



COUNTY OF LAKE

HEALTH SERVICES DEPARTMENT

Division of Environmental Health

Lakeport:

922 Bevins Court, Lakeport, CA 95453-9739

Telephone 707/ 263-1164 FAX: 263-1681

Denise Pomeroy

Health Services Director

Sara Goldgraben, MD, MPH, MBA

Public Health Officer

Jasjit Kang

Environmental Health Director

Memorandum

DATE: December 11, 2018

TO: Mark Roberts, Associate Planner

FROM: Tina Dawn-Rubin, Environmental Health Aide

RE: UP 18-20, M type 3; IS 18-25 Initial Study; EA 18-13
Early Activation

APN: 012-004-29, 012-004-05 – 13605 Seigler Canyon Rd,
Lower Lake

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

There is currently one Onsite Wastewater Treatment System (OTWS) on parcel 012-004-29 designed to service a 2 bedroom residence and the original permit dates back to 1981. A domestic well permit from January 2008 is on file. There is no information of file for parcel 012-004-05.

The applicant must meet the Lake County Division of Environmental Health setback requirements to the on-site wastewater treatment system and/or wells, streams, intermittent streams, and ponds.

For any proposed building permits or projects where the parcel is serviced by an Onsite Wastewater Treatment System (OTWS) (aka septic system), the applicant may need to demonstrate the location of any proposed or existing structures including residential or commercial dwellings, garages, sheds, barns, green houses, non-perimeter fences, well houses, etc.; the location of any existing or proposed OTWS; the location of any existing or proposed wells; the location of any existing or proposed driveways; and the location of the proposed project (i.e. commercial cannabis cultivation) on a to-scale site plan prior to building permit issuance and/or project approval.

Mark Roberts

From: Stephanie Reyes <slreyes@middletownrancheria.com>
Sent: Sunday, June 3, 2018 4:18 PM
To: Mark Roberts
Subject: Re: Major Use Permit, UP 18-20 Richard Derum

Mark,

Thank you for providing notice regarding RFR UP 18-20 Derum. We have cultural resources and sites within the proposed project area. Please add a condition to permit "Applicant must engage with the Middletown Rancheria in a Cultural Resource agreement that will provide Tribal Monitoring Services to preserve and protect cultural resources and sites".

Stephanie L. Reyes
Tribal Historic Preservation Officer
Middletown Rancheria

P.O. Box 1035
Middletown, CA 95461
Office (707) 987-3670 ext 115
Fax (707) 987-9091
Cell (707) 349-1772

slreyes@middletownrancheria.com

"Culture shouldn't change to adapt to our life styles...our life styles should change to adapt to Culture" - Preservation

On Fri, Jun 1, 2018 at 3:36 PM, Mark Roberts <Mark.Roberts@lakecountyca.gov> wrote:

Hi All,

Please review the above RFR. I have included a file share-link below for you to review the proposed site plans and property management plan.

FROM: Mark Roberts, Associate Planner

REQUEST: Major Use Permit UP 18-20 – **M-Type 3**, Initial Study, IS 18-25 and Early Activation, EA 18-13

The following sheets are attached for your reference: Sheet 1 cover, Sheet 2 surrounding area aerial, sheet 3 site plan, existing conditions, Sheet 4 site plan proposed conditions, Sheet 5 Cannabis cultivation Site, Sheet 6 Cannabis Related Building Layouts and Sheet 7 Security.

An Initial Study will be prepared for the project, in compliance with the California Environmental Quality Act. 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 **Tuesday, June 12, 2018**. Please email your comments to Mireya Turner at Mark.Roberts@lakecountyca.gov or mail them to the address listed in the letterhead above.

If you have any questions, please let me know

Sincerely,

mark

Please click on the following link to download the attachments:

<https://filetransfer.co.lake.ca.us/message/uB8LpjOazzGT1bZLkaekpA>

This email or download link can be forwarded to anyone.

The attachments are available until: **Friday, 8 June.**

Message ID: uB8LpjOazzGT1bZLkaekpA

LiquidFiles Appliance: <https://filetransfer.co.lake.ca.us>

Mark Roberts

From: Dino Beltran <dbeltran@koination.com>
Sent: Friday, June 1, 2018 3:53 PM
To: Mark Roberts
Cc: KN@KoiNation
Subject: Re: Major Use Permit, UP 18-20 Richard Derum



We are interested in this project.

Dino
Koi Nation

Sent from my iPhone

On Jun 1, 2018, at 3:36 PM, Mark Roberts <Mark.Roberts@lakecountyca.gov> wrote:

Hi All,

Please review the above RFR. I have included a file share-link below for you to review the proposed site plans and property management plan.

FROM: Mark Roberts, Associate Planner
REQUEST: Major Use Permit UP 18-20 – **M-Type 3**, Initial Study, IS 18-25 and Early Activation, EA 18-13
OWNER/APPLICANT: Richard Derum
APNs: 012-004-29; 012-004-05
LOCATION: 13605 Seigler Canyon Road, Lower Lake, CA
ZONING: “RL” Rural Lands
GENERAL PLAN: Rural Lands.
FLOOD ZONE: D – Not in flood zone
PROPOSAL: Permit to operate an M-Type 3 commercial cannabis cultivation with request for Early Activation of Use. Please refer to attached Property Management Plan for details

Description of the type of requested permit:

M - Type 3: "outdoor": Outdoor cultivation for medicinal cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size on one premises.

Property Managements Plans are available upon request that contains the following sections: Air Quality, Cultural Resources, Energy Usage Fertilizer Usage, Fish and Wildlife Protection, Operations manual, Pest Management, Security, Video Surveillance, Fences, Storm Water management, and Waste Management.

The cultivation sites are required to meet the following **access standards**: 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



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

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JUN 04 2018

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.

RECEIVED

JUN 01 2018

Lake County
Environmental Health

DISTRIBUTION DATE: June 1, 2018

REQUEST FOR REVIEW
FOR SUFFICIENCY

@ AG. COMMISSIONER
@ AIR QUALITY MGMT
☐ ARMY CORPS
ASSESSOR
☐ BLM
@ BUILDING DIVISION
@ CAL FIRE
@ CALTRANS
@ CDFA
@ FIRE DIST: Upper Lake
@ CRWQCB
@ CA FISH & WILDLIFE
@ DPW ROADS
@ ENVIRONMENTAL
HEALTH DEPARTMENT

☐ LAKE TRANSIT
☐ NATIVE AM. HERITAGE
☐ NRCS
☐ OFFICE OF EDUCATION
☐ PG&E
☐ PUBLIC SERVICES
@ SHERIFF
@ CALCANNABIS

@ SONOMA STATE
@ SPECIAL DISTRICTS
☐ STATE DEPT. HEALTH
@ SURVEYOR

@ TAX COLLECTOR

@ TRIBES:
@ Big Valley Rancheria
@ Cache Creek
@ Cortina Rancheria
@ Elem Colony
@ Koi Nation
@ Middletown Rancheria
@ Robinson Rancheria
@ Scotts Valley Band of Pomo
@ Upper Lake Habematolel

@ WATER RESOURCES

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Health Services Director

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Public Health Officer

Jasjit Kang

Environmental Health Director

Memorandum

DATE: June 4, 2018

TO: Mark Roberts, Associate Planner

FROM: Tina Dawn-Rubin, Environmental Health Aide

RE: UP 18-20, M type 3; IS 18-25 Initial Study; EA 18-13
Early Activation

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EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX
DIRECTOR

RECEIVED

OCT 19 2018

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.

Memorandum

Date: October 16, 2018
To: All Reviewing Agencies
From: Scott Morgan, Director
Re: SCH # 2018102012
Major Use Permit UP 18-20

The Lead Agency has corrected some information regarding the above-mentioned project. Please see the attached materials for more specific information. All other project information remains the same.

cc: Eric Porter
Lake County CA Planning Department
255 N. Forbes Street
Lakeport, CA 95453



COUNTY OF LAKE

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

Governor's Office of Planning & Research

OCT 16 2018

STATE CLEARINGHOUSE

October 16, 2018

State Clearinghouse

Via email: state.clearinghouse@opr.ca.gov

RE: **Amendment to Notice of Completion – State File No. 2018-10-2012, 'Derum'**

Dear State Clearinghouse;

The County of Lake submitted a Notice of Completion and Environmental Analysis to your agency on approximately October 2, 2018, along with 15 copies of the Mitigated Initial Study, County file no. IS 18-24.

The NOC and Initial Study erroneously included Assessor's Parcel Number 012-004-28.
The only affected parcel is 012-004-64.

We regret any confusion this may have caused. Please let me know if you need another 15 hard copies of the revised Initial Study, County File Number IS 18-24.

Sincerely,

Eric J. Porter
Associate Planner

CC: File

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OCT 19 2018

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT

RECEIVED

OCT 17 2018

- ☒ County Clerk
- ☒ Interested Parties

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.

COUNTY OF LAKE
CORRECTION OF NOTICE OF INTENT
TO ADOPT A MITIGATED NEGATIVE DECLARATION -

Project Title: Derum; Use Permit (UP 18-20); Initial Study (IS 18-24); Early Activation (EA 18-13)

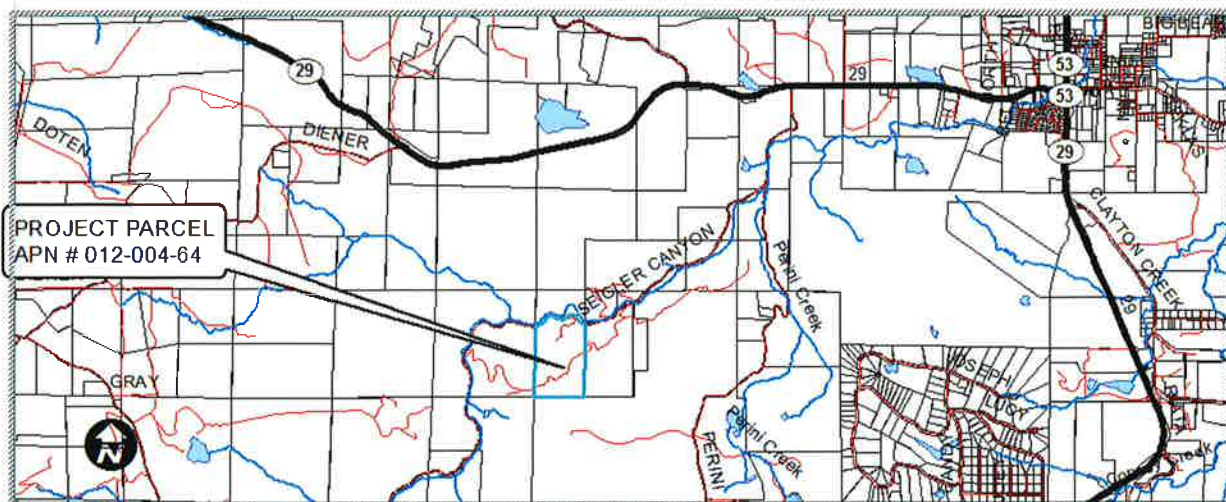
Project Location: 13505 & 13605 Seigler Canyon Road, Lower Lake, CA

CORRECTION: *Original Notice of Intent erroneously included APN 012-004-28. This Notice Of Intent ONLY applies to APN 012-004-64.*

APN No.: ~~012-004-28~~ and 64

Project Description: Approval of up to 22,000 s.f. of outdoor Commercial Cannabis grow site via Use Permit (UP) 18-20; Initial Study (IS) 18-24, and Early Activations (EA) 18-13. The parcel contains one dwelling unit, a 20' x 20' building to be used for drying the plants post-harvest; two 2500 gallon water tanks, and several smaller out buildings. Annual water use is estimated to be 1,600,000 gallons according to the applicant. The parcel is accessible through an existing unimproved County road, Seigler Canyon Drive. In addition to the dwelling, the project site is currently developed with a graveled access road, a site for medicinal cannabis cultivation enclosed by a 6 foot chain link fence and steel gate with a combination lock. There are no mapped sensitive species on the site. The site is not in a flood plain.

The public review period for the respective proposed Mitigated Negative Declaration based on Initial Study IS 18-24 will begin on October 18, 2018 and end on November 17, 2018. You are encouraged to submit written comments regarding the proposed Mitigated Negative Declaration. You may do so by submitting written comments to the Planning Division prior to the end of the review period. Copies of the application, environmental documents, and all reference documents associated with the project are available for review through the **Community Development Department, Planning Division; telephone (707) 263-2221**. Written comments may be submitted to the Planning Division or via email at eric.porter@lakecountycalifornia.gov.



Posted

OCT 17 2018

to November 21, 2018

5



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX
DIRECTOR

November 5, 2018

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NOV 09 2018

Eric Porter
Lake County
255 N. Forbes Street
Lakeport, CA 95453

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.

Subject: Major Use Permit UP 18-20
SCH#: 2018102012

Dear Eric Porter:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 2, 2018, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2018102012
Project Title Major Use Permit UP 18-20
Lead Agency Lake County

Type MND Mitigated Negative Declaration

Description One Type 3 Cultivation License [outdoor cultivation for adult use cannabis w/o the use of light deprivation and/or artificial lighting in the canopy area] about 22,000 sf in total canopy size. The cultivation would occur on tax lot 64. The proposed grow area will be fully enclosed with a 6' tall chain link fence, metal gates and security locks, and the site and growing facility will be protected by security surveillance cameras. The two parcels contain one dwelling unit (APN 64), a well, a 20' x 20' building to be used for drying the plants post-harvest; two 2500 gallon water tanks, and several smaller out buildings. There is an existing medicinal grow area at the site of the new grow area that contains up to 48 plants. Annual water use is estimated to be 1,600,000 gallons according to the applicant.

Lead Agency Contact

Name Eric Porter
Agency Lake County
Phone (707) 263-2221 **Fax**
email
Address 255 N. Forbes Street
City Lakeport **State** CA **Zip** 95453

Project Location

County Lake
City
Region
Lat / Long 38° 53' 41.6" N / 122° 39' 32.8" W
Cross Streets Seigler Canyon Rd
Parcel No. 012-004-64
Township **Range** **Section** **Base** MD

Proximity to:

Highways 29
Airports Private airstrip 9100 ft away
Railways
Waterways Clear Lake
Schools Konocti USD
Land Use single family dwelling, vineyard/rural land/rural land

Project Issues Air Quality; Archaeologic-Historic; Noise; Cumulative Effects

Reviewing Agencies Resources Agency; Central Valley Flood Protection Board; Department of Fish and Wildlife, Region 2; Department of Parks and Recreation; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 1; Department of Food and Agriculture; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Delta Protection Commission; Delta Stewardship Council; Native American Heritage Commission; Department of Pesticide Regulation

Date Received 10/04/2018 **Start of Review** 10/04/2018 **End of Review** 11/02/2018



EDMUND G. BROWN, JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

clear
11/2/18
E

26 October 2018

Governor's Office of Planning & Research

OCT 29 2018

Eric Porter

Lake County Planning Department

255 North Forbes Street

Lakeport, CA 95453

STATE CLEARINGHOUSE

CERTIFIED MAIL

7018 1830 0001 0062 2667

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, MAJOR USE PERMIT UP 18-20, EA 18-13, AND IS 18-24 (SPECIALTY TOKENS) PROJECT, SCH# 2018102012, LAKE COUNTY

Pursuant to the State Clearinghouse's 4 October 2018 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 Major Use Permit UP 18-20, EA 18-13, and IS 18-24 (Specialty Tokens) 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,

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

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 Activities (Construction General Permit), Construction General Permit Order No. 2009-009-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) Permits¹

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.

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.

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 Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

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 Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. 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 Risk 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 Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.

For more information regarding the NPDES Permit and the application process, visit the
Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

If you have questions regarding these comments, please contact me at (916) 464-4812 or
Jordan.Hensley@waterboards.ca.gov.

A handwritten signature in black ink, appearing to read 'Jordan Hensley', written in a cursive style.

Jordan Hensley
Environmental Scientist

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