

## **Agency Comments**

## **Attachment 7**

It is my understanding that Planning has started requiring it, but we would like to have an FDC connection on all new water tanks to allow fire personnel access to the water for fire suppression.

Complete 4290 compliance will be required due to new structures including water storage for fire suppression calculations per NFPA 1142 and road standards.

And please make sure they get all applicable building permits.

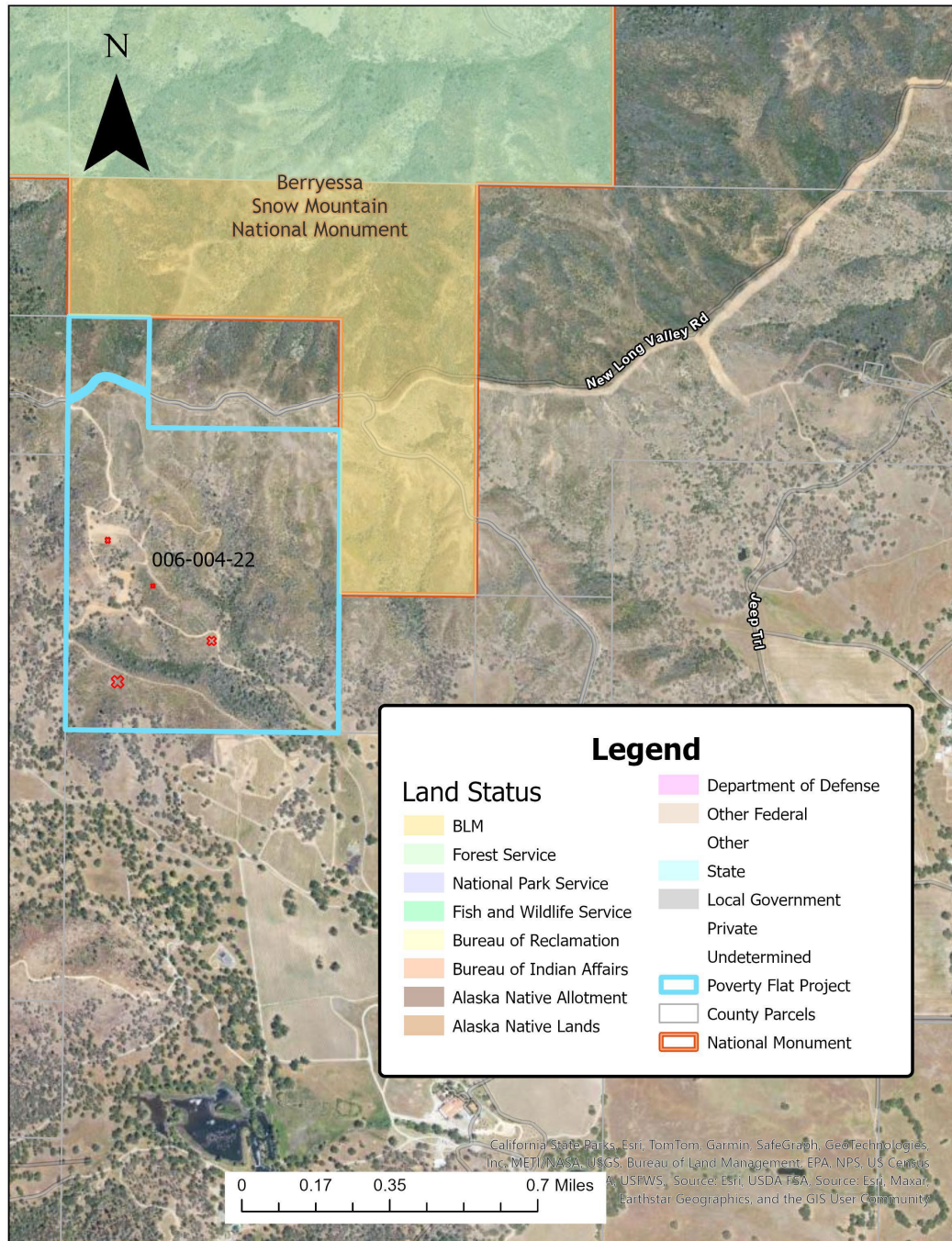
**Sincerely**

**Bill Collins, CBO, CASp**

**Chief Building Official**

Dear Max Stockton:

Thank you for providing the Bureau of Land Management with the opportunity to share our concerns regarding county permitting for cannabis cultivation on private parcels if this affects federal lands or requires federal authorizations. This letter provides a response to the Use Permit (UP 23-09) for Poverty Flats Farms on parcel(s) 006-004-22. The Comprehensive Drug Abuse Prevention and Control Act of 1970 and more specifically Title II of the act (the Controlled Substances Act), lists Cannabis as a Schedule I drug. The BLM does not have any discretion to permit activities on public land that will violate the Controlled Substances Act or any other federal law. The BLM, therefore, cannot authorize any activities related to cannabis authorizations on public land such as the cultivation, production, transportation, or distribution of supplies or products. We recommend that permit applicants adjacent to or near BLM lands have their parcels surveyed by a professional land surveyor so that their operations do not trespass upon or cause impacts to federal lands. Individuals that cause resource damage (i.e. erosion or soil contamination) to BLM-administered lands from illicit acts, including cannabis manufacturing, may be subject to federal criminal and/or civil action. Permit applicants should also be aware that transporting cannabis across federal lands is illegal under federal law, and violators could face federal criminal action. Thank you again for the opportunity to comment. If you would like to discuss the issue further, please contact the Planning and Environmental Specialist, Sateur Ham, at 707-468-4096.



Sincerely,  
Neal Craig  
Bureau of Land Management, Field Manager

Project Specific comments from CAL FIRE:

The application identifies one 5000-gallon water tank for Fire Suppression. The applicant needs to supply the NFPA1142 formula to support the identified single-family dwelling, the new barn, the hoop house and the 8 conex box's that structures that could be on fire. Is 5000 gallons the needed amount?

All private roads shall meet standards. Road widths, slope, surface, turn arounds and similar were not identified in the supplied documents.

All structures shall have defensible space.

While not part of the State Fire Safe Regulations, we do want to verify that the 8 conex box's will meet the County of Lakes Code for conex box use. To include but not limited to a pitched roof and an enter/exit door so no person shall ever be inside and not able to exit.

These are the comments from CAL FIRE for all construction and or development in the SRA.

The County Chief Building Official, County Community Development Director, County Fire Marshall or AHJ Designee shall ensure all Title, Codes, Laws, Regulations and etcetera for this project shall be applied that meet the Minimum State Fire Safe Regulations. This is also within the local Fire Protection Districts Boundary, where they are a cooperator in applying and or enforcing all Codes, Laws, Regulations and etcetera for this project and they will also have comments.

Title, Code, Law, Regulation the AHJ shall apply summarized from the "Minimum State Fire Safe Regulations" below to include, but not be limited to:

Property line setbacks for structures shall be a minimum of 30 feet. A "Greenhouse / Hoophouse" is a structure.

Addressing/Road Signage that is reflective and of contrasting colors from the public roadway to the location and at every intersection.

The size of letters, numbers, and symbols for addresses/road signage shall conform to the standards in the California Fire Code, California

Code of Regulations title 24, part 9.

On site water storage/supply for fire protection of each structure per NFPA 1142 (2017 Edition).

Per NFPA 1142, fire suppression water storage tanks for commercial use shall be steel or fiberglass (not plastic).

All private property roads / access used for this project shall meet minimum Fire Safe standards for emergency vehicle ingress and egress.

A "One Way" 12-foot-wide loop road standard could be used, or a two-lane road. Shall support 75,000 pounds.

A "Road" is two 10-foot-wide lanes of travel for a total of 20 feet of derivable surface not including the shoulders. Shall support 75,000 pounds.

A "Driveway" is a 10-foot-wide road with a turnout every 400 feet. This shall not be used for commercial applications, or access to more than three structures that are residences. Shall support 40,000 pounds.

A "Turnout" shall be a minimum 10 feet wide and 30 feet long, with a 25-foot taper at each end. Shall support 40,000 pounds.

A "One Lane", "One Way" only loop road is 12 feet wide of derivable surface, plus shoulders. A one lane road must connect on both ends to a two-lane road or County Road. Shall support 75,000 pounds. Shall access a maximum of 10 residential units. Maximum 5,280 feet long.

A bridge can meet the "One Lane", "One Way" 12 feet wide road standard with appropriate signage. A bridge must be marked by the owner of the bridge that it is rated to support 75,000 pounds.

A bridge shall not be less than 12 feet wide for any use.

A bridge can meet the "Road " 20 feet wide standard. A bridge must be marked by the owner of the bridge that is rated to support 75,000 pounds.

Existing roadways on private property shall meet, and or be improved to meet "Road" standards.

All weather roadway surfaces shall be rated/engineered for 75,000 pound vehicles is the minimum (including bridges).

All weather roadway surfaces do not ever have mud, standing or flowing water that vehicles must travel through.

Maximum roadway slope is 16%. A mitigated 16.1% to 20% is allowed if paved, concrete or similar to support the 40,000 or 75,000 pound rating.

Gate width is 2 feet wider on each side of any type road.

Driveway 10' wide, 14' wide minimum gate size.

One Lane Road 12' wide, 16' wide minimum gate size.

Two Lane Road 20' wide, 24' wide minimum gate size.

Gate setbacks are a minimum of 30 feet from the edge of the road to the gate.

Gates shall have access criteria locks and alike that meet the local Fire Protection District standard "KNOX" (or similar) access program.

Parking at the site shall allow for 40-foot radius turnarounds, 60 foot long hammerhead T, or similar.

All access types shall have a 13' 6" vertical clearance and 2' of horizontal clearance beyond the edge of the road/shoulder.

Driveway 10' wide, 14' wide minimum horizontal clearance.

One Lane Road 12' wide, 16' wide minimum horizontal clearance.

Two Lane Road 20' wide, 24' wide minimum horizontal clearance.

Minimum fuels reduction of 100 feet of defensible space from all structures.

Some applications have mention that they may have a gasoline generator for backup power when solar is not available. If this is the case, the generator shall be placed on a minimum of a 10-foot radius of a noncombustible surface. It shall have a minimum of a 3A-40B.C Fire Extinguisher within the 10-foot radius.

If the property will meet the criteria to be, or will be a CERS / CUPA reporting facility/entity to County Environmental Health (or similar AHJ), it shall also comply specifically with PRC 4291.3 requiring 300 feet of defensible space and fuels reduction around structures. In summary, any structure or location that stores hazardous, flammable or dangerous items shall establish and maintain 300 feet of defensible space / fuels reduction around its radius.

While not in Title, Code or Regulation, CAL FIRE does support the County of Lake's "Dark Sky Initiative". This standard reduces the false reporting of a vegetation fire from light during the night. False activation of the 911 system puts the community and first responders at risk when it can be avoided.

<https://bof.fire.ca.gov/regulations/approved-regulations/>.

Title 14, California Minimum State Fire Safe Regulations

[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PRC&sectionNum=4290](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC&sectionNum=4290).

Division 4, California Law – Public Resource Code 4290 et al

**Mike Wink**

Assistant Chief – Sonoma Lake Napa Unit

Dear Max Stockton,

The California Department of Fish and Wildlife (CDFW) appreciates the opportunity to comment on the Mitigated Negative Declaration (MND) for the Major Use Permit UP 23-09, Poverty Flats Ranch (project). CDFW is responding to the MND as a Trustee Agency for fish and wildlife resources (Fish & G. Code, §§ 711.7 & 1802, and CEQA Guidelines, §§ 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 et seq.) and/or a California Endangered Species Act (CESA) Permit for incidental take of endangered, threatened, and/or candidate species (California Fish and Game Code Sections 2080 and 2080.1).

The project is located at Assessors Parcel Number (APN) 006-004-220-000, 10535 High Valley Rd, Clearlake Oaks, CA, 95423 in Lake County. The project consists of Major use permit to obtain five (5) A-Type 3 Outdoor cultivation licenses consisting of 5 acres within three separate areas of outdoor cultivation; three (3) A-Type 2 Small Outdoor cultivation licenses consisting of (3) 10,000 sf of outdoor cultivation areas, and one (1) A-Type 13 Self Transportation Only Self Distribution license. Project proposes five greenhouses for immature plants and several small sheds.

The site is 196.7 acres and is approximately 3.8 miles northwest of Clearlake Oaks. The Project property is accessed by a private driveway off High Valley Road. High Valley Road is an existing County-maintained Road, comprised of gravel and natural material. The driveway measures 16 feet in width with an existing 15-foot-wide gate, per Google Earth. The well-established onsite road network is comprised of natural material and gravel. Existing conditions onsite consist of a primarily undeveloped parcel, historically used for

recreation purposes. The site is developed with access roads, an existing well and pump house, domestic water tanks, an 18' x 20' rain catchment structure, a 16' x 24' hunting cabin, two tool sheds, and two shipping containers.

CDFW recommends the following item be addressed in the future planning of the project:

**1. Lake and Streambed Alteration:**

Based on the maps provided, there are multiple potential stream crossings that will be used for Project activities. CDFW recommends that all existing and proposed stream crossings be identified and evaluated for their capacity to convey expected 100-year flood flows plus entrained sediment and floating debris, and to prevent soil erosion and/or sediment deposition. Such evaluations should be completed by a qualified professional licensed to practice in California. CDFW recommends a supplemental hydrologic analysis be completed that includes detailed watercourse mapping, and an analysis of all existing stream crossings to assess each crossing for stability and the ability to pass the 100-year storm event. CDFW recommends that culverts be sized to accommodate the 100-year storm event along with associated sediment and debris. Cafferata et al., 2017 and Weaver et al., 2014 provide design guidance that support CDFW's recommendation that culverts be sized to pass the 100-year flood flow, including debris and sediment loads through a single pipe, without impounding water.

*Impacts to Areas Subject to Fish and Game Code 1602*

Fish and Game Code Section 1602 requires an entity to notify CDFW prior to commencing any activity that may: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake.

The MND should identify all the project activities in areas subject to CDFW's Section 1602 of the Fish and Game Code. These areas include all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state and any habitats supported by these features such as wetlands and riparian habitats. If these features are found within the Project site a map delineating those areas should be prepared for the MND to identify any potential significant impacts to these resources. The map should include a delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed Project including an estimate of impact to each habitat type.

Please note that areas subject to CDFW's Section 1602 of the Fish and Game Code differs from other agencies such the U.S. Army Corps of Engineers or the Regional Water Quality Control Board. The MND should identify the areas present within the Project limits subject to Section 1602 of the Fish and Game Code.

If it is determined that projects developed under the Project would impact areas under

areas subject to CDFW, the MND must propose mitigation measures to avoid, minimize, and mitigate impacts to these resources.

#### *Department of Cannabis Control Annual License*

To ensure that such activities do not adversely impact fish and wildlife resources, CDFW is engaged in environmental review and permitting, enforcement, and coordination with other agencies developing and implementing regulatory programs for cannabis cultivation.

To satisfy the Department of Cannabis Control (DCC) licensing requirement set forth in Business and Professions Code section 26060.1 (b)(3), one of the following must be provided to DCC:

- A final Streambed Alteration Agreement issued by CDFW
- A draft Streambed Alteration Agreement provided by CDFW that has been signed and returned to CDFW
- Written verification from CDFW that a streambed alteration agreement is not Needed

The applicant is responsible for complying with all applicable local, State, and federal laws in completing the Project. A copy of the determination and your Notification with all attachments should be available at all times at the Project site. Please note, any material or changes otherwise made to your Project description in the Notification, will require submittal of a new Notification and corresponding fee to CDFW. To learn more about the California cannabis market, state licenses or laws, visit <https://cannabis.ca.gov/>.

More information regarding the Cannabis Program can be accessed using this link:

<https://wildlife.ca.gov/Conservation/Cannabis>

The Environmental Permitting Information Management System can be accessed using this link: <https://epims.wildlife.ca.gov/index.do>.

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the project. Written notifications may be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670.

CDFW appreciates the opportunity to comment on the project and recommends that the Lake County Planning Department address CDFW's comments and concerns in the forthcoming CEQA document. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter or wish to schedule a meeting and/or site visit, please contact Kyle Stoner, Senior Environmental Scientist (Specialist) at (916) 767-8178 or [Kyle.Stoner@wildlife.ca.gov](mailto:Kyle.Stoner@wildlife.ca.gov).

## Work Cited

Cafferata P, D. Lindsay, T. Spittler, M. Wopat, G. Bundros, S. Flanagan, D. Coe, and W Short. 2017. Designing Watercourse Crossings for Passage of 100-year Flood Flows, Wood, and Sediment. California Forestry Report 1 (revised) California Department of Forestry and Fire Protection, Sacramento, CA. 126 p.

Weaver W, E. Weppner, and D. Hagans. 2015. Handbook for forest, ranch and rural roads: a guide for planning, designing, construction, reconstructing, upgrading, maintaining and closing wildland roads (Rev. 1st ed.). Mendocino County Resource Conservation District, Ukiah, CA. 406p. <http://mcrdc.org/>

Kyle Stoner

Senior Environmental Scientist (Specialist)

California Department of Fish and Wildlife

Plans prepared by Northpoint Consulting Group, Inc dated 10/24/23 entitled Poverty Flats Ranch, Major Use Permit APN 006-004-22.

Sheet C0, General Note 2 states Boundary Lines were obtained from Lake County GIS, this is not acceptable use of data for BoundaryLines especially when determining setbacks.

Plans will need to be resubmitted to show location and course and distances for the subject property, along with setback distances to proposed and existing features.

Vance Ricks

County Surveyor

## **COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, UP 23-09 POVERTY FLATS FARMS PROJECT, SCH#2025010264, LAKE COUNTY**

Pursuant to the State Clearinghouse's 9 January 2025 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the UP 23-09 Poverty Flats Farms Project, located in Lake County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.

### **I. Regulatory Setting**



## **Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](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](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**

### **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](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](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/](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](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](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](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](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

### **NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES

Permit and the application process, visit the Central Valley Water Board website at:  
<https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or  
[Peter.Minkel2@waterboards.ca.gov](mailto:Peter.Minkel2@waterboards.ca.gov).

Peter G. Minkel

Engineering Geologist

Dear Mr. Stockton:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by Lake County for the proposed Poverty Flats Farms Cannabis Cultivation Project (Proposed Project).

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

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

DCC offers the following comments concerning the IS/MND.

General Comments (GCs)

GC 1: Acknowledgement of DCC Regulations

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

- Aesthetics (See 4 California Code of Regulations §16304(a).)

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

## GC 2: Site-Specific Reports and Studies

The IS/MND references several project-specific plans, studies, and reports, including a Property Management Plan; Waste Management Plan; Site Management Plan, Nitrogen Management Plan; Biological Resources Assessment; Letter from CDFW; Cultural Resources Evaluation, Erosion and Sediment Control Plan; Preliminary Grading Plan; SWRCB Notice of Applicability; Water Well Documentation and Pump Test Report; Hydrologic Report; Drought Management Plan; and Storm Water Management Plan. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the County advise applicants to provide copies of all project-specific plans and supporting documentation with their state application package for an annual cultivation license to DCC.

## Specific Comments and Recommendations

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

| Comment No. | Section Nos. | Page No(s). | Resource Topic(s)   | DCC Comments and Recommendations                                                                              |
|-------------|--------------|-------------|---------------------|---------------------------------------------------------------------------------------------------------------|
| 1           | 28           | 15          | Project Description | The IS/MND could be more current if it replaced the California Bureau of Cannabis Control with the California |

|   |           |       |             |                                                                                                                                                                                                                                                                                                                                          |
|---|-----------|-------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |           |       |             | Department of Cannabis Control.                                                                                                                                                                                                                                                                                                          |
| 2 | I. d)     | 21    | Aesthetics  | The IS/MND would be improved if it referenced DCC's requirements that all outdoor lighting for security purposes must be shielded and downward facing, and that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare (Cal. Code Regs., tit. 4 §§ 16304 (6) and (7)). |
| 3 | III. a)   | 23-28 | Air Quality | The IS/MND would be improved if it provided a description or summary of proposed operation equipment that is anticipated to generate air pollutant emissions, including ROG, NOx, PM10, and PM2.5, and provided estimates of such emissions.                                                                                             |
| 4 | III. a-d) | 23-28 | Air Quality | The analysis of air quality impacts and proposed mitigation measures would be improved if it evaluated the pollutant emissions associated with operation of the Proposed Project, disclosed the relevant air quality                                                                                                                     |

|   |          |       |                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---|----------|-------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |          |       |                      | management plan for the project site, and disclosed the air emissions significance threshold(s), against which the impacts of the project are compared.                                                                                                                                                                                                                                                                                                                                                                                                                |
| 5 | IV. a-f) | 26-33 | Biological Resources | The IS/MND could be improved by providing additional detail regarding the environmental setting for biological resources at the project site and impact conclusions regarding individual species and habitats. It appears that this detail may be included in the Biological Assessment prepared for the Proposed Project. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the City advise the applicant to provide a copy of the Biological Assessment with its state application package for an annual cultivation license to DCC. |
| 6 | IV. a-f) | 26-33 | Biological Resources | The IS/MND would be improved if it provided an analysis of potential impacts to biological impacts resulting from Proposed Project operations.                                                                                                                                                                                                                                                                                                                                                                                                                         |

|   |    |       |                             |                                                                                                                                                                                                                                                                                                                           |
|---|----|-------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |    |       |                             | This could include an analysis of impacts resulting from increased light, noise, vehicles, or heavy machinery.                                                                                                                                                                                                            |
| 7 | V. | 33-35 | Cultural                    | The IS/MND could be improved by including the following mitigation: “Suspend Cultivation Immediately if Cultural Resources Are Discovered, Evaluate All Identified Cultural Resources for California Register of Historical Resources Eligibility, and Implement Appropriate Mitigation Measures for Eligible Resources.” |
| 8 | X. | 48-58 | Hydrology and Water Quality | The IS/MND could be improved if it noted that applicants are required to provide a final copy of proof of a lake and streambed alteration agreement issued by CDFW or written verification that an agreement is not needed. (Cal. Code Regs., tit. 4 § 15011(a)(8).)                                                      |
| 9 | X. | 48-28 | Hydrology and Water Quality | The IS/MND would be improved if it provided an analysis of potential impacts resulting from agricultural runoff                                                                                                                                                                                                           |



|    |        |       |                                    |                                                                                                                                                                                                                                                                                                                                 |
|----|--------|-------|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |        |       |                                    | related to cultivation activities. The document should provide information about the volume of agricultural runoff, how runoff would be managed, and whether runoff would result in significant impacts to water quality.                                                                                                       |
| 10 | X.     | 48-58 | Hydrology and Water Quality        | The IS/MND would be improved if it provided a quantified analysis of water availability and test results, either in the text or as an attachment. In addition, the document would be improved if it referenced the state's requirements regarding proposed water sources and groundwater use. (Cal. Code Regs., tit. 4 § 16311) |
| 11 | XVIII. | 66-68 | Tribal Cultural Resources          | The IS/MND would be more informative by providing details pertaining to tribal consultations that have occurred for the Proposed Project, as required by Assembly Bill 52.                                                                                                                                                      |
| 12 | XXI.   | 71-73 | Mandatory Findings of Significance | The IS/MND would be more informative if it listed the mitigation measures it refers to in this section. The measures need not be repeated in full, but at a minimum                                                                                                                                                             |

|  |  |  |  |                                  |
|--|--|--|--|----------------------------------|
|  |  |  |  | they should be listed by number. |
|--|--|--|--|----------------------------------|

**Conclusion**

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

Sincerely,  
  
Kevin Ponce  
  
Licensing Program Manager

Eric,  
After review of the above referenced commercial development, I have only my standard comments to make:

- 1. All on-site roads involving commercial developments shall be all-weather roads (gravel).
- 2. All onsite improvements shall be compliant with ADA guidelines.

Please let me know if I can provide additional feedback or address any concerns.

John Everett PE  
Associate Civil Engineer  
County of Lake

**DATE:** January 5, 2024

**TO:** Eric Porter, Associate Planner

**FROM:** Pheakdey Preciado, Senior EHS

**RE:** Major Use Permit, Poverty Flats Farms, UP 23-09; Initial Study IS 23-20/SR0005362

**APN:** 006-004-22

Our office has no record of the existing septic system on this property. The applicant will need to demonstrate the location of the existing septic system for the single family house, well (permit #WE-5814 AG/WP0003953), barns, and any existing structures. Our office has no records of well (permit #WE-5814 AG/WP0003953) annual seal and Well Completion Log. This well permit was issued by our office dated 03/22/2022. What is the status of this well? Is this well shown on the site plan as the existing well?

On 01/04/2024, our front staff reached out to Lake County Tax Assessor's Office and was informed that their records do not show any structures or single family dwelling-only vacant land.

The applicant will need to apply and pay for a Field Clearance to validate the septic system, well, structures, and for a sign off on the proposed outdoor cultivation areas, shipping containers, storage shed, etc. If the existing septic system for the single family dwelling is not adequately sized, then a site evaluation and a new septic permit will be required.

As for the proposed cabin with septic system, the applicant will need to apply and pay for a site evaluation to see if it would support a septic system. If the site evaluation is approved, then the applicant will need to apply and pay for a septic system permit.

On the Request for Review for Sufficiency, Under Proposed New Uses, page 2, they do not match what is shown on the Proposed Site Plan (Sheet C1). The plan showed a proposed pool, proposed solar arrays at different locations of the property, proposed portal toilets throughout the property.

None of the site plans showed the location of the existing septic system and the existing single family dwelling. The applicant needs to provide on the site plan.

The applicant needs to check with the State Water Resources Control Board, Division of Drinking Water for clearance and requirements on rainwater collections on the property.

All wells shall be located and with an adequate horizontal distance from potential sources of contamination and pollution. The storage of hazardous materials shall be located a safe distance from any water well to prevent contamination. The applicant is required to implement measures to prevent cross-contamination of the well(s).

Hazardous materials shall not be allowed to leak onto the ground or contaminate surface waters. Any release of hazardous materials shall be recycled or disposed of through a registered waste hauler to an approved site authorized to accept such materials.

Industrial Waste shall not be disposed of on-site without review or permit from the Environmental Health Division or the Regional Water Quality Control Board.

If the applicant stores hazardous materials equal or greater than 55 gallons of a liquid, 500 pounds of a solid or 200 cubic feet of compressed gas, the applicant will be required to submit a Hazardous Materials Inventory Disclosure Statement/ Business Plan to the Environmental Health Division via the California Electronic Reporting System (CERS) and it shall be renewed and updated annually or if quantities increase. Note that additional California Unified Program Agency (CUPA) requirements may apply depending on the amount of hazardous materials stored on site.

If the amount of hazardous materials is less than the above quantities, the applicant will need to complete and submit a Hazardous Materials/Waste Declaration stating the name of the material and the quantity to be stored on site.

Dear Eric Porter,

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:**

Five (5) A- Type 3 Outdoor cultivation licenses consisting of 5 acres within three separate areas of outdoor cultivation. Three (3) A-Type 2 Small Outdoor cultivation licenses

consisting of (3) 10,000 sf of outdoor cultivation areas. One (1) A-Type 13 Self Transportation Only Self Distribution license.

### **Previous Studies:**

XX This office has no record of any previous cultural resource field survey for the proposed project area conducted by a professional archaeologist or architectural historian (see *recommendation below*).

### **Archaeological and Native American Resources Recommendations:**

XX The proposed project area has the possibility of containing unrecorded archaeological site(s). A field study by a qualified professional archaeologist is recommended prior to commencement of project activities.

XX We recommend that 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,  
Bryan Much  
California Historical Resources Information System

Dear Max Stockton,

Thank you for providing PG&E the opportunity to review your proposed plans for Poverty Flats Ranch received January 6, 2025. Our review indicates your proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you require PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any

work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at (877) 259-8314 or [pgeplanreview@pge.com](mailto:pgeplanreview@pge.com).

Sincerely,  
PG&E Plan Review Team  
Land Management

Good afternoon, Max,  
DPW – Roads has no comments or permit requirements for the subject Use Permit, UP 23-09.

Sincerely,  
David Bingham  
Capital Project Manager, County of Lake

Eric,  
The parcel is outside of Special Districts service area, no comment.  
Have a great day!

**Lori A. Baca**  
**Customer Service Supervisor, Special Districts**