

From: [David Hughes](#)
To: [Trish Turner](#)
Cc: [Vicki Crystal](#); [Bruno Sabatier](#)
Subject: [EXTERNAL] 2050 & 2122 Ogulin Canyon Rd, Clearlake
Date: Tuesday, October 29, 2024 10:55:16 AM
Attachments: [20241029105307scan.pdf](#)

Hi Ms. Turner: I am a 50 year resident of Clearlake and a property owner in the Burns Valley area. The Burns Valley Basin property owners are very concerned about water usage in Ogulin Canyon as we feel it directly impacts our water supply/quality and our wells. I have been alerted that there is an application from Clearpath Canyon, LLC(Brian Pensack) for cultivation on the above properties. I printed the Summary Form and under the property description you mention: "Historical uses of the site include agricultural uses such as hops and commercial cannabis cultivation of EA 20-22 for UP 19-36." Are you aware we appealed the Planning Commission approval of UP 19-36 to the Board of Supervisors in April of 2022? I know hops was previously cultivated but I don't believe there has been any cannabis cultivation on the properties. A key sentence in the Findings of Fact and Decision upholding our appeal—page 4 paragraph 9. "That this Board finds, based on the evidence and facts presented in this matter that substantial evidence supports a fair argument that the Project may have a significant effect on the environment. Therefore, an Environmental Impact Report is necessary."

During the Board's hearing we provided testimony by a certified Hydro-Geologist that the applicants geology is wrong as to the aquifer, the evaluation of the cumulative impacts to nearby wells is not adequately addressed, and the pump testing was inadequate. He indicated that a potential issue existed in regard to the evaluation of this Project in terms of cumulative impacts, given the other cannabis cultivation sites in the area. He also stated that the evaluation of cumulative impacts conducted did not consider the proposed project along with the groundwater demands of nearby projects and other **reasonably foreseeable projects** in the area(as required by CEQA) that could contribute cumulative impacts similar to those of the Project and that further aquifer testing was needed given the potential impact to nearby wells; plus he suggested long-duration pumping test with corresponding groundwater elevation measurements did not appear to have been performed. Today there are even more sites under cultivation upstream in Ogulin Canyon than there were in 2022.

I am trying to understand why the Board determined that an EIR is necessary for cultivation on the properties and County Planning is now in the process of adopting another MDG?? I've attached a copy of the Findings of Fact and Decision for reference.

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From: [Darlene Stratford](#)
To: [Trish Turner](#)
Subject: [EXTERNAL] Pending application at 2050/2122 Ogulin Canyon Rd, Clearlake, CA 95422
Date: Wednesday, September 10, 2025 10:33:05 AM

Dear Ms. Turner;

On November 18, 2021, the Lake County Planning Commission granted a Major Use Permit, UP 19-36, for commercial cannabis cultivation on the above property. I am one of the concerned residents in the Burns Valley Basin who joined in appealing that decision to the Board of Supervisors. Our neighborhood invested a great deal of time, energy and thousands of dollars in this appeal. In May of 2022, the Lake County Board of Supervisors heard our appeal. As a result of that hearing, it was determined that, "based on the evidence and facts presented in this matter that substantial evidence supports a fair argument that the Project may have a significant effect on the environment. Therefore, an Environmental Impact Report is necessary" and the Board of Supervisors declined to adopt the mitigated negative declaration of the Project.

It is our understanding that the property is once again submitting an application for cannabis cultivation on the property and that you are in the process of proceeding with a Use Permit hearing with adoption of a Mitigated Negative Declaration.

Our main concern was water and evidence was presented indicating that the hydrological analysis presented did not provide detail necessary to understand the cumulative impacts of this Project over time.

I would also point out that since our appeal, there are a couple of additional 'grows' north on Ogulin Canyon Rd, assumed to be legal, that would have additional cumulative impact on our basin. Unfortunately, we are not within the distance from those properties to have received any notification from the County about those projects or we would have attended hearings to emphasize our concerns and request EIR's for those projects.

At this time, we ask that the County of Lake adhere to the Board of Supervisors Decision and require any commercial cannabis application on this property to proceed with an Environmental Impact Report based on that decision.

We fail to see why the County would proceed otherwise and force our neighborhood to once again go through the time and expense of fighting a Use Permit without the scrutiny provided by an EIR.

Please let me know if you have any further questions, many of us would be more than happy to talk or meet with you at your convenience

Darlene Stratford

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Clearlake, California 95422

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From: [Vicki Crystal](#)
To: [Trish Turner](#)
Subject: [EXTERNAL] 2050/2122 Ogulin Canyon Rd. Clearlake
Date: Tuesday, October 29, 2024 3:41:31 PM

Trish,

Once again I have deep concerns about this project that Pensak is trying to push though. I have read and discussed with Dave Hughs & have also been across HWY 53 from this property for 40 years. I was very involved the last time when this was presented and have sent an email out regarding it to about 40 people in the Burns Valley area again. At that time there was a very large number of people that showed up for the Supervisors meeting and voiced their concerns. My concerns have not changed and I don't understand why this is presenting its ugly head again. I appreciate you will be looking into this in depth.

Thank you.

Concern Citizen
Vicki Crystal

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"In the name of daybreak and the eyelids of morning and the wayfaring moon in the night when it departs, I swear, I will not dishonor my soul with hatred, but offer myself humbly, as a guardian of nature, a healer of misery, as a messenger of wonder, and an architect of peace." Diane Ackerman

Please consider your environmental responsibility before printing.



November 14, 2024

RE: CLEARPATH CANYON LLC USE PERMIT (UP 23-10) AT 2050 AND 2122 OGULIN CANYON RD., CLEARLAKE, CA; APNS 010-053-01 & 02

Assistant Planner II, Trish Turner at trish.turner@lakecountyca.gov,

Thank you for the opportunity to comment and we first would like to mention that this project had been passed by County Planners and David Hughes of Clearlake presented an appeal to the Board of Supervisors which was upheld.

Can this project be submitted again once an appeal was granted? We posed this question in an email to Community Development and never received a reply. The Appeal was April of 2022

The Burns Valley Basin property owners are very concerned about the water usage in Ogulin Canyon as it directly impacts their water supply and dwells. In the previously submitted data the Board of Supervisors heard testimony by a certified Hydro-Geologist that the applicants geology is wrong as to the aquifer, the evaluation of the cumulative impacts to nearby wells is not adequately addressed, and the pump testing was inadequate. He indicated that a potential issue existed in regard to the evaluation of this Project in terms of cumulative impacts, given the other cannabis cultivation sites in the area. He also stated that the evaluation of cumulative impacts conducted did not consider the proposed project along with the groundwater demands of nearby projects and other reasonably foreseeable projects in the area(as required by CEQA) that could contribute cumulative impacts similar to those of the Project and that further aquifer testing was needed given the potential impact to nearby wells; plus he suggested long-duration pumping test with corresponding groundwater elevation measurements did not appear to have been performed. Today there are even more sites under cultivation upstream in Ogulin Canyon than there were in 2022.

Careful review of the ClearPath Biological Assessment should be noted for a variety of reasons and because of the many noted species documented an environmental report should be made as should a wetland delineation.

The first BA's done in the drought year 2019 highlighted species:

- Water strider (no details beyond Gerridae listed) can be found in nearly any aquatic habitat, including ponds, lakes, swamps, ditches, creeks, streams, and rivers. They generally prefer places where the water is calm, but you can also see them jerking their way upstream, against a current so it was an interesting sighting.

- As with the above's habitat a dragonfly (no details on species) was noted.
- Pacific tree frog, primarily a terrestrial species, live among low plants near or along water.
- Cliff Swallows are the most colonial swallow in the world. Observing one is an indication there were large numbers nesting and feeding in the area.
- Red-breasted Nuthatch sighting is unique in that eBird reports .07% sightings in June in Lake County <https://ebird.org/species/rebnut/US-CA-065>.

4.2.1 states "This habitat is classified as Holland vegetation type – "Urban – 11100". This habitat type provides limited resources for wildlife and is utilized primarily by species tolerant of human activities." True, but note in the 1st bio report the property has an abundance of wildlife species and mitigation does not properly address this inventory, in a drought year the report highlighted so many species in only one visit! Birds – 30 species, Insects-5, Amphibian -1, Reptiles- 1, and Mammals – 8 species.

4.2.1. Terrestrial Vegetation Communities Please note the sighting of *Melica californica* (CA Medic Grass) that is a CA native bunch grass. With its deep root systems and drought tolerance is a good choice for soil stabilization, as are the other important chaparral species noted of Chamise, *Adenostoma fasciculatum*, Toyon, *Heteromeles arbutifolia*, Yerba Santa, *Eriodictyon californicum*. Mitigation does not address the loss of these species that are so important to Lake County.

- Note the perennial watercourses plants of *Alnus rhombifolia*, White Alder, is listed. This should be protected and not addressed in mitigation. White alder is valuable for stream restoration where it stabilizes banks and floodplains and often grows among a mix of riparian species. When it overhangs the water, its branches and leaves provide shade that helps to keep the water cool and provide cover for wildlife while its roots create aquatic structure below the water's surface. Its roots also fix nitrogen, making this important nutrient available for other plants and animals in the ecosystem. Native Americans use the tree medicinally, in basketry (roots), as arrow shafts (shoots), for dyes, and its wood is still used for smoking meats.

4.2.4 The perennial watercourse in Ogulin Canyon may serve as a fishery seasonally. This should be looked into carefully.

Are endangered hitch using the watercourse to spawn or is someone damming the waterway for a fishery? It is stated: The Study Area is not located within any known adopted Habitat Conservation Plan or Natural Community Conservation Plan. This means that perhaps a conservation plan might be needed and again mitigation does not address this.

4.3.1. Reported Occurrences of Listed Species and Other Special-status Species mentions listed species that should be considered in the impact assessment: migratory birds including the Spotted Owl, Endangered CA Red-legged Frog, Endangered flowering plants *Navarretia leucocephala* ssp. *Pauciflora* and Sleder Orcutt Grass, Fish, Amphibians. How can these be properly mitigated?

Also, when researching the property, using photos listed on Zillow.com
https://www.zillow.com/homedetails/2122-Ogulin-Canyon-Rd-Clearlake-CA-95422/2086744937_zpid/ we see the parcels have gone through drastic changes.

We could not locate the grading permits on Accela or the permit for the buildings.

Thank you for considering looking closely into the impacts of this project and addressing the appeal of the County of Lake Board of Supervisors April 2022.

Sincerely,
Donna Mackiewicz
Redbud Audubon Society
Email: redbud.audubon@gmail.com