



AG Forest Wood Processing Bioenergy Project (UP 23-05, IS 23-10)

755 E. Hwy. 20 - Upper Lake

Why this is NOT the right location for this project

APPEAL HEARING

LAKE COUNTY BOARD OF SUPERVISORS MEETING

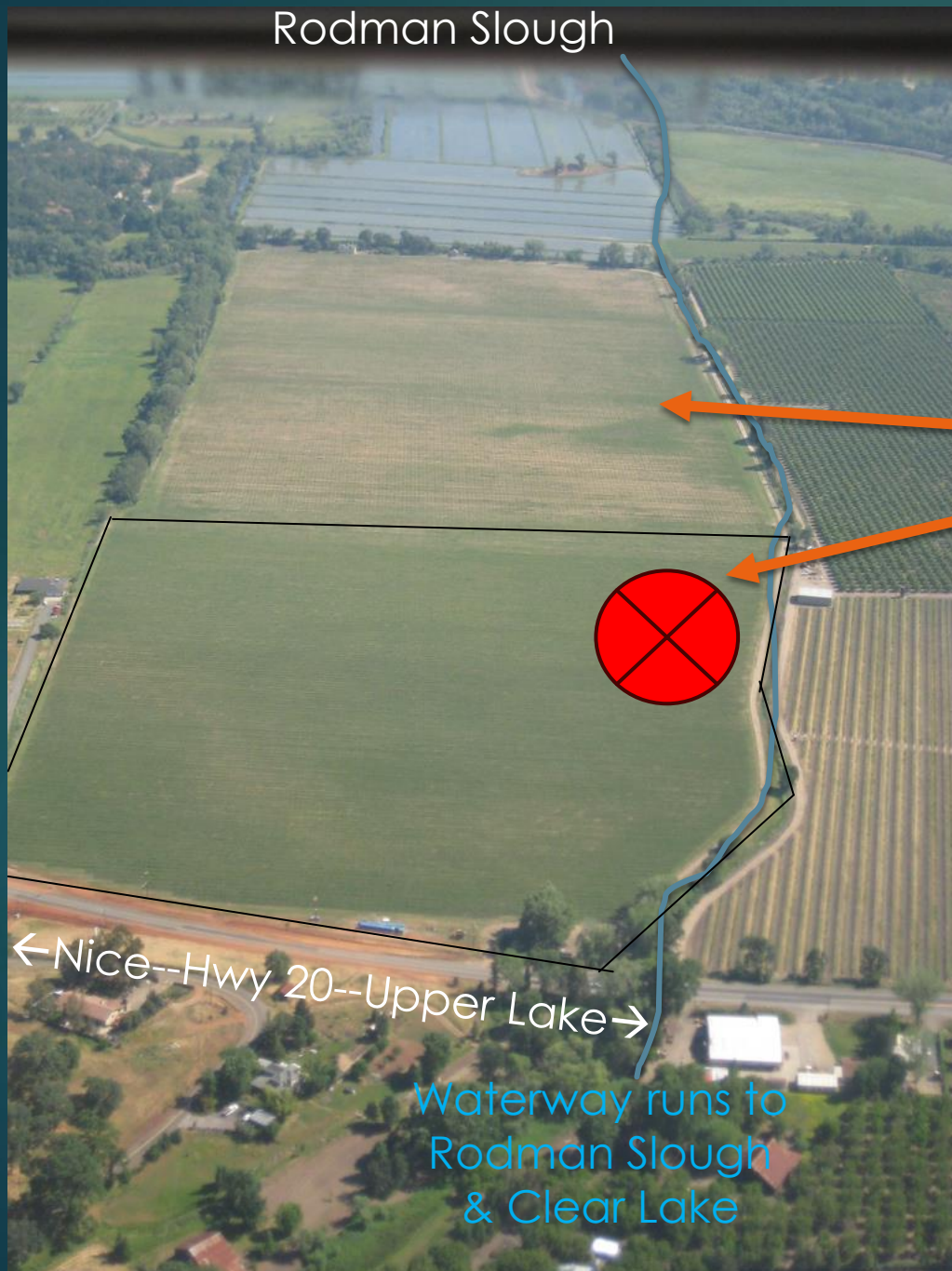
DECEMBER 16, 2025

PREPARED BY CONCERNED CITIZENS

Prime Agricultural Land



Source: Robinson Lake Vineyards, LLC.



2015

Lake County Watershed Protection District purchased 117 acres from Robinson Lake Vineyard for the **Middle Creek Flood Damage Reduction and Ecosystem Restoration Project**

- APN: 004-013-18 = 74.86 acres
- **APN: 004-010-04 = 42.6 acres** *project site*

Zoning:

- **Agricultural preserve (APZ)**
Williamson Act Ag Preserve contract
- **Waterway (WW)**
protects creeks and riparian habitat
- **Floodway Fringe (FF)**
protects areas subject to 100-year flooding
- **Scenic (SC)**
protects scenic views

Middle Creek Flood Damage Reduction and Ecosystem Restoration Project

Possibly Lake County's
most important project

▶ \$27.7 million grant

to restore the wetlands near Rodman Slough and improve the watershed health and the water quality of Clear Lake

- ▶ CA DWR Flood Corridor Program - Purpose of bond funds:
 - ▶ Conserve agricultural lands
 - ▶ Preserve wildlife habitat
 - ▶ Enhance wetlands development
 - ▶ Acquire flood flow easements
 - ▶ Restore flood plain functions

Middle Creek Restoration Project

▶ **SAP Contract - District Responsibilities:**

- Clean and maintain all properties acquired with grant funds
- Cap/Abandon water wells in accordance with state and local laws
- Restore wildlife habitat
- Place conservation easements to prevent future development
- No leasing land without prior permission from State DWR; lease must abide by conservation easement

▶ **Many residents had to sell their land and relocate for this project**

▶ **County should be good stewards of the land and taxpayers' money by upholding the purchase agreement**

Source: SAP Contract #4600003318 (first purchase agreement - includes parcel in question)
SAP Contract #4600012946 (current purchase agreement)

Prime Ag Preserve Land

Current condition under County ownership



Prime Ag Preserve Land

Current condition under County ownership



Prime Ag Preserve Land

Current condition under County ownership



May 2024 – Lease with SVEC

- ▶ Lake County entered into a lease agreement with Scotts Valley Energy Corporation
 - ▶ 42.6 acres
 - ▶ 15-year lease with the option to renew
 - ▶ \$100 per year
- ▶ No evidence the County got prior permission from the State to lease the land, as required in the SAP Contracts.
- ▶ Why did the County lease this parcel in a “sweetheart” deal with SVEC?

Red Hills Project and Lawsuit - CV421326

- ▶ Original location for this project was on Red Hills Road, Kelseyville
- ▶ Community members formed “Citizens for Environmental Protection and Responsible Planning” and filed a civil lawsuit against the County for excessive noise and dust
- ▶ Lawsuit: October 2020 to July 2023
 - ▶ 2021 – Scotts Valley Energy Corporation began plans to move the project from Kelseyville to Upper Lake
 - ▶ 2022 – SVEC applied for an EDA grant for an industrial manufacturing project in Upper Lake
 - ▶ 2023 – Board of Supervisors met in closed session to approve a settlement in the Red Hills case
 - ▶ Lease between SVEC and the LC Watershed Protection District was drafted
 - ▶ 2024 – Upper Lake lease finalized, Notice of Intent for use permit

Red Hills Settlement Results in Major Changes to Red Hills Use Permit

To reduce noise and dust:

- ▶ 28,350 sq ft outdoor wood processing & wood storage area were eliminated (Original permitted footprint = 43,350 sq ft; New footprint = 15,000 sq ft)
- ▶ Wood chipper and Hammermill were eliminated
- ▶ All woody biomass must arrive pre-processed
- ▶ Delivery trucks must back in and offload inside the structure
- ▶ Maximum one truck load per day of pre-processed chipped biomass
 - ▶ Originally permitted for 5 truck loads per day of chipped and unchipped biomass
- ▶ Elimination of 20' wide lane and turn around area for delivery trucks
- ▶ Structure relocated away from Red Hills Road

Source: Addendum to the Mitigated Negative Declaration IS 19-09 Red Hills BioEnergy Project

Everything Eliminated from the Red Hills Project was moved to Upper Lake

All of the noise, dust, traffic, and potential risks associated with this project were moved to an environmentally sensitive area purchased for the \$27.7 million Middle Creek Restoration Project

- ▶ Near waterways that drains into Rodman Slough
- ▶ Near residences, schools, and sensitive receptors at the mobile home park
- ▶ Putting wetlands and agricultural resources in jeopardy

Unstable Project Description

- ▶ EDA funding application describes an industrial manufacturing project producing biochar, bundled firewood, bioenergy-based fuel, decorative woodchips, compost mulch, and intermediate wood products
- ▶ CDD says this is a “power generation facility” - yet no power will be generated for off-site use
- ▶ Project Manager, Project Developer & County Planning Dept emails show they removed words like “chipping” from the description to downplay noise impacts
- ▶ Initial study says wood will be pre-processed at the Donohue facility on Red Hills Rd. – this facility does not exist and does not have a permit or plan to get a permit
- ▶ Project plans were copied and pasted from unrelated projects, like a solar project in City of Hollister and San Benito County
- ▶ Project Manager, Steve Rumbaugh is not a licensed engineer as he claims - project plans and noise report were full of false information

Failure to consider the “whole of the project”

- ▶ Project maps show waterways were removed
- ▶ Multiple emails show Project Developer Thomas Jordan lies about the existence of these waterways
 - ▶ CEQA violation – must consider the “whole of the project”
- ▶ EDA funding specifications says no construction allowed within 100 ft of waterways - yet access road is within 10 ft
- ▶ All official sources show the existence of this seasonal blue line stream that drains directly into Rodman Slough





Inaccurate Information

- ▶ Dale La Forest, a noise expert, said the noise report in the project application is extremely inaccurate and full of mis-calculations to downplay the noise impacts on surrounding residences, businesses, and schools
- ▶ The County Grading Ordinance requires a setback from all waterways, yet no setback was included in the plans for the 1000 ft access road
- ▶ New FEMA flood maps show this parcel is in the flood zone
- ▶ Application and Initial Study fail to recognize the land was purchased with taxpayer funds for the Middle Creek Project and should have been protected by a conservation easement
- ▶ Had the conservation easement been placed when required (within 36 month of acquiring the land) – We would NOT be here today!



Have you heard...



destroy all copies of the communication.

From: Pawan Upadhyay

[<Pawan.Upadhyay@lakecountyca.gov>](mailto:Pawan.Upadhyay@lakecountyca.gov)

Sent: Friday, October 24, 2025 4:36 PM

To: Michelle Irace

[<Michelle.Irace@lakecountyca.gov>](mailto:Michelle.Irace@lakecountyca.gov)

Cc: Mireya Turner

[<Mireya.Turner@lakecountyca.gov>](mailto:Mireya.Turner@lakecountyca.gov)

Subject: RE: Have you heard from the state for the Biomass Appeal?

Hello Michelle and Mireya,

Please see the response from the DWR, the text in blue shows new comments/questions.

Based on my review of the documents and the current situation, my recommendation to the Board of Supervisors is to cancel this agreement/lease. This recommendation is based on the following key reasons:

1. Conservation Easement Requirement: All purchased parcels are required to have a conservation easement placed on them at some point as part of our grant conditions. This requirement conflicts with the proposed project.
2. FEMA Flood Zone Designation: The updated FEMA map indicates that the entire parcel now falls within the 100-year flood zone. This could affect the Middle Creek Project boundary in the future, as the parcel may ultimately become part of that project.
3. Risk of Legal and Funding Implications: Proceeding with the agreement poses unnecessary legal and financial risks to the County. Failure to comply with state or grant provisions could result in termination of the funding agreement and potential repayment of all disbursed funds, plus interest.

At the Oct. 28th BOS meeting, Mireya Turner failed to mention that Dr. Pawan Upadhyay recommended the lease with SVEC be terminated.

According to the lease, the Lake County Director of Water Resources has the sole authority to terminate the lease.

Why did the Director of the CDD fail to acknowledge the recommendation of another Director whose \$27.7 million grant could be in jeopardy?

All for a \$100/year lease that will result in \$1,500 for the County over 15-years.

Community Feedback Survey

- ▶ 154 people completed the survey
 - ▶ 80% live within 5 miles of the proposed project site
 - ▶ 97% agree this is not the right location for this project

Please read the attached comments and concerns from community members.

Q4 Please mark all of your concerns about this project:

Answered: 151 Skipped: 3

