



COUNTY OF LAKE

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

Denise Pomeroy
Health Services Director

Gary Pace, MD, MPH
Health Officer

Craig Wetherbee
Environmental Health Director

MEMORANDUM

DATE: March 16, 2021
TO: Eric Porter, Associate Planner
FROM: Tina Dawn-Rubin, Environmental Health Aide
RE: UP 19-15, IS 19-27 NOI
Commercial Cannabis –Legendary Farms
APN: 008-010-29 2290 Soda Bay Rd, Lakeport

Lake County Division of Environmental Health (EH) has on file for the subject parcel:
APN: 010-055-26 – aka Rancho De La Fuente property with multiple structures, septic systems, and wells on site.

The applicant must meet the EH requirements regarding Onsite Wastewater Treatment System (OWTS) and potable water.

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

EH may require a field clearance to validate septic or well locations prior to site plan approval.

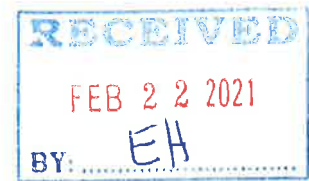
If the applicant is proposing a commercial cannabis operation and the operation will be constructing or utilizing an existing structure (i.e., processing facility) that will have plumbing for a restroom, sink, etc, that structure will be required to have its own OWTS, separate from any existing or new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

If the applicant is proposing an OWTS, then applicant must apply for a site evaluation (if in different area than previously approved) and, if the site is acceptable to support an OWTS, apply for a permit.

EH requires all applicants to provide a written declaration of the chemical names and quantities of any hazardous material to be used on site. As a general rule, if a material has a Safety Data Sheet, that material may be considered as part of the facilities hazardous materials declaration.

Promoting an Optimal State of Wellness in Lake County

- ☒ County Clerk
☒ Interested Parties



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

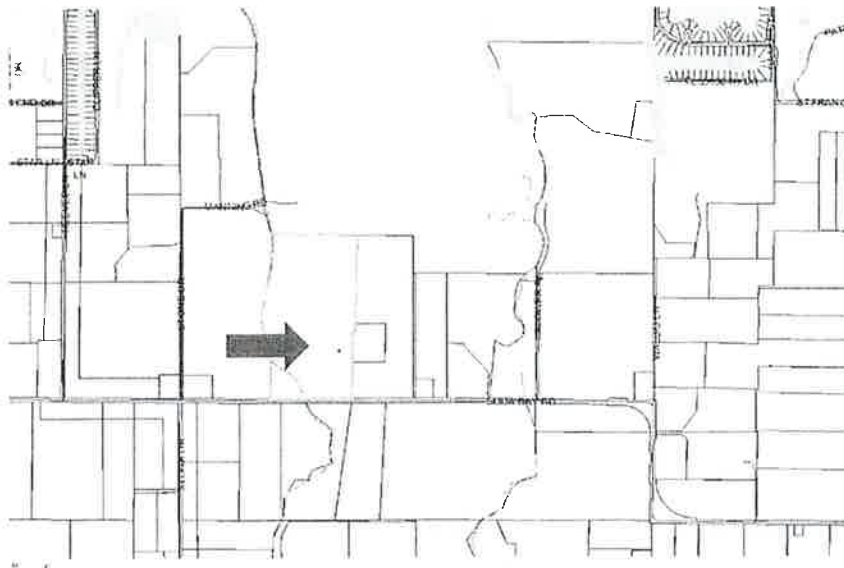
Project Title: **Legendary Farms;** Use Permit (UP 19-15) and Initial Study (IS 19-27)

Project Location: 2290 Soda Bay Road, Lakeport, CA

APN No.: 008-010-29

Project Description: The applicant, Legendary Farms, is requesting approval of a Major Use Permit for one A-Type 3 medium outdoor commercial cannabis cultivation license and one A-Type 13 'self distribution' license. Lake County Zoning Ordinance, Article 27, subsection (at) in part regulates cannabis cultivation in Lake County. The 41+ acre property is large enough to support these cannabis licenses; 20 acres per license is required. The applicant is not within an exclusion overlay district. The applicant is pre-enrolled with the Regional Water Board. The applicant must meet all applicable local, state and federal requirements for cannabis cultivation.

The public review period for the respective proposed Mitigated Negative Declaration based on Initial Study IS 19-27 will begin on **February 17, 2021** and end on **March 23, 2021**. 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 to eric.porter@lakecountyca.gov.



Vicinity Map of Subject Site and Surrounding Area

SR0004188

Donna Cloninger

From: Kelli Hanlon
Sent: Monday, February 22, 2021 8:51 AM
To: Donna Cloninger
Subject: FW: Notice of Intent - file no. UP 19-15, Legendary Farms
Attachments: NOI Legendary Farms.pdf; Legendary IS 2.pdf

SOP, thanks.

From: Eric Porter
Sent: Monday, February 22, 2021 8:21 AM
To: Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Jack Smalley <Jack.Smalley@lakecountyca.gov>; Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>; chief500@lakeportfire.com; Rymer-Burnett, Saskia@DOT <Saskia.Rymer-Burnett@dot.ca.gov>; John Everett <John.Everett@lakecountyca.gov>; Lars Ewing <Lars.Ewing@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; Carol Huchingson <Carol.Huchingson@lakecountyca.gov>; Susan Parker <Susan.Parker@lakecountyca.gov>; 'tc@middletownrancheria.com' <tc@middletownrancheria.com>; 'jsimon@middletownrancheria.com' <jsimon@middletownrancheria.com>; 'mshaver@middletownrancheria.com' <mshaver@middletownrancheria.com>; 'THPO@middletownrancheria.com' <THPO@middletownrancheria.com>; 'btorres@middletownrancheria.com' <btorres@middletownrancheria.com>; 'sshope@middletownrancheria.com' <sshope@middletownrancheria.com>; 'scottg@mishewalwappotribe.com' <scottg@mishewalwappotribe.com>; 'admin@rvrpomo.net' <admin@rvrpomo.net>; 'drogers@robinsonrancheria.org' <drogers@robinsonrancheria.org>; 'terre.logsdon@sv-nsn.gov' <terre.logsdon@sv-nsn.gov>; 'thomas.jordan@sv-nsn.gov' <thomas.jordan@sv-nsn.gov>; 'lbill@yochadehe-nsn.gov' <lbill@yochadehe-nsn.gov>
Subject: Notice of Intent - file no. UP 19-15, Legendary Farms

Good morning;

Attached is a Notice of Intent and Initial Study (CEQA) that was sent to the State Clearinghouse for file no. UP 19-15, 'Legendary Farms'.

Please have any comments to me on or before March 23, 2021.

Thank you,
Eric Porter



Eric J. Porter
Associate Planner
Department of Community Development
255 N. Forbes St.
Lakeport, CA 95453
Phone: (707) 263-2221 x 37101
Fax: (707) 262-1843
Email: eric.porter@lakecountyca.gov
STAY CONNECTED:





**HABEMATOLEL POMO
CULTURAL RESOURCES**

RECEIVED

MAR 01 2021

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT

February 24, 2021

Lake County Dept. of Community Development
Attn: Eric Porter, Assistant Planner
255 N. Forbes St.
Lakeport, CA 95453

RE: Legendary Farms Project:

Dear Mr. Eric Porter:

Thank you for your project notification letter received on February 22, 2021, regarding cultural information on or near the proposed 2290 Soda Bay Road, Lakeport, Lake County. We appreciate your effort to contact us.

The Habematolel Pomo Cultural Resources Department has reviewed the project and concluded that it is not within the aboriginal territories of the Habematolel Pomo of Upper Lake. Therefore, we respectfully decline any comment on this project. However, based on the information provided, please defer correspondence to the following:

Big Valley Band of Pomo Indian
Ron Montez Sr.: THPO
Tribal Historic Preservation Officer
2726 Mission Rancheria Rd
Lakeport, CA 95453

Scotts Valley Band of Pomo Indian
Jessie Gonzalez: Vice Chairman
1005 Parallel Dr.
Lakeport, CA 95453
(jessie.gonzalez@sv-nsn.gov)

Please refer to identification number HP-20210222-02 in any future correspondence with Habematolel Pomo of Upper Lake concerning this project.

Thank you for providing us with this notice and the opportunity to comment.

Sincerely,

Robert Geary
Tribal Historic Preservation Officer

HABEMATOLEL POMO OF UPPER LAKE

P: 707.900.6923 F: 707.275.0757 P.O. Box 516 Upper Lake, CA 95485



Eric Porter

From: Lori Baca
Sent: Monday, February 22, 2021 11:57 AM
To: Eric Porter
Subject: RE: Notice of Intent - file no. UP 19-15, Legendary Farms

Eric,

Parcel 008-010-290 is just outside of any Special Districts service area, no impact.

Have a great day!

Lori A. Baca

Customer Service Coordinator

Lori.Baca@lakecountyca.gov

Office Number (707) 263-0119

Fax (707) 263-3836



From: Eric Porter

Sent: Monday, February 22, 2021 8:21 AM

To: Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Jack Smalley <Jack.Smalley@lakecountyca.gov>; Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>; chief500@lakeportfire.com; Rymer-Burnett, Saskia@DOT <Saskia.Rymer-Burnett@dot.ca.gov>; John Everett <John.Everett@lakecountyca.gov>; Lars Ewing <Lars.Ewing@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; Carol Huchingson <Carol.Huchingson@lakecountyca.gov>; Susan Parker <Susan.Parker@lakecountyca.gov>; 'tc@middletownrancheria.com' <tc@middletownrancheria.com>; 'jsimon@middletownrancheria.com' <jsimon@middletownrancheria.com>; 'mshaver@middletownrancheria.com' <mshaver@middletownrancheria.com>; 'THPO@middletownrancheria.com' <THPO@middletownrancheria.com>; 'btorres@middletownrancheria.com' <btorres@middletownrancheria.com>; 'sshope@middletownrancheria.com' <sshope@middletownrancheria.com>; 'scottg@mishewalwappotribe.com' <scottg@mishewalwappotribe.com>; 'admin@rvrpomo.net' <admin@rvrpomo.net>; 'drogers@robinsonrancheria.org' <drogers@robinsonrancheria.org>; 'terre.logsdon@sv-nsn.gov' <terre.logsdon@sv-nsn.gov>; 'thomas.jordan@sv-nsn.gov' <thomas.jordan@sv-nsn.gov>; 'lbill@yochadehe-nsn.gov' <lbill@yochadehe-nsn.gov>

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Thank you,
Eric Porter



Eric J. Porter

Associate Planner

Department of Community Development

255 N. Forbes St.

Lakeport, CA 95453

Phone: (707) 263-2221 x 37101

Fax: (707) 262-1843

Email: eric.porter@lakecountyca.gov

STAY CONNECTED:



Eric Porter

From: Gordon Haggitt
Sent: Tuesday, February 23, 2021 12:23 PM
To: Eric Porter
Subject: RE: Notice of Intent - file no. UP 19-15, Legendary Farms

Eric: There's a recorded survey map for this property that the applicant should use to locate the boundary in the field so setbacks from adjoiners and the road can be confirmed.

Gordon M. Haggitt
County Surveyor, County of Lake
(707)263-2341

From: Eric Porter
Sent: Monday, February 22, 2021 8:21 AM
To: Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Jack Smalley <Jack.Smalley@lakecountyca.gov>; Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>; chief500@lakeportfire.com; Rymer-Burnett, Saskia@DOT <Saskia.Rymer-Burnett@dot.ca.gov>; John Everett <John.Everett@lakecountyca.gov>; Lars Ewing <Lars.Ewing@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; Carol Huchingson <Carol.Huchingson@lakecountyca.gov>; Susan Parker <Susan.Parker@lakecountyca.gov>; 'tc@middletownrancheria.com' <tc@middletownrancheria.com>; 'jsimon@middletownrancheria.com' <jsimon@middletownrancheria.com>; 'mshaver@middletownrancheria.com' <mshaver@middletownrancheria.com>; 'THPO@middletownrancheria.com' <THPO@middletownrancheria.com>; 'btorres@middletownrancheria.com' <btorres@middletownrancheria.com>; 'sshope@middletownrancheria.com' <sshope@middletownrancheria.com>; 'scottg@mishewalwappotribe.com' <scottg@mishewalwappotribe.com>; 'admin@rvrpomo.net' <admin@rvrpomo.net>; 'drogers@robinsonrancheria.org' <drogers@robinsonrancheria.org>; 'terre.logsdon@sv-nsn.gov' <terre.logsdon@sv-nsn.gov>; 'thomas.jordan@sv-nsn.gov' <thomas.jordan@sv-nsn.gov>; 'lbill@yochadehe-nsn.gov' <lbill@yochadehe-nsn.gov>
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Please have any comments to me on or before March 23, 2021.

Thank you,
Eric Porter



Eric J. Porter
Associate Planner
Department of Community Development
255 N. Forbes St.
Lakeport, CA 95453
Phone: (707) 263-2221 x 37101
Fax: (707) 262-1843



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

February 19, 2021

Mr. Eric Porter
Lake County
255 N. Forbes Street
Lakeport, CA 95453
Eric.Porter@lakecountycal.gov

MITIGATED NEGATIVE DECLARATION FOR LEGENDARY FARMS, UP 19-15 –
DATED FEBRUARY 12, 2021 (STATE CLEARINGHOUSE NUMBER: 2021020312)

Mr. Porter:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for Legendary Farms, UP 19-15 (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the MND Hazards and Hazardous Materials section:

1. The MND should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The MND should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist

along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the MND.

3. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the MND. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml_handbook.pdf).
4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead Contamination_050118.pdf).
5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 *Information Advisory Clean Imported Fill Material* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf).
6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the MND. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

DTSC appreciates the opportunity to comment on the MND. Should you need any assistance with an environmental investigation, please submit a request for Lead Agency Oversight Application, which can be found at: <https://dtsc.ca.gov/wp->

Mr. Eric Porter
February 19, 2021
Page 3

[content/uploads/sites/31/2018/09/VCP_App-1460.doc](#). Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Gavin McCreary". The signature is fluid and cursive, with the first name "Gavin" being more prominent than the last name "McCreary".

Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Central Valley Regional Water Quality Control Board

23 March 2021

Eric Porter
Lake County Planning Department
255 North Forbes Street
Lakeport, CA 95453

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, LEGENDARY FARMS, UP 19-15 PROJECT, SCH#2021020312, LAKE COUNTY

Pursuant to the State Clearinghouse's 17 February 2021 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 Legendary Farms, UP 19-15 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

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

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

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

Antidegradation Considerations

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

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

In part it states:

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

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

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

II. Permitting Requirements

Cannabis General Order

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

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

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

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

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

Construction Storm Water General Permit

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

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

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/

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

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.

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/>

Legendary Farms, UP 19-15 Project - 6 -
Lake County

23 March 2021

If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.

 Digitally signed by Stephanie
Tadlock
Date: 2021.03.24 15:23:12 -07'00'

Stephanie Tadlock
Senior Environmental Scientist

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

Eric Porter

From: Yuliya Osetrova
Sent: Thursday, February 25, 2021 12:27 PM
To: Eric Porter
Subject: RE: Notice of Intent - file no. UP 19-15, Legendary Farms

Eric,
I have a concern regarding the Initial Study:
It looks like the HYD-1 mitigation, which proposed to remove the soil pots for winterization, is in conflict with X. c) which states that stormwater could penetrate the soil pots. My concern here is if the project would allow penetration the pots, then all the nutrients that we are trying to prevent from entering the receiving water body would be reaching it. Will the applicant if fact remove the pots or would they leave it to be reachable by the stormwater?

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

From: Eric Porter
Sent: Monday, February 22, 2021 8:21 AM
To: Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Jack Smalley <Jack.Smalley@lakecountyca.gov>; Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>; chief500@lakeportfire.com; Rymer-Burnett, Saskia@DOT <Saskia.Rymer-Burnett@dot.ca.gov>; John Everett <John.Everett@lakecountyca.gov>; Lars Ewing <Lars.Ewing@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; Carol Huchingson <Carol.Huchingson@lakecountyca.gov>; Susan Parker <Susan.Parker@lakecountyca.gov>; 'tc@middletownrancheria.com' <tc@middletownrancheria.com>; 'jsimon@middletownrancheria.com' <jsimon@middletownrancheria.com>; 'mshaver@middletownrancheria.com' <mshaver@middletownrancheria.com>; 'THPO@middletownrancheria.com' <THPO@middletownrancheria.com>; 'btorres@middletownrancheria.com' <btorres@middletownrancheria.com>; 'sshope@middletownrancheria.com' <sshope@middletownrancheria.com>; 'scottg@mishewalwappotribe.com' <scottg@mishewalwappotribe.com>; 'admin@rvrpomo.net' <admin@rvrpomo.net>; 'drogers@robinsonrancheria.org' <drogers@robinsonrancheria.org>; 'terre.logsdon@sv-nsn.gov' <terre.logsdon@sv-nsn.gov>; 'thomas.jordan@sv-nsn.gov' <thomas.jordan@sv-nsn.gov>; 'lbill@yochadehe-nsn.gov' <lbill@yochadehe-nsn.gov>
Subject: Notice of Intent - file no. UP 19-15, Legendary Farms

Good morning;

Attached is a Notice of Intent and Initial Study (CEQA) that was sent to the State Clearinghouse for file no. UP 19-15, 'Legendary Farms'.

Please have any comments to me on or before March 23, 2021.

Thank you,
Eric Porter