

Mary Claybon

From: Katherine Vanderwall
Sent: Wednesday, January 18, 2023 10:43 AM
To: Lake County Cannabis Agency Review
Subject: Up 22-07

The applicant will need to obtain a Private Applicator Certificate and Operator ID from the Ag Department prior to the purchase and use of any pesticides, including organic pesticides. The applicant will also need to comply with pesticide worker safety laws/regulations, recordkeeping and reporting requirements.

Katherine VanDerWall

*Agricultural Commissioner/Sealer of Weights & Measures
Lake County Department of Agriculture/Weights & Measures
883 Lakeport Blvd
Lakeport, CA 95453
(707) 263-0217*

Mary Claybon

From: William Collins
Sent: Monday, January 9, 2023 4:57 PM
To: Lake County Cannabis Agency Review
Subject: RE: Request for Review for Sufficiency: UP 22-07 Dezel ranch Commercial Cannabis Cultivation project

- 1) Water for fire suppression shall be calculated by sf of structures per NFPA 1142.
- 2) 4290 access will be required for structures.
- 3) Processing building is a F1 occupancy and will need to comply with those requirements in the California codes including a toilet room and accessibility requirements.

Sincerely,

Bill Collins, CBO, CASp
Chief Building official
County of Lake
255 N. Forbes St.
Lakeport, CA 95453
707-263-2221 ex 38123 (Office)
william.collins@lakecountyca.gov



From: Lake County Cannabis Agency Review [mailto:CannabisAgencyReview@lakecountyca.gov]
Sent: Monday, January 9, 2023 4:37 PM
To: Douglas Gearhart <doug@lcaqmd.net>; Elizabeth Knight <elizabethk@lcaqmd.net>; Katherine Vanderwall <Katherine.Vanderwall@lakecountyca.gov>; Richard Ford <Richard.Ford@lakecountyca.gov>; Jim Campbell <Jim.Campbell@lakecountyca.gov>; William Collins <William.Collins@lakecountyca.gov>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Vance Ricks <Vance.Ricks@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; chief800@northshorefpd.com; mike.wink@fire.ca.gov; PGEPlanReview@pge.com; R2CEQA@wildlife.ca.gov; Rex.Jackman@dot.ca.gov; jesse.robertson@dot.ca.gov; jacob.rightnar@dot.ca.gov; Janae.Fried@Waterboards.ca.gov; Jason.Schroeder@Waterboards.ca.gov; nwic@sonoma.edu; localverification@cannabis.ca.gov; Laura Hall <Laura.Hall@lakecountyca.gov>; Bruno Sabatier <Bruno.Sabatier@lakecountyca.gov>

From: [Lori Baca](#)
To: [Lake County Cannabis Agency Review](#)
Subject: RE: Request for Review for Sufficiency: UP 22-07 Dezel ranch Commercial Cannabis Cultivation project
Date: Tuesday, January 10, 2023 1:59:40 PM
Attachments: [image001.jpg](#)

Good Afternoon,

All parcels listed within 22-07 are outside any Special Districts service area. No comment.

Have the best day!

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



From: Lake County Cannabis Agency Review [mailto:CannabisAgencyReview@lakecountyca.gov]
Sent: Monday, January 9, 2023 4:37 PM
To: Douglas Gearhart <dougg@lcaqmd.net>; Elizabeth Knight <elizabethk@lcaqmd.net>; Katherine Vanderwall <Katherine.Vanderwall@lakecountyca.gov>; Richard Ford <Richard.Ford@lakecountyca.gov>; Jim Campbell <Jim.Campbell@lakecountyca.gov>; William Collins <William.Collins@lakecountyca.gov>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Vance Ricks <Vance.Ricks@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; chief800@northshorefpd.com; mike.wink@fire.ca.gov; PGEPlanReview@pge.com; R2CEQA@wildlife.ca.gov; Rex.Jackman@dot.ca.gov; jesse.robertson@dot.ca.gov; jacob.rightnar@dot.ca.gov; Janae.Fried@Waterboards.ca.gov; Jason.Schroeder@Waterboards.ca.gov; nwic@sonoma.edu; localverification@cannabis.ca.gov; Laura Hall <Laura.Hall@lakecountyca.gov>; Bruno Sabatier <Bruno.Sabatier@lakecountyca.gov>
Cc: pkicenski@aol.com; roberta.lyons@att.net; redbud.audubon@gmail.com; donnamackiewicz@gmail.com; Susan Parker <Susan.Parker@lakecountyca.gov>
Subject: Request for Review for Sufficiency: UP 22-07 Dezel ranch Commercial Cannabis Cultivation project

Hello Fellow Agencies,

This email is a request for review for a commercial cannabis cultivation project as referenced above. Due to the size of the attachments I have utilized this file share system and the attachments will be located below for download.

Please advise us if additional information is needed, which permits are required from your agency (if any), and of your environmental concerns. Additionally, please advise if your agency recommends any modifications to the project that would reduce potential environmental impacts. Due to the provisions of state law, it is essential that we receive your comments as soon as possible but in no case later than January 23, 2022. Please email your comments to CannabisAgencyReview@lakecountyca.gov or mail them to the address listed in the letterhead above. Please note- all comments must be received, even if your comment is, "no comment."

Sincerely,

Mary Claybon
Assistant Planner
Community Development Department



LAKE COUNTY SHERIFF'S DEPARTMENT

1220 Martin Street • Lakeport, California 95453

Administration
(707) 262-4200

Central Dispatch
(707) 263-2690

Coroner
(707) 262-4215

Corrections
(707) 262-4240

Patrol/Investigation
(707) 262-4230

Substation
(707) 994-6433

Brian L. Martin
Sheriff / Coroner

Lake County Community Development

RE: MUP 22-07
500 & 700 State Highway 53 and 660, 770, & 850 Junction Plaza
Clearlake, CA

In review of the Security Management Plan submitted for MUP 22-07 via the Lake County Community Development Department in January 2023. The Lake County Sheriff's Office has determined the submitted security plan meets the requirements of the County of Lake as set forth in Lake County Ordinance 3084 / 3073.

The Lake County Sheriff's Office's review of the Security Plan is not an endorsement or recommendation of the Security Plan. It is a determination the Security Plan meets the minimum requirements as outlined in Lake County Ordinance 3084 / 3073.

The original, official document is retained by the Lake County Community Development Department. All inquiries regarding the status of cannabis permits or the application process should be directed to the Community Development Department.

L. Bingham
Lieutenant Luke Bingham
Lake County Sheriff's Office
1220 Martin St.
Lakeport, CA 95453
707 262 4200

Mary Claybon

From: Laura Hall
Sent: Tuesday, January 10, 2023 4:24 PM
To: Lake County Cannabis Agency Review
Subject: RE: Request for Review for Sufficiency: UP 22-07 Dezel ranch Commercial Cannabis Cultivation project

Mary,

Please see the following comments for UP 22-07 Dezel Ranch.

Thank you,

Laura

Grading

Pursuant to the Lake County Municipal Code Chapter 30, a Complex Grading Permit will be required for the project. To avoid piecemealing under the California Environmental Quality Act, the results for all technical studies required for a Complex Grading should be analyzed and mitigated as needed in the initial study. Technical reports include the following: biological report, cultural report, erosion control and sediment detention plan, etc.

Blue Oak Tree (*Quercus douglasii*)

The biological report completed for this project should include an analysis of species found in the blue oak woodland.

Drought Management Plan and Hydrogeologic Assessment Report

Neither of these reports provide the total estimated annual water use for replanted blue oak trees.

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Cc: pkicenski@aol.com; roberta.lyons@att.net; redbud.audubon@gmail.com; donnammackiewicz@gmail.com; Susan Parker <Susan.Parker@lakecountyca.gov>
Subject: Request for Review for Sufficiency: UP 22-07 Dezel ranch Commercial Cannabis Cultivation project



COUNTY OF LAKE
Health Services Department
Environmental Health Division
922 Bevins Court
Lakeport, California 95453-9739
Telephone 707/263-1164
FAX 707/263-1681

Jonathan Portney
Health Services Director

Craig Wetherbee
Environmental Health Director

MEMORANDUM

DATE: January 13, 2022

TO: Mary Claybon, Assistant Planner

FROM: Tina Dawn-Rubin, Environmental Health Aide

RE: UP 22-07 Major Use Permit, IS 22-09
Commercial Cannabis – Dezel Ranch

APN: 010-055-28 700 State Hwy 53, Clearlake
010-055-33 660 Junction Plaza, Clearlake
010-055-29 500 State Hwy 53, Clearlake
010-055-37 850 Junction Plaza, Clearlake
010-055-38 770 Junction Plaza, Clearlake

Lake County Division of Environmental Health (EH) has on file for the subject parcel:

APN: 010-055-28 – a 2021 well permit (WE 5611 AG) for an AG well; a 2015 well permit (WE 4635) for a domestic well; a 2003 proposed lot line adjustment (LLA 03-11) review.

APN: 010-055-33 – a 2021 well permit (WE 5646 AG) for an AG well. A 2015 well permit (WE 4636) for a domestic well.

No files on the remaining parcels. GIS mapping indicates that there presently are no assessed structures on any of the parcels.

The applicant must meet the EH requirements regarding Onsite Wastewater Treatment System (OWTS) and potable water. EH may require a field clearance to validate septic or well locations prior to site plan approval. The applicant needs to provide EH with a detailed site plan that includes the locations of the septic systems initial and replacement leach fields before approval as it was not designated on the cultivation site plan submitted for review.

For any proposed building permits or projects where the parcel is serviced by an OWTS or well, the applicant may need to demonstrate the location of any proposed or existing structures including residential or commercial dwellings, garages, driveways, shed, barns, green houses, non-perimeter fences, well houses, etc., *and* the location of the proposed project on a to-scale site plan prior to building permit issuance and/or project approval.

If the applicant is proposing a commercial cannabis operation and the operation will be constructing or utilizing an existing structure (i.e., processing facility) that will have plumbing for a restroom, sink, etc., that structure will be required to have its own OWTS, separate from any existing or new OWTS designed to service a residential structure.

Promoting an Optimal State of Wellness in Lake County

If the applicant is proposing an OWTS, then applicant must apply for a site evaluation and, if the site is acceptable to support an OWTS, apply for a permit.

EH requires all applicants to provide a written declaration of the chemical names and quantities of any hazardous material to be used on site. As a general rule, if a material has a Safety Data Sheet, that material may be considered as part of the facilities hazardous materials declaration. ***This should be submitted separately from the Management Plan to Environmental Health for review.***



January 24, 2023

Lake County
Cannabis Agency Review
255 N Forbes St
Lakeport, CA 95453

Re: Dezel Ranch Cultivation Project
UP 22-07, IS 22-09

Dear County of Lake Cannabis Agency Review,

Thank you for providing PG&E the opportunity to review the proposed plans for Dezel Ranch Cultivation Project dated 1/9/2023. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at pgeplanreview@pge.com.

Sincerely,

PG&E Plan Review Team
Land Management



January 10, 2023

County of Lake
Cannabis Agency Review
255 N Forbes St
Lakeport, CA 95453

Ref: Gas and Electric Transmission and Distribution

Dear Lake County Cannabis Agency Review,

Thank you for submitting the Dezel Ranch Cultivation Project plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.



Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

Central Valley Regional Water Quality Control Board

21 September 2023

Mary Claybon
County of Lake
255 North Forbes Street
Lakeport, CA 95453
mary.claybon@lakecountycalifornia.gov

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, UP 22-07 DEZEL RANCH PROJECT, SCH#2023080629, LAKE COUNTY

Pursuant to the State Clearinghouse's 24 August 2023 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the UP 22-07 Dezel Ranch Project, located in Lake County.

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

I. Regulatory Setting

Basin Plan

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

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

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

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

Antidegradation Considerations

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

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

In part it states:

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

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

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

II. Permitting Requirements

Cannabis General Order

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

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

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

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

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

Construction Storm Water General Permit

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

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Clean Water Act Section 404 Permit

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

Clean Water Act Section 401 Permit – Water Quality Certification

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

Waste Discharge Requirements – Discharges to Waters of the State

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

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

Dewatering Permit

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

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

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

Limited Threat General NPDES Permit

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

Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

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

NPDES Permit

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

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

Peter Minkel

Peter Minkel
Engineering Geologist

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

CALIFORNIA
HISTORICAL
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SAN FRANCISCO
SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Sonoma State University
1400 Valley House Drive, Suite 210
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
<https://nwic.sonoma.edu>

January 23, 2023

File No.: 22-1050

Mary Claybon, Assistant Planner
Lake County
Community Development Department
255 N. Forbes Street
Lakeport, CA. 95453

re: UP 22-07; IS 22-09 / APN 010-055-28, -33, -29, -37, -38 / Simon Whetzel

Dear Mary Claybon,

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

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

Project Description:

Eight (8) A- Type 3 "Outdoor": Outdoor cultivation for adult use cannabis without using light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 to one acre, inclusive, of total canopy size on one premises.

Four (4) A-Type 2B "Small Mixed-light": Cultivation for adult use cannabis on a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light-deprivation and/or artificial lighting below a rate of 25 watts per square foot between 5,001 and 10,000 square feet to one acre, inclusive of total canopy size on one premises.

One (1) Type 13 "Distributor Transport Only, Self-distribution": The transport of medicinal cannabis goods between entities licensed pursuant to California Code.

Previous Studies:

XX Study # 25036 (Flaherty 2001), included the proposed project area in their maps and identified one or more cultural resources (see recommendation below).

XX Study # 54728 (Spillane 2019), included the proposed project area in their maps and identified one or more cultural resources (see recommendation below).

Archaeological and Native American Resources Recommendations:

XX The proposed project parcel contains or is adjacent to these archaeological sites: P-17-000273 (CA-LAK-252), P-17-000454 (CA-LAK-443), and P-17-001704 (CA-LAK-1466/H), of which the latter two are mapped within

the proposed project area. These resources were addressed as part of Study # 54728 (2019) and all recommendations provided by Spillane should be followed (2019:17-18).

Should the description or locations of this project change, we recommend that a qualified professional assess potential impacts of the proposed project activities on these resources, and provide project-specific recommendations as warranted.

XX Based on the results of Study # 54728 (Spillane 2019), the proposed project area has a low possibility of containing unrecorded archaeological site(s). Therefore, no further study for archaeological resources is recommended. If archaeological resources are encountered during construction, work should be temporarily halted in the vicinity of the discovered materials and workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations.

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

Built Environment Recommendations:

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

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

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

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

Sincerely,



Bryan Much
Coordinator

Mary Claybon

From: Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>
Sent: Thursday, January 12, 2023 11:06 PM
To: Lake County Cannabis Agency Review; Douglas Gearhart; Elizabeth Knight; Katherine Vanderwall; Richard Ford; Jim Campbell; William Collins; Tina Rubin; Lucas Bingham; Lori Baca; Vance Ricks; Greg Peters; Scott DeLeon; Yuliya Osetrova; Ciancio, Mike@NorthShore FPD; PGEPlanReview@pge.com; R2CEQA@wildlife.ca.gov; Jackman, Rex A@DOT; ROBERTSON, JESSE GRAHAM@DOT; Rightnar, Jacob@DOT; Fried, Janae@Waterboards; Schroeder, Jason@Waterboards; nwic@sonoma.edu; Local Verification@Cannabis; Laura Hall; Bruno Sabatier
Cc: pkicenski@aol.com; roberta.lyons@att.net; redbud.audubon@gmail.com; donnammackiewicz@gmail.com; Susan Parker; Ch700, Fd@yahoo; Duncan, Paul@CALFIRE; York, Brian@CALFIRE; Galvez, Shane@CALFIRE
Subject: [EXTERNAL] Re: Request for Review for Sufficiency: UP 22-07 Dezel ranch Commercial Cannabis Cultivation project

Greetings CDD Team, these are the comments from CAL FIRE. Here at the top and the specific items based on the review of the information provided.

This project is within the Lake County Fire Protection District for notification, property tax, direct charges and mitigation fee's to be applied.

1. Mixed Light - While not in Title, Code or Regulation, CAL FIRE does support the County of Lake's "Dark Sky Initiative". This standard reduces the false reporting of a vegetation fire from light during the night. False activation of the 911 system puts the community and first responders at risk when it can be avoided. Will this be applied?
2. Defensible Space - Greenhouses are Structures and require 100 feet of defensible space to be established and maintained. This needs to be added to the site plans.
3. Water Supply - Greenhouses are Structures and require water supply on site per NFPA 1142. Any amount of water storage identified shall be supported by an exhibit with the NFPA 1142 formula. While there may be water tanks identified in the project, they can not be mixed use. Fire suppression water can not be used for project water. The NPFA 1142 formula needs to be provided, so fire water can be identified in the needed quantity.
4. Question - Will commercial power be provided at the site by a utility provider? Generators or Batteries pose a separate wildland fire ignition source to be identified and mitigated. As well aa possible separate LCAQMD approval.

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

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

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

- Property line setbacks for structures shall be a minimum of 30 feet. A "Greenhouse" is a structure.
- Addressing that is reflective and of contrasting colors from the public roadway to the location and at every intersection.
- On site water storage for fire protection of each structure per NFPA 1142.
- Per NFPA 1142, fire suppression water storage tanks for commercial use shall be steel or fiberglass (not plastic).
- All private property roads / access used for this project shall meet minimum Fire Safe standards for emergency vehicle ingress and egress
- A "One Way" loop road standard could be used, or a two lane road.
- A "Road" is two 10 foot lanes of travel for a total of 20 feet of derivable surface not including the shoulders.
- A "Driveway" is a 10 foot wide road with a turnout every 400 feet. This shall not be used for commercial applications, or access to more than three structures that are residences.
- A "Turnout" shall be a minimum 10 feet wide and 30 feet long, with a 25 foot taper at each end
- A "One Lane", "One Way" only loop road is 12 feet wide of derivable surface, plus shoulders. A one lane road must connect on both ends to a two lane road or County Road.
- A bridge can meet the "One Lane", "One Way" 12 feet wide road standard with appropriate signage. A bridge must be marked by the owner of the bridge that it is rated to support 75,000 pounds.
- A bridge shall not be less than 12 feet wide.
- A bridge can meet the "Road " 20 feet wide standard. A bridge must be marked by the owner of the bridge that is is rated to support 75,00 pounds.
- Existing roadways on private property shall meet, and or be improved to meet "Road" standards.
- All weather roadway surfaces shall be rated/engineered for 75,000 lb vehicles is the minimum (including bridges).
- All weather roadway surfaces do not ever have mud, standing or flowing water that vehicles have to travel through.
- Maximum roadway slope is 16%.

- Gate width is 14 foot minimum.
- Gate set backs are a minimum of 30 feet from a road to the gate.
- Gates shall have access criteria locks and alike that meet the local Fire Protection District standard "KNOX" (or similar) access program.
- Parking at the site shall allow for turnarounds, hammerhead T, or similar.
- Minimum fuels reduction of 100 feet of defensible space from all structures.
 - Some applications have mention that they may have a gasoline generator for backup power when solar is not available. If this is the case, the generator shall be placed on a minimum of a 10 foot radius of a non combustibile surface. It shall have a minimum of a 3A-40B.C Fire Extinguisher within the 10 foot radius.
- This property will meet the criteria to be, or will be a CERS / CUPA reporting facility/entity to Lake County Environmental Health (see hyperlink below), it shall also comply specifically with PRC4291.3 requiring 300 feet of defensible space and fuels reduction around structures. In summary, any structure or location that stores hazardous, flammable or dangerous items shall establish and maintain 300 feet of defensible space / fuels reduction around its radius.
- While not in Title, Code or Regulation, CAL FIRE does support the County of Lake's "Dark Sky Initiative". This standard reduces the false reporting of a vegetation fire from light during the night. False activation of the 911 system puts the community and first responders at risk when it can be avoided.

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

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

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

http://www.lakecountyca.gov/Government/Directory/Environmental_Health/Programs/cupa.htm

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[Hazardous Materials Management \(CUPA\)](http://www.lakecountyca.gov)
www.lakecountyca.gov

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

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

www.lakecountycalifornia.gov

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

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

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[Report of the Committee on - NFPA](#)

www.nfpa.org

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

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

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

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

www.lakecountycalifornia.gov

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

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

[Report of the Committee on - NFPA](#)

www.nfpa.org

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

Mary Claybon

From: Andrew Amelung
Sent: Friday, September 22, 2023 12:15 PM
To: Mary Claybon
Subject: FW: UP 22-07 Dezel Ranch: CDFW CEQA Comments
Attachments: CEQA_PT2023-0012-0000-R2_CmntRef.docx

From: Ramirez, Richard@Wildlife <Richard.Ramirez@Wildlife.ca.gov>
Sent: Friday, September 22, 2023 10:03 AM
To: Andrew Amelung <Andrew.Amelung@lakecountyca.gov>
Cc: Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>; Sheridan, Kursten@Wildlife <Kursten.Sheridan@wildlife.ca.gov>; Garcia, Jennifer@Wildlife <Jennifer.Garcia@wildlife.ca.gov>; Wilson, Billie@Wildlife <Billie.Wilson@wildlife.ca.gov>
Subject: [EXTERNAL] UP 22-07 Dezel Ranch: CDFW CEQA Comments

Hello,

My name is Richard Ramirez, I am an Environmental Scientist contacting you on behalf of the California Department of Fish and Wildlife, North Central Region Cannabis Program (CDFW). CDFW received and reviewed the Initial Study (IS) from Lake County regarding the Notice of Intent (NOI) to file for a Mitigated Negative Declaration (MND) for the Dezel Ranch Cultivation Project (Project). This email is in regard to the request for CEQA comments, received by CDFW Staff on August 25, 2023. The following comments have been provided:

Mitigation Measure BIO-5

Mitigation Measures BIO-5 (MM BIO-5) acknowledges the potential presence of active bird nests and the need for inspections before any tree felling or ground clearing, however it states that the nesting bird season occurs during March to September. CDFW recognizes the nesting bird season occurring from approximately February 15th to August 31st and recommends a similar time frame for any potential surveys.

Bat Roosting Sites

The IS for the project does not recognize the potential for the occurrence of bat species in the surrounding area and does not disclose concern for bat roosting sites. Roosting sites for bats are considered by CDFW to be a significant biological resource. Based on review of Project materials the Project site contains potential habitat for structure and tree roosting bats. Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment, (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). CDFW recommends bat preconstruction surveys are conducted for suitable roosts (i.e. hollows or crevices) prior to any tree felling or ground disturbing activities, and incorporating a new measure to construct replacement roost structures (bat houses or other structures) if the removal of a bat roost (inactive or active) is necessary for the Project.

Northern Spotted Owl

Issue: The CEQA document does not adequately analyze Project impacts on northern spotted owl (*Strix occidentalis caurina*).

Evidence impact would be significant: Consistent with CEQA Guidelines, Section 15380, the status of the northern spotted owl (NSO) as a threatened species pursuant to the federal Endangered Species Act (16

U.S.C. § 1531 *et seq.*) and under the California Endangered Species Act (Fish & G. Code, § 2050 *et seq.*) qualifies it as an endangered, rare, or threatened species under CEQA.

Northern spotted owl populations have declined significantly in California primarily as a result of destruction of forest habitat from logging, development, and wildfire (CDFW 2016). As a habitat specialist, NSO are primarily threatened by further loss, fragmentation, and degradation of their forest habitats, which is further complicated by their low reproductive rate and limited ability to disperse (Shuford and Gardali 2008). A more recent but also serious threat is invasion of their range by barred owls (*Strix varia*) which can out-compete and potential kill NSO as well as hybridize with them (CDFW 2016). Additionally, contaminants such as rodenticides from cannabis cultivation is a growing threat to NSO (Gabriel et al. 2018).

Based on the foregoing, Project impacts would potentially substantially reduce the number and restrict the range of the northern spotted owl.

The following are potential impacts of cannabis cultivation on northern spotted owl.

Pesticides used at cannabis cultivation sites may impact NSO by:

- Secondary poisoning through ingestion of prey that ingested rodenticides (Pimentel 2005, Gabriel et al. 2018)
- Starvation from decreased prey availability (Wengert 2015)
- Alterations of the thyroid gland that negatively impacts thyroid homeostasis and metabolism (Pandey and Mohanty 2015)
- Reduction in egg production and reduced clutch sizes (Pimentel 2005, Berny 2007)
- Decreased ability to thermoregulate and short-term hypothermia (Grue et al. 1997)
- Reduction in clotting ability causing mortality from excessive bleeding as a result of minor wounds from prey (Erickson and Urban 2004)

Forest conversion from vegetation clearing are often results of cannabis site development (NDIC 2007, Mallery 2010, Burns-Edel 2016, Wang et al. 2017), and the impacts of cannabis cultivation are often equal to or greater than those of timber harvest (Wang et al. 2017). This may impact NSO as they require perches for foraging and roosting cover (Zeiner et al. 1990), and NSO is forest-obligate requiring access to large trees for nesting (Shuford and Gardali 2008).

Mortality from road use has been well documented in owls (Loos and Kerlinger 1993, Varland et al. 1993, Newton et al. 1997).

Noise from road use, generators, and other equipment may disrupt hunting of NSO, which primarily use hearing to hunt. Also, exposure to vehicle noise has been shown to increase stress hormone levels in NSO, which was particularly evident in males during times when they were exclusively responsible for feeding their mates and nestlings (Hayward et al. 2011).

Artificial light may disrupt nocturnal foraging and nesting NSO through disorientation as well as decreased activity of prey species (Brown et al. 1988, Longcore and Rich 2004, 2016).

Therefore, Project impacts on northern spotted owl would be **potentially significant**.

Pursuant to Public Resources Code §21092 and §21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the Project to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources

and strategies to minimize and/or mitigate impacts. Please direct any questions or action items to my email or phone number, provided below.

Thank you,

Richard Ramirez, Environmental Scientist

North Central Region
Habitat Conservation – Cannabis Program
1701 Nimbus Rd.
Rancho Cordova, CA 95670
Cell: (916) 932-3201
richard.ramirez@wildlife.ca.gov



To report poachers and polluters please call 1-888-334-2258.

Mary Claybon

From: Local Verification@Cannabis <localverification@cannabis.ca.gov>
Sent: Monday, January 9, 2023 4:48 PM
To: Lake County Cannabis Agency Review
Subject: RE: Request for Review for Sufficiency: UP 22-07 Dezel ranch Commercial Cannabis Cultivation project

Good Afternoon,

The Department of Cannabis Control Local Verification section is in receipt of your email. Due to the nature of the inquire it has been elevated for further review, and someone will be in touch with further questions and/or information soon.

Thank you,

Luis Garcia

Program Technician II
Licensing Division

844-61-CA-DCC (844-612-2322)

www.cannabis.ca.gov



**Department of
Cannabis Control**
CALIFORNIA

From: Lake County Cannabis Agency Review <CannabisAgencyReview@lakecountyca.gov>
Sent: Monday, January 9, 2023 4:37 PM
To: doug.gearhart@lakecountyca.gov; elizabethk@lcaqmd.net; katherine.vanderwall@lakecountyca.gov; Richard.Ford@lakecountyca.gov; Jim.Campbell@lakecountyca.gov; william.collins@lakecountyca.gov; Tina.Rubin@lakecountyca.gov; Lucas.Bingham@lakecountyca.gov; lori.baca@lakecountyca.gov; vance.ricks@lakecountyca.gov; Greg.Peters@lakecountyca.gov; Scott.DeLeon@lakecountyca.gov; Yuliya.Osetrova@lakecountyca.gov; chief800@northshorefpd.com; Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>; PGEPlanReview@pge.com; R2CEQA@wildlife.ca.gov; Jackman, Rex A@DOT <rex.jackman@dot.ca.gov>; ROBERTSON, JESSE GRAHAM@DOT <jesse.robertson@dot.ca.gov>; Rightnar, Jacob@DOT <Jacob.Rightnar@dot.ca.gov>; Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>; Schroeder, Jason@Waterboards <Jason.Schroeder@Waterboards.ca.gov>; nwic@sonoma.edu; Local Verification@Cannabis <localverification@cannabis.ca.gov>; laura.hall@lakecountyca.gov; bruno.sabatier@lakecountyca.gov
Cc: pkicenski@aol.com; roberta.lyons@att.net; redbud.audubon@gmail.com; donnammackiewicz@gmail.com; susan.parker@lakecountyca.gov
Subject: Request for Review for Sufficiency: UP 22-07 Dezel ranch Commercial Cannabis Cultivation project

[EXTERNAL]: cannabisagencyreview@lakecountyca.gov

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