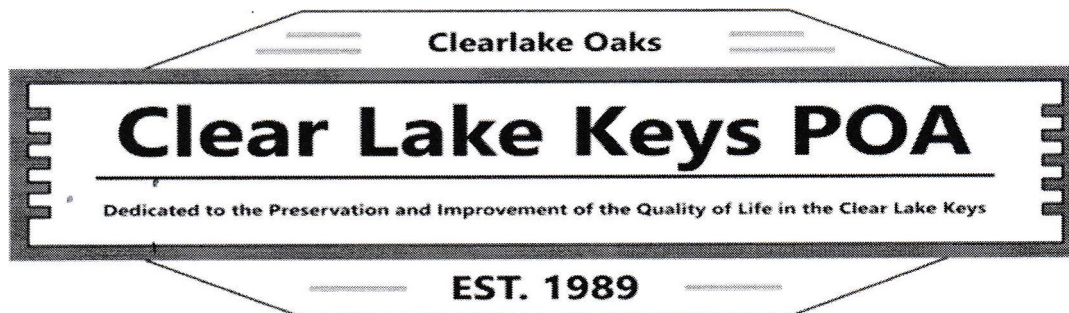




PO Box 1612, Clearlake Oaks CA 95423 9/15/2025

Lake County Board of Supervisors
255 N. Forbes Street
Lakeport, CA 95453

Re: Support for Appeal of the Poverty Flats Cannabis Project (UP 23-09 / IS 23-29)

Dear Chair Crandell and Supervisors,

The Clearlake Keys Property Owners Association (POA), representing 824 parcels in the Clear Lake Oaks Keys subdivision, respectfully submits this letter in support of the appeal of the Poverty Flats Cannabis Project (10535 High Valley Road).

Schindler Creek as a Critical Resource

Schindler Creek flows directly into the Clear Lake Oaks Keys and has long been recognized as a historically important tributary for the state-threatened Clear Lake hitch (*Lavinia exilicauda* chi). Generations of tribal communities and residents have witnessed hitch migrations along this watercourse, which remains one of the few spawning runs still viable in the watershed.

The County's approval of the Poverty Flats project on May 22, 2025, failed to evaluate the long-term, cumulative impacts on Schindler Creek, despite the clear requirements of the California Environmental Quality Act (CEQA) to consider connected actions, cumulative effects, and foreseeable environmental damage (Pub. Res. Code 21002, 21083; CEQA Guidelines 15130, 150656)).

Investments in Restoration and Risk from Sedimentation

Our community has worked for years to address sedimentation buildup and erosion in Schindler Creek, which directly impacts our waterways and flood control structures. Substantial public investment has been secured to restore the creek and improve fish passage:

- In 2025, the Blue Ribbon Committee for the Rehabilitation of Clear Lake allocated funding to launch a \$2.1 million revitalization project for the Clear Lake Oaks Keys, focused on Schindler Creek water quality improvements.
- Additional grant applications totaling over \$4 million have been submitted to the Wildlife Conservation Board, California Department of Fish & Wildlife (CDFW), and related agencies.

- These efforts are being actively supported and implemented by the Lake County Resource Conservation District, HANA Resources, Pinecrest Environmental, Naive Sage Consulting Group, and the Redbud Audubon Society, who have partnered in grant development, ecological restoration design, and long-term monitoring.

These significant state, regional, and community investments underscore the recognized ecological importance of Schindler Creek. Permitting a cannabis development with ongoing grading, stormwater discharge, and habitat encroachment risks undermining this progress.

Legal Authorities and Required Protections

- California Fish & Game Code 1602 requires notification and agreement with CDFW before any activity that may substantially divert or obstruct the natural flow, or alter the bed, bank, or channel of a river, stream, or lake.
- Endangered Species Act (Cal. Fish & Game Code 2050 et seq.) and Title 14 CCR 670.5 mandate protection of the Clear Lake hitch as a listed threatened species.
- CEQA Guidelines 15065(a)(1) requires findings of significance when a project has the potential to reduce habitat or threaten the survival of a listed species.

The Poverty Flats record, as circulated, does not demonstrate compliance with these requirements.

Request for Board Action

For these reasons, the Clearlake Keys Property Owners Association strongly urges the Board of Supervisors to uphold the appeal and require a full, lawful environmental review of the Poverty Flats project. Protecting Schindler Creek is not only a legal obligation but also a moral responsibility to safeguard one of the last viable spawning tributaries for the hitch and to protect the millions of dollars of public investment already committed to restoration. Respectfully submitted,



Ed Legan
Ed Legan

President

Clearlake Keys Property Owners Association