Use Permit; any future attempt to pursue a different regulatory path or geometry is a new project that requires an EIR, not further processing under this IS/MND. [A15][A16][A17]

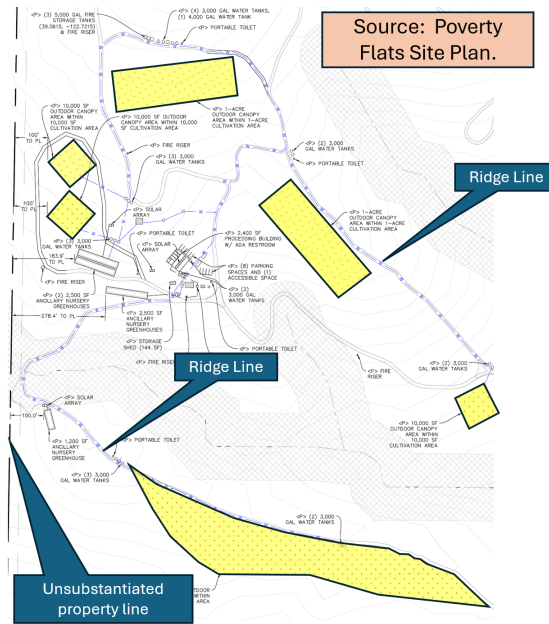


Figure A1: Poverty Flats Site Plan showing proposed location of cultivation sites in relation to ridge lines and property boundary. Note: None of the cultivation sites are on the top of the ridge lines as claimed in the MND.

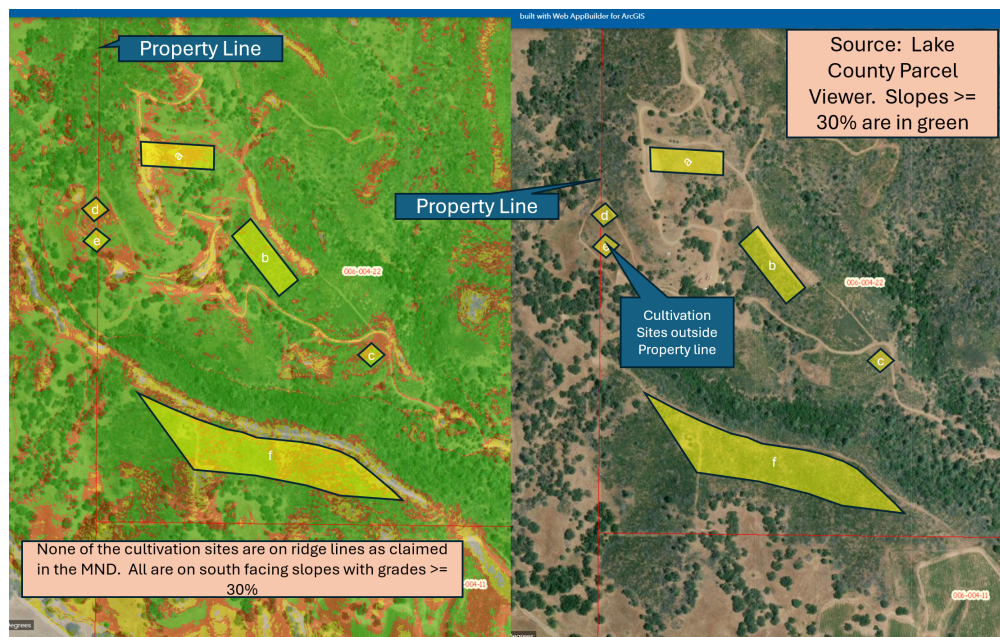


Figure A2: Poverty Flats cultivation sites overlaid onto Lake County Parcel Viewer maps with slope overlay. Note slopes in green are $\geq 30\%$. Note: viewer-based overlay indicates slopes $\geq 30\%$. Viewer alignment suggests Sites “c” and “d” may not be fully inside the parcel; confirmation requires a stamped boundary survey.

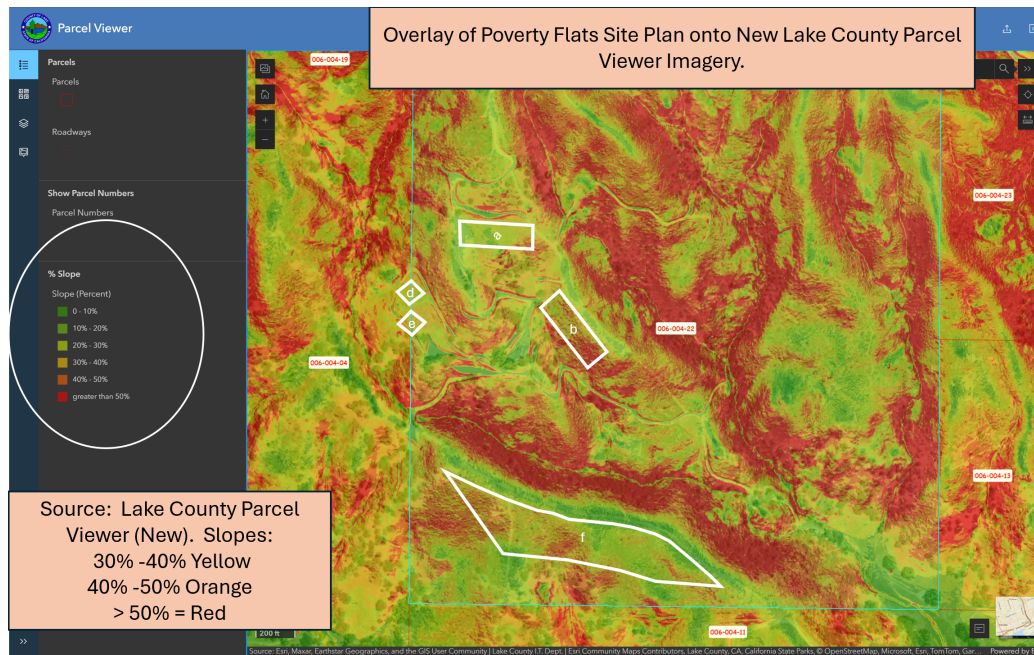


Figure A3: Poverty Flats cultivation sites overlaid onto Newer version of Lake County Parcel Viewer maps with slope overlay providing more detail. Slopes in yellow are 30% to 40%; Orange 40%-50%; Red > 50%. Sites “b” and “f” are intersecting slopes >50% -- not allowed by WCB. Also Sites “b” and “f” intersect $\geq 50\%$ slopes under the viewer-based overlay (not allowed by Water Board Tier-2). Viewer alignment also suggests Sites “c” and “d” may not be fully within the parcel; this cannot be confirmed or ruled out without a stamped boundary survey.

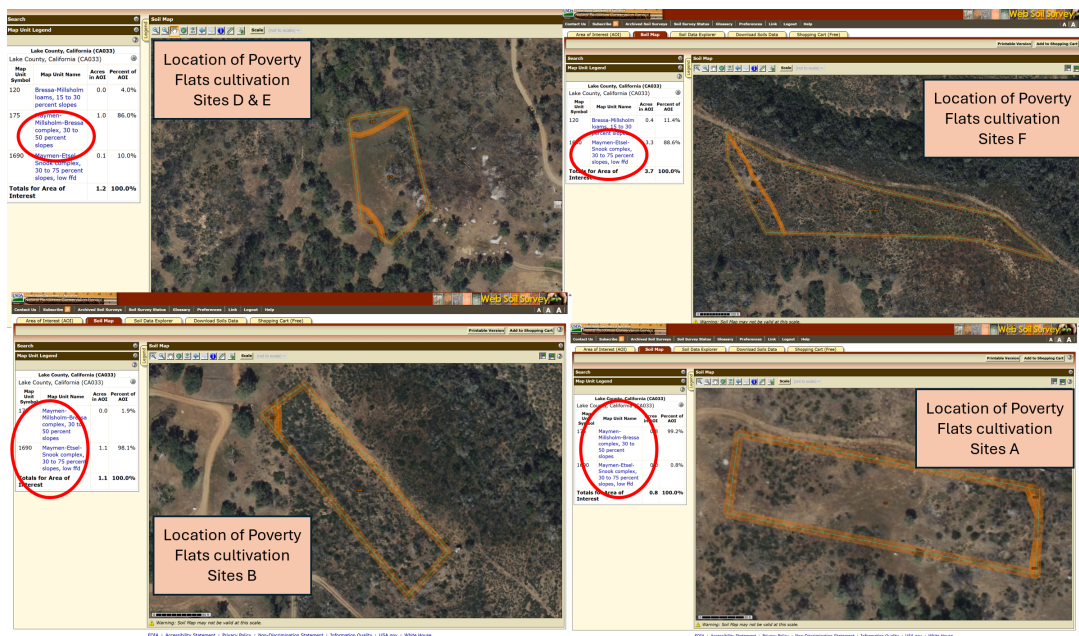


Figure A4: USDA soil map survey of Poverty Flats approximate cultivation locations. Note: All locations exceed 30% grade and are on soils with “high to severe” erosion risk.

Footnotes (Section A)

[A1] CEQA Guidelines §15124 (Project Description) — precise location and boundaries on a detailed map.

[A2] CEQA Guidelines §15064(a) (Determining Significance) — substantial evidence; “fair argument” triggers EIR.

[A3] State Water Resources Control Board — Cannabis Program risk tiers (>30% slope triggers ≥ Moderate Risk; BPTC/monitoring required).

[A4] IS/MND (redlined) — “Slope: ... average 39.5 percent slopes.” (cover/summary table; p. 1–2).

[A5] Property Management Plan — “southern aspect sloping montane topography ...” (§2.0, p. 2).

[A6] Plan/profile sheets show cultivation pads and access roads aligned on south- and southwest-facing hillslopes below the ridge crest; contour intervals indicate steep grade bands (≈30–50%+).

[A11] IS/MND — “Slopes... 0% to over 50%, although cultivation sites are located generally on ridgetops.” (~p. 72).

[A12] IS/MND — “...majority of the cultivation areas are flat, ridgetop areas ... little risk from flooding/landslides/mudslides ...” (~p. 73).

[A13] IS/MND — Tier-2 Low Risk statement premised on “flat slopes outside riparian setbacks.” (~p. 32).

[A14] Clear Lake Nutrient TMDL — erosion-hazard table: Maymen–Etsel–Snook (30–75% severe); Maymen–Millsholm–Bressa (30–50% severe).

Section B — Inadequate Site Plan & Partial Boundary Verification (No Stamped Survey of Record)

Principle

CEQA requires an “accurate, stable, and finite” project description supported by precise mapping of parcel boundaries, disturbance areas, and setback-dependent resources; where any portion of the mapping or scaling is uncertain, location-dependent findings become speculative. The description must identify the “precise location and boundaries of the proposed project on a detailed map.” (CEQA Guidelines §15124) [B1]. Where conclusions depend on boundary accuracy (buffers, grading limits, wetlands/jurisdiction, adjacent ownership), findings based on assumed rather than verified parcel lines are speculative and violate CEQA’s informational mandate (Guidelines §15064(a)) [B2].

Argument

1. No boundary survey controls the mapping submitted.

Aside from a field verification of the western boundary reported by a licensed land-survey group, the administrative record still contains no stamped, parcel-wide boundary or topographic survey controlling the application maps. The plan set continues to state that it is not a boundary survey and that written dimensions prevail over scaled dimensions—i.e., the graphics are not reliable for legal setbacks or parcel edges across the site. This leaves all setback- and ownership-dependent findings unverified for the remainder of the parcel (Figure B1).

2. Project maps rely on the County Parcel Viewer, which is not survey-grade.

The IS/MND's base figures (e.g., Vicinity Map; Topographic Hillshade/Terrain Map) list "Source: Lake County Parcel Viewer," confirming the base is GIS viewer data rather than a legal boundary survey [B5]. The County Surveyor has expressly stated that Parcel Viewer lines are not acceptable for determining legal parcel boundaries or setback distances and directed use of course-and-distance legal descriptions and a professional survey [B6].

3. BLM required a professional survey to avoid trespass and federal-land impacts.

In letters to Max Stockton (Aug. 2024, Jan. 2025), BLM advised that a proper land survey be performed to confirm the project's precise location relative to federal lands and to ensure no grading, vegetation removal, fencing, or drainage alterations occur off-parcel. Proceeding without survey confirmation risks trespass, resource impacts, and CEQA recirculation [B7]. Verification of a single boundary segment (the western line) does not substitute for a complete, stamped boundary/topographic survey tied to the disturbance polygons.

4. Setback-dependent findings in the IS/MND are premised on unverified parcel edges.

The IS/MND asserts "No development is proposed within 100 feet" of on-site watercourses and leans on this for "less than significant" findings. Those statements are only as accurate as the underlying parcel/buffer geometry—which is not tied to a boundary survey [B8]. The same is true for enrollment claims ("flat slopes outside riparian setbacks"), which are location-dependent and cannot be substantiated without survey geometry [B9].

5. Steep topography increases the consequence of survey error.

Given the record's admissions of ~39.5% average slope and southern-aspect sloping montane topography, even small linework errors can place roads/pads inside required buffers or off-parcel. Without a stamped survey (boundary and topo), the County cannot verify that grading, fencing, or cultivation areas are on the correct parcel and outside resource buffers/jurisdictions [B10][B11].

6. Parcel-viewer evidence indicates two cultivation sites extend beyond the legal parcel boundary.

Viewer-based overlays indicate areas of close proximity to parcel lines and

potential encroachment for two cultivation sites (Figure A2, A3). Because the western boundary has reportedly been field-verified, uncertainty may be reduced along that edge, but there is no stamped survey of the remaining parcel boundaries or the disturbance polygons. Accordingly, encroachment cannot be confirmed or ruled out without a complete, stamped boundary (and topographic) survey. The County Surveyor has already instructed that Parcel Viewer lines are not acceptable for legal parcel boundaries or setbacks and that a professional survey must control setback measurements. Separately, BLM has required a professional survey to confirm the project's position relative to federal lands. Until a stamped survey demonstrates that each cultivation polygon and associated grading/fencing lies entirely within the legal parcel and outside all required buffers, any "less-than-significant" finding that depends on boundary geometry remains speculative under CEQA.

7. Conclusion

Because the application continues to rely on viewer-derived parcel lines and a not-to-scale plan set—and because there is no stamped, parcel-wide boundary/topographic survey tying disturbance polygons to legal parcel lines and setbacks—location-dependent findings (buffer compliance, disturbance limits, cultivation/fencing placement, and adjacent-ownership interfaces) remain unverifiable. The reported field verification of the western boundary does not cure the absence of a comprehensive, stamped survey controlling the entire project footprint. CEQA's duty of disclosure is unmet where the existence and location of impacts/mitigation turn on survey-grade information that is absent. An EIR is required to correct and recirculate the project description using a stamped boundary (and topographic) survey so that buffer measurements, setbacks, and adjacent-ownership interfaces are legally defensible. [B1][B2][B6][B7][B8][B9][B10][B11].

Footnotes for Section B

[B1] CEQA Guidelines §15124 (Project Description) — precise location and boundaries on a detailed map.

[B2] CEQA Guidelines §15064(a) (Determining Significance) — substantial evidence; speculative assertions are inadequate where impact location/extent is uncertain.

[B3] Site Plans (Application Plan Set) — General note: "THIS IS NOT A BOUNDARY SURVEY ... [consultant] has not verified this property boundary." (plan-sheet notes).

[B4] Site Plans (Application Plan Set) — General note: “DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.” (plan-sheet notes).

[B5] IS/MND (redlined) — figure sources for early maps list “Source: Lake County Parcel Viewer.”

[B6] County Surveyor (Agency Comments, Vance Ricks to PC, date ____): Parcel Viewer GIS lines not acceptable for legal parcel lines/setbacks; resubmittal must use course-and-distance legal descriptions and surveyed setback dimensions (Agency Comments).

[B7] BLM letters to Max Stockton (Jan. 2025): Professional survey required to confirm boundaries relative to federal lands and avoid trespass/impacts (letter(s), p. 1).

[B8] IS/MND (redlined) — “No development is proposed within 100 feet” of on-site watercourses (Water Resources text supporting less-than-significant findings)

[B9] IS/MND (redlined) — enrollment statement: “Tier 2 dischargers... located on flat slopes outside of riparian setbacks ...” (Water-quality section).

[B10] IS/MND (redlined) — “Slope: ... average 39.5 percent slopes.” (cover/summary table; p. 1–2).

[B11] Property Management Plan — “southern aspect sloping montane topography ...” (§2.0, p. 2)

[B12] **CEQA Guidelines §15064(a)** — Significance determinations must rest on substantial evidence; where location/extent of impact is uncertain, findings based on assumptions are speculative.