

Simone Hingston

From: Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>
Sent: Tuesday, February 18, 2020 11:03 AM
To: Simone Hingston; Jack Smalley; David Casian; Mitchell, Carmel@CALFIRE; Hannan, Jake@CALFIRE; Fong, Gloria@CALFIRE; Devin Hoberg
Subject: [EXTERNAL]Re: Request for Review for Major Use Permit (UP 20-14, IS 20-16, EA 20-17)

Good afternoon Assistant Planner Hingston

These are the comments from CAL FIRE for this Use Permit in the SRA (State Responsibility Area). 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 includes all components of PRC4290-91 et'al. The address for this Use Permit is located in the State Responsibility Area. This is also within the South Lake County Fire Protection Districts Boundary, where they are a cooperator in applying and enforcing all Codes, Laws, Regulations and etcetera for this project and they will also have comments.

The property management plan shows a bridge on the property. This bridge and its use do not appear to be within the scope of the Use Permits activity. It is our interpretation that this bridge does not need to meet the bridge standard. Unless the permitted activity will take place on the east side of St Helena Creek, then it will have to meet the bridge standard.

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

No early activation should be allowed until all Fire Safe Regulation minimums (PRC/CFC) have been completed.

All Fire Safe Regulations/Laws in the State of California's Public Resource Code, Division 4, and all Sections in 4290 and 4291 (4001-4958) shall apply to this application/construction. All regulations in the California Code of Regulations Title 14, Division 1.5, Chapter 7, Sub chapter 2, Article 1 through 5 shall apply to this application / construction / activity.

This shall include, but not be limited to:

- Property line setbacks for structures shall be a minimum of 30 feet.
- 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 South Lake County 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.

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

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.lakecountyca.gov

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

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

www.nfpa.org

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

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

www.nfpa.org

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

[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 ...

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Hazardous Materials Management (CUPA)

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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.

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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]

Fire Hazard Severity Zones

with Web AppBuilder for ArcGIS

23180 Shady Grove Road, Middl X

Show search results for 23180 Shady ...

Search result
23180 Shady Grove Rd. Middle
95461, USA
[Zoom to](#)

1mi | 38.750 -122.646 Degrees

Portable Repeater.jpg

Type here to search

From: Simone Hingston <Simone.Hingston@lakecountyca.gov>
Sent: Tuesday, February 18, 2020 8:57 AM
To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Gearhart, Doug@lcaqmd <dougg@lcaqmd.net>; fahmya@lcaqmd.net <fahmya@lcaqmd.net>; Elizabeth Knight <elizabethk@lcaqmd.net>; Richard Ford <Richard.Ford@lakecountyca.gov>; Jim Campbell <Jim.Campbell@lakecountyca.gov>; David Casian <David.Casian@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Lori Baca

Simone Hingston

From: Fahmy Attar <FahmyA@lcaqmd.net>
Sent: Wednesday, February 19, 2020 8:37 AM
To: Simone Hingston
Subject: [EXTERNAL]Re: Request for Review for Major Use Permit (UP 20-14, IS 20-16, EA 20-17)

Importance: High

Simone,

For a Cannabis operation site, here is a list of Air Quality requirements that may be applicable to the site:

1. Off-site odor impacts should be mitigated to minimize nuisance to nearby residences, property, and public roads.
2. Any manufacturing or delivery Cannabis operations must comply with LCAQMD rules and regulations. An application must be submitted. Contact LCAQMD for more details.
3. Any demolition or renovation is subject to the Federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for all major renovations and all demolition. An Asbestos Notification Form with the Asbestos inspection report must be submitted to the District at least 14 days prior to beginning any demolition work. The applicant must contact the District for more details and proper approvals. Regardless of asbestos content or reporting requirements all demolition and renovation activities should use adequate water/ amended water to prevent dust generation and nuisance conditions.
4. Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.
5. If construction or site activities are conducted within Serpentine soils, a Serpentine Control Plan may be required. Any parcel with Serpentine soils must obtain proper approvals from LCAQMD prior to beginning any construction activities. Contact LCAQMD for more details.
6. All engines must notify LCAQMD prior to beginning construction activities and prior to engine Use. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet RICE NESHAP/NSPS requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines, and must meet local regulations. Contact LCAQMD for more details.
7. Site development, vegetation disposal, and site operation shall not create nuisance odors or dust. During the site preparation phase, the District recommends that any removed vegetation be chipped and spread for ground cover and erosion control. Burning is not allowed on commercial property, materials generated from the commercial operation, and waste material from construction debris, must not be burned as a means of disposal.
8. Significant dust may be generated from increase vehicle traffic if driveways and parking areas are not adequately surfaced. Surfacing standards should be included as a requirement in the use permit to minimize

dust impacts to the public, visitors, and road traffic. At a minimum, the District recommends chip seal as a temporary measure for primary access roads and parking. Paving with asphaltic concrete is preferred and should be required for long term occupancy. All areas subject to semi truck / trailer traffic should require asphaltic concrete paving or equivalent to prevent fugitive dust generation. Gravel surfacing may be adequate for low use driveways and overflow parking areas, however, gravel surfaces require more maintenance to achieve dust control, and permit conditions should require regular palliative treatment if gravel is utilized. White rock is not suitable for surfacing (and should be prohibited in the permit) because of its tendency to break down and create excessive dust. Grading and re-graveling roads should utilize water trucks if necessary, reduce travel times through efficient time management and consolidating solid waste removal/supply deliveries, and speed limits.

Best,

Fahmy Attar
Air Quality Engineer
Lake County Air Quality Management District
2617 S. Main Street, Lakeport, CA, 95453
(707) 263-7000 | fahmya@lcaqmd.net

On Feb 18, 2020, at 8:57 AM, Simone Hingston <Simone.Hingston@lakecountyca.gov> wrote:

Good Morning Fellow Agencies,

The above attachments are a Request for Review for Major Use Permit (UP 20-14, IS 20-16, EA 20-17), please review the attached documents.

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 **March 3, 2020**. Please email your comments to simone.hingston@lakecountyca.gov or mail them to the address listed on the RFR document.

Sincerely,

Simone Hingston - Assistant Planner

Lake County – Community Development Department
255 N. Forbes Street, Lakeport, CA 95453
County Website: www.lakecountyca.gov
Phone: (707) 263-2221

<UP 20-14 RFR.PDF><UP 20-14 Site Plans.pdf><UP 20-14 Property Management Plan.pdf>

Simone Hingston

From: Ronald Yoder
Sent: Wednesday, February 19, 2020 12:11 PM
To: Simone Hingston
Subject: RE: Request for Review for Major Use Permit (UP 20-14, IS 20-16, EA 20-17)

Simone, the source controls preventing pollutants, pesticides, fertilizers from entering waterways are adequate. If more than 50 cu yds of soil is to be imported for the above ground planting devices a grading permit is required.

Ron Yoder
Grading Stormwater Inspector II

From: Simone Hingston
Sent: Tuesday, February 18, 2020 8:57 AM
To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Doug Gearhart <dougg@lcaqmd.net>; fahmya@lcaqmd.net; Elizabeth Knight <elizabethk@lcaqmd.net>; Richard Ford <Richard.Ford@lakecountyca.gov>; Jim Campbell <Jim.Campbell@lakecountyca.gov>; David Casian <David.Casian@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; chief500@lakeportfire.com; pbleuss@kelseyvillefire.com; chief800@northshorefpd.com; Gloria.Fong@fire.ca.gov; mike.wink@fire.ca.gov; Fdchf700@yahoo.com; PGENorthernAgencyIns@pge.com; T4b5@pge.com; kyle.stoner@wildlife.ca.gov; R2CEQA@wildlife.ca.gov; Rex.Jackman@dot.ca.gov; james.shupe@dot.ca.gov; saskia.rymer-burnett@dot.ca.gov; centralvalleysac@waterboards.ca.gov; Janae.Fried@Waterboards.ca.gov; nwic@sonoma.edu; kevinponce@cdfa.ca.gov; Ronald Yoder <Ronald.Yoder@lakecountyca.gov>; korinn.woodard@ca.usda.gov; Moke Simon <Moke.Simon@lakecountyca.gov>; Carol Huchingson <Carol.Huchingson@lakecountyca.gov>; Michelle Scully <Michelle.Scully@lakecountyca.gov>; Susan Parker <Susan.Parker@lakecountyca.gov>; lcfarmbureau@sbcglobal.net
Subject: Request for Review for Major Use Permit (UP 20-14, IS 20-16, EA 20-17)
Importance: High

Good Morning Fellow Agencies,

The above attachments are a Request for Review for Major Use Permit (UP 20-14, IS 20-16, EA 20-17), please review the attached documents.

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Sincerely,

Simone Hingston - Assistant Planner

Lake County - Community Development Department

Simone Hingston

From: Lori Baca
Sent: Wednesday, February 19, 2020 8:55 AM
To: Simone Hingston
Subject: RE: Request for Review for Major Use Permit (UP 20-14, IS 20-16, EA 20-17)

Simone,

Parcel 014-006-16 is outside of any Special Districts service areas, no impact.

Have a wonderful day!

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



From: Simone Hingston
Sent: Tuesday, February 18, 2020 8:57 AM
To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Doug Gearhart <doug@lcaqmd.net>; fahmya@lcaqmd.net; Elizabeth Knight <elizabethk@lcaqmd.net>; Richard Ford <Richard.Ford@lakecountyca.gov>; Jim Campbell <Jim.Campbell@lakecountyca.gov>; David Casian <David.Casian@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; chief500@lakeportfire.com; pbleuss@kelseyvillefire.com; chief800@northshorefpd.com; Gloria.Fong@fire.ca.gov; mike.wink@fire.ca.gov; Fdchf700@yahoo.com; PGENorthernAgencyIns@pge.com; T4b5@pge.com; kyle.stoner@wildlife.ca.gov; R2CEQA@wildlife.ca.gov; Rex.Jackman@dot.ca.gov; james.shupe@dot.ca.gov; saskia.rymer-burnett@dot.ca.gov; centralvalleysac@waterboards.ca.gov; Janae.Fried@Waterboards.ca.gov; nwic@sonoma.edu; kevinponce@cdfa.ca.gov; Ronald Yoder <Ronald.Yoder@lakecountyca.gov>; korinn.woodard@ca.usda.gov; Moke Simon <Moke.Simon@lakecountyca.gov>; Carol Huchingson <Carol.Huchingson@lakecountyca.gov>; Michelle Scully <Michelle.Scully@lakecountyca.gov>; Susan Parker <Susan.Parker@lakecountyca.gov>; lcfarmbureau@sbcglobal.net
Subject: Request for Review for Major Use Permit (UP 20-14, IS 20-16, EA 20-17)
Importance: High

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The above attachments are a Request for Review for Major Use Permit (UP 20-14, IS 20-16, EA 20-17), please review the attached documents.



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

RECEIVED

FEB 24 2020

LAKE COUNTY COMMUNITY
 DEVELOPMENT DEPT.

DISTRIBUTION DATE: February 18, 2020

REQUEST FOR REVIEW FOR SUFFICIENCY

- @ AG. COMMISSIONER
- @ AIR QUALITY MGMT
- @ ASSESSOR
- @ BUILDING DIVISION
- @ DPW - ROADS
- @ ENVIRON HEALTH
- LAKEBED MANAGEMENT
- PUBLIC SERVICES
- @ SHERIFF
- @ SPECIAL DISTRICTS
- @ SURVEYOR
- @ TAX COLLECTOR
- WASTE DISPOSAL
- @ WATER RESOURCES

- FIRE PROTECTION DIST:**
- @ Kelseyville
 - @ Lake County
 - @ Lake Pillsbury (no contact info)
 - @ Lakeport County
 - @ Northshore
 - @ South Lake County
 - @ CalFire
 -
 - @ PG&E
 - HOA _____
 - WATER CO _____
 - OTHER _____

- @ CA DEPT FISH & WDLF
- @ CALTRANS
- STATE LANDS COMM.
- @ CRWQCB
- STATE DEPT. OF HEALTH
- @ SONOMA STATE
-
- ARMY CORPS
- BLM
- @ CALCANNABIS
- @ GRADING: RON
- @ NRCS
- US FISH & WILDLIFE SVC
- US FOREST SERVICE

FROM: Simone Hingston, Assistant Planner
 REQUEST: Major Use Permit UP 20-14; Initial Study IS 20-16; Early Activation EA 20-17
 OWNER/APPLICANT: Nina Star LLC, Nina Bogdanova
 APN: 014-006-16
 LOCATION: 23180 Shady Grove Road, Middletown, CA 95461
 ZONING: Split Zoning: "A-FF-FW-SC-WW" Agricultural – Floodway Fringe – Floodway – Scenic – Waterway Combining District and "RL-FF-FW-SC-WW" Rural Lands – Floodway Fringe – Floodway – Scenic – Waterway Combining District
 GENERAL PLAN: Rural Lands, Resource Conservation and Agriculture
 HAZARDS: Project Parcel located within State Responsibility Area
 FLOOD ZONE: "X" Areas of minimal flooding – not in a special flood hazard area.
 "AE" and "AE, Floodway" Areas of 100-year flood; base flood elevations and flood hazard factors determined, project is not within flood zone.
 SERPENTINE SOILS: None.
 SOIL STABILITY: Generally stable and unstable.
 PREVIOUS APPLICATIONS: None.
 EXISTING-DEVELOPMENT: Residence, two (2) accessory structures, septic, well.
 WATER SOURCE: Well.
 SEWAGE: Septic system.
 CONSTRUCTION: One (1) 90' x 105' greenhouse, three (3) 90' x 66' greenhouses, two (2) 90' x 79' greenhouses, one (1) 100' x 35' greenhouse, one (1) 100' x 35' immature plant greenhouse, one (1) 50' x 100' processing facility, one (1) 200 sft storage shed and two (2) 2,500-gallon water storage tanks.

PROPOSAL:

The applicant is requesting approval of a Major Use Permit for commercial cannabis cultivation. The applicant is proposing to allow the following (*Please refer to the attached Project Management Plan and Site Plans*):

- 44,000 sft mixed-light canopy
- One (1) 90' x 105' greenhouse
- Three (3) 90' x 66' greenhouses

- Two (2) 90' x 79'' greenhouses
- One (1) 100' x 35' greenhouse
- One (1) 100' x 35' immature plant greenhouse
- One (1) 50' x 100' processing facility
- One (1) 200 sft storage shed
- 4 parking spaces (one will be ADA compliant)
- 2 employees in general, 4 at peak
- Max of 1 delivery and 1 pick up per day

The applicant is proposing to allow the following licenses:

Two (2) **A – Type 3B: “Mixed-Light”**: Cultivation for adult use cannabis in 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 10,001 and 22,000 square feet, 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. (Ord.No. 3079, 12/11/2018)

ACCESS: Any site where a cannabis related activity is permitted shall have access to a public road or a recorded easement that allows for, but not limited to, delivery trucks, emergency vehicles, sheriff and other law enforcement officers, and government employees who are responsible for inspection or enforcement actions.

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 **March 3, 2020**. Please email your comments to simone.hingston@lakecountvca.gov or mail them to the address listed in the letterhead above.

COMMENTS: I have no comment for this proposal.

NAME Steve Hingston DATE 2-18, 2020

cc: 1	Supervisory District (RFR Only)	Moke Simon	Redbud Audubon
@	Carol Huchingson/Michelle Scully/Susan Parker		
	Other (Examples: Sierra Club / HOA /		Farm Bureau / etc.) (RFR Only)



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 20-14
23180 Shady Grove Rd
Middletown, CA

In review of the Security Management Plan submitted for MUP 20-14 via the Lake County Community Development Department in February 2020. 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

Simone Hingston

From: Yuliya Osetrova
Sent: Tuesday, March 3, 2020 9:57 AM
To: Simone Hingston
Subject: RE: Request for Review for Major Use Permit (UP 20-14, IS 20-16, EA 20-17)

Simone,

The for this project I have following comments:

- Since the project is creating more than 5,000 SF of impervious surface, a detailed Stormwater Control Plan should be developed and submitted
- Additional measures to prevent St. Helena creek should be installed (straw wattles, silt fences, etc.)
- Well documents showing it's a legal source are missing
- Measuring equipment (water quantity, water levels) should be installed
- The proposed Processing Facility (F on the plans) is within the 100-foot offset from the surface water sources and should be removed/ moved out

Yuliya Osetrova
Water Resources Engineer III
Lake County Water Resources Department
(707) 263-2344

From: Simone Hingston
Sent: Tuesday, February 18, 2020 8:57 AM
To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Doug Gearhart <dougg@lcaqmd.net>; fahmya@lcaqmd.net; Elizabeth Knight <elizabethk@lcaqmd.net>; Richard Ford <Richard.Ford@lakecountyca.gov>; Jim Campbell <Jim.Campbell@lakecountyca.gov>; David Casian <David.Casian@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; chief500@lakeportfire.com; pbleuss@kelseyvillefire.com; chief800@northshorefpd.com; Gloria.Fong@fire.ca.gov; mike.wink@fire.ca.gov; Fdchf700@yahoo.com; PGENorthernAgencyIns@pge.com; T4b5@pge.com; kyle.stoner@wildlife.ca.gov; R2CEQA@wildlife.ca.gov; Rex.Jackman@dot.ca.gov; james.shupe@dot.ca.gov; saskia.rymer-burnett@dot.ca.gov; centralvalleysac@waterboards.ca.gov; Janae.Fried@Waterboards.ca.gov; nwic@sonoma.edu; kevinponce@cdfa.ca.gov; Ronald Yoder <Ronald.Yoder@lakecountyca.gov>; korinn.woodard@ca.usda.gov; Moke Simon <Moke.Simon@lakecountyca.gov>; Carol Huchingson <Carol.Huchingson@lakecountyca.gov>; Michelle Scully <Michelle.Scully@lakecountyca.gov>; Susan Parker <Susan.Parker@lakecountyca.gov>; lcfarmbureau@sbcglobal.net
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COUNTY OF LAKE
Health Services Department
Environmental Health Division
922 Bevins Court
Lakeport, California 95453-9739
Telephone 707/263-1164
FAX 707/263-1681

Denise Pomeroy
Health Services Director

Gary Puce, MD, MPH
Public Health Officer

Jasjit Kang
Environmental Health Director

Promoting an Optimal State of Wellness in Lake County

Memorandum

DATE: March 18, 2020
TO: Simone Hingston, Assistant Planner
FROM: Tina Dawn-Rubin, Environmental Health Aide
RE: UP 20-14 Major Use Permit, IS 20-16, EA 20-17
Commercial Cannabis
APN: 014-006-16 23180 Shady Grove Rd, Middletown

The applicant must meet the Lake County Division of Environmental Health requirements regarding on-site wastewater treatment and potable water requirements.

Environmental Health has no concerns at this time regarding on-site wastewater treatment. Processing facility will be using ADA restrooms.

Lake County Environmental Health 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 Material Declaration.



COUNTY OF LAKE
HEALTH SERVICES
1000 1st Street, Lakeport, CA 95453

Sateur Ham

From: Yuliya Osetrova
Sent: Wednesday, August 19, 2020 9:21 AM
To: Sateur Ham
Subject: RE: Request for Review (REVISED): UP20-14; IS20-16; EA20-17

Sateur,

For this project the comments are as follows:

- This project discharges into the waters of US and disturbs one or more acre of soil therefore the coverage under NPDES permit/ CGP (Construction General Permit) with developing SWPPP is required
- This project creates more than one acre of impermeable surface which impacts the hosting watershed dynamics. Hydrology calculation in compliance with LC Hydrology Design Standards required to show no impact on the county road SW infrastructure
- Implementation of SW/Bioretenion BMPs in compliance with LC LID Manuals – required
- Structures B and F (shown on plans) are encroaching into the 100-foot offset from receiving water body and needs to be removed.
- Proposed well's production rate is unknown (the well test docs are missing) – the water availability analysis – inconclusive/missing
- Installation of proposed monitoring (water flow meter and water level reader) – required prior to granting the permit to operate.

Yuliya Osetrova
Water Resources Engineer III
Lake County Water Resources Department
(707) 263-2344

Sateur Ham

From: Lori Baca
Sent: Thursday, August 13, 2020 8:56 AM
To: Sateur Ham
Subject: RE: Request for Review (REVISED): UP20-14; IS20-16; EA20-17

Sateur,

Parcel 014-006-160 is outside of any Special Districts service area, no impact.

Have a great day!

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





August 13, 2020

Sateur Ham
County of Lake
255 N Forbes St
Lakeport, CA 95453

Ref: Gas and Electric Transmission and Distribution

Dear Sateur Ham,

Thank you for submitting the 23180 Shady Grove Rd 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 12 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 12 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 12 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 15 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.

Simone Hingston

From: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Sent: Wednesday, February 19, 2020 12:41 PM
To: Simone Hingston
Subject: [EXTERNAL]RE: Request for Review for Major Use Permit (UP 20-14, IS 20-16, EA 20-17)

Hello Simone,

I initially had concerns regarding the processing facility's (F) location in proximity to the watercourse(s). However, I've spoken to the consultant, and they let me know that they are getting demo and building permits from the county for this. If this is true, then I have no further concerns or comments.

Janae

From: Simone Hingston <Simone.Hingston@lakecountyca.gov>
Sent: Tuesday, February 18, 2020 8:57 AM
To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Doug Gearhart <dougg@lcaqmd.net>; fahmya@lcaqmd.net; Elizabeth Knight <elizabethk@lcaqmd.net>; Richard Ford <Richard.Ford@lakecountyca.gov>; Jim Campbell <Jim.Campbell@lakecountyca.gov>; David Casian <David.Casian@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; chief500@lakeportfire.com; pbleuss@kelseyvillefire.com; chief800@northshorefpd.com; Fong, Gloria@CALFIRE <Gloria.Fong@fire.ca.gov>; Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>; Fdchf700@yahoo.com; PGENorthernAgencyIns@pge.com; T4b5@pge.com; Stoner, Kyle@Wildlife <Kyle.Stoner@wildlife.ca.gov>; Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>; Jackman, Rex A@DOT <rex.jackman@dot.ca.gov>; Shupe, James D@DOT <james.shupe@dot.ca.gov>; Rymer-Burnett, Saskia@DOT <Saskia.Rymer-Burnett@dot.ca.gov>; centralvalleysac@waterboards.ca.gov; Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>; nwic@sonoma.edu; kevinponce@cdfa.ca.gov; Ronald Yoder <Ronald.Yoder@lakecountyca.gov>; korinn.woodard@ca.usda.gov; Moke Simon <Moke.Simon@lakecountyca.gov>; Carol Huchingson <Carol.Huchingson@lakecountyca.gov>; Michelle Scully <Michelle.Scully@lakecountyca.gov>; Susan Parker <Susan.Parker@lakecountyca.gov>; lcfarmbureau@sbcglobal.net
Subject: Request for Review for Major Use Permit (UP 20-14, IS 20-16, EA 20-17)
Importance: High

EXTERNAL:

Good Morning Fellow Agencies,

The above attachments are a Request for Review for Major Use Permit (UP 20-14, IS 20-16, EA 20-17), please review the attached documents.

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 **March 3, 2020**. Please email your comments to simone.hingston@lakecountyca.gov or mail them to the address listed on the RFR document.

Sateur Ham

From: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Sent: Wednesday, August 12, 2020 3:29 PM
To: Sateur Ham
Subject: [EXTERNAL] Re: Request for Review (REVISED): UP20-14; IS20-16; EA20-17

Hello Sateur,

This one has an overdue Nitrogen Management Plan, but has their SMP in and is permitted with us.

We are currently undergoing a reduced in-office presence from implications due to COVID19. But all efforts are made to reply as quickly as possible.

Janae Fried
Engineering Geologist
Central Valley Regional Water Quality Control Board, Region 5R
Cannabis Permitting Unit
364 Knollcrest Drive, Suite 205
Redding, CA 96002
Janae.Fried@Waterboards.ca.gov
530-224-3291 (Office number - will check voicemail every other morning while telecommuting)



Central Valley Regional Water Quality Control Board

27 December 2023

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

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, UP 20-14 NINA STAR FARMS PROJECT, SCH#2023110699, LAKE COUNTY

Pursuant to the State Clearinghouse's 29 November 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 20-14 Nina Star Farms 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

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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/cannabishttps://public2.waterboards.ca.gov/CGO](https://public2.waterboards.ca.gov/CGO)

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



December 22, 2023

Mary Claybon, Assistant Planner II
Lake County
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Lakeport, CA 95453
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Re: Initial Study/Mitigated Negative Declaration (SCH No. 2023110699) – UP 20-14 Nina
Star Farms Project

Dear Ms. Mary Claybon:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by Lake County for the proposed UP 20-14 Nina Star Farms Project (Proposed Project).

DCC has jurisdiction over the issuance of licenses to commercial cannabis businesses. DCC may issue a cultivation license to a business that meets all licensing requirements, and where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: <https://cannabis.ca.gov/cannabis-laws/dcc-regulations/>.

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

DCC offers the following comments concerning the IS/MND.

General Comments (GCs)

GC 1: Proposed Project Description

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

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

- 1) The types of equipment anticipated for operations and maintenance activities;
- 2) Description of facility operations and maintenance, including:
 - a. The number of workers employed at the cultivation site;
 - b. Estimated number of weekly trips to and from the site for delivery of materials or supplies, shipment of products, and disposal of all waste generated by the Project;
 - c. Any water efficiency equipment that would be used; and
 - d. Details about proposed landscaping.
- 3) The source (equipment) and amounts of energy expected to be used in operating the cultivation facility, including any energy management and efficiency features incorporated into the Proposed Project.

GC 2: Impact Analysis

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

GC 3: Requirements for Mitigation Measures

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

GC 4: Acknowledgement of DCC Regulations

The IS/MND does not acknowledge that the project would require one or more cannabis cultivation licenses from DCC. The document could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cannabis business activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations related to cannabis cultivation and distribution (Bus. & Prof. Code, § 26012(a)). In particular, the analysis could benefit from discussion of the protections for environmental resources provided by DCC’s cultivation and distribution regulations. The impact analysis for each of the following resource topics could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts for each applicable topic:

- Aesthetics (See 4 California Code of Regulations §16304(a).)
- Air Quality and Greenhouse Gas Emissions (See §§ 15020(e); 16304(a)(4); 16305; 16306.)
- Biological Resources (See §§ 15006(i); 15011(a)(11); 16304(a).)
- Cultural Resources (See § 16304(a)(3).)
- Energy (See §§ 15006(h)(6); 15011(a)(5); 15020(e); 16305; 16306.)
- Hazards and Hazardous Materials (See §§ 15006(h)(5)(c); 15011(a)(4); 15011(a)(12); 16304(a)(5)); 16307; 16310.)
- Hydrology and Water Quality (See §§ 15006(h); 15011(a)(3); 15011(a)(7); 15011(a)(11); 16304(a)(1); 16307; 16311.)
- Noise (See §§ 16304(a)(4); 16306.)
- Public Services (See §§15011(a)(10); 15036; 15042.)
- Utilities and Service Systems (See §§ 16311; 17223.)
- Wildfire (See § 15011(a)(10).)
- Cumulative Impacts (related to the above topics)

GC 5: Evaluation of Cumulative Impacts

It is important for CEQA analysis to consider the cumulative impacts of commercial cannabis business activities in Lake County. Of particular importance are topics for which the impacts of individual projects may be less than significant, but where individual projects may make a considerable contribution to a significant cumulative impact. These topics include, but are not limited to:

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

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

GC 6: Site-Specific Reports and Studies

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

Specific Comments and Recommendations

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

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Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	DCC Comments and Recommendations
1	III	17-20	Air Quality	The IS/MND would be improved if it provided a description or summary of proposed operation equipment that is anticipated to generate air pollutant emissions, including ROG, NOx, PM10, and PM2.5, and provided estimates of such emissions.
2	IV	20-24	Biological Resources	The IS/MND could be improved by providing additional detail regarding the environmental setting for biological resources at the project site and impact conclusions regarding individual species and habitats. It appears that this detail may be included in the Biological Assessment prepared for the Proposed Project. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the County advise the applicant to provide a copy of the Biological Assessment with its state application package for an annual cultivation license to DCC.
22	IV	20-24	Biological Resources	The IS/MND would be improved if it provided an analysis of potential impacts to biological impacts resulting from Proposed Project operations. This could include an analysis of impacts resulting from increased light, noise, vehicles, or heavy machinery.
28	X	38-39	Hydrology and Water Quality	The IS/MND would be improved if it analyzed other projects near the site that could also draw water from the aquifer. The IS/MND only compares the groundwater recharge to the proposed project and does not include other expected projects that could also draw water from the aquifer.
30	X	36-40	Hydrology and Water Quality	The IS/MND would be improved if it provided an analysis of potential impacts resulting from agricultural runoff related to cultivation activities. The document should provide information about the volume of agricultural runoff, how runoff would be

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	DCC Comments and Recommendations
30	X	36-40	Hydrology and Water Quality	managed, and whether runoff would result in significant impacts to water quality. The IS/MND would be more informative if it included the water Drought Management Plan for the Proposed Project. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the County/City advise the applicant to provide a copy of the plan with its state application package for an annual cultivation license to DCC.
36	XXI	55	Cumulative Impacts	The IS/MND could be more informative if it identified whether any other cannabis growing operations exist or have been proposed in the vicinity of the Proposed Project, and whether the Proposed Project could make a considerable contribution to any cumulative impacts from these other projects.

Conclusion

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

Sincerely,

Lindsay Rains
Licensing Program Manager