

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

May 6, 2019

Via Electronic Mail

Mr. Sufyan Hamouda
County of Lake
255 N. Forbes Street
Lakeport, CA 95453

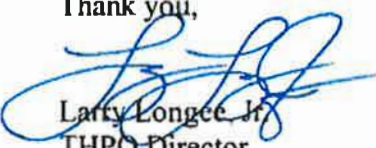
Request: Use Permit, UP 18-50, IS 18-74, EA 18-42
Owner: Michelle Briggs, Corbin Wood, and Kristen Callahan
Applicant: Christopher Kelley
Location: 21650 St. Helena Creek, Middletown
APN: 014-460-05

Dear Mr. Hamouda:

The Middletown Rancheria (Tribe) is in receipt of your notification dated April 30, 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,


Larry Longee, Jr.
THPO Director
llongee@middletownrancheria.com
707-230-1031 Cell

Office Phone (707) 987-1315

Fax (707) 987-9091

Attachment 3

Sufyan Hamouda

From: Ryan Lewelling
Sent: Tuesday, May 14, 2019 9:54 AM
To: Sufyan Hamouda
Subject: RE: UP 18-50 (Kelley) RFR

Sufyan,

This Assessor's Office review of proposed development by KELLEY (MAGIC MEADOWS FARM), APN 014-460-051-000, has the following comments:

- Property tax obligations for the current tax year are LATE (4/10/2019) and previous year's tax obligations are DELINQUENT.
- No Tax Rate Area conflicts were identified.
- The parcel was subject of a Certificate of Compliance #2012009460, 6/5/2012.

Please proceed accordingly.

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

From: Sufyan Hamouda
Sent: Tuesday, April 30, 2019 4:33 PM
To: 'Fahmy Attar' <FahmyA@lcaqmd.net>; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Mary Jane Montana <MaryJane.Montana@lakecountyca.gov>; r2ceqa@wildlife.ca.gov; Kyle.Stoner@wildlife.ca.gov; 'CVRWQCB - Elizabeth Lee' <centralvalleysacramento@waterboards.ca.gov>; Todd Mansell <Todd.Mansell@lakecountyca.gov>; Brian Martin <Brian.Martin@lakecountyca.gov>; Chris Macedo <Chris.Macedo@lakecountyca.gov>; mike.wink@fire.ca.gov; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; nwic@sonoma.edu; Lori Baca <Lori.Baca@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Casey Moreno <Casey.Moreno@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; Moke Simon <Moke.Simon@lakecountyca.gov>; lcfarmbureau@sbcglobal.net; Ceo@lakecochamber.com
Subject: UP 18-50 (Kelley) RFR

Hi,

I am sending out for comment/review on a Use Permit for cannabis, UP18-50. Please return any comments by 5/14/19.

Thank you,

Sufyan Hamouda

Assistant Planner

Phone: (707) 263-2221

Extension: 37117

CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM



ALAMEDA
COLUSA
CONTRA COSTA
DEL NORTE

HUMBOLDT
LAKE
MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO

SAN FRANCISCO
SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
<http://www.sonoma.edu/nwic>

May 10, 2019

File No.: 18-2105

Sufyan Hamouda, Project Planner
Lake County
Community Development Department
255 N. Forbes Street
Lakeport, CA. 95453

re: UP 18-50, IS 18-74, EA 18-42 / 21650 St. Helena Creek Road / Christopher Kelley

Dear Sufyan Hamouda,

Records at this office were reviewed to determine if this project could adversely affect cultural resources. **Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

Project Description: Major Use Permit to allow one A-Type 3 outdoor commercial cannabis license and an A-type 2B small mixed-light. This includes a 61,300 square foot outdoor cultivation site with 43,560 square feet of canopy as well as 18,100 sq. ft. of mixed light cultivation area. The mixed light cultivation area will include 4 30x80 hoop houses for a total canopy area of mixed light being 7,680 square feet. Additionally, there will be an 8 panel solar array, a 320 square foot shipping container for construction and hazardous materials, two 70 square foot shed used for chemical storage and fertilizer storage, and a 112 square foot shed for waste storage and four 2,500 gallon water storage tanks. A 320 square foot trailer is proposed as the employee wash and restroom.

Previous Studies:

XX Study #47663 (Darcangelo and Thomas 2016), an approximately located report, may have covered all or parts of the proposed project parcel in its scope. However, the report is unclear as to whether the researchers surveyed the proposed project area (*see recommendation below*).

Archaeological and Native American Resources Recommendations:

XX The proposed project area has the possibility of containing unrecorded archaeological site(s). Native American resources in this part of Lake County have been recorded at the foothill to valley floor interface, at the mouths of drainage canyons, and near intermittent or perennial watercourses. The proposed project area contains a broad midslope terrace adjacent to an intermittent drainage system at the foothill to valley floor interface, approximately 0.6-mi south of Middletown and Dead Horse Flat. Due to these environmental factors, a study is recommended prior to commencement of project activities.

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

Built Environment Recommendations:

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

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

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

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

Sincerely,



Cameron Felt
Researcher

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
doug@lcaqmd.net

-MEMORANDUM-

To: Sufyan Hamouda, Assistant Planner
LC Community Development Dept.

DATE: May 13, 2019

FROM: Fahmy Attar, Air Quality Engineer



SUBJECT: Magic Meadow Farms - Michelle Briggs, Corbin Wood, Kristen Callahan, and Christopher Kelley ••• APN 014-460-05 ••• UP 18-50, IS 18-74 ••• commercial cannabis cultivation located at 21650 Saint Helena Creek, Middletown, CA 95461

The Lake County Air Quality Management District (LCAQMD) received a Request for Review for Sufficiency from the County of Lake Community Development Department on April 30, 2019. Magic Meadow Farms requests a UP for One commercial 43,560 square feet outdoor cannabis cultivation and one 18,100 square feet of mixed light cannabis cultivation located at 21650 Saint Helena Creek, Middletown, CA 95461.

An Authority to Construct (A/C) permit is required for all Cannabis operations and for any diesel powered equipment, or other equipment with potential for air emissions.

The facility is subject to AB 2588 air emission inventory requirements administered by the LCAQMD if it uses listed hazardous or toxic materials. The operator should maintain records, including the Material Safety Data Sheets (MSDS) for all volatile organic compounds utilized including cleaning materials. The facility is required, upon request, to provide the LCAQMD such information necessary to complete an updated air toxic emission inventory.

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 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, and waste material, including removed vegetation and construction debris, must not be burned as a means of disposal.

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 and a complete A/C permit application is submitted, the project as proposed with mitigation measures, can be supported for air quality concerns.

Sufyan Hamouda

From: Lori Baca
Sent: Wednesday, May 1, 2019 9:08 AM
To: Sufyan Hamouda
Subject: RE: UP 18-50 (Kelley) RFR

Sufyan,

Parcel 014-460-05 at 21650 St. Helena Creek is outside of any Special Districts service areas, no impact.

Have a great day!!

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



From: Sufyan Hamouda
Sent: Tuesday, April 30, 2019 4:33 PM
To: 'Fahmy Attar' <FahmyA@lcaqmd.net>; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Mary Jane Montana <MaryJane.Montana@lakecountyca.gov>; r2ceqa@wildlife.ca.gov; Kyle.Stoner@wildlife.ca.gov; 'CVRWQCB - Elizabeth Lee' <centralvalleysacramento@waterboards.ca.gov>; Todd Mansell <Todd.Mansell@lakecountyca.gov>; Brian Martin <Brian.Martin@lakecountyca.gov>; Chris Macedo <Chris.Macedo@lakecountyca.gov>; mike.wink@fire.ca.gov; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; nwic@sonoma.edu; Lori Baca <Lori.Baca@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Casey Moreno <Casey.Moreno@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; Moke Simon <Moke.Simon@lakecountyca.gov>; lcfarmbureau@sbcglobal.net; Ceo@lakecochamber.com
Subject: UP 18-50 (Kelley) RFR

Hi,

I am sending out for comment/review on a Use Permit for cannabis, UP18-50. Please return any comments by 5/14/19.

Thank you,

Sufyan Hamouda
Assistant Planner

Phone: (707) 263-2221

Extension: 37117

Sufyan Hamouda

From: Mary Camp <admin@rvrpomo.net>
Sent: Tuesday, April 30, 2019 5:07 PM
To: Sufyan Hamouda
Subject: RE: UP 18-50 (Kelley) RFR

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

From: Sufyan Hamouda [mailto:Sufyan.Hamouda@lakecountyca.gov]
Sent: Tuesday, April 30, 2019 4:33 PM
To: aarroyosr@hpultribe-nsn.gov; admin@rvrpomo.net; aroberts@yochadehe-nsn.gov; atyler.elem@gmail.com; btorres@middletownrancheria.com; cww281@gmail.com; drogers@robinsonrancheria.org; env.tech.elem@gmail.com; jkinter@yochadehe-nsn.gov; jsimon@middletownrancheria.com; kkarolaepa@gmail.com; kn@koination.com; lbill@yochadehe-nsn.gov; lrosas@hpultribe-nsn.gov; mshaver@middletownrancheria.com; rrouse@yochadehe-nsn.gov; scottg@mishewalwappotribe.com; speterson@middletownrancheria.com; sryan@big-valley.net; tc@middletownrancheria.com; terre.logsdon@sv-nsn.gov; thomas.jordan@sv-nsn.gov
Subject: UP 18-50 (Kelley) RFR

Hi,

I am sending out for comment/review on a Use Permit for cannabis, UP18-50. Please return any comments by 5/14/19.

Thank you,

Sufyan Hamouda

Assistant Planner

Phone: (707) 263-2221

Extension: 37117



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

DISTRIBUTION DATE: **April 30, 2019**

REQUEST FOR REVIEW FOR SUFFICIENCY
AB52 TRIBAL CONSULTATION REQUEST

<input checked="" type="checkbox"/> @ AG. COMMISSIONER	<input type="checkbox"/> LAKEBED MANAGEMENT	<input checked="" type="checkbox"/> @ <u>TRIBES:</u>
<input checked="" type="checkbox"/> @ AIR QUALITY MGMT ~	<input type="checkbox"/> LAKEPORT CITY	<input checked="" type="checkbox"/> @ Big Valley Rancheria
<input type="checkbox"/> ARMY CORPS	<input type="checkbox"/> LAKE TRANSIT	<input checked="" type="checkbox"/> @ Elem Colony
<input checked="" type="checkbox"/> @ ASSESSOR	<input type="checkbox"/> NATIVE AM. HERITAGE	<input checked="" type="checkbox"/> @ Koi Nation
<input type="checkbox"/> BLM	<input type="checkbox"/> NRCS	<input checked="" type="checkbox"/> @ Middletown Rancheria
<input checked="" type="checkbox"/> @ BUILDING DIVISION ~	<input type="checkbox"/> OFFICE OF EDUCATION	<input checked="" type="checkbox"/> @ Robinson Rancheria
<input checked="" type="checkbox"/> @ CAL FIRE ~	<input type="checkbox"/> PG&E	<input checked="" type="checkbox"/> @ Scotts Valley Band of Pomo
<input type="checkbox"/> CALTRANS	<input type="checkbox"/> PUBLIC SERVICES	<input checked="" type="checkbox"/> @ Upper Lake Habematolel
<input type="checkbox"/> CLEARLAKE CITY	<input checked="" type="checkbox"/> @ SHERIFF ~	<input checked="" type="checkbox"/> @ Cortina Rancheria
<input checked="" type="checkbox"/> @ CRWQCB	<input type="checkbox"/> SOLANO CO. WATER	<input checked="" type="checkbox"/> @ Yocha Dehe
<input checked="" type="checkbox"/> @ DPW ROADS ~	<input checked="" type="checkbox"/> @ SONOMA STATE	<input checked="" type="checkbox"/> @ HERC
<input checked="" type="checkbox"/> @ CA FISH & WILDLIFE	<input checked="" type="checkbox"/> @ SPECIAL DISTRICTS	<input type="checkbox"/> US FOREST SVC
<input type="checkbox"/> FISH & WILDLIFE SVC	<input type="checkbox"/> STATE DEPT. HEALTH	<input type="checkbox"/> VECTOR CONTROL
<input checked="" type="checkbox"/> @ FIRE DIST: Lake County ~	<input checked="" type="checkbox"/> @ SURVEYOR	<input type="checkbox"/> WASTE DISPOSAL
<input checked="" type="checkbox"/> @ HEALTH DEPARTMENT ~	<input checked="" type="checkbox"/> @ TAX COLLECTOR	<input type="checkbox"/> WATER CO:
<input type="checkbox"/> HERITAGE COMMISSION	<input type="checkbox"/> TRAFFIC ADV. COMM.	<input checked="" type="checkbox"/> @ WATER RESOURCES

FROM: Sufyan Hamouda; Assistant Planner
REQUEST: Use Permit, UP 18-50, IS 18-74, EA 18-42
OWNER: Michelle Briggs, Corbin Wood, and Kristen Callahan;
P.O. Box 1158 Cobb, CA 95426
APPLICANT: Christopher Kelley; P.O. Box 1158 Cobb, CA 95426
APN: 014-460-05
LOCATION: 21650 St. Helena Creek, Middletown, CA 95461
ACREAGE: Approximately 229.14 acres
SPLIT ZONING: "RL - WW" - Rural Lands - Waterway
"RR - WW" - Rural Residential - Waterway
GENERAL PLAN: Rural Lands, Rural Residential, Resource Conservation
FLOOD ZONE: "X"

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 **Friday 5/3/2019**. Any Consultation request under AB52 must be received in writing within 30 days of receipt of this notice. Please email your comments to Sufyan Hamouda at Sufyan.Hamouda@lakecountycalifornia.gov or mail them to the address listed in the letterhead above.

PROPOSAL: The applicant is applying for a Major Use Permit to allow one A-Type 3 outdoor commercial cannabis license and an A-Type 2B small mixed-light. This includes a 61,300 square foot outdoor cultivation site with 43,560 square feet of canopy as well as 18,100 sq. ft. of mixed light cultivation area. The mixed light cultivation area will include 4 30x80 hoop houses for a total canopy area of mixed light

being 7,680 square feet. Additionally, there will be an 8 panel solar array, a 320 square foot shipping container for construction and hazardous materials, two 70 square foot sheds used for chemical storage and fertilizer storage, a 112 square foot shed for waste storage and four 2,500 gallon water storage tanks. A 320 square foot trailer is proposed as the employee wash and restroom.
Description of the type of requested permit as defined in Article 27, Section (at):

A - Type 3: "Outdoor": Outdoor cultivation for adult use 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.

A – Type 2 B: “Small mixed-light”: cultivation for adult use 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 5,001 and 10,000 sq. ft., inclusive, of total canopy size on ones 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.

A **Biological Resources Assessment** was performed on the site and is within the management plan. A **Cultural Resource Study** was also performed on the site.

Access Requirements: 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. Driveway encroachments onto County-maintained roadways shall be constructed to current County standards and shall be constructed with an encroachment permit obtained from the Department of Public Works. All driveways shall be constructed and maintained so as to prevent road surface and fill material from discharging to any surface water body. The design of all access to and driveways providing access to the site where the cannabis related activity that is permitted shall be sufficient to be used by all emergency vehicles and shall be approved by the applicable fire district. Gates shall not be constructed across driveways or access roads that are used by neighboring properties or the general public. Please let us know if this site meets these standards.

Site plans for the project are included for your reference.

COMMENTS: _____

NAME _____ DATE _____

cc: 1&5 Supervisorial District (RFR Only) @ Chamber of Commerce Redbud Audubon
Other (Examples: @ Sierra Club @ Admin @ Farm Bureau / etc.) (RFR Only)



RECEIVED

MAY 10 2019



GAVIN NEWSOM
GOVERNOR

JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

LAKE COUNTY COMMUNITY

DEVELOPMENT DEPT.

Central Valley Regional Water Quality Control Board

7 May 2019

Sufyan Hamouda
County of Lake
Community Development Department
255 North Forbes Street
Lakeport, CA 95453

CERTIFIED MAIL

7018 1830 0001 0062 6979

COMMENTS TO REQUEST FOR REVIEW FOR THE AB52 TRIBAL CONSULTATION REQUEST, USE PERMIT - KELLEY (UP 18-50, IS 18-74, EA 18-42) PROJECT, LAKE COUNTY

Pursuant to the County of Lake Community Development Department's 30 April 2019 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the AB52 Tribal Consultation Request* for the Use Permit - Kelley (UP 18-50, IS 18-74, EA 18-42) 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

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

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 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.

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/

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.

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

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/

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: https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulatory_information/for_growers/coalition_groups/ or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other

action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 11-100 acres are currently \$1,277 + \$8.53/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

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) 464-4812 or Jordan.Hensley@waterboards.ca.gov.



Jordan Hensley
Environmental Scientist

Victor Fernandez

From: Kristen Callahan <callahan62480@gmail.com>
Sent: Monday, August 19, 2019 11:18 AM
To: Victor Fernandez
Subject: Fwd: EPIMS - Number 05874 - No Agreement Needed

Good afternoon ☀,

It is August 19, 2019. This is our response from The Department of Fish and Wildlife. The Department sent me this email describing our project. They're response was that no agreement was needed (EPIMS# 05874). They asked me to post this at our farm and I am forwarding this email to Lake county development department to add to our files to hopefully aid in the review process. I appreciate your help With our CEQA mitigation report. Let me know if you have any questions.

Kristen Callahan
Magic Meadow Farms
UP(18-50)
Callahan62480@gmail.com
707-791-9952

----- Forwarded message -----

From: <epims.support@wildlife.ca.gov>
Date: Thu, Jul 18, 2019 at 11:37 AM
Subject: EPIMS - Number 05874 - No Agreement Needed
To: <callahan62480@gmail.com>

**** Do Not Respond to This Email ****



This e-mail was generated by an automated mail handling system.

Please **do not** reply to the address listed in the "From" field.

Please read the CUSTOMER SERVICE section below if you have questions.

Dear Chris Kelley,

The California Department of Fish and Wildlife (CDFW) has reviewed your Lake or Streambed Alteration (LSA) Notification submitted to the Environmental Permit Information Management System (EPIMS) identified below:

EPIMS Number: 05874
Project Name: Magic Meadow Farm
Program Area: Region 2

CDFW has determined that your project is subject to the notification requirement in Fish and Game Code section 1602, including payment of the notification fee. CDFW has also determined that your project will not substantially adversely affect an existing fish or wildlife resource. As a result, you will not need a Lake or Streambed Alteration Agreement for your project. You are responsible for complying with all applicable local, state, and federal laws in completing your work. A copy of this email and your submitted notification with all attachments shall be available at all times at the work site.

Please note that if you change your project so that it differs materially from the project you described in your submitted notification, you will need to submit a new notification and corresponding fee to CDFW.

Log into the EPIMS at: <https://EPIMS.wildlife.ca.gov>

CUSTOMER SERVICE

[Forgot User ID?](#)
[Forgot Password?](#)

All site-specific project questions, including questions about the status of your EPIMS self-certification, notification, agreement, status report, or fees should be directed to the [CDFW Regional Office \(PDF\)](#) where the project is located.

Victor Fernandez

From: Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>
Sent: Friday, March 20, 2020 10:57 PM
To: Victor Fernandez
Cc: Hannan, Jake@CALFIRE; Mitchell, Carmel@CALFIRE
Subject: [EXTERNAL]Re: Notice of Intent to Adopt a Mitigated Negative Declaration for Major Use Permit, UP 18-50

Comments from CAL FIRE underlined below for this project NOI.

Page 5

South Lake County Fire Protection District (CalFire)

South Lake County Fire Protection District is a independent entity, and not Cal Fire.

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a) Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian paths?

The proposed project site is accessed from a private dirt road off of St. Helena Creek Drive (County Maintained).

This project was presented to the County Road Department and to CalFire who had no substantial comments regarding increased construction, delivery or employee-related trips generated by this project.

Less than Significant Impact.

Information previously reviewed indicated this project will be used for commercial activity. A road standard would be required and not a driveway standard. These is not site plan attached to the NOI. A 20 foot wide road and not a 10 foot wide driveway may impact the "Less than Significant", or it might not. I do not know.

From: Victor Fernandez <Victor.Fernandez@lakecountycal.gov>

Sent: Friday, February 21, 2020 4:22 PM

To: Victor Fernandez <Victor.Fernandez@lakecountycal.gov>

Subject: Notice of Intent to Adopt a Mitigated Negative Declaration for Major Use Permit, UP 18-50

Warning: this message is from an external user and should be treated with caution.

Good Afternoon,

This email is in regards to the Notice of Intent (NOI) to adopt a Mitigated Negative Declaration for Major Use Permit (UP 18-50) located at 21650 St. Helena Creek, Middletown, CA. I have attached a copy of the Notice of Intent (NOI) above, along with the Initial Study for you to review/comments. If you have any questions please let me know.

The public review period for the respective proposed Mitigated Negative Declaration based on Initial Study IS 18-62 will begin on February 19, 2020 and end on March 23, 2020. 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,**

Victor Fernandez

From: Ryan Peterson <rpeterson@middletownrancheria.com>
Sent: Monday, March 16, 2020 10:41 AM
To: Victor Fernandez
Cc: Sally Peterson
Subject: Re: [EXTERNAL]Re: Notice of Intent to Adopt a Mitigated Negative Declaration for Major Use Permit, UP 18-50

Hey Victor,

Thank you for the information, the applicant did reach out and I missed the call but did just leave a message with them. Thank you for sending over the CRS as well. Around the time we were made aware of this project back in 2019 we would request monitoring for every project in our area, but since we have held off on monitoring unless it is a concern to us, or the project is large in scale. I have reviewed the project and concluded that, although it is within the aboriginal territories of the Middletown Rancheria, our Department is comfortable with the project moving forward, under the mutual understanding that the Tribe is contacted should there be any significant inadvertent discoveries. I wanted to do my due diligence and make sure the applicant is doing what was requested of them and contact us. Which they finally did, so thank you.

Regards,

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

On Mon, Mar 16, 2020 at 8:24 AM Victor Fernandez <Victor.Fernandez@lakecountyca.gov> wrote:

Hello Ryan,

Thank you for the email. I will provide the applicant with your contact information to reach out to you. Additionally, I have provided the applicants contact information down below:

- Christopher Kelley
 - (410) 916-8957
- Kristen Callahan
 - (707) 791-9952

Victor Fernandez

From: Yuliya Osetrova
Sent: Friday, March 13, 2020 2:29 PM
To: Victor Fernandez
Subject: RE: Notice of Intent to Adopt a Mitigated Negative Declaration for Major Use Permit, UP 18-48

Victor,
No comments for this project (see a *Note*)

Note The water usage calculations for this project are way off: proposed 15,000 gallons in July and August translates to (15,000 gal. / 30 days) = 500 gallons per day. The Applicant proposed to place 397 plants in 100-gallon pots, which translates to (500 gal per day / 397 plants) = 1.25 gallon per plant per day. However all that, one acre of canopy on an over-100-acre-lot could be pronounced having a negative environmental impact.

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

From: Victor Fernandez
Sent: Wednesday, March 11, 2020 8:44 AM
To: Victor Fernandez <Victor.Fernandez@lakecountyca.gov>
Subject: Notice of Intent to Adopt a Mitigated Negative Declaration for Major Use Permit, UP 18-48

Good Morning,

This email is in regards to the Notice of Intent (NOI) to adopt a Mitigated Negative Declaration for Major Use Permit (UP 18-50) located at 21650 St. Helena Creek, Middletown, CA. I have attached a copy of the Notice of Intent (NOI) above, along with the Initial Study for you to review/comments. If you have any questions please let me know.

The public review period for the respective proposed Mitigated Negative Declaration based on Initial Study IS 18-71 will begin on March 10, 2020 and end on April 15, 2020. 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 victor.fernandez@lakecountyca.gov.

Sincerely,

Victor Fernandez – Assistant Planner
