

Date: May 14, 2026

To: Lake County Board of Supervisors

From: Rancho Lake, LLC and Comstock Ranch, LLC

Subject: Response to Appeal of Approval of Mitigated Negative Declaration and Major Use Permit for Rancho Lake, LLC and Comstock Ranch, LLC – Inadequate Biological Study

In the Notice of Appeal from 276 Ranch LLC, the Appellant stated:

“The biological assessment provided by the applicant is dated and contains significant errors and omissions regarding local flora and fauna as well as water and other environmental impacts. It fails to adequately survey for sensitive species during the correct seasons and does not reflect current site conditions, rendering the "No Significant Impact" finding invalid.”

In other correspondence submitted to the Lake County Community Development Department, the Appellant stated the biological and botanical assessments conducted and prepared for the Rancho Lake / Comstock Ranch Project “contain three categories of deficiencies that render the Mitigated Negative Declaration's "no significant impact" finding unsupported: (a) the absence of a CEQA-required wetlands delineation study; (b) a temporal and methodological gap in special-status plant and animal species surveys (including survey timing that does not match the seasonal phenology of likely sensitive species); and (c) a loophole in adopted Mitigation Measure BIO-5 under which non-ground-disturbing activities (such as removal of trees and shrubs that provide nesting habitat) may proceed without a pre-construction nesting bird survey.”

This memo report will show that the biological and botanical assessments conducted and prepared for the Rancho Lake / Comstock Ranch Project were sufficient, and that implementation of the Project with required mitigation measures will result in no significant impact to special-status species or habitat.

Wetland Delineation

Wetland delineations are required when a project plans to fill, drain, or build on or near a wetland. The regulatory purpose of wetland delineations is to determine if a site falls under the jurisdiction of the U.S. Army Corps of Engineers, which strictly requires confirmation of three parameters (hydric soils, hydrophytic vegetation, and hydrology) for an area to be considered a wetland. However, California state agencies operate under a one parameter approach, meaning that an area can be classified as wetland if it shows evidence of just one of those parameters. The California Department of Fish and Wildlife (CDFW) considers the U.S. Fish and Wildlife Service's definition of wetlands as “...lands transitional between terrestrial and aquatic systems...” that have one or more of the following attributes:

1. at least periodically, the land supports plants that grow wholly or partially in water;
2. the substrate is predominantly impermeable or semi-impermeable soil that allows for shallow water retention rather than rapid percolation of surface water to groundwater; or
3. the substrate is non-soil and is saturated with water or covered by shallow water at some point during the growing season of each year.

Additionally, the California State Water Resources Control Board's Cannabis General Order does not allow for land disturbance associated with cannabis cultivation within 100 feet of a wetland, and the Lake County Code does not allow for cannabis cultivation or fertilizer and/or pesticide storage within 100 feet of a wetland.

The biological and botanical assessments conducted and prepared for the Rancho Lake / Comstock Ranch Project identified and mapped potentially-jurisdictional water resources of the Project Property, identifying potential wetlands using the one parameter approach outlined above, and classifying non-wetland waters per the California Forest Practice Rules. No channels or wetlands were identified within the Project Area. Additionally, the Rancho Lake / Comstock Ranch Project was designed so that no land disturbance, cannabis cultivation or fertilizer and/or pesticide storage would occur within 100 feet of any potential wetland identified using the one parameter approach. Therefore, there is no potential for this Project to fill, drain, or build on or near a wetland.

Special-status Plant and Animal Species Surveys

Field surveys of the Project Area were conducted by qualified biologists on February 8, 2021, February 9, 2021, April 21, 2021, and June 3, 2021 for the biological and botanical assessments prepared for the Rancho Lake / Comstock Ranch Project. No special-status plant or animal species or habitats were observed within the Project Area during any of the four surveys. The Project Area is agricultural field that has been subject to routine mechanical practices (i.e. discing, raking, plowing, etc...) and cattle grazing for 100 years or more. As such, the Project Area supports annual grassland habitat composed of aggressive non-native grasses and forbs. Therefore, the qualified biologists determined that the Project Area has a low potential / probability for special-status plant or animal species to occur.

A pre-construction survey conducted by a qualified biologist was performed of the Project Area on April 24, 2026. The attached Memorandum (Attachment A) summarizes that results of that survey, and confirms that no special-status species or habitats have migrated onto the Project Site since the surveys conducted for the biological and botanical assessments. Finally, the Appellant has indicated to the Lake County Community Development Department that the biologists that have been working on the Rancho Lake / Comstock Ranch Project are not qualified. Therefore, we have included a list of their qualifications to this report (Attachment B).

Mitigation Measure BIO-5

"If construction activities (including vegetation removal and all ground disturbing activities) occur during the nesting season (usually March through September), a pre-construction survey for the presence of special-status bird species or any nesting bird species should be conducted by a qualified biologist within 500 feet of proposed construction areas, within seven days prior to the commencement of such activities. If active nests are identified in these areas, CDFW and/or USFWS should be consulted to develop measures to avoid "take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site."

The California Department of Fish and Wildlife generally considers the nesting bird season to be from February 1 through August 31, although for some species or locations (particularly in Southern California), it can begin as early as January and extend into September. All of the Rancho Lake / Comstock Ranch Project's mitigation measures were reviewed by CDFW personnel via Environmental Permit Information Management System (EPIMS) Notification No. LAK-63124-R2, and no issues were found. Additionally, the existing watercourse crossing used to access the Project Site from Grange Road was thoroughly evaluated via the EPIMS Notification, and it was determined that no improvements were needed. As a result, the attached Streambed Alteration Agreement Notification Not Required letter (Attachment C) was provided by CDFW Senior Staff. Nevertheless, we agree that the nesting bird season can begin in February, and would support changing Mitigation Measure BIO-5 to read as follows:

If construction activities require the removal of trees or shrubs, or disturbance to riparian habitat, and if these activities occur during the nesting season (February 1st to August 31st), a pre-construction survey for the presence of special-status bird species or any nesting bird species should be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests are identified in these areas, the California Department of Fish and Wildlife or the US Fish and Wildlife Service should be consulted to develop measures to avoid a "take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

Attachment A

Memorandum

Results of Preconstruction Survey at 19955 Grange Road (Lake County, CA)



PINECREST RESEARCH CORPORATION, INC.
6425 TELEGRAPH AVENUE #8
OAKLAND, CA 94609

WWW.PINECRESTENVIRONMENTAL.ORG
INFO@PINECRESTENVIRONMENTAL.ORG
(510) 881-3039

MEMORANDUM

Date: May 12, 2026
To: Trey Sherrell, California Cannabis Consultants
From: Dr. Christopher T. DiVittorio, Pinecrest Research Corp., Inc. (PRC)
Subject: Results of Preconstruction Survey at 19955 Grange Road (Lake County, CA)

Trey Sherrell,

This memorandum describes the results of a preconstruction survey for plants and wildlife performed on April 24, 2026 at the above-referenced property in the County of Lake. The APN number associated with the parcel is 014-290-08. The areas surveyed ("study area") are shown in Figure 1, below, along with the approximate outlines of disturbance.

The preconstruction survey began at 7:30 AM and finished at 12:00 PM. The survey was conducted by walking the entire perimeter of the study area and then walking through the study area in parallel lines approximately 10 meters apart. The survey focused on nesting birds, special-status plants, and special-status ground-dwelling animals including mammals, amphibians, and reptiles. During the survey I scanned the ground for plants that were special-status as well as for signs of animal burrows or nests. I also periodically stopped and made stationary bird observations using binoculars and auditory recorders.

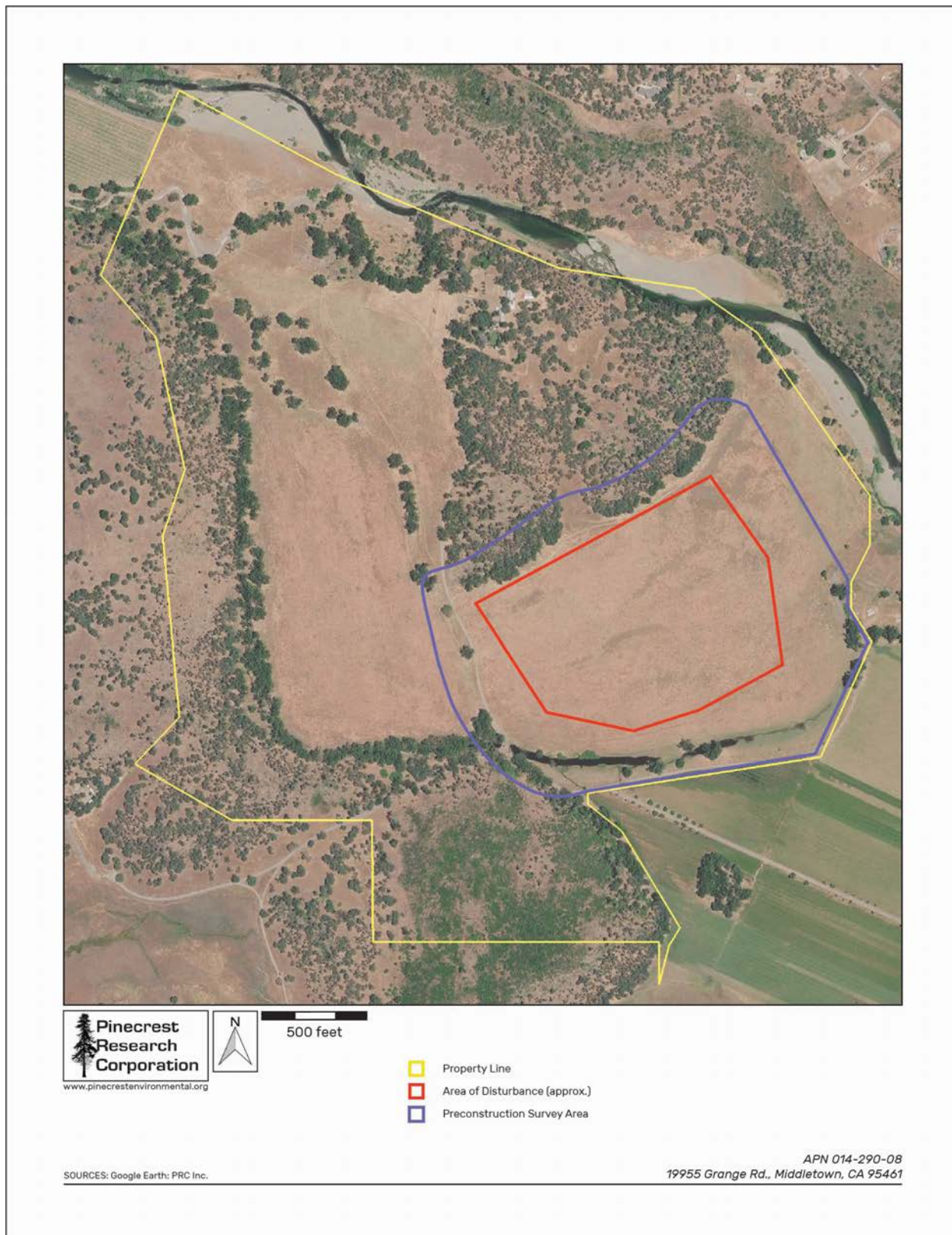
During the course of the survey I encountered and spoke with Jim Comstock the landowner, Arturo (surname unknown) the operator, and Adrian John the tribal/cultural construction monitor.

No special-status species and no nests of any native birds were observed inside the study area. One nest of European starling was observed in the study area, in the oak woodland to the northwest of the area of disturbance, however this species is non-native and the distance of the nest from the area of disturbance was approximately 500 feet thus would be outside any reasonable disturbance setback even if the species was native.

Please contact me anytime at the number or email address below if you have any questions about this memorandum or other studies we've completed for this or other projects.

Sincerely,

Christopher T. DiVittorio, PhD
Biologist & President, PRC
(510) 881-3039
chris@pinecrestenvironmental.org



Attachment B
Biologists Qualifications

7. QUALIFICATIONS OF BOTANICAL FIELD SURVEYORS AND REPORT AUTHORS

G.O. GRAENING, Ph.D., M.S.E. (Report writing only)

Dr. Graening holds a PhD in Biological Sciences and a Master of Science in Biological and Agricultural Engineering. Dr. Graening is an adjunct Professor at California State University at Sacramento, and is an active researcher in the area of conservation biology; his publication list is available online at <http://www.csus.edu/indiv/g/graeningg/pubs.htm>. Dr. Graening is also a Certified Arborist (ISA # WE-6725A). Dr. Graening has 24 years of experience in environmental assessment, including previous employment with The Nature Conservancy, Tetra Tech Inc., and CH2M Hill, Inc.

TIMOTHY R. D. NOSAL, M.S.

Mr. Nosal holds a B.S. and M.S. in Biological Sciences. Mr. Nosal has statewide experience performing sensitive plant and animal surveys in addition to terrestrial vegetation investigations. Mr. Nosal has over 25 years of experience in botanical surveys, environmental assessment, and teaching with employers that include California Department of Fish and Wildlife, State Water Resources Control Board, American River College, MTI College and Pacific Municipal Consultants. Mr. Nosal has intensive experience with the flora of the Pine Hill region includes leading numerous field trips exploring the botany of the region, co-authoring a fuel management plan for Pine Hill, and a Master's thesis on Stebbins's morning glory (*Calystegia stebbinsi*), an endangered plant of this region.

MARGRIET WETHERWAX DOWNING, M.S. (Plant ID Only)

Ms. Wetherwax Downing holds a Master's Degree in Advanced Plant Systematics and a Bachelor of Science in Botany. From 1995 to the present, Ms. Wetherwax has been employed at the Jepson Herbarium (University of California at Berkeley) as a plant taxonomist and museum scientist. Ms. Wetherwax Downing is managing editor and illustration editor of the *Jepson Flora Project* and *The Jepson Desert Manual*, as well as a contributing author to *The Jepson Manual: Higher Plants of California and the Flora of North America North of Mexico Project*.

KEVIN DOWNING, B.A.

Mr. Downing earned his Bachelors at Whitman College, Walla Walla, Washington, and has been botanizing since 1993. He has participated in the revision and update of the Jepson Manual since 1994. Mr. Downing was employed by the U.C. Berkeley Jepson Herbarium from 2001-2002 where he helped prepare and execute taxonomic workshops as well as assisted in plant inventory and data processing. He continues to volunteer for the UC Berkeley Jepson Herbarium on various taxonomic projects. Employed by Jones and Stokes from 2004 to 2007 as a botanist, he worked on large-scale projects such as Fort Tejon Ranch, the Williams pipeline in Oregon, and the California High Speed Rail, and on numerous short-term projects in a consulting capacity. Mr. Downing was employed by the California Department of Food and Agriculture from 2007-2009, where he worked at the CDFA Herbarium doing database processing and plant curation. Mr. Downing continues to work in a consulting capacity as botanist on various projects.

Christopher T. DiVittorio, PhD

Co-Founder & President, Pinecrest Research Corp., Inc.

Summary

Dr. Christopher DiVittorio is the co-founder and President of Pinecrest Research Corporation, Inc., that performs research and advocacy in the public interest, and performs environmental consulting and ecological restoration for private individuals and organizations doing business as Pinecrest Environmental Consulting (PEC). Dr. DiVittorio has taught and performed research throughout the world on a variety of topics including evolutionary biology and biological conservation, and has published in journals such as *Proceedings of the National Academy of Sciences* and *New Phytologist*. With PEC, Dr. DiVittorio performs a variety of environmental assessments and special-status species surveys for rare plants and animals, as well as designing and monitoring restoration of ecosystems including vernal pools, riparian corridors, and pygmy forest.

Education

Ph.D., Integrative Biology, University of California, Berkeley (Advisor: Dr. Bruce Baldwin)

B.A. w/ Honors, Integrative Biology, University of California, Berkeley

Awards & Service

Joseph LeConte Award (2003, U.C. Berkeley)

Outstanding Graduate Student Instructor (2010, U.C. Berkeley)

Vice Chair Elect, Natural History Section, Ecological Society of America (2011)

Publications

Singhal S., DiVittorio CT, Jones C, Ixta I, Widmann A, Giffard-Mena I, Zapata F, Roddy A. *in press*. Population structure and natural selection across a flower color polymorphism in the desert plant *Encelia farinosa*. *American Journal of Botany*.

Singhal S, Roddy AB, DiVittorio CT, Sanchez-Amaya A, Henriquez CL, Brodersen CR, Fehlberg S, Zapata F. 2021. Diversification, disparification, and hybridization in the evolution of *Encelia*, an adaptive radiation in the deserts of the Americas. *New Phytologist*.

DiVittorio CT, Singhal S, Roddy A, Zapata F, Ackerly D, Baldwin B, Brodersen CR, Burquez A, Fine PVA, Padilla-Flores M, Solis E, Morales-Villavicencio J, Morales-Arce D, Kyhos DW. 2020. Natural selection maintains species despite widespread hybridization in the desert shrub *Encelia*. *Proceedings of the National Academy of Sciences*.

DiVittorio, C.T., J.D. Corbin and C.M. D'Antonio. 2007. Spatial and temporal patterns of seed dispersal: an important determinant of grassland invasion. *Ecological Applications* 17:311-316.

DiVittorio, C.T, M.E. Power, and 7 others. *In preparation*. Hydrological determinants of White Alder riparian forest restoration in a Northern California stream.

Selected Presentations

DiVittorio, C.T. 2021. Darwinian speciation, publication inflation, and social reproduction in science. Center for Theoretical Genomics, invited seminar, April 2, 2021.

- DiVittorio, C.T. 2014. Extremely strong natural selection across a wild sunflower hybrid zone. American Society of Naturalists, Asilomar, CA, January 12-15, 2014.
- DiVittorio, C.T. and A. Burquez. 2011. Adaptación y hibridización en dos especies de arbusto endémico al Desierto Vizcaíno. Conservation Science Symposium, Loreto, Baja California Sur, Mexico, May 25-28, 2011.
- DiVittorio, C.T., J. De Wolf, S. Workman, W. Dietrich, M. Power. 2005. Biological-physical coupling: reciprocal effects of White Alder tree recruitment on channel structure. National Center for Earth-Surface Dynamics, Minneapolis, Minnesota, August 29-30, 2005.
- DiVittorio, C.T., W. Dietrich, and M. E. Power. 2005. Recovery of White Alder riparian forests in Northern California: influence of climate and disturbance history. 90th Annual Meeting, Ecological Society of America, Montreal, Quebec, Canada, August 7-12, 2005.
- DiVittorio, C.T., J.D. Corbin, and C. M. D'Antonio. 2004. Patterns of seed banks and seed rain of native and exotic species. Ecology and Management of California Grasslands, Berkeley, California, April 2-3, 2004.
- DiVittorio, C.T., C.M. D'Antonio, and J. D. Corbin. 2003. Local dispersal and seed limitation promotes native grass persistence. 88th Annual Meeting, Ecological Society of America, Savannah, Georgia, August 3-8, 2003.

Professional Experience

- Co-Founder & President, Pinecrest Research Corporation, Inc. dba Pinecrest Environmental Consulting (12/2016-present)
- Co-Founder & President, TruBreed Technologies, Inc. (5/2015-present)
- Postdoctoral Scholar (11/2015-2017) University of California, Institute for México and the U.S., Dr. Exequiel Ezcurra, supervisor.
- Restoration Ecologist (5/2014 – 2016) LSA Associates Inc., Point Richmond, California, Dr. Ross Dobbertein, supervisor.
- Research Assistant (6/2007, 1/2014) Smithsonian Tropical Research Institute, Galeta Research Station, Panamá, Dr. Wayne P. Sousa, supervisor.
- Staff Research Associate (7/2003 – 10/2007) Angelo Coast Range Reserve, Mendocino County, Dr. Mary E. Power and Dr. William Dietrich, supervisors.
- Biological Consultant (3/2005 – 7/2008), LSA Associates Inc., Point Richmond, California, Dr. Malcolm Sproul, supervisor.
- Habitat Protection and Restoration Assistant (2/2005 – 12/2005), Audubon Canyon Ranch, Marin and Sonoma County, California, Dr. Dan Glusenkamp, supervisor.
- Biological Technician (5/2002 – 8/2002), Institute of Arctic Biology, University of Alaska, Fairbanks, Drs. F. Stuart Chapin III, Ted Schurr and Michelle Mack, supervisors.
- Research Assistant (9/2000 – 5/2002), Department of Integrative Biology, University of California, Berkeley, Dr. Carla M. D'Antonio, supervisor.

Attachment C

Streambed Alteration Agreement Notification Not Required

EPIMS Notification No. LAK-63124-R2



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
(916) 358-2900
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



11/24/2025

James Comstock
Comstock Ranch, LLC
19955 Grange Road
Middletown, CA 95461
jamesbcomstock@gmail.com

Streambed Alteration Agreement Notification Not Required
EPIMS Notification No. LAK-63124-R2
Unnamed tributary to Putah Creek; 19955 Grange Road

Dear James Comstock:

The California Department of Fish and Wildlife (CDFW) received your Lake or Streambed Alteration (LSA) Notification through the Environmental Permit Information Management System (EPIMS) on October 24, 2025. CDFW has determined the 19955 Grange Road (Project) described in your EPIMS Notification No. LAK-63124-R2 is not subject to the notification requirement in Fish and Game Code section 1602 and your fee will be refunded.

As described in the Notification, the Project is located at 19955 Grange Road, Middletown, CA 95461, Assessor's Parcel Numbers 014-290-080, 014-300-020, 014-300-030, and 014-300-040. The entire project consists of a commercial cannabis cultivation operation. Liquid nutrients and other chemicals related to cultivation will be stored in an on-site storage shed. All water used for the Project will be drawn from the existing onsite groundwater well, which is located within the property boundaries. Ground disturbing activities will be limited to tilling amendments into the soil prior to planting. No work is proposed in or near any river, lake, or stream.

The Project does not include within or adjacent to the property boundaries any: water discharge, surface water diversion, or vegetation trimming or removal, or construction.

CDFW finds the Project will not 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 or dispose of debris, waste, or other material where it may pass into any river, stream, or lake.

This letter may be submitted to the California Department of Cannabis Control (DCC) to satisfy Business and Professions Code section 26060.1 (b)(3) as written verification that a Lake or Streambed Alteration Agreement is not required for the activities specifically described in your Notification. You are responsible for complying with all applicable

Conserving California's Wildlife Since 1870

James Comstock
EPIMS Notification No. LAK-63124-R2
Page 2

local, State, and federal laws in completing your work. A copy of this letter 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.

Your refund may take from six to eight weeks to process. You will receive an email from R2Cannabis@wildlife.ca.gov with instructions on how to initiate the refund process within 3 business days of receipt of this letter. Please contact the North Central Region Cannabis Program at R2Cannabis@wildlife.ca.gov with any questions you have regarding the refund process.

Thank you for notifying us of your project. If you have questions regarding this letter, please contact Zach Kearns, Environmental Scientist at (916) 358-1134 or by email at zachary.kearns@wildlife.ca.gov.

Sincerely,

DocuSigned by:

3052529B61FC469...

Kursten Sheridan
Senior Environmental Scientist (Supervisor)

ec: Zach Kearns, Environmental Scientist
zachary.kearns@wildlife.ca.gov

Project: Rancho Lake LLC – Hydrogeologic Assessment Summary

Prepared by: Lee Hurvitz, PG, CHG – Certified Hydrogeologist

Topic: Groundwater Availability, Well Interference, and Water Rights Clarification

1. Regional Groundwater Findings

- The Coyote Valley Groundwater Basin is designated by DWR as “very low priority.”
 - Long-term monitoring in the area shows stable groundwater levels with almost no long-term decline.
 - Seasonal fluctuations occur but consistently recover each wet season, indicating a resilient, well-recharged alluvial aquifer.
-

2. Water Rights Clarification

- In April 2020, the State Water Resources Control Board determined that this aquifer is not a subterranean stream.

Implication:

Groundwater extraction here does not require a State Water Board water right, and “material injury” is only relevant if pumping measurably reduces streamflow.

Our analysis shows no measurable impact to Putah Creek under project pumping conditions.

3. Project Pumping Demand vs. Well Capacity

- Average daily project use: ~75,000 gallons
- Peak daily use: ~87,000 gallons
- Well test performance: >145,000 gallons pumped in 6 hours
- The well recovered 73% of its water level within 40 minutes after pumping.

Conclusion:

Daily water needs are well below demonstrated well capacity, and pumping will occur in short intervals (~3.5 hours/day), not continuously, minimizing drawdown and interference.

4. Well Interference Analysis

- The Theis model was used to evaluate long-term drawdown effects from the proposed project pumping. This method uses a constant pumping rate, so we applied the average seasonal rate of 60.5 gpm for a very conservative, worst-case long-term scenario.
- Predicted drawdown in the nearest neighboring well is <3% of the available water column, which is well below the 10% significance threshold used by many California Agencies.

Luchetti's Data Supports These Results

GHD 2024 transducer study shows:

- Pumping 650 gpm for 82 days caused only 1.7 feet of drawdown at a well ~600 ft away.
- The aquifer recovered 95% within 3 hours after pumping stopped.

This demonstrates a highly transmissive aquifer capable of rapidly replenishing water levels. It also validates our Theis model which came up with similar drawdown results.

5. Clarifying Well Shutoff Events

- The reported well shutoffs at the Luchetti property are caused by well-specific limitations, not aquifer decline.
- Their own monitoring shows rapid aquifer recovery, which contradicts claims of basin stress.
- Factors likely causing shutoff:
 - Well casing diameter
 - Screen condition and length
 - Pump intake depth
 - Friction losses
 - Calcification or aging of the well casing
 - Pumping the well beyond its internal performance capacity

These are common well-efficiency issues and do not reflect regional groundwater availability.

6. Overall Conclusion

Multiple lines of evidence, including site testing, analytical modeling, long-term regional trends, and the Luchetti's own transducer study show that:

The project's groundwater use is sustainable, protective of neighboring wells, and will not create significant adverse effects on the regional aquifer system.

Lake County Board of Supervisors
Lake County Courthouse
1st Floor, Board Chambers
255 N Forbes St
Lakeport, CA 95453

Lake County Board of Supervisors,

The Comstock family has lived in Lake County for four generations. Our ranching roots in Northern California go back to the 1800s. This place is our home. Working on this land is a fundamental part of who we are, and our first priority is to be responsible stewards of it. Maintaining and preserving a large piece of California ag land through multiple generations is not an easy task. Through time we have seen that successful ranching families understand that adaptation is the key to preservation. We see cannabis as another step in that long tradition, both for our family and for Lake County.

We regret that Mr. Luchetti has a difference of opinion about what should be allowed on our property, but we emphasize that as landowners we have a right to pursue ag options that will allow us to preserve the land for ourselves and our children. We have sought exhaustively to not only comply with state law and county ordinances, but also to go above and beyond in our efforts to be good neighbors. Unfortunately, Mr. Luchetti appears to have taken advantage of that process and led us to this point.

From our first steps in exploring this process in 2020 we reached out to Mr. Luchetti to inform him of our intentions to grow legal cannabis. We have a long relationship with the Luchetti family and we felt it was only right to approach them first. After that first meeting, and for the next three years as we waited for our permit to be brought before the Planning Commission, Mr. Luchetti expressed his support for our project.¹ During that time we maintained regular contact, communicating in person or by phone/email at least 18 times. Multiple times we shared maps and data about the project, taking his recommendations on layout and scale of the project².

In November of 2023, Mr. Luchetti abruptly changed his position and informed us via official declaration to the county that he would be opposing our project³. Following this, we attempted to communicate and meet with him to work through his concerns on at least ten more occasions. Unfortunately, as we worked through this process it became repeatedly clear through Mr. Luchetti's words and actions that his desire was not to work with us toward an amicable solution or to reach agreement on his concerns, but to exert a level of influence over operations on our ranch to such a degree that it would effectively put him in charge of all decision making on our property. Eventually Mr. Luchetti threatened us with legal action, and we were forced to materially cease open dialogue with him. He has since followed through with his threats and is currently suing both our project and the county.

¹ Email from Peter Luchetti to James Comstock, May 14, 2021.

² Meeting between James Comstock and Peter Luchetti via zoom, March 8, 2021.

³ Email from Peter Luchetti to Lake County Community Development, November 30, 2023.

Mr. Luchetti's argument hinges on his belief that our project will have an extreme adverse effect on his ranch operations. As ranchers ourselves, we are sensitive to his concerns, however we feel that Mr. Luchetti is not acting in good faith and is instead attempting to use the appeal process as a means to exert unreasonable influence over our rights as private landowners. In fact, in his most recent proposal he lists his extensive demands of approval, including continuous operational oversight and the ability to personally enforce his conditions and penalize us should we fail to meet his standard: "The Appellant 276 Ranch LLC shall have express standing to enforce these conditions of approval through any available administrative or judicial proceeding, and shall be deemed an intended third-party beneficiary of these conditions."⁴ We find this kind of predatory language not only unreasonable, but also outside the bounds of acceptable business and ranching practices. We would never propose to exert that kind of influence over Mr. Luchetti's cattle or farming operations.

As an example, Mr. Luchetti has cited odor from our project as a concern. Through our setbacks we have made every reasonable effort to address this, but Mr. Luchetti has argued that odor should not only be mitigated, but also monitored with sensors put in place that could penalize us should the smell exceed his specified threshold. Those who have worked in agriculture and ranching understand that ag has odor. Cattle, swine⁵, goat and sheep operations all have an odor, as does flood irrigated permanent pasture, all of which Mr. Luchetti has engaged in on his neighboring property. We have attempted to work with Mr. Luchetti on this issue, but once again it seems that no reasonable solution exists outside of him being directly involved in how we run our ranch. That does not feel like a reasonable demand to us.

Another, more alarming example is in Mr. Luchetti's claims of how our operation would impact his organic farming operation. Mr Luchetti has gone so far as to repeatedly and materially lie to us, the Community Development Department, the Planning Commission, the Board of Supervisors and the Superior Court about possession of USDA Organic Certification which he claims he could lose if our project is approved. Mr. Luchetti's property has never held any USDA Organic Certification, and his misrepresentation makes it extremely unlikely that he could obtain such a certification. The boldness of this false claim is shocking to us, and it speaks to the lengths that Mr. Luchetti is willing to resort to in attempts to exert control over his neighbors.

Mr. Luchetti has expressed other concerns, including water use, wildfire risk, traffic issues, and other aspects of the project that he believes will be detrimental to his ranch. We took his concerns in good faith and over these past six years have tried to work with him to address each one specifically, just as we did with the odor and organic issue. With each specific concern, it became clear that Mr. Luchetti did not want his concerns addressed and that the only path forward was for us to either abandon the project entirely, or relinquish autonomy and put Mr. Luchetti in an unreasonable position of power over what we do on our ranch. The inability to

⁴ Proposed Conditions - Rancho Lake LLC Appeal (PL-25-13 / IS 21-16, page 12 section 6.5, emailed from Peter Luchetti to Mary Clayborn, May 6, 2026)

⁵ Mr. Luchetti's tenant raised swine next to our property line from 2019 through 2022 allowing concentrations of up to 10 hogs per acre according to the tenant's investment prospectus from 2019.

reach a solution has been frustrating and has dragged out the approval process, which we believe is Mr. Luchetti's intent. Most recently on April 10, 2026⁶ Mr. Luchetti's lawyers sent a request for a continuance of the scheduled appeal hearing (ostensibly due to an expert being unavailable on the hearing date) on April 21, 2026 to either May or June, well knowing that 4 days prior on April 6, 2026⁷ Mr. Luchetti had actually filed a lawsuit to stay that same hearing.

Our desire as a family is simply to be able to practice sustainable agriculture on our ranch within both the spirit and letter of state laws and county ordinances while maintaining autonomy. Mr. Luchetti's demands appear designed to strip us of our rights and privileges that we have fought so hard to protect for over 80 years. From the beginning of this process we have sought to operate in good faith, trying to maintain a good relationship with the Luchetti family. Unfortunately, Mr. Luchetti has not done the same, as evidenced by his ever-increasing demands and pending lawsuits.

Middletown is our home. Ranching is our heritage. Our ranch is the hearthstone of our family. At a time when large family ranches continue to break up across the West or get sold to corporate interests for commercial or industrial infrastructure, we see Cannabis as a viable, profitable crop that can sustain local farmers and will allow us to keep our ranch for the next generations. We ask that the Board of Supervisors empower us to preserve our agricultural identity as a family and community by allowing our project to move forward, and by denying Mr. Luchetti's appeal.

Sincerely,

Jim Comstock
19955 Grange Rd
Middletown CA, 95461

⁶ Email from Martin Hirsch. Perry, Johnson, Anderson, Miller and Moscowitz LLP to Mary Clayborn on April 10, 2026.

⁷ 276 Ranch LLC v County of Lake, Lake County Board of Supervisors, Lake County Planning Commission, and Does 1 through 20 inclusive; page 1, Electronically filed with the Superior Court, County of Lake, 4/6/2026, Melanie M Smith Deputy Clerk.

Lake County Board of Supervisors
Lake County Courthouse
1st Floor, Board Chambers
255 N Forbes St
Lakeport, CA 95453

Re: Rancho Lake Project Appeal

Lake County Board of Supervisors,

As a resident of Coyote Valley and neighbor to the Comstocks I am writing to express support of their project and to request that the appeal by Mr. Luchetti be denied by the Board of Supervisors. I have known the Comstocks my whole life and have lived on Grange Road for over thirty years. I've been visiting the Comstock Ranch for decades and have seen firsthand their love for the place and their desire to preserve the natural landscape while also ranching responsibly by participating in sustainable ag. Their cannabis project is a perfect example of safe and sustainable ag. It will allow the Comstock Ranch to continue to be a family-owned ranch, operated by members of our community who live here, work here, and whose children and grandchildren go to school here.

I am the owner/operator of Smith Construction based in Middletown. As a local business owner I have loved working in Lake County, a place that I know supports private small businesses. I am a firm believer that farmers and ranchers should have the freedom and support from our community to work their land in a way that allows them to preserve their way of life, so long as they are within the guidelines of the law. Mr. Luchetti is himself a rancher and should understand that firsthand. Rather than a fair and reasonable complaint, I see his appeal as an unreasonable attempt to exert control over his neighbor.

That's not how we do things in Lake County. I urge the board to deny the appeal and allow the Comstock's project to go forward.

A handwritten signature in dark ink, appearing to read "Kevin S.", with a stylized flourish at the end.

Kevin Smith
19508 Grange Rd.
Middletown, CA 95461

Lake County Board of Supervisors
Lake County Courthouse
1st Floor, Board Chambers
255 N Forbes St
Lakeport, CA 95453

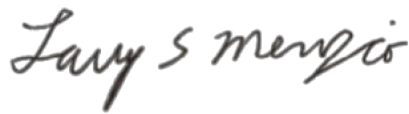
Re: Rancho Lake Project Appeal

Lake County Board of Supervisors,

I have known the Comstock family my entire life. Jim and I were schoolmates since elementary, and I have supported him through his many campaigns for public office, as well as in his work as a local rancher. I know that Jim and his family love Middletown and the Coyote Valley. Apart from the many things they've done for the community as a whole, I have seen them work to protect and preserve their family ranch through decades of hard work. Their ultimate goal is to be able to keep the ranch in their family, under family control.

I believe very strongly in the rights of a private landowner, especially when the landowner is a farmer or rancher seeking to maintain the land through sustainable agriculture. Jim and his family are trying to do exactly that with their project. Mr. Luchetti's attempt to prevent the Comstocks from moving forward is an infringement on their rights and an attempt to frustrate their ability to run a healthy ranch.

For all the changes I've seen come to Middletown over my lifetime, we are still an agricultural community. We should support local ranchers and farmers to maintain that identity by allowing them to operate freely within the law.

A handwritten signature in dark ink, reading "Larry S menzio". The signature is written in a cursive, slightly slanted style.

Larry Menzio
15323 Western Mine Rd.
Middletown, CA 95461

Over-irrigation and Public Health Hazard

The Appellant, Mr. Luchetti, has cited water use for the Ranch Lake Project as a major concern and one of the primary reasons for his appeal of the project. While the Rancho Lake Project's water use plan is well within the boundaries of the law, records from Lake County Vector Control District show that it is the Appellant himself who has actually been negligent in his use of water on his own ranch, the result of which has had an outsized negative impact not only on his immediate neighbors, but also on the larger community of Hidden Valley Lake and the Coyote Valley. Records show that the Appellant engaged in irresponsible irrigation practices on his permanent pasture, which not only wasted millions of gallons of water but also led to extended periods of standing water causing repeated massive mosquito hatches over multiple years. This led to Lake County Vector Control issuing warnings and direct instruction to the Appellant to change his irrigation practices. He ignored these directives, costing the county tens of thousands of dollars in time and resources, while also dramatically increasing the risk of an outbreak of West Nile Virus in the larger community.

Massive Increase in Irrigation Runoff

There is a seasonal waterway on the edge of our property, near the property line between our property and the Appellant's property. This area generally fills with water during the rainy season and completely dries out during the rest of the year as seasonal precipitation diminishes. Historically, during standard dry-season irrigation practices, a limited amount of runoff from the Appellant's irrigated pasture has accumulated on our property in a small part of the waterway, generally consisting of a pool about 1 foot deep, comprising approximately 0.1 acre feet or 32,000 gallons of runoff from irrigation.

Over the past few years, accumulated runoff during the hottest summer months (June, July, August) has filled the waterway with what we only see during the heaviest rains in the winter, and never in the past due to irrigation runoff at any time of year. Based on our estimations, we have observed the increased runoff to be between 20 and 30 times higher than historical average—a dramatic increase and evidence of overirrigation¹.

Increased Mosquito Nuisance and West Nile Virus

During the same time where we observed the increase in standing irrigation water runoff, we also began to notice a substantial increase in mosquito activity throughout the summer. The stagnant water, associated with the overirrigation appeared to coincide with these conditions, creating what we believe may be favorable breeding environments for mosquitos. Due to these

¹ The portion of the waterway affected by the irrigation runoff encompasses approximately 1.25 acres. The average depth of water required to fill this section of the waterway is approximately 3 feet, with certain areas near the road crossing reaching depths of 4 feet. Based on these figures, we observed accumulated runoff ranging from approximately 1.5 acre-feet (~488,000 gallons) to approximately 3 acre-feet (~977,000 gallons), with certain instances reaching to as much as approximately 3.5 acre-feet (~1,114,000 gallons).

concerns, we submitted a public records request to the Lake County Vector Control District in order to better understand the increased mosquito nuisance we were experiencing.

The information provided to us by the Lake County Vector Control District (LCVCD) showed that there had been a substantial increase in the mosquito population associated with the conditions present in the Appellant's irrigated pastures. The data documented a 600% increase of female *Aedes melanimon* Mosquitos from 2023 to 2024 and a 900% increase from 2023 to 2025.²

Aedes Melanimon is recognized as an aggressive mosquito commonly associated with flooded areas, and is designated as a major pest and vector of West Nile Virus³. Additionally the Appellant was notified by LCVCD that West Nile was detected near the Luchetti Ranch in 2023 and 2024. LCVCD advised the Appellate that "effective water management on your part is crucial to mitigating this public health risk"⁴

Organic limitations on Mosquito Control

Despite the Appellant's worker being uncertain of the organic status of the cattle on the property⁵ LCVCD has been limited by the Appellant to the use of treatments with only one active ingredient when addressing mosquito activity within the fields which the Appellate claims to have designated as organic. As LCVCD is unable to rotate or alternate among multiple treatment methods or active ingredients, this limitation could lead to pesticide resistant mosquitos⁶

Public Financial Cost of Mosquito Control

As of July 31st, 2025 LCVCD had expended \$19,574.27 on two larval mosquito treatments on approximately half the irrigated acreage on Mr. Luchetti's property. Due to the continuing large numbers of mosquitos on the property LCVCD estimated the total cost of larval mosquito treatment for the complete 2025 season would be approximately \$60,000 for Mr. Luchetti's property. That estimate did not include the additional costs of treating adult mosquito populations affecting the neighboring communities of Hidden Valley Lake, Yankee Valley Rd and surrounding areas.⁷

Mosquito Nuisance and Public Health Risk

According to LCVCD, the key to mosquito control is eliminating standing water within four days⁸. Evidence indicates that the Appellant has substantially increased the volume of water used to irrigate his fields, resulting in excessive irrigation runoff and prolonged standing water conditions.

² Collection Data Sheet for Luchetti Fields

³ Butte County Mosquito & Vector Control District Mosquitos of Concern.<https://bcmvcd.specialdistrict.org/files/bb7d0c603/BCMVCDD-Mosquitoes%2Bof%2BConcern.pdf>

⁴ July 31st 2025 email from Jamesina Scott LCVCD to Rich Lee "Mosquitoes Transmit Disease"

⁵ LCVCD PRC "Weekly Pesticide Sheet" 6/27/23

⁶ July 31st 2025 Email from Jamesina Scott to Rich Lee "Mosquito Resistance to Pesticides" pages 2 - 3

⁷ July 31st 2025 Email from Jamesina Scott to Rich Lee "Financial Cost of Mosquito Control" page 3

⁸ July 31, 2025 email from Jamesina Scott to Rich Lee "Irrigation Practices and Mosquito Management" page 2

These conditions have contributed to a significant increase in aggressive mosquito populations, creating both a substantial nuisance and potential public health risk to neighboring communities, including Hidden Valley Lake, The Ranchos and surrounding areas.

The evidence and observations above demonstrate a substantial and ongoing increase in irrigation runoff originating from the Appellant's property, resulting in prolonged standing water conditions in his fields and within the adjacent waterway during the dry summer months. These conditions differ significantly from historical patterns previously observed in the area and have coincided with a dramatic increase in aggressive mosquito populations and the presence of West Nile Virus documented by the Lake County Vector Control District.⁹ The documented rise in mosquito activity, including species identified as vectors of West Nile Virus, has created a substantial nuisance and potential public health concern. Additionally, the significant public resources required for ongoing mosquito abatement efforts further demonstrate the seriousness and continuing nature of these impacts.

Suspicious Timing of Over-irrigation Practices

We do not understand what caused the Appellant to change their irrigation practices in ways that appear to waste massive amounts of water which runs off of their fields to sit stagnant during the summer months. We do find it curious, however, that the sudden change appears to directly coincide with the time when the Appellant began to argue (despite scientific evidence to the contrary) that there was insufficient water in the aquifer to sustain our cannabis project.

We ask the Board of Supervisors to consider the Appellant's actions, credibility, and the resulting public nuisance and broad danger to public health when considering claims that our cannabis project is not planned in a way that considers their ability to use and enjoy their property.

⁹ July 31, 2025 email from Jamesina Scott to Rich Lee "Mosquitoes Transmit Disease" page 2



Outlook

July 31st 2025 email from Jamesina Scott LCVCD to Rich Lee

Fw: Luchetti Mosquito Control Costs & Irrigation Practices

From JJ Scott <jjscott@lcvcd.org>

Date Tue 8/5/2025 10:32 AM

To richlee335@gmail.com <richlee335@gmail.com>

Cc Sandi Courcier <sandi@lcvcd.org>

 3 attachments (17 MB)

Establishing and Managing Irrigated Pastures for Horses UC ANR 8486.pdf; Irrigated Pasture Production UC ANR 21628.pdf; Managing Mosquitoes on the Farm UC ANR 8158.pdf;

Hi Rich,

I sent the email below to you last week but mistyped your email address. I'm sorry for the delay in getting this to you.

Please see my email below, and call me or Sandi.

Thank you so much.

--Jamie

Jamesina J. Scott, Ph.D., CSDM
District Manager/ Research Director
Lake County Vector Control District
jjscott@lcvcd.org
www.lcvcd.org
410 Esplanade
Lakeport, CA 95453
Tel: (707) 263-4770

From: JJ Scott <jjscott@lcvcd.org>

Sent: Thursday, July 31, 2025 9:49 AM

To: richlee@gmail.com <richlee@gmail.com>

Cc: Sandi Courcier <sandi@lcvcd.org>

Subject: Luchetti Mosquito Control Costs & Irrigation Practices

Hi Rich,

I'm reaching out to you today to follow up on our phone conversation about the ongoing mosquito issue stemming from the irrigated cattle pastures on the Luchetti Ranch. As we discussed, the current watering practices at Luchetti's create a significant mosquito population, which impacts not only your operations but also the surrounding communities.

Before I continue, I would like to give you a brief explanation of the mosquito life cycle and how the District controls mosquitoes.

Mosquito Life Cycle

The mosquito lifecycle consists of four stages: egg, larva, pupa, and adult. The first three stages (egg, larval, pupa) require standing water. The adult mosquito, which is the only stage that can fly, emerges from the pupal stage. Female mosquitoes require a blood meal to produce eggs, while males feed on plant nectar.

Mosquito Control Basics

The District's Integrated Vector Management (IVM) program protects public health through a combination of physical control, biological control, cultural practices, education, and insecticide treatments to control mosquitoes.

Mosquito control can target the immature stages in the water or the flying adult mosquitoes that bite.

- Larval control includes physical control (removing the water), cultural control (changing how the water is stored or used), biological control (using mosquito-eating fish), and treating with public health larvicides specific for mosquitoes.
- Adult mosquito control is accomplished mainly through truck-mounted ultra-low volume (ULV) treatments that create a fog of mosquito adulticide. The ULV applications are typically made between midnight and sunrise. While effective for immediate reduction, adult control generally has a shorter-term impact compared to larval control, as it doesn't address the source where the mosquitoes develop.

Irrigation Practices and Mosquito Management

I've been looking into water management solutions and have two documents from the University of California on irrigated pastures, provided by a mosquito control colleague who also runs cattle. I've also included a booklet from the UC titled "Managing Mosquitoes on the Farm" that specifically addresses how irrigated pasture practices can minimize or even prevent mosquitoes on pages 8-10. The key to mosquito control is eliminating standing water within four days.

Reducing water use offers numerous benefits for everyone involved:

- **Reduced Mosquito Habitat:** This means we'll need to apply less larvicide overall.
- **Increased Larvicide Longevity:** Less frequent applications of extended release larvicides may be needed.
- **Improved Cattle Health and Weight:** Biting mosquitoes reduce weight gain in cattle. Healthier pastures can lead to healthier livestock.
- **Reduced Energy Costs:** Lowering water usage directly translates to savings on pump operation.
- **Enhanced Worker Protection:** Your employees will face fewer mosquito bites and reduced risk of mosquito-borne illnesses like West Nile virus.
- **Improved Community Relations:** Neighbors will be less pestered by mosquitoes, fostering better relationships.

Mosquito Resistance to Pesticides

There's an additional, significant concern. Because Luchetti's is an organic pasture, we are limited to only one active ingredient (Spinosad) that can withstand the intermittent wet and dry cycles of irrigated pastures. In conventional pastures, we have the flexibility to alternate mosquito control products to manage resistance. If the mosquitoes in your pastures develop resistance to Spinosad, you will lose the only organic treatment option.

Mosquitoes Transmit Disease

Finally, West Nile virus was detected in mosquitoes near this ranch in 2023 and 2024. While WNV infections can be mild, about 20% of people with WNV become sick enough to miss two weeks of work or school, and a few develop severe neurological illnesses like encephalitis or meningitis that can lead to permanent neurological damage or death. **Effective water management on your part is crucial to mitigating this public health risk.**

Financial Cost of Mosquito Control

To give you an idea of the financial impact of these applications, the District has already made two larval treatments this year at a cost of **\$19,574.27**. Please note that these two applications were limited to about half of the irrigated pasture acreage. Due to the continuing large numbers of mosquitoes, we expect that at least two more treatments will be necessary this season and that those treatments will include the entire acreage of irrigated pastureland, doubling the cost of each treatment. That would be approximately \$20,000 per treatment, for a total treatment cost this season of approximately \$60,000. Please keep in mind that this figure does not include the cost of treating adult mosquitoes in neighboring communities of Hidden Valley, Yankee Valley Road, and other residences affected by mosquitoes originating from these pastures or the additional mosquito surveillance and testing.

We are confident that by working together to adjust your water management practices, we can significantly reduce the mosquito problem at Luchetti's, benefiting your cattle operations, our shared environment, and the community. We are here to support you in implementing these changes.

Please reach out to me or Sandi with any questions you have.

Sincerely,
Jamie

Jamesina J. Scott, Ph.D., CSDM
District Manager/ Research Director
Lake County Vector Control District
jjscott@lcvcd.org
www.lcvcd.org
410 Esplanade
Lakeport, CA 95453
Tel: (707) 263-4770

1 OF 3
WEEKLY PESTICIDE SHEETOPERATOR NAME: *Sandi Courcier*PAY WEEK: *June 25 → June 30, 2023*

DATE	NAME or LOCATION	INSECTICIDE	RATE	AMOUNT	AREA	TIME	H2O of U.S.
6/26/23	Staff meeting all morning, fill out Herd seeder calibration sheet w/ Julian, load the truck for all the things we need for a pasture treatment on Wednesday, safety box, broom & dustpan, H ₂ O, Altosid brigs, ✓ gas, boots, cleaned safety box, feed the fish.						
6/27/23	Get maps printed up for pasture treatments, get a bucket of fish ready, call FISH SR. Head to MT. 18984 Grange Rd - McMahon ^{MT} Mosquitofish 20 FISH sm. pond 10:00 am No						
	s/w Kevin & his son about the fish, their bees and Belcher's pasture. Sue Belcher's son, Ace, is our new contact for the area. Got his # and left my card for him. Drove to Davis house on 3B Ranch. Left doorknocker that we'll be treating tomorrow. Drove to Luchetti Ranch to meet new ranch manager. Not home. Left door knocker & my card. Ran into new manager, Rich Lee, and talked with him a long time about treatments. He wants to be sprayed the mosqs are so bad. He said he has fail waters everywhere as he doesn't have a good grasp on the fields yet. All fields are in operation. No pigs anymore. ^(Comstock) Has no idea if cattle are organic anymore. Feed fish at Todd, wait for delivery driver to deliver Natular for tomorrow. Almost 5pm.						
6/28/23	Serious problems with the herd seeder. Equip. malfunctioning. Tried doing field calibrations.						
	19102 Grange Rd - Belcher's 3B Ranch	Natular G-30	7#/ac.	320 lbs.	47 ac.	7:00 am	Yes
	19102 Grange Rd - Belcher's 3B Ranch	Altosid XR Brig.	1/100 ft ²	168 Bels	16800 ft ²	11:00 am	Yes
6/29/23	21333 Grange Rd - Luchetti Ranch	Natular G 30	7#/ac.	320 lbs.	47 ac.	7:00 am	Yes

Collection Data Sheet for Luchetti Fields

[illegible]

USDA Organic Certification and Misrepresentation

Since November of 2023¹, the Appellant has repeatedly asserted in correspondence with Community Development staff, the Planning Commission, the Board of Supervisors, and to the Superior Court of the State of California, County of Lake in recent legal filings that it fears the “loss of the Luchetti Ranch’s USDA Organic Certification,”² which the appellant has described as “essential to its business model.”

Cultivation plan designed to not impact USDA Certification

We wish to be good neighbors and do not wish to negatively impact any neighboring agricultural operation, including one holding USDA Organic Certification. Because of the appellant’s repeated claims and concerns regarding USDA Organic Certification, we undertook substantial research to determine what measures would be necessary to avoid any adverse impact on the Appellant’s operation.

Through that research, we learned that the products proposed for use in the cannabis cultivation project are compatible with organic farming practices. The project would not utilize fertilizers, pesticides, or other substances that would negatively impact a neighboring property’s USDA Organic Certification.³

We further learned that USDA organic regulations place responsibility on the Certified land owner itself to maintain any necessary buffers or setbacks required to obtain and preserve certification.⁴ Despite the fact that for USDA Organic Certification the Appellant would be responsible for maintaining setbacks on its own land, the setbacks in our cultivation plan between the proposed cultivation areas and the appellant’s property line substantially exceed distances⁵ typically associated with maintaining USDA Organic compliance, including in circumstances involving neighboring properties that might utilize non-approved products.

Based on this research, we concluded that the proposed project was designed in a manner fully considerate of the appellant’s claimed USDA Organic Certification concerns. Products that

¹ Letter from Peter Luchetti to Lake County Community Development Department, November 30, 2023, page 4: “The Luchetti Ranch is a certified organic cattle farming facility producing 125 head of grass fed organic beef annually.”

² Notice of Appeal filed with LCBOS January 12, 2026 page 3, 276 Ranch LLC v. County of Lake, Lake County Board of Supervisors, Lake County Planning Commission and Does 1 through 20 inclusive, filed April 6, 2023, pages 4, 7, and 11. Proposed Conditions of Approval submitted by Appellant May 6, 2026, page 11.

³ Every product in our application is OMRI listed as permitted by farms with USDA organic certification with the exception of Central Coast Garden Green Cleaner, which may be used on USDA Certified Organic farms with approval from the Organic Certifier when included in the Organic System Plan. Regardless, setbacks on the Applicant property far exceed what is required to ensure that this product does not reach the Appellant’s property and fields.

⁴ USDA Organic Regulations 7 CFR §205.202 Land Requirements

⁵ California Certified Organic Farmers states, “A common rule of thumb is a 30-foot wide buffer for ground based application of prohibited substances.”

<https://www.ccof.org/faq/?question=what-buffers-are-required-for-organic-parcels>

impact a neighbor's USDA Organic Certification will not be used in this project, and planned buffer zones between cultivation areas and the Appellant's property line greatly exceed what is typically required for USDA-accredited certifiers.

Appellant's misrepresentation of USDA Organic Certification

In the course of researching how to avoid any potential impact on the appellant's purported USDA Organic Certification, we discovered that neither 276 Ranch nor Peter Luchetti appear to hold, or to have ever held, USDA Organic Certification⁶. We found no record of USDA Organic Certification associated with the property, and no indication that the ranch's fields have ever been certified organic under the USDA program.

We also learned through communications with USDA-accredited certifiers that neighboring property owners are commonly contacted during the certification process where adjacent land uses may be relevant, much as the Appellant was contacted by us regarding this cannabis project. No such contact has ever occurred between us and the Appellant regarding USDA Organic Certification.

Our research further revealed that 276 Ranch filed a *Certificate of Organic Registration* with the California Department of Food and Agriculture State Organic Program in in 2025 for cattle and beef under a registration program⁷ applicable to producers with less than \$5,000 in annual gross organic sales. This program does not involve *USDA certification*, does not require inspection, and is not a certification that can be "lost", because it is not a certification at all. The registration is intended for very small producers, such as people who wish to sell garden grown products from time to time at local farmer's markets⁸. Falsely representing products as Certified USDA organic violates the law and federal organic regulations.⁹ The appellant has repeatedly described the ranch operation as having substantial economic significance, making it difficult to reconcile those claims with participation in a program limited to operations with less than \$5,000 in annual gross sales¹⁰.

⁶ November 19, 2025 email from Rosa Baker, CDFA State Organic Program. Subsequent search of USDA Organic Integrity Database at <https://organic.ams.usda.gov/integrity/Home> Search of all Certified, Surrendered, Suspended or Revoked certifications for Middletown California revealed only two producers - Mt. St Helena Vinyards and Beaver Creek Vineyards. There were no records historically or presently for USDA Organic Certification for the Appellant property.

See also attached database list of all USDA Certified Organic holders in Lake County

⁷ <https://www.lakecountycalifornia.gov/178/Organic-Certification?>

⁸ "Protecting the Validity of 'Organic' at Your Market, Harriet Behar, March 4, 2014.

<https://farmersmarketcoalition.org/can-any-farmer-use-the-word-organic/>

⁹ See <https://www.ams.usda.gov/services/enforcement/organic/fraudulent-certificates> and attached Code of Federal Regulations § 205.100

¹⁰ Appellant claims that its ranch operation produces a large number of cattle. Given that the sale of only 2 cattle per year would exceed the \$5000 limit on organic registration, it appears very unlikely that the Appellant qualifies as an "Exempt producer/handler" under the USDA National Organic Program.

In addition, the Appellant told us that it had leased grazing operations to Eel River Cattle Company¹¹, which markets products through Whole Foods. Organic beef sales to Whole Foods was cited by the Appellant in its letter to Community Development on November 30, 2023.¹² While the tenant¹³ may hold USDA Organic Handling Certification relating to livestock handling activities, the appellant's fields themselves are not USDA Certified Organic. No USDA Certified Organic Beef or Cattle may come from the 276 Ranch because certified organic beef/cattle must be "raised on certified organic land meeting all organic crop production standards" since the last third of gestation".¹⁴ To the extent cattle sold to Whole Foods are marketed as organic and grazed on non-certified fields, selling the beef from the cattle grazed on Appellant's fields is likely a significant USDA violation for Appellant's tenant, and Whole Foods.¹⁵

Consideration of Applicant's efforts and Appellant's misrepresentation

Despite the absence of any evidence that the appellant actually holds USDA Organic Certification, we nevertheless undertook extensive efforts to ensure that the proposed cultivation plan would not negatively affect a neighboring operation claiming organic concerns.

We are deeply troubled by the appellant's repeated and demonstrably inaccurate representations regarding USDA Organic Certification throughout this process. Misrepresentation of USDA Organic Certification is a serious matter subject to civil penalties and criminal prosecution¹⁶.

We respectfully urge the Board of Supervisors to consider both our substantial efforts to operate responsibly and compatibly with neighboring agricultural uses, and the Appellant's repeated misrepresentations to the Planning Commission, the Board of Supervisors, and the the Superior Court of the State of California regarding a government-regulated certification that the Appellant has never held.

¹¹ Letter from Peter Luchetti to James Comstock, November 20, 2023, page 5: "We have successfully developed our organic certification for producing organic grass fed beef and have an ongoing profitable relationship with Eel River Beef and Whole Goods (sic) who purchase our cattle."

¹² Letter from Peter Luchetti to Lake County Community Development Department, November 30, 2023, page 4: "We sell our beef to Whole Foods."

¹³ Eel River Organic Beef states on its website "Because our cattle are carefully raised by independent ranchers, our beef is 100% traceable back to the ranch and the animal. CCOF's strict standards require that all cattle remain and graze on certified pastures... We adhere to each and each and every guideline as set forth by CCOF and the USDA National Organic Programs"
<https://eelriverorganicbeef.com/our-story/>

¹⁴ See attached Organic Livestock Requirement page 1.

¹⁵ False claims of USDA Organic certification are subject to significant financial penalties. (7 U.S.C. §6519(c)(1)). Businesses who have made false claims of USDA Organic Certification may be banned from seeking certification in the future (7 U.S.C. §6519(c)(1))

¹⁶ United States v T. Brennan, No 18-CR-2058, United States v. Potter, No 18-CR-2060

USDA Certified Organic holders in Lake County

Operation ID	Operation Name	Operation Certification Status	Physical Address: Street 1	Physical Address: City	Physical Address: State	Physical Address : ZIP	County
Required	Required	Required	Required	Required (US)	Required	Require	Optional
<i>NOP's 10-digit unique ID for operation</i>	<i>Operation's business name</i>	<i>Certified/ Surrendered/ Suspended/ Revoked</i>	<i>At least one of the two addresses (Physical or Mailing) is required</i>				
5561005675	Adamson Ranch	Certified	11816 Riata Road	Lower Lake	California	95457	Lake County
5561005558	Ancient Lake Gardens	Certified	8993 Soda Bay Road	Kelseyville	California	95451	Lake County
5561007811	Baeza Agricultural Company	Certified	3545 Soda Bay Rd.	Lakeport	California	95453	Lake County
5561001148	Beaver Creek Vineyards	Certified	20963 Highway 175	Middletown	California	95461	Lake County
6220004927	Bella Vista Farming Company, LLC	Certified					Lake County
5561007029	Brooke Shannon	Certified	7151 Red Hills RD	Kelseyville	California	95451	Lake County
5561000629	Campodonico Olive Farm	Certified	2570 Soda Bay Rd.	Lakeport	California	95453	Lake County
5561001176	Carpenter Orchard, Inc.	Certified	2480 Big Valley Rd.	Kelseyville	California	95451	Lake County
8150000733	Cascade Fruit Marketing DBA Foodguys,	Certified					Lake County
5561007245	Castilleja Farms LLC	Certified	2501 Bell Hill Lane	Kelseyville	California	95451	Lake County
5561001143	Chacewater Wine Co. & Olive Mill dba B	Certified	13848 Barr Ranch Rd	Nevada City	California	95959	Lake County
5561001192	Chiaroscuro Vineyards	Certified	9540 Seigler Spring Rd.	Kelseyville	California	95451	Lake County
5561001187	Clover Creek Family Farm	Certified	10111 Sam Alley Ridge Rd	Upper Lake	California	95485	Lake County
5561005427	Dancing Tree People Farm, LLC	Certified	1445 Pitney Lane	Upper Lake	California	95485	Lake County
5561005269	Debra Heckert dba Grey Heron Farm	Certified	850 Mathews Road	Lakeport	California	95453	Lake County
5561001090	Downey Vineyards	Certified	3580 Old River Road	Ukiah	California	95482	Lake County
5561004709	Edenberry Farm, LLC	Certified	3036 Stone Drive	Lakeport	California	95453	Lake County
5561001757	Eileen Guadagnolo Ranch	Certified	4350 Highland Springs Rd	Lakeport	California	95453	Lake County
5561001158	Elk Mountain Vineyards	Certified	10940 Elk Mountain Road	Upper Lake	California	95485	Lake County
5561001105	Ellis Ranch	Certified	9470 CA Highway 29	Lower Lake	California	95457	Lake County
5561001169	G Bar G Ranch	Certified	4130 Loasa Road	Kelseyville	California	95451	Lake County
5561005348	Glen Eden Farms	Certified	7170 Scotts Valley Road	Lakeport	California	95453	Lake County
5561001728	GlobalRidge LLC dba Nutribiotic	Certified	865 Parallel Drive	Lakeport	California	95453	Lake County
5561006134	Great Fermentation	Certified	4730 Davis Drive	Lakeport	California	95453	Lake County
5561005629	Greg Hanson	Certified	3445 Big Valley Road	Kelseyville	California	95451	Lake County
5561001174	Harry M. and Theresa J. Dereniuk dba Ca	Certified	2181 Bell Hill Rd.	Kelseyville	California	95451	Lake County
5561001363	Hawk and Horse Vineyards	Certified	13171 Highway 29	Lower Lake	California	95457	Lake County

5561006040	Hill Creek Ranch	Certified	2780 Merritt Road	Kelseyville	California	95451	Lake County
5561000560	Jorgensen Ranch dba E. Ted Jorgensen (J	Certified	13329 Point Lake View R	Lower Lake	California	95457	Lake County
5561006002	JP Farm Services/Justin Peters dba JP Fa	Certified	4003, 4025, 4257 Thoma	Finley	California	95435	Lake County
5561001094	Lauenroth Trucking	Certified	5605 Live Oak Drive	Kelseyville	California	95451	Lake County
5561005153	McCabe Ranch	Certified	12097 Elk Mt. Rd.	Upper Lake	California	95485	Lake County
5561005300	Nolasco Ranch	Certified	13449 Anderson Rd.	Lower Lake	California	95457	Lake County
5561005135	Orchard Flats Farm	Certified	2855 Reeves Lane	Lakeport	California	95453	Lake County
5561001139	Pamela R. Ivceovich	Certified	2158 Scotts Valley Rd.	Lakeport	California	95453	Lake County
5561001068	Perry Ranch	Certified	8775 Highway 175	Kelseyville	California	95451	Lake County
5561005462	Powers Ranch	Certified	6655 Highland Springs R	Lakeport	California	95453	Lake County
5561007026	Project Ovis LLC	Certified	400 Round Mountain Roa	Clearlake Oaks	California	95423	Lake County
5561005366	Rafael & Joy Valadez	Certified	10360 Elk Mountain Roa	Upper Lake	California	95485	Lake County
5561005235	Rinder-Green Ranch dba Rinder-Green F	Certified	10532-B East Road	Witter Springs	California	95493	Lake County
5561001157	Round River Farm	Certified	10878 Witter Springs Roa	Witter Springs	California	95493	Lake County
5561006125	Santos Bros. Joe D. & William M. Santos	Certified	11463 Elk Mountain Roa	Upper Lake	California	95485	Lake County
5561002410	Scully Packing Co., LLC	Certified	3275 Stone Dr	Finley	California	95435	Lake County
5561007434	Shannon Ridge Inc dba Shannon Family	Certified	4350 Thomas Dr.	Kelseyville	California	95451	Lake County
5561001098	Suenram Ranch	Certified	7755 Red Hill Road	Kelseyville	California	95451	Lake County
5561001129	Thurston Lake Ranch, LLC	Certified	13359 Pt Lakeview Rd.	Lower Lake	California	95457	Lake County
5561001088	Top Of Konocti Farms	Certified	6530 Konocti Road	Kelseyville	California	95451	Lake County
5561005314	Valadez Brothers LP	Certified	10375 Elk Mountain Roa	Upper Lake	California	95485	Lake County
5561001162	Wild Hare Vineyard	Certified	2464 Bell Hill Rd.	Kelseyville	California	95451	Lake County
5561006116	William Gilbert	Certified	9175 - 9055 Highway 29	Lower Lake	California	95457	Lake County
5561001095	Winant Orchard	Certified	2005 Scotts Valley Road	Lakeport	California	95453	Lake County

Code of Federal Regulations § 205.100

What has to be certified

(a) Except for operations exempt or excluded in §205.101, each production or handling operation or specified portion of a production or handling operation that produces or handles crops, livestock, livestock products, or other agricultural products that are intended to be sold, labeled, or represented as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s))” must be certified according to the provisions of subpart E of this part and must meet all other applicable requirements of this part.

(b) Any production or handling operation or specified portion of a production or handling operation that has been already certified by a certifying agent on the date that the certifying agent receives its accreditation under this part shall be deemed to be certified under the Act until the operation's next anniversary date of certification. Such recognition shall only be available to those operations certified by a certifying agent that receives its accreditation within 18 months from February 20, 2001.

(c) Any operation that:

(1) Knowingly sells or labels a product as organic, except in accordance with the Act, shall be subject to a civil penalty of not more than 3.91(b)(1)(xxxvii) of this title per violation.

(2) Makes a false statement under the Act to the Secretary, a governing State official, or an accredited certifying agent shall be subject to the provisions of section 1001 of title 18, United States Code.

Code of Federal Regulations § 205.101

Exemptions and exclusions from certification

(a) *Exemptions.* (1) A production or handling operation that sells agricultural products as “organic” but whose gross agricultural income from organic sales totals \$5,000 or less annually is exempt from certification under subpart E of this part and from submitting an organic system plan for acceptance or approval under §205.201 but must comply with the applicable organic production and handling requirements of subpart C of this part and the labeling requirements of §205.310. The products from such operations shall not be used as ingredients identified as organic in processed products produced by another handling operation.



ORGANIC LIVESTOCK REQUIREMENTS

Organic certification verifies that livestock are raised according to the USDA organic regulations throughout their lives. www.ams.usda.gov/organicinfo

Like other organic products, organic livestock must be:

- Produced without genetic engineering, ionizing radiation, or sewage sludge.
- Managed in a manner that conserves natural resources and biodiversity.
- Raised per the National List of Allowed and Prohibited Substances (National List).
- Overseen by a USDA National Organic Program-authorized certifying agent, meeting all USDA organic regulations.

- Fed 100 percent certified organic feed, except for trace minerals and vitamins used to meet the animal's nutritional requirements.
- Managed without antibiotics, added growth hormones, mammalian or avian byproducts, or other prohibited feed ingredients (e.g., urea, manure, or arsenic compounds).

To determine if a farm complies with the USDA organic regulations, certifying agents review the farm's written organic system plan and on-site inspection findings.

Which substances can be used to prevent and treat diseases in organic livestock?

Prevention. Since organic farmers can't routinely use drugs to prevent diseases and parasites, they mostly use animal selection and management practices. Only a few drugs, such as vaccines, are allowed.

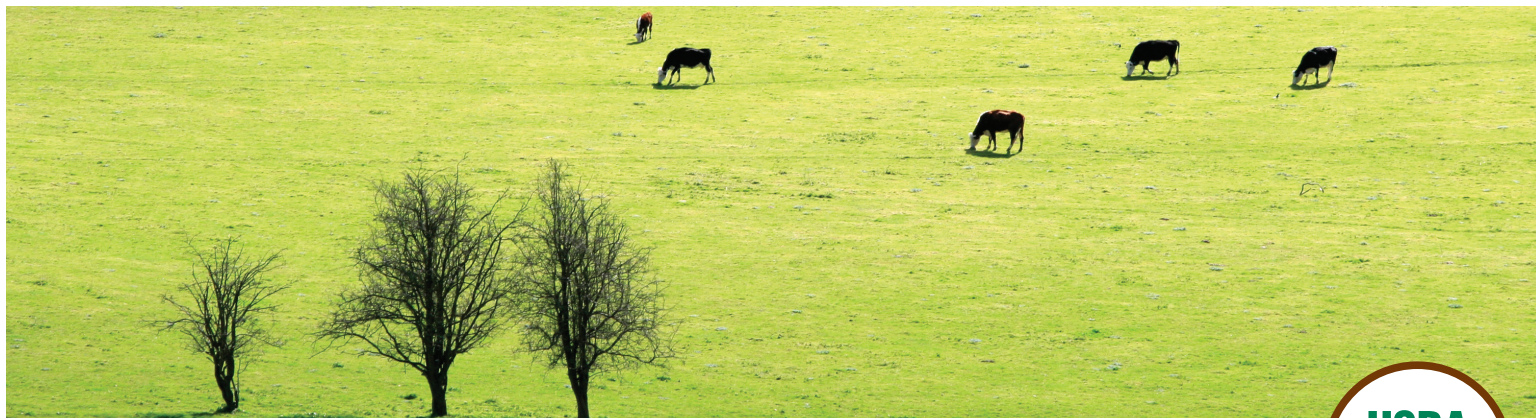
Treatment. Pain medication and dewormers (for dairy and breeder stock) are examples of allowed animal drugs. These therapies are only allowed if preventive strategies fail and the animal becomes ill.
Approved synthetics: <http://bit.ly/livestock-synthetics>

If approved interventions fail, the animal must still be given all appropriate treatment(s). However, once an animal is treated with a prohibited substance (e.g., antibiotics), the animal and/or its products must not be sold as organic post-treatment.

ORGANIC LIVESTOCK STANDARDS

Farmers and ranchers must accommodate the health and natural behavior of their animals year-round. For example, organic livestock must be:

- Generally, managed organically from the last third of gestation (mammals) or second day of life (poultry).
- Allowed year-round access to the outdoors except under specific conditions (e.g., inclement weather).
- Raised on certified organic land meeting all organic crop production standards.
- Raised per animal health and welfare standards.



ORGANIC LIVESTOCK REQUIREMENTS (continued)



How do the organic standards support animal welfare?

Organic livestock must be raised in a way that accommodates their health and natural behavior:

- Access to the outdoors
- Space for exercise
- Shade
- Fresh air
- Clean, dry bedding
- Clean drinking water
- Shelter
- Direct sunlight

Organic management reduces stress, reducing the incidence of diseases and supporting animal welfare.

RUMINANT PASTURE STANDARDS

Organic ruminant livestock—such as cattle, sheep, and goats—must have free access to certified organic pasture for the entire grazing season. This period is specific to the farm's geographic climate, but must be at least 120 days. Due to weather, season, or climate, the grazing season may or may not be continuous.

Organic ruminants' diets must contain at least 30 percent dry matter (on average) from certified organic pasture. Dry matter intake (DMI) is the amount of feed an animal consumes per day on a moisture-free basis. The rest of its diet must also be certified organic, including hay, grain, and other agricultural products.

After an animal reaches the 120-day grazing minimum, does that mean it no longer needs to be on pasture?

No. Ruminant livestock must graze on certified organic pasture throughout the entire grazing season for the geographic region. Depending on region-specific

environmental conditions (e.g., rainfall), the grazing season will range from 120 to 365 days per year.

Per the USDA organic regulations, the grazing season is the period of time when pasture is available for grazing due to natural precipitation or irrigation.

Outside the grazing season, ruminants must have free access to the outdoors year-round except under specified conditions (e.g. inclement weather). Ruminant slaughter stock are exempt from the 30 percent DMI from pasture requirement for the last fifth of their lives (up to 120 days).

To access worksheets on calculating DMI from pasture, visit www.ams.usda.gov/NOPProgramHandbook.

BENEFITS: ORGANIC MANAGEMENT

Organic livestock production and pasture-based systems provide many benefits:

Environment. Organic farmers and ranchers use practices that minimize impacts to the off-farm environment. They implement plans to avoid manure runoff, instead using manure as fertilizer or composting it to conserve nutrients. Additionally, farmers use sustainable practices such as crop rotation and cover crops to maintain soil fertility and protect soil and water quality.

Animal Health. Pasture-based diets improve ruminants' digestive health, making the rumen (first stomach) less acidic. This lower acidity increases the number of beneficial microorganisms that help ferment ruminants' high-fiber diet. Pasture-based systems have been shown to reduce hock lesions and other lameness, mastitis, veterinary expenses, and cull rates.

For a detailed guide on organic livestock production, visit <http://bit.ly/organic-livestock-guide>.