4 April 2022

Governor's Office of Planning & Research

Apr 04 2022

STATE CLEARINGHOUSE

Eric Porter
Lake County Planning Department
255 North Forbes Street
Lakeport, CA 95453
eric.porter@lakecountyca.gov

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, MOMBACHO MOUNTAIN ORGANICS, MAJOR USE PERMIT UP 19-19 PROJECT, SCH#2022020597, LAKE COUNTY

Pursuant to the State Clearinghouse's 25 February 2022 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 Mombacho Mountain Organics, Major Use Permit UP 19-19 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_201805.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

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

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[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

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

Industrial Storm Water General Permit
Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.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

From: Mary Camp
To: Simone Hingston
Subject: RE: Request for Review UP 19-19
Date: Wednesday, June 19, 2019 1:58:51 PM

Redwood Valley thanks you for the notice. We would defer to any review, comments or concerns from Big Valley Rancheria.

From: Simone Hingston [mailto:Simone.Hingston@lakecountyca.gov]
Sent: Wednesday, June 19, 2019 12:56 PM
To: sryan@big-valley.net; cww281@gmail.com; atyler.elem@gmail.com; aarroyosr@hpultribe-nsn.gov; lrosas@hpultribe-nsn.gov; kn@koination.com; tc@middletownrancheria.com; jsimon@middletownrancheria.com; THPO@middletownrancheria.com; btorres@middletownrancheria.com; rpeterson@middletownrancheria.com; sshope@middletownrancheria.com; speterson@middletownrancheria.com; scottg@mishewalwappotribe.com; admin@rvrpomo.net; drogers@robinsonrancheria.org; terre.logsdon@sv-nsn.gov; thomas.jordan@sv-nsn.gov; lbill@yochadehe-nsn.gov; rrouse@yochadehe-nsn.gov; jkinter@yochadehe-nsn.gov; aroberts@yochadehe-nsn.gov
Subject: Request for Review UP 19-19

Subject: Request For Review UP 19-19
Importance: High

Good Afternoon Tribal Agencies,

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**, Thursday June 27, 2019**. **Any Consultation request under AB52 must be received in writing within 30 days of receipt of this notice. Please email your comments to Simone Hingston at simone.hingston@lakecountyca.gov or mail them to the address listed in the letterhead above**

The applicant is requesting approval of a Major Use Permit to allow one M-Type 3 license for outdoor cultivation of cannabis, one A-Type 1C mixed-light Cultivation, and one Type 13 Cannabis Distributor Transport Only, Self-Distribution License. According to the applicant's application packet, the applicant is proposing the following: **Please refer to attached site plans for further information** *(Cover Sheet, Surrounding Area Aerial, Existing Conditions Site Plan, Proposed Conditions Site Plan, Cultivation Site Plan with Canopy, Erosion and Sediment Control Plan)*

- The cultivation area will have approximately 43,200 square ft fenced outdoor cultivation/canopy area (G on site plan)
- Two 2,304 square ft. immature plant areas within two 24' x 96' greenhouses (F and M on

LAKE COUNTY SHERIFF'S DEPARTMENT

1220 Martin Street • Lakeport, California 95453

Administration	Central Dispatch	Coroner	Corrections	Patrol/Investigation	Substation
(707) 262-4200	(707) 263-2690	(707) 262-4215	(707) 262-4240	(707) 262-4230	(707) 994-6433

Brian L. Martin
Sheriff / Coroner

Lake County Community Development

RE: Mombacho Mountain Organic
9175, Mombacho Rd
Kelseyville, CA 95451

In review of the Security Management Plan submitted by Mombacho Mountain Organic. 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 3073.

The Lake County Sheriff's Office's review of the Security Plan submitted by Mombacho Mountain Organics is not an endorsement or recommendation of the Security Plan. It is a determination the Security Plan meets the requirements as outlined in Lake County Ordinance 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.

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

From:	Ryan Peterson
To:	Simone Hingston
Cc:	Sally Peterson
Subject:	Re: Request for Review UP 19-19
Date:	Friday, June 21, 2019 12:55:42 PM
Attachments:	Westphal and McGuire.pdf

Dear Simone,

Hope this e-mail finds you well. This project does fall within our area of concern. The Tribe is requesting a condition to the permit. Attached below is the Tribe's formal response. Have a great weekend.

Regards,

Ryan Peterson
Middletown Rancheria
Tribal Historic Preservation Department
PO Box 1035 Middletown, CA 95461
Phone: (707) 987-1315
Fax: (707) 987-9091

On Wed, Jun 19, 2019 at 12:55 PM Simone Hingston <Simone.Hingston@lakecountyca.gov> wrote:

> **Subject:** Request For Review UP 19-19
> **Importance:** High
>
> Good Afternoon Tribal Agencies,
>
> 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**, Thursday June 27, 2019**. **Any Consultation request under AB52 must be received in writing within 30 days of receipt of this notice. Please email your comments to Simone Hingston at simone.hingston@lakecountyca.gov or mail them to the address listed in the letterhead above**
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Middletown Rancheria
Tribal Historic Preservation Department
P.O. Box 1035
Middletown, CA 95461

June 19, 2019 Via Electronic Mail

Simone Hingston
County of Lake
255 N. Forbes Street
Lakeport, CA 95453
Email: Simone.Hingston@lakecountyca.gov

Request:	Major Use Permit UP 19-19 – **(1) A-Type 3 (Outdoor) Cultivation, (1) A-Type 1C Mixed Light Cultivation, (1) Type 13 Cannabis Distributor Transport Only "Self-Distribution",** Initial Study IS 19-34, and Early Activation EA 19-19
Owner:	Kirk & Dan Westphal and Kathy McGuire
Location:	9175 Mombacho Road, Kelseyville, CA 9185 Mombacho Road, Kelseyville, CA 9205 Mombacho Road, Kelseyville, CA 9261 Wildcat Road, Kelseyville, CA
APN:	various

Dear Ms. Hingston:

The Middletown Rancheria (Tribe) is in receipt of your notification dated June 19, 2019 regarding the above referenced matter.

Thank you for the opportunity to provide comments to the above referenced project. We do have cultural resources and/or sites in the proposed project area and are requesting the following condition to the permit: *Applicant must engage with the Middletown Rancheria in a Cultural Resource Monitoring Agreement for the preservation and protection of all cultural resources during all ground disturbance activities as identified by the Middletown Rancheria.* Please let me know if you have any questions and/or concerns.

Thank you,

Sally Peterson

Sally Peterson
Tribal Vice-Chairwoman
Interim THPO Director
Office Phone (707) 987-1315 *Fax (707) 987-9091*
THPO@Middletownrancheria.com

From:	Lori Baca
To:	Simone Hingston
Subject:	RE: Request for Review UP 19-19
Date:	Friday, June 21, 2019 3:21:31 PM
Attachments:	image002.png

Simone,

Parcels 011-043-14, -16, -17 and -18 are all outside of any Special Districts service areas, no impact.

Have a wonderful weekend!

Lori A. Baca, CTA

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

From: Simone Hingston
Sent: Wednesday, June 19, 2019 12:54 PM
To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Doug Gearhart <dougg@lcaqmd.net>; Elizabeth Knight <elizabethk@lcaqmd.net>; Melissa.M.France@usace.army.mil; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Mary Jane Montana <MaryJane.Montana@lakecountyca.gov>; mike.wink@fire.ca.gov; pbleuss@kelseyvillefire.com; FahmyA@lcaqmd.net; Greg Peters <Greg.Peters@lakecountyca.gov>; Elizabeth Martinez <Elizabeth.Martinez@lakecountyca.gov>; Kevin.Ponce@cdfa.ca.gov; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; kyle.stoner@wildlife.ca.gov; Todd Mansell <Todd.Mansell@lakecountyca.gov>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Craig Wetherbee <Craig.Wetherbee@lakecountyca.gov>; Chris Macedo <Chris.Macedo@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; nwic@sonoma.edu; Lori Baca <Lori.Baca@lakecountyca.gov>; Sheri.Miller@waterboards.ca.gov; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Peggy Barthel <Peggy.Barthel@lakecountyca.gov>; Ronald Yoder <Ronald.Yoder@lakecountyca.gov>; lcfarmbureau@sbcglobal.net; dave.rosenthal@sbcglobal.net; Rob Brown <Rob.Brown@lakecountyca.gov>
Subject: Request for Review UP 19-19

Subject: Request For Review UP 19-19
Importance: High

From: Ryan Lewelling
To: Simone Hingston
Subject: RE: Request for Review UP 19-19
Date: Tuesday, June 25, 2019 10:11:48 AM

Simone,

This Assessor's Office review of proposed development by WESTPHAL & McGUIRE, APN 011-043-141-000, 011-043-161-000, 011-044-171-000, 011-044-181-000, has the following comments:

- No Tax Rate Area conflicts were identified.
- Property taxes are late on APN 011-043-141-000, and in default on APN 011-043-141-000 and 011-043-161-000 – all other parcels have no outstanding tax obligations noted.
- An easement to PGE for utility as noted on APN 011-043-141-000, not excluding other unmentioned easements that may affect the rights of their holders or those of the land owners.

Please proceed accordingly.

Ryan Lewelling
Cadastral Mapping Specialist
707-263-2302 | *Ryan.Lewelling@LakeCountyCA.gov*

From: Simone Hingston
Sent: Wednesday, June 19, 2019 12:54 PM
To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Doug Gearhart <dougg@lcaqmd.net>; Elizabeth Knight <elizabethk@lcaqmd.net>; Melissa.M.France@usace.army.mil; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Mary Jane Montana <MaryJane.Montana@lakecountyca.gov>; mike.wink@fire.ca.gov; pbleuss@kelseyvillefire.com; FahmyA@lcaqmd.net; Greg Peters <Greg.Peters@lakecountyca.gov>; Elizabeth Martinez <Elizabeth.Martinez@lakecountyca.gov>; Kevin.Ponce@cdfa.ca.gov; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; kyle.stoner@wildlife.ca.gov; Todd Mansell <Todd.Mansell@lakecountyca.gov>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Craig Wetherbee <Craig.Wetherbee@lakecountyca.gov>; Chris Macedo <Chris.Macedo@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; nwic@sonoma.edu; Lori Baca <Lori.Baca@lakecountyca.gov>; Sheri.Miller@waterboards.ca.gov; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Peggy Barthel <Peggy.Barthel@lakecountyca.gov>; Ronald Yoder <Ronald.Yoder@lakecountyca.gov>; lcfarmbureau@sbcglobal.net; dave.rosenthal@sbcglobal.net; Rob Brown <Rob.Brown@lakecountyca.gov>
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Good Afternoon Fellow Agencies,

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,

From: Ronald Yoder
To: Simone Hingston
Subject: RE: Request for Review UP 19-19
Date: Tuesday, June 25, 2019 11:10:41 AM

Simone, This project appears to need a grading permit. The grading supplemental question was answered that 500 yards of material is to be graded and that may be covered by the amount allowed with a building permit. However all areas that are graded for this project need to detailed even if they are all building sites and covered with a building permit. All cuts, fills and clearing needs to be provided in a grading plan submitted with building plans. Without this information a correct amount of cubic yards disturbed cannot be determined, and the 500 yard amount stated is not valid.

Ron Yoder
Grading Stormwarer Inspector II

From: Simone Hingston
Sent: Wednesday, June 19, 2019 12:54 PM
To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Doug Gearhart <dougg@lcaqmd.net>; Elizabeth Knight <elizabethk@lcaqmd.net>; Melissa.M.France@usace.army.mil; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Mary Jane Montana <MaryJane.Montana@lakecountyca.gov>; mike.wink@fire.ca.gov; pbleuss@kelseyvillefire.com; FahmyA@lcaqmd.net; Greg Peters <Greg.Peters@lakecountyca.gov>; Elizabeth Martinez <Elizabeth.Martinez@lakecountyca.gov>; Kevin.Ponce@cdfa.ca.gov; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; kyle.stoner@wildlife.ca.gov; Todd Mansell <Todd.Mansell@lakecountyca.gov>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Craig Wetherbee <Craig.Wetherbee@lakecountyca.gov>; Chris Macedo <Chris.Macedo@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; nwic@sonoma.edu; Lori Baca <Lori.Baca@lakecountyca.gov>; Sheri.Miller@waterboards.ca.gov; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Peggy Barthel <Peggy.Barthel@lakecountyca.gov>; Ronald Yoder <Ronald.Yoder@lakecountyca.gov>; lcfarmbureau@sbcglobal.net; dave.rosenthal@sbcglobal.net; Rob Brown <Rob.Brown@lakecountyca.gov>
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The applicant is requesting approval of a Major Use Permit to allow one M-Type 3 license

similarity of one or more of these environmental factors, there is a moderately high potential for unrecorded Native American resources in the proposed project area.

Due to the passage of time since the previous surveys (Parker 1979 and Flaherty 1989) and the changes in archaeological theory and method since that time, we recommend a qualified archaeologist conduct further archival and field study for the entire project area to identify cultural resources. Field study may include, but is not limited to, pedestrian survey, hand auger sampling, shovel test units, or geoarchaeological analyses as well as other common methods used to identify the presence of archaeological resources. Please refer to the list of consultants who meet the Secretary of Interior's Standards at http://www.chrisinfo.org.

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 The 1959 Kelseyville USGS 7.5' quad depicts three buildings and one mine within the project parcels of the proposed project areas. Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, 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,

Jillian Guldenbrein

Jillian Guldenbrein
Researcher

From: Fahmy Attar
To: Simone Hingston
Subject: Re: Request for Review UP 19-19
Date: Tuesday, July 2, 2019 11:05:18 AM
Attachments: Kirk & Dan Westphal and Kathy McGuire_07022019.pdf

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Simone,

Attached is the Air Quality Review

Happy Independence week,

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 Jun 19, 2019, at 12:53 PM, Simone Hingston <Simone.Hingston@lakecountyca.gov> wrote:

Subject: Request For Review UP 19-19
Importance: High

Good Afternoon Fellow Agencies,

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**, Thursday June 27, 2019**. **Any Consultation request under AB52 must be received in writing within 30 days of receipt of this notice. Please email your comments to Simone Hingston at simone.hingston@lakecountyca.gov or mail them to the address listed in the letterhead above**

The applicant is requesting approval of a Major Use Permit to allow one M-Type 3 license for outdoor cultivation of cannabis, one A-Type 1C mixed-light Cultivation, and one Type 13 Cannabis Distributor Transport Only, Self-Distribution License. According to the applicant's application packet, the applicant is proposing the following:**Please refer to attached site plans for further information** *(Cover Sheet, Surrounding Area Aerial, Existing Conditions Site Plan, Proposed Conditions Site Plan, Cultivation Site Plan with Canopy, Erosion and Sediment Control Plan)*

- The cultivation area will have approximately 43,200 square ft fenced outdoor cultivation/canopy area (G on site plan)
- Two 2,304 square ft. immature plant areas within two 24' x 96' greenhouses (F and M on site plan)

LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT

2617 South Main Street
Lakeport, CA 95453
Phone (707) 263-7000
Fax (707) 263-0421

Douglas G. Gearhart
Air Pollution Control Officer
dougg@lcaqmd.net

-MEMORANDUM-

To: Simone Hingston, Assistant Planner
LC Community Development Dept.

DATE: July 2, 2019

FROM: Fahmy Attar, Air Quality Engineer

SUBJECT: Kirk & Dan Westphal and Kathy McGuire ••• APN: 011-043-14 & 16, 011 -044-17 & 18 ••• Major Use Permit 19-19 ••• Outdoor and Greenhouse Cannabis Cultivation located at 9175, 9185, 9205 Mombacho Road & 9261 Wildcat Road, Kelseyville, CA 95451

Lake County Air Quality Management District received a Request for Review for Sufficiency from Lake County Community Development on June 19, 2019. Kirk & Dan Westphal and Kathy McGuire request a 43,200 square feet outdoor cannabis cultivation area and a 2,500 square feet of mixed light greenhouse cultivation located at 9175, 9185, 9205 Mombacho Road & 9261 Wildcat Road, Kelseyville, CA 95451.

Any manufacturing or delivery operations must comply with LCAQMD rules and regulations. An application must be submitted. contact LCAQMD for more details.

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.

Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. Portable and stationary diesel-powered equipment must meet the requirements of the State Air Toxic Control Measures for CI engines. The applicant should contact the District for further information if the project includes a backup generator.

Site development, site operation and vegetation disposal 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.

Any demolition or major 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 must be submitted to the District at least 14 days prior to beginning any demolition work. The applicant should contact the District for details. Regardless of asbestos content, all demolition activities should use adequate water/ amended water to prevent dust generation and nuisance conditions. Fire training and burning of large areas of brush can potentially cause significant air quality impacts that should mitigated or offset. If the construction site address contains Serpentine, a Serpentine control plan is required unless otherwise determined by LCAQMD. Please contact LCAQMD for more details.

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. The applicant has indicated grading and re-graveling roads, utilizing water trucks if necessary, reduce travel times through efficient time management and consolidating solid waste removal/supply deliveries, and speed limits.

Given the above concerns are adequately addressed, the project as proposed with mitigation measures, can be supported for air quality concerns.

From: Paul Bleuss
To: Simone Hingston
Subject: Re: Request for Review UP 19-19
Date: Wednesday, July 3, 2019 9:50:24 AM

Hello,
For this I would like to see a minimum of two exits from each structure, sufficient setbacks between structures to limit fire spread, hazard reduction to be done to the property, sufficient fire access roads to allow for engine access to all of the structures/areas of the property. Fire sprinkler systems and fire alarm systems to be installed in accordance with the California fire code. Secondary containment system installed if any bulk pesticide/chemical storage exists. As well as a secondary exit from the outdoor canopy area.

Paul A. Bleuss II
FAE Paramedic
Fire Prevention Officer
Kelseyville Fire Department
4020 Main Street
Kelseyville, CA 95451
W: (707) 279-4268
Fax: (707) 279-4256

On Jun 19, 2019, at 12:53 PM, Simone Hingston <Simone.Hingston@lakecountyca.gov> wrote:

> **Subject:** Request For Review UP 19-19
> **Importance:** High
>
> Good Afternoon Fellow Agencies,
>
> 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**, Thursday June 27, 2019**. **Any Consultation request under AB52 must be received in writing within 30 days of receipt of this notice. Please email your comments to Simone Hingston at simone.hingston@lakecountyca.gov or mail them to the address listed in the letterhead above**
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> The applicant is requesting approval of a Major Use Permit to allow one M-Type 3 license for outdoor cultivation of cannabis, one A-Type 1C mixed-light Cultivation, and one Type 13 Cannabis Distributor Transport Only, Self-Distribution License. According to the applicant's application packet, the applicant is proposing the following: **Please refer to attached site plans for further information** *(Cover Sheet, Surrounding Area Aerial, Existing Conditions Site Plan, Proposed Conditions Site Plan, Cultivation Site Plan with Canopy, Erosion and Sediment Control Plan)*
> <!--[if !supportLists]-->● <!--[endif]-->The cultivation area will have

Middletown Rancheria
Tribal Historic Preservation Department
P.O. Box 1035
Middletown, CA 95461

June 19, 2019 Via Electronic Mail

Simone Hingston
County of Lake
255 N. Forbes Street
Lakeport, CA 95453
Email: Simone.Hingston@lakecountyca.gov

Request:	Major Use Permit UP 19-19 – **(1) A-Type 3 (Outdoor) Cultivation, (1) A-Type 1C Mixed Light Cultivation, (1) Type 13 Cannabis Distributor Transport Only "Self-Distribution",** Initial Study IS 19-34, and Early Activation EA 19-19
Owner:	Kirk & Dan Westphal and Kathy McGuire
Location:	9175 Mombacho Road, Kelseyville, CA 9185 Mombacho Road, Kelseyville, CA 9205 Mombacho Road, Kelseyville, CA 9261 Wildcat Road, Kelseyville, CA
APN:	various

Dear Ms. Hingston:

The Middletown Rancheria (Tribe) is in receipt of your notification dated June 19, 2019 regarding the above referenced matter.

Thank you for the opportunity to provide comments to the above referenced project. We do have cultural resources and/or sites in the proposed project area and are requesting the following condition to the permit: *Applicant must engage with the Middletown Rancheria in a Cultural Resource Monitoring Agreement for the preservation and protection of all cultural resources during all ground disturbance activities as identified by the Middletown Rancheria.* Please let me know if you have any questions and/or concerns.

Thank you,

Sally Peterson

Sally Peterson
Tribal Vice-Chairwoman
Interim THPO Director
Office Phone (707) 987-1315 *Fax (707) 987-9091*
THPO@Middletownrancheria.com

Simone Hingston

From: Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>
Sent: Sunday, June 23, 2019 11:22 PM
To: Simone Hingston
Cc: Bertelli, Greg@CALFIRE; Baldwin, Joe@CALFIRE; Mary Jane Montana
Subject: Re: Request for Review UP 19-19

Good evening Simone. I show this project located in unincorporated Lake County, that is also in the SRA (State Responsibility Area). Below are the comments/requirements from CAL FIRE. All of the below is State Law minimums.

As this address is in the SRA, 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.

This shall include, but not be limited to:

- Property line set backs for structures that are a minimum of 30 feet.
- Addressing that is reflective and contrasting colors.
- On site water storage for fire protection of the structure per NFPA 1142
- Per NFPA 1142 water storage tanks for commercial use shall be steel or fiberglass (not plastic)
- As this is a commercial property, no driveway standard shall be applied.
- Any roadway for commercial use shall consist of two 10 foot lanes of travel for a total of 20 feet not including the shoulder.
- Roadway types and specifications based on designated usage, which is commercial.
- Existing roadways shall meet, and or be improved to meet all standards for commercial use.
- All weather roadway surfaces engineered for 75,000 lb vehicles is the minimum (including bridges).
- Maximum roadway slope of 16%.
- Gate width is a 14 foot minimum.
- Gate set backs are a minimum of 30 feet from a road.
- Parking shall allow for turnarounds, hammerhead T, or similar.
- Minimum fuels reduction of 100 feet of defensible space.
- If this property will meet the criteria to be, or will be a 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.

Thank you for your time and consideration. Have a great week. Mike

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

Simone Hingston

From: Ryan Lewelling
Sent: Tuesday, June 25, 2019 10:12 AM
To: Simone Hingston
Subject: RE: Request for Review UP 19-19

Simone,

This Assessor's Office review of proposed development by WESTPHAL & McGUIRE, APN 011-043-141-000, 011-043-161-000, 011-044-171-000, 011-044-181-000, has the following comments:

- No Tax Rate Area conflicts were identified.
- Property taxes are late on APN 011-043-141-000, and in default on APN 011-043-141-000 and 011-043-161-000 – all other parcels have no outstanding tax obligations noted.
- An easement to PGE for utility as noted on APN 011-043-141-000, not excluding other unmentioned easements that may affect the rights of their holders or those of the land owners.

Please proceed accordingly.

Ryan Lewelling
Cadastral Mapping Specialist
707-263-2302 | *Ryan Lewelling@LakeCountyCA.gov*

From: Simone Hingston
Sent: Wednesday, June 19, 2019 12:54 PM
To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Doug Gearhart <dougg@lcaqmd.net>; Elizabeth Knight <elizabethk@lcaqmd.net>; Melissa.M.France@usace.army.mil; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Mary Jane Montana <MaryJane.Montana@lakecountyca.gov>; mike.wink@fire.ca.gov; pbleuss@kelseyvillefire.com; FahmyA@lcaqmd.net; Greg Peters <Greg.Peters@lakecountyca.gov>; Elizabeth Martinez <Elizabeth.Martinez@lakecountyca.gov>; Kevin.Ponce@cdfa.ca.gov; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; kyle.stoner@wildlife.ca.gov; Todd Mansell <Todd.Mansell@lakecountyca.gov>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Craig Wetherbee <Craig.Wetherbee@lakecountyca.gov>; Chris Macedo <Chris.Macedo@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; nwic@sonoma.edu; Lori Baca <Lori.Baca@lakecountyca.gov>; Sheri.Miller@waterboards.ca.gov; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Peggy Barthel <Peggy.Barthel@lakecountyca.gov>; Ronald Yoder <Ronald.Yoder@lakecountyca.gov>; lcfarmbureau@sbcglobal.net; dave.rosenthal@sbcglobal.net; Rob Brown <Rob.Brown@lakecountyca.gov>
Subject: Request for Review UP 19-19

Subject: Request For Review UP 19-19
Importance: High

Good Afternoon Fellow Agencies,

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, **Thursday June 27, 2019. Any Consultation request under AB52 must be received in writing within 30 days of receipt of this notice. Please email your comments to Simone Hingston at simone.hingston@lakecountyca.gov or mail them to the address listed in the letterhead above**