

TRINITY COUNTY PLANNING COMMISSION

Special Meeting
November 19, 2020 6:00 p.m.
Trinity Alps Performing Arts Center
101 Arbuckle Court, Weaverville, CA

Chairman Dan Frasier
Vice-Chairman Diana Stewart
Commissioner Graham Matthews
Commissioner Duncan McIntosh
Commissioner Mike McHugh

AGENDA

Zoom Information

Trinity County Clerk of the Planning Commission is inviting you to attend this meeting via Zoom.

Trinity County Planning Department is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting: <https://zoom.us/j/7338092685>

Meeting ID: 733 809 2685

Passcode: 123

One tap mobile: +16699009128,,7338092685# US (San Jose)

+13462487799,,7338092685# US (Houston)

Meeting ID: 733 809 2685

Find your local number: <https://zoom.us/u/abrinzBZ0W>

NOTE: Limited public access for the meeting will be available due to COVID-19 social distancing requirements.

LIVE FEED: This meeting will also be available via live feed on the internet at:

<https://www.youtube.com/user/dforslund/featured>

TO ADDRESS THE COMMISSION: Members of the public may directly address the Planning Commission on any agenda item on the regular calendar during the Commission's consideration of that item. In addition, the Planning Commission provides the members of the public with a Public Comment period, where the public may address the Commission on any matter not listed on the agenda that is within the subject matter jurisdiction of the Planning Commission. Pursuant to the Brown Act (Govt. Code section 54950, et seq.), Commission action or discussion cannot be taken on non-agenda matters, but the Commission may briefly respond to statements or questions and, if deemed necessary, refer the subject matter to the appropriate department for follow-up and/or to schedule the matter on a subsequent Commission agenda.

PRESENTATION OF DOCUMENTS: All items presented to the Planning Commission during a public hearing, including but not limited to letters, e-mails, petitions, photos, maps or other kinds of information shall become a permanent part of the record and must be submitted to the clerk of the Commission. It is advised that the presenter create copies in advance for their own records. If you have documents to present for the members of the Planning Commission to review, please provide a minimum of eight copies.

CALL TO ORDER:

PUBLIC COMMENT:

During the Public Comment period, members of the public may address the Planning Commission on any matter not listed on the agenda that is within the subject matter jurisdiction of the Planning Commission.

REGULAR CALENDAR:

1. **COMMERICAL CANNABIS PROGRAM FINAL ENVIRONMENTAL IMPACT REPORT AND ORDINANCE AMENDMENTS:** The Planning Commission will consider recommending the Board of Supervisors to the certification of the Environmental Impact Report for the Trinity County Commercial Cannabis Program and adopt amendments to Title 17 of the Trinity County Code to readopt the ordinances to incorporate the mitigation measures proposed in the Environmental Impact Report. Staff recommends that the Planning Commission receive a staff report, conduct a public hearing, and adopt Resolution 2020-13 recommending that the Board of Supervisors: (1) Adopt a resolution certifying the Trinity County Commercial Cannabis Program Final EIR, which will include the California Environmental Quality Act (CEQA) Findings of Fact and adopting the mitigation measures; and, (2) Adopt an ordinance for the Trinity County Cannabis Program as a combined ordinance incorporating the adopted mitigation measures.

ADJOURN

ALL INTERESTED PARTIES are encouraged and invited to submit written comments regarding a proposed action or be present at the public hearing to be heard regarding the action to be considered. To ensure consideration by the Planning Commission, all written material concerning the proposed project should be submitted to the **Trinity County Planning Department, 61 Airport Road, PO Box 2819, Weaverville, CA 96093. (530) 623-1351, or by email to info.planning@trinitycounty.org**, as soon as possible, and no later than three days prior to the hearing. All items presented to the Planning Commission before or during the public hearing become part of the permanent record. Persons wishing to submit comments or appear before the Planning Commission are encouraged to first contact the staff planner listed for the project.

Copies of the applications, environmental documents, all reference documents, and staff reports associated with each project are available for review at the Trinity County Planning Department, 61 Airport Rd, Weaverville, CA. Staff reports will also be available on the Internet at: <https://www.trinitycounty.org/Agendas-Minutes-Staff-Reports>.

Please note that any challenge of the nature of the proposed action in court may be limited to addressing only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

**TRINITY COUNTY PLANNING COMMISSION
STAFF REPORT**

PROJECT TITLE

Trinity County Commercial Cannabis Program Final Environmental Impact Report (FEIR) and Ordinance Implementing the Mitigation Measures for the Commercial Cannabis Program

The FEIR is an extremely large document that can be found online at:

<https://www.trinitycounty.org/node/2609>

STAFF RECOMMENDATION

Staff recommends that the County Planning Commission receive a staff report, conduct a public hearing, and adopt Resolution 2020-13 (Attachment 1) recommending that the Board of Supervisors:

1. Adopt a resolution certifying the Trinity County Commercial Cannabis Program Final EIR, which will include the California Environmental Quality Act (CEQA) Findings of Fact and adopting the mitigation measures; and
2. Adopt an ordinance for the Trinity County Cannabis Program as a combined ordinance incorporating the adopted mitigation measures.

BACKGROUND

CEQA requires that public agencies consider the significant and potentially significant adverse environmental effects of projects over which they have discretionary approval authority before taking action on those projects (PRC Section 21000 et seq.).

According to State CEQA Guidelines Section 15064(f)(1), preparation of an EIR is required whenever a project may result in a significant adverse environmental impact. An EIR is an informational document used to inform public agency decision makers and the public of the significant and potentially significant environmental effects of a project, identify possible ways to mitigate or avoid the significant effects, and describe a range of reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project.

- **October, 2016** Trinity County implemented the Trinity County Commercial Cannabis Program (Cannabis Program). The County, as lead agency, recognized the need to prepare an environmental document to evaluate the physical environmental effects of the Cannabis Program.

- **December 21, 2018** Trinity County signed the Notice of Preparation for the Trinity County Cannabis Program Draft Environmental Impact Report (DEIR), (State Clearinghouse No. 2018122049). In accordance with State CEQA Guidelines Section 15168, this document is a program EIR that examines the environmental impacts of a series of actions (e.g. issuing discretionary permits or zoning clearance certificates). This type of EIR focuses on the changes in the environment that would result from the issuance of rules, regulations, plans, or other general criteria attributable to a continuing program. In accordance with State CEQA Guidelines Section 15168, a program EIR must examine the overall environmental effects of the entire program and potential actions carried out as part of the program, including construction and operational activities.
- **May 28, 2019** The DEIR became available for review. Public comment on the document was invited for a 45-day period from May 29 through July 12, 2019.
- Public meetings to provide an overview of the DEIR and environmental review process were held at the following dates and locations:
 - June 19, 2019 – Weaverville
 - June 20, 2019 – Burnt Ranch
 - June 21, 2019 – Trinity Center
 - June 22, 2019 – Mad River
 - June 22, 2019 – Hayfork
- After completion of the 45-day comment period, the County held four additional meetings to receive input on the DEIR and the Cannabis Program:
 - September 26, 2019, Planning Commission Meeting
 - November 19, 2019, Board of Supervisors Meeting
 - December 11, 2019, Board of Supervisors Special Meeting
 - February 11, 2020, Board of Supervisors Special Meeting
- **November 11, 2020** Trinity County Planning Commission Public Meeting
- **December 2020 (Date TBD)** Trinity County Board of Supervisors Public Meeting

DISCUSSION

Final EIR

The purpose of an Environmental Impact Report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided. CEQA also requires a lead agency that has prepared a Draft EIR to consult with and obtain comments from responsible and trustee agencies that have jurisdiction by law with respect to the project, and to provide the public with an opportunity to comment on the Draft EIR. This Final EIR includes consideration of these comments by incorporating any corrections, revisions, and other clarifications and amplifications to the Draft EIR, updates to the proposed

Cannabis Program, and response to the comments received on the Draft EIR, which are reproduced in Final EIR document. The Final EIR will be used to support the Trinity Board of Supervisor's decision regarding whether to approve, modify, or deny adoption of the Trinity County Cannabis Program.

Context and Goals of Staff's Approach to Comments

Staff's responses to comments received during the public comment period for the DEIR were rooted in the context of the four principles established as guidelines for developing local regulation of Cannabis in Trinity County. The four principles were adopted by the Board of Supervisors on September 20, 2016 and are identified below.

- Trinity County will be a safe place for all residents to live, to work or enjoy retirement and to raise their families; and
- The historical quality of life and natural environment in Trinity County will be protected and restored; and
- Cannabis cultivation in Trinity County will take place without environmental damage and without detriment to neighbors or communities; and
- Trinity County will regain its reputation as a popular tourist destination.

Since the adoption of the four guiding principles, the County has passed 15 ordinances and amendments regulating commercial cannabis activities including cultivation, testing, nurseries, distribution, non-storefront retail, microbusiness, and manufacturing. Staff endeavors to respect the spirit and letter of the four guiding principles and follow the regulations provided in each ordinance.

Following implementation of the County's Cannabis Program, Staff has recognized the deep commitment and tremendous investment of Trinity County commercial cannabis licensees in establishing commercial cannabis businesses conforming to the rules of the county and the state. We fully recognize that legal commercial cannabis licensees are motivated by a strong environmental ethic and willingness to comply with regulatory agencies to reduce or avoid environmental impacts. We also realize the prevalence of illegal cannabis sites in Trinity County persists and that illegal cannabis operations are likely to cause significant environmental damage compared to the impacts associated with legal cannabis sites.

In a context of considering the immense efforts of legal cannabis operations while balancing the interests and needs of the diverse population of Trinity County residents, Staff seeks to develop an EIR that clearly validates the merits of legal cannabis operations while articulating impacts associated with legal operations and mitigation measures as a means of complying with CEQA and facilitating an environmentally-responsible path forward.

Cannabis Program Ordinance

The certification of the Final EIR allows for the County to proceed to the approval and implementation of the “project.” In this case, the project is the Cannabis Program itself. Therefore, following the certification of the Final EIR, the repeal and existing Ordinance, then the adoption of the new ordinance with the mitigation measures incorporated is necessary (Attachment 2). The inclusion of the mitigation measures detailed in the DEIR within the Ordinance itself is required to comply with CEQA.

The current Cannabis Program is codified in Chapter 43 of Title 17 of the Trinity County Municipal Code regulating Zoning. The Chapter is broken down in the following manner:

1. Chapter 17.43: Commercial Cannabis Cultivation Regulations
2. Chapter 17.43A: Wholesale Cannabis Nurseries and Resale of Auxiliary Nursery Products
3. Chapter 17.43B: Distribution Regulations for Commercial Cannabis
4. Chapter 17.43C: Cannabis Testing Facilities Regulations
5. Chapter 17.43D: Cannabis Non-Storefront Retail
6. Chapter 17.43E: Cannabis Microbusiness
7. Chapter 17.43F: Cannabis Manufacturing

The proposed Ordinance combines all existing commercial Cannabis ordinances into one ordinance that includes new sections to Chapters 17.43A, 17.43B, 17.43C, 17.43D, 17.43E, and 17.43F; as well as a new Chapter 17.43G. The Ordinance is principally the same as it has been since the adoption of Ordinance 315-843 in February of 2019. However, the inclusion of a new Chapter 17.43G specifically details and incorporates the mitigation measures noted above.

The action taken on the ordinance first will repeal the existing ordinances then provide for amendments and enact a new ordinance repealing, amending, and enacting various sections of Title 17 of the County Code to implement the mitigation measures for the County’s Commercial Cannabis Program.

Planning Commission Resolution and CEQA Findings

Included in the Planning Commission Packet is a draft resolution (Attachment 1) to be considered for adoption. The resolution states that the Final EIR complies with all CEQA requirements and adequately discloses to the public the environmental impacts, or lack of impacts, created by the Cannabis Program as a whole. The resolution further recommends enactment of the Ordinance. While staff recommends that this resolution be adopted as it is presented, the resolution may be amended by the Commission.

COMMENTS RECEIVED

Over 20 comment letters were received from the public before 5pm on November 10th which was before the FEIR was published online on November 11th and the staff report was available on November 12th. In general, commentors expressed concerns regarding the FEIR timeline and availability. Comments also included requests for the November 19th meeting be rescheduled to allow people more time to review the FEIR document and submit comments. Comments also included concerns about scheduling

the FEIR meeting around the holidays and during a period of increased active COVID-19 cases in Trinity County.

ATTACHMENTS:

1. Planning Commission Resolution 2020-13
2. Draft Ordinance for the Trinity County Cannabis Program
3. Comments received by 5pm on November 10, 2020
4. Table ES-1 Summary of Impacts and Mitigation Measures

RESOLUTION 2020-13

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF TRINITY RECOMMENDING TO THE BOARD OF
SUPERVISORS THE APPROVAL OF (1) THE ORDINANCE
REPEALING, AMENDING, AND ENACTING VARIOUS SECTIONS OF TITLE 17 OF
THE COUNTY CODE, IMPLEMENTING THE MITIGATION MEASURES FOR THE
COUNTY'S COMMERCIAL CANNABIS PROGRAM; AND (2) THE CERTIFICATION
OF THE ENVIRONMENTAL IMPACT REPORT CONCERNING THAT PROGRAM**

WHEREAS, the County published a Notice of Preparation of an Environmental Impact regarding the County's Commercial Cannabis Program ("Program") on December 21, 2018.

WHEREAS, on January 16, 2019, the County held a scoping meeting to elicit public input and comment regarding the preparation of the intended environmental impact report for the Program.

WHEREAS, following the preparation of a Draft Environmental Impact Report ("DEIR") regarding the Program, the County published Notice of Availability of the DEIR on May 29, 2019.

WHEREAS, on September 26, 2019, the Planning Commission held a workshop to receive public input regarding the DEIR.

WHEREAS, on November 19, 2019 and February 11, 2020, the Board of Supervisors held special meetings to receive further public input regarding the DEIR.

WHEREAS, a Final Environmental Impact Report ("FEIR") has been prepared, which includes written responses to all comments received during the formal comment period on the DEIR.

WHEREAS, to incorporate the mitigations identified in the FEIR into the Program, an ordinance has been prepared repealing and amending Chapter 17.43 of the County Code; enacting new sections to Chapters 17.43A, 17.43B, 17.43C, 17.43D, 17.43E, and 17.43F; and enacting new Chapter 17.43G (the "Ordinance").

WHEREAS, a public hearing was held before the Planning Commission on November 19, 2020 to consider whether the Planning Commission should recommend certification of the FEIR and enactment of the Ordinance to the Board of Supervisors.

WHEREAS, notice of this public hearing has been duly given in accordance with Trinity County Code section 18.04.110 and California Government Code sections 65090 and 65854.

WHEREAS, the documents and other materials that constitute the record of proceedings for this matter are in the custody of the Secretary of the Planning Commission.

ATTACHMENT 1

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds the Planning Commission finds, in accordance with Sections 15090 and 15091 of the California Environmental Quality Act (“CEQA) Guidelines (California Code of Regulations, Title 14, Chapter 3) that:

(1) The FEIR and DEIR were prepared and completed in compliance with CEQA and the CEQA Guidelines;

(2) The Planning Commission has fully reviewed and considered the FEIR and DEIR; and

(3) The FEIR and DEIR reflect the independent judgment and analysis of the County, as the lead agency for the CEQA project being considered.

BE IT FURTHER RESOLVED that the Planning Commission recommends to the Board of Supervisors the certification of the FEIR as well as the adoption of the mitigation measures in conformance with the FEIR.

BE IT FURTHER RESOLVED that the Planning Commission recommends to the Board of Supervisors the enactment of the Ordinance.

DULY PASSED AND ADOPTED this 19th day of November, 2020 by the Planning Commission of the County of Trinity by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

MICHAEL “DAN” FRASIER, Chairman
Planning Commission
County of Trinity, State of California

ATTEST:

By:

KIMBERLY HUNTER
Secretary of the Planning Commission
County of Trinity, State of California

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
REPEALING, AMENDING, AND ENACTING VARIOUS SECTIONS OF TITLE 17 OF
THE COUNTY CODE, IMPLEMENTING THE MITIGATION MEASURES FOR THE
COUNTY'S COMMERCIAL CANNABIS PROGRAM**

The Board of Supervisors of the County of Trinity, State of California, ordains as follows:

SECTION 1: Chapter 17.43 of the Trinity County Code is repealed and reenacted as follows:

**CHAPTER 17.43
COMMERCIAL CANNABIS CULTIVATION REGULATIONS**

17.43.010 - Definitions.

As used herein the following definitions shall apply:

"Active building permit" means holding a valid Trinity County Building Permit and is compliant with all Trinity County Building Department requirements for building.

"Agricultural commissioner" or "agricultural commissioner's office" means the Trinity County Agricultural Commissioner's Office or the authorized representatives thereof.

"Area" is the measurement of cannabis plant growth in square feet as defined by the California Department of Food and Agriculture. Pursuant to the current regulations, the area is defined as canopy. All changes by California Department of Food and Agriculture are automatically incorporated herein.

"Attorney General's guidelines" means Guidelines for the Security and Non-Diversion of Cannabis Grown for Medical Use issued by the Attorney General in August 2008.

"CDFW" means the California Department of Fish and Wildlife.

"Church" means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.

"Commercial cannabis" means any commercial cannabis activity allowed under MMR-SA, AUMA and/or MAUCRSA (SB 94) and AB 133, as limited by the allowable licenses below, as may be amended from time to time, and all uses permitted under any subsequent enacted state law pertaining to the same or similar use for recreational cannabis. Prior to January 1, 2018, the cannabis shall be for medicinal cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215) found at Section 11362.5 of the Health and Safety Code.

"Cultivation" means the planting, growing, harvesting, drying or processing of cannabis plants or any part thereof.

"Designated area" means the hoop-house, greenhouse, and/or outdoor area(s), identified for the planting, growing and harvesting of cannabis. Designated area shall not exceed two hundred percent of the area for the license type; canopy (mature plants) will not exceed the square footage allowed per license type and the additional square footage shall include immature plants (in a

vegetative state prior to flowering) and access areas. Licensees propagating immature plants for distribution or seed for distribution to another licensee shall obtain a nursery license.

“EPA” means the United States Environmental Protection Agency.

"Fully enclosed and secure structure" means a space within a building or other structure, excluding greenhouses, which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening and which is accessible only through one or more lockable doors and inaccessible to minors.

"Immature" which is defined under California Code of Regulations Section 8000, and, at the time of enactment, means cannabis plant that is not flowering.

"Indoor" means within a "fully enclosed and secure structure" as defined herein, using artificial lights at a rate greater than twenty-five watts per square foot.

"Legal parcel" means a parcel with a distinct and separate assessor's parcel number. Where contiguous legal parcels are under identical ownership by an individual or an entity, such legal parcels shall be counted as a single parcel for purposes of this chapter.

"Marijuana" and "cannabis" are used interchangeably and means any plant of the genus cannabis, as defined by Section 11018 of the Health and Safety Code.

"Mature" which is defined under California Code of Regulations Section 8000, and, at the time of enactment, means a cannabis plant that is flowering.

"Medical cannabis" means cannabis or cannabis plant used for medicinal purposes in accordance with California Health and Safety Code Section 11362.7 et seq.

"Mixed light" which is defined under California Code of Regulations Title 3 Division 8 Chapter 1 Article 1 Section 8000, and, at the time of enactment, means the cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using one of the artificial lighting models described below:

1. "Mixed-light Tier 1" which is defined under California Code of Regulations Title 3 Division 8 Chapter 1 Article 1 Section 8000, and, at the time of enactment, means the use of artificial light at a rate of six watts per square foot or less;
2. "Mixed-Light Tier 2" which is defined under California Code of Regulations Section 8000, and, at the time of enactment, means the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.

"Outdoors" or "Outdoor Cultivation" which is defined under California Code of Regulations Title 3 Division 8 Chapter 1 Article 1 Section 8000, and, at the time of enactment, means the cultivation of mature cannabis without the use of artificial lighting in the canopy area at any point in time. Artificial lighting is permissible only to maintain immature plants.

"Planning department" means the Trinity County Planning Department, or department or agency that is designated by the Trinity County Planning Director.

"Premises" means the designated structure(s) and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the

commercial cannabis activity will be or is conducted. The premises may only be occupied by one county commercial cannabis cultivation license type. Multiple additional commercial cannabis activities (i.e., nursery, distribution, manufacturing, etc.) may exist on the same legal parcel.

"Primary caregiver" means a "primary caregiver" as defined in Health and Safety Code Section 11362.7(d).

"Proof of enrollment" shall mean proof of order number in good standing from the NCRWQCB or the State Water Resource Quality Control Board.

"Proof of residency" shall mean proof of residing in Trinity County for a period of one year prior to application.

"Qualified patient" means a "qualified patient" as defined in Health and Safety Code Section 11362.7(f).

"Residential treatment facility" means a facility providing for treatment of drug and alcohol dependency.

"School" means an institution of learning for minors, whether public or private (excluding homeschools), offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education.

"Summary abatement" means the removal of an immediate threat to the public health or safety.

"SWRCB" means the California State Water Resources Control Board.

"Watts per square foot" which is defined under California Code of Regulations Section 8000, and, at the time of enactment, means the sum of the maximum wattage of all lights identified in a designated canopy area(s) in the cultivation plan divided by the sum of the dimension in square feet of designated canopy area(s) identified in the cultivation plan.

"Wildlife exclusionary fencing" means fencing designed and installed to prevent the entry of wildlife into the enclosed area, such as cyclone or field game fencing a minimum of six feet high measured from grade. This shall include a lockable gate. Wildlife Exclusionary Fencing is not required for Type 1C "specialty cottage" licenses.

"Variance" is defined as Chapter 17.31 of this title.

"Youth-oriented facility" means public park, school, authorized bus stop or any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

17.43.020 - Application.

- A. Issuance of a license grants provisional permission to cultivate cannabis plants within the guidelines of this chapter and state law. After receipt of a license, applicants who cultivate pursuant to the guidelines of this chapter and applicable state law will be exempt from the plant count restrictions in the existing Trinity County personal grow Ordinance (Zoning

Ordinance No. 315-797 (Chapter 17.42)). Instead, applicants will be subject to the cultivated square footage provisions as defined by state regulations and allowed in this chapter.

- B. Any licensing, except for specialty cottage outdoor that qualifies under two thousand square feet cultivation area and less than five percent slope, provided under this chapter will require enrollment as dictated by the SWRCB in the NCRWQCB Order #2015-0023 or in the SWRCB's order regulating discharge requirements for discharges of waste associated with cannabis cultivation activities. Applicants, except for specialty cottage outdoor applicants, shall have been compliant with this requirement during the application period covered by the urgency ordinance to develop a record of environmental compliance. Applicants for specialty cottage outdoor shall enroll under the SWRCB's order on or before the date of application for a Trinity County commercial cultivation license. Priority for receiving specialty cottage outdoor licenses within Trinity County Waterworks District #1 shall be based on date of application with the county.
- C. Any licensing required under this chapter will require enrollment as dictated by the SWRCB in the NCRWQCB Order #2015-0023 or in the SWRCB's order regulating discharge requirements for discharges of waste associated with cannabis cultivation activities.
- D. Application for a license pursuant to this chapter does not give the applicant any property rights, and it is not a license or a guarantee that a license shall be issued. Application does not equate to non-conforming entitlement and the application is only transferrable under the conditions in Section 17.43.030(E).
- E. Licensees and applicants recognized under the urgency ordinance are ensured that their licenses and applications will retain their status and be prioritized consistent with the urgency ordinance.
- F. Use of cannabis is not recognized under federal law and Trinity County does not grant any right to violate federal law.
- G. Should the state begin issuing cannabis cultivation licenses under MAUCRSA, MMRSA and/or AUMA, an applicant or licensee pursuant to this chapter and who can otherwise demonstrate consistent compliance with this chapter, Trinity County Code and all other relevant laws and regulations, shall be provided a provisional license that may be used as evidence of local compliance for the purposes of Business and Professions Code § 19322(a)(2). Receipt of a provisional license shall suffice as adequate documentation of local compliance for the purpose of applying for a state license under Business and Professions Code § 19322(a)(2).
- H. Licensees and applicants recognized pursuant to this chapter shall file a complete application for the appropriate state license with the appropriate state licensing authority on or before January 1, 2018, or within ninety days of the state licensing taking effect. Issuance of a county license does not guarantee the issuance of a state license.
- I. Notwithstanding any other provision of this chapter, a person participating in the cultivation of cannabis who is licensed pursuant to this chapter, but who applies for and is

denied a state license, shall immediately cease all cannabis cultivation in violation of the personal grow ordinance (Zoning Ordinance No. 315-797, (Chapter 17.42)) within the county until he/she successfully obtains the proper state cultivation license(s) under MAUCRSA, MMRSA and/or AUMA.

17.43.030 - Application requirements.

A. All applicants will be required to comply and provide the following:

1. Proof of intent to comply with all county setback requirements.
2. Designate whether the license is intended for commercial adult-use cannabis activity ("A") or for commercial medicinal cannabis activity ("M") for the following license types as stated in the State Regulations § 8201:
 - a. Specialty Cottage.
 - i. "Specialty cottage outdoor" is an outdoor cultivation site with up to twenty-five mature plants. If cultivation area is under two thousand square feet with a slope less than five percent a water board permit is not required. Or if cultivation area is between two thousand and two thousand five hundred square feet or if under two thousand square feet with a slope greater than five percent a water board permit is required.
 - ii. "Specialty cottage indoor" is an indoor cultivation site with five hundred square feet or less of total canopy.
 - iii. "Specialty cottage mixed-light Tier 1 and 2" is a mixed-light cultivation site with two thousand five hundred square feet or less of total canopy.
 - b. Specialty.
 - i. "Specialty outdoor" is an outdoor cultivation site with less than or equal to five thousand square feet of total canopy, or up to fifty mature plants on noncontiguous plots.
 - ii. "Specialty mixed-light Tier 1 and 2" is a mixed-light cultivation site between two thousand five hundred one and five thousand square feet of total canopy.
 - c. Small.
 - i. "Small outdoor" is an outdoor cultivation site between five thousand one and ten thousand square feet of total canopy.
 - ii. "Small mixed-light Tier 1 and 2" is a mixed-light cultivation site between five thousand one and ten thousand square feet of total canopy.
 - d. Medium.

- i. "Medium outdoor" is an outdoor cultivation site between ten thousand square feet and one acre of total canopy.
 - e. All other license types are not allowed at this time by the County of Trinity, unless adopted by the county in subsequent ordinance or ordinances.
3. Proof of enrollment in good standing with NCRWQCB Order #2015-0023 or the SWRCB.
4. Apply for and obtain a board of equalization seller's permit.
5. Employ only persons who are at least twenty-one years of age and comply with all applicable state and federal requirements relating to the payment of payroll taxes including federal and state income taxes and/or contributions for unemployment insurance and state worker's compensation and liability laws.
6. Applicant cannot have been convicted of a serious felony or Schedule I, II or III Felony, excluding a non-serious felony conviction for sale, transportation or cultivation of cannabis, except if the conviction is on public lands. Applicants will have to declare this under penalty of perjury on one of the application forms.
7. Verification of proof of residency in Trinity County for a period one year prior to application by providing a current California Driver's License or identification card, along with Trinity County Solid Waste bills, Utility District bills, or DMV registration, or other documentation deemed acceptable to show proof of residency in Trinity County as determined by the planning director.
8. As a condition of registering any cannabis cultivation site pursuant to this chapter, the applicant and, if different, the property owner shall execute an agreement to defend, indemnify and hold harmless the County of Trinity and its agents, officers, and employees from any claim, action, or proceeding brought against the county, its agencies, boards, planning commission or board of supervisors arising from the county's registration of the site. The indemnification shall apply to any damages, costs of suit, attorney fees or other expenses incurred by the county, its agents, officers and employees in connection with such action.
9. If using a permitted well, a copy of the Trinity County well permit shall be provided.
10. At the time of renewal or application for the 2018/19 license cycle and after, the applicant shall designate on their application or renewal application whether they intend to cultivate for adult or medicinal use.
11. Provide all documentation, reports, and other information required by Section 17.43G.030 of this Code.
12. Annual relicensing of cannabis operations licensed before 2019 shall require a one-time historic building evaluation, and the results of the evaluation shall be submitted to the County if buildings on-site are over 45 years old and are expected to be used in future operations. If the buildings are determined to be a significant historic resource, then the applicant shall be required to comply with historic

resource protection standards set forth in Paragraph (S) of Section 17.43D.030 of this Code. This requirement does not apply to buildings that are currently being used as part of the cannabis operation. (MM 3.5-1a.)

13. All cultivation sites (new and licensed renewals) are required to demonstrate compliance with all the requirements of SWRCB Order WQ 2019-0001-DWQ or any subsequent water quality standards that apply to all new commercial cannabis cultivation operations and will not limited by a minimum area of disturbance as part of application review and at annual licensed renewal. This will include documentation, Site Management Plan, and grading details prepared by a qualified professional to help ensure that the site will be stable and describing how stabilization will be achieved. The documentation will also identify the location of all water quality control features for the site and associated access roads. Roadway design, water quality control, and drainage features shall be designed and maintained to accommodate peak flow conditions and will be consistent with the Road Handbook per California Code of Regulations, Title 14, Chapter 4. Compliance with water diversion standards and restrictions of SWRCB Order WQ 2019-001-DWQ, or any successor to that order, will also be provided to the County. The County will annually inspect compliance with this measure as part of license issuance or license renewal to confirm compliance.

On-site sewage systems shall be designed to accommodate employees and seasonal employees during harvest consistent with the requirements of County Code of Ordinances Section 16.48.122. (MM 3.10-1a.)

- B. Applicants consent to compliance inspections as part of their application process. Inspections will be conducted by county officials during regular business hours Monday through Friday, nine a.m. to five p.m., excluding holidays. Applicants are permitted to participate in the inspection verification or monitoring. If possible, Trinity County will attempt to give twenty-four-hour notice of the inspection by posting the notice and/or telephoning the number listed on the application.
- C. All documents/plans/monitoring/inspections filed as part of enrollment become part of the county application.
- D. Ownership of a license may only be transferred under the following conditions:
1. A licensee may transfer their license as part of the sale of the property for which the license has been issued. The new owner shall reapply, pay the application fee, and meet all requirements for the property in order for the license to transfer. All exceptions that apply to the original license shall transfer with the license.
 2. License may transfer their license to other property under their ownership or for which they have a valid rental agreement and certification of permission to grow cannabis on the property. The licensee shall reapply, pay the application fee, and meet all requirements for the new property in order for the license to transfer.
 3. Licenses cannot be transferred more than once in a calendar year.

17.43.040 - Registration phases.

- A. The county will allow a total of five hundred thirty licenses. Thirty of those licenses shall be issued to property within Trinity County Waterworks District #1. Priority in the program shall be based on the following:
1. The county will honor all licenses, applications, interest cards, payments and the waiting list recognized under Ordinance No. 315-816.EXT(A2).
 2. For new applications, priority of consideration for a license in the application process will be based on the date of enrollment with NCRWQCB Order #2015-0023 or the SWRCB.
- B. The county shall determine completed water board enrollment by receipt of a proof of order number.
- C. The county will allow fifteen Type 3 licenses. These licenses shall be available to those who have already obtained a license pursuant to Ordinance No. 315-816 EXT(A2) and are seeking a Type 3 license for the property associated with the license issued pursuant to Ordinance No. 315-816 EXT(A2). Priority shall be given based on date of interest card for the commercial cannabis program submitted to Trinity County. To be eligible, the applicant must:
1. Hold a 2016/17 license with Trinity County.
 2. Be applying for property that is fifty acres or more.
 3. Apply for and obtain a use permit.

17.43.050 - Limitation on location to cultivate cannabis.

- A. Applications will not be approved for cultivation of cannabis in any amount or quantity, in the following areas:
1. Within one thousand feet of a youth-oriented facility, a school, any church, or residential treatment facility as defined herein.
 2. Within five hundred feet of an authorized school bus stop.
 3. Within the Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.
 4. Timber production zones (TPZ) with the exception made for qualified Phase I applicants.
 5. Residential 1 (R1), residential 2 (R2), or residential 3 (R3) zones.
 6. Within the legal boundaries of the Trinity County Waterworks District #1, Weaverville Community Services District, Coffee Creek Volunteer Fire District and Trinity Center Community Services District and within the following area of the Lewiston Community Services District: Mt. Diablo Meridian, Township 33N, Range 8W, Sections 17, 18, 19, 20, and Mt. Diablo Meridian, Township 33N, Range 9W, Section 24, 13, which are in proximity to high density areas, and therefore, create a substantial risk of a public nuisance. An exception to this limitation is allowed for applicants who have submitted an application for enrollment under NCRWQCB Order #2015-0023 by the following dates:

- Weaverville Community Services District by December 31, 2016;
 - Lewiston Community Services District by January 15, 2017;
 - Trinity County Waterworks District #1 by July 1, 2018;
 - Coffee Creek Volunteer Fire District and Trinity Center Community Services District by November 30, 2017.
7. Designated area shall not exceed two hundred percent of the area for the license type unless otherwise approved by the planning director or by the California Department of Food and Agriculture.
8. For specialty cottage, specialty and small licenses cultivation shall not be allowed within three hundred fifty feet of a residential structure on any adjoining parcels. For medium licenses, cultivation shall not be allowed within five hundred feet of an adjacent property line. Applications for a variance from this provision will be considered by the Trinity County Planning Commission. After obtaining an initial variance, the planning director can issue a director's use permit for subsequent years after an inspection.

17.43.060 - Performance standards for commercial cultivation of cannabis.

Cultivation permit holders and licensees shall ensure compliance with all of the performance standards stated in Section 17.43G.030 and 17.43G.040 of this Code. In addition, permit holders and license holders shall ensure compliance with the following additional standards:

- A. It is declared to be unlawful for any person owning, leasing, occupying or having charge or possession of any parcel of land within any unincorporated area of the county to cause or allow such parcel of land to be used for the outdoor or indoor cultivation of cannabis plants in excess of the limitations imposed by this section or personal grow section (Zoning Ordinance No. 315-797 (Chapter 17.42)).
- B. ~~The cultivation of cannabis shall not exceed the noise level standards as set forth in the county general plan: Fifty five dBA from seven a.m. to seven p.m. and fifty dBA from seven p.m. to seven a.m. measured at the property line, except that generators associated with a commercial grow are not to be used between ten p.m. and seven a.m.~~ The cultivation of cannabis shall not exceed the noise level standards as set forth in the County General Plan: 55 A-weighted decibels (dBA) from 7:00 a.m. to 7:00 p.m. and 50 dBA from 7:00 p.m. to 7:00 a.m. measured at the property line, except that generators associated with a commercial grow are not to be used between 10:00 p.m. and 7:00 a.m. (Section 315-843[6][b]). The following additional noise performance standards shall apply to generator use:
1. Project-generated sound must not exceed ambient nesting conditions by 20-25 dBA.
 2. Project-generated sound, when added to existing ambient conditions, must not exceed 90 dBA. (MM 3.4-2n.)

- C. Applicants shall comply with all state laws, including SB 94, regarding surface water, including but not limited to, water used for the cultivation of cannabis needs to be sourced on-site from a permitted well or diversion. If using a permitted well, a copy of the Trinity County well permit shall be provided. The cultivation of cannabis shall not utilize water that has been or is illegally diverted from any stream, creek, river or water source. If water is hauled it shall be for emergencies, as defined as a sudden, unexpected occurrence, and a bill of sale shall be kept on file from a water district or legal water source.
- D. The cultivation of cannabis shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water. If the designated area has more than a thirty-five percent slope, the applicant shall apply for Tier 2 cultivation under the NCRWQCB Order #2015-0023, or regulations established by the SWRCB.
- E. Cannabis grown outdoors shall be contained within wildlife exclusionary fencing that fully encloses the designated area. The fence shall include a lockable gate that is locked at all times when the applicant, licensee or documented employee is not in the designated area. Said fence shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth, except shade cloth may be used on the inside of the fence. Wildlife exclusionary fencing is not required for 1C licenses, when there is a perimeter locked fence.
- F. All buildings where cannabis is cultivated or stored shall be secured to prevent unauthorized entry.
- G. Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide or other substance toxic to wildlife, children or pets, shall be stored in a secured and locked structure or device. All uses of pesticide products shall be in compliance with state pesticide laws and regulations enforced by the county agricultural commissioner's office, Trinity County Environmental Health and the California Department of Pesticide Regulation.
- H. Hazardous materials and wastes from agricultural businesses are regulated by Trinity County Environmental Health and the Department of Toxic Substances Control Trinity CUPA.
- I. Rodenticides that require a California Restricted Materials permit cannot be used, those that are designated as federally restricted use products can only be used by a certified applicator.
- J. The following rodent repellents may be used in and around cannabis cultivation sites consistent with the label: capsicum oleoresin, putrescent whole egg solids and garlic.
- K. Any person who is not the legal owner of a parcel and who is cultivating commercial cannabis on such parcel shall provide written and notarized authorization from the legal owner of the parcel prior to commencing cultivation on such parcel.
- L. All lighting associated with the operation shall be downcast, shielded and/or screened to keep light from emanating off-site or into the sky.

- M. Those cultivations using artificial lighting for mixed-light cultivations shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
- N. The cultivation of cannabis shall comply with CalFire and CDFW regulations and any other resource agency having jurisdiction, including all activity but not limited to; clearing of land, stream crossings, water diversions and riparian buffer zones.
- O. Applicant shall obtain coverage under the general permit for discharges of storm water associated with construction activity (Construction General Permit, 2009-0009-DWQ) for construction projects (individual or part of a common development) that disturb one or more acres of land surface, specifically for new site preparation and development.
- P. The use of gas products such as, but not limited to, butane is prohibited, consistent with Zoning Ordinance No. 315-797 (Chapter 17.42).
- Q. An Applicant shall not be denied a license for the following reasons:
 - 1. The property has an unlicensed structure without plumbing or electricity, if the structure is less than one hundred twenty square floor feet.
 - 2. The property has an unoccupied out-building without plumbing or electricity, if the building was built prior to 2001.
- R. Nothing in this section shall be construed as a limitation on the county's authority to abate any violation which may exist from the cultivation of cannabis plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure structure.
- S. All Licensees shall enroll in the state's track and trace program within sixty days of said program going into effect.
- T. All provisions of this chapter shall apply regardless of whether the activities existed or occurred prior to the adoption of this chapter.
- U. Environmental and animal friendly linings should be used when constructing water ponds on the property.
- V. License applications for new cultivation sites and requests for license renewal for sites located within 0.5 mile of a County-designated scenic roadway will provide details on methods to screen the cultivation site from public views along the scenic roadway so that the developed site conditions blends with the existing visual character of the viewshed and does not dominate the view. Screening may be accomplished through retention of perimeter trees and other vegetation, revegetation as part of site modification or closure, or other methods determined acceptable to the County with locally appropriate native vegetation. This requirement will not apply to cultivation sites that demonstrate the site is not visible from the scenic roadway. Due to the topography of specific sites, a fence may not be adequate to screen a cultivation site from the roadway. For these sites, perimeter trees and other vegetation shall be used. (MM 3.1-1a.)

- X. License applications for new cultivation sites and requests for license renewal will maintain the parcel clear of trash and debris piles. No trash or debris, including abandoned cars, various woody materials, plastic tarps, cannabis waste, or household appliances, will be allowed to accumulate on the parcel for a period greater than two weeks for the life of the license. The County will inspect compliance with this measure prior to license renewal. (MM 3.1-1b.)
- Y. Covered and solid fencing shall be designed to blend with the surrounding rural or natural conditions of the parcel and will be maintained in good working condition. If topography prevents fencing from being adequate screening, a vegetative fence will be maintained in good condition to comply with screening requirements. The County will inspect compliance with this measure prior to license renewal. (MM 3.1-1c.)
- Z. Vegetation cleared as part of cultivation operations, or for cultivation purposes, shall not be burned. Cultivation sties shall comply with California Code of Regulations, Title 3, section 8308. (MM 3.3-1a.)
- AA. Cultivation sites shall not place any structures or involve any grading that alters the capacity of the 100-year floodplain. No storage of pesticides, fertilizers, fuel, or other chemicals will be allowed within the 100-year floodplain. All cultivation uses (plants, planter boxes and pots, and related materials) will be removed from the 100-year floodplain between November 1 and April 1 each year. (MM 3.10-1b.)

17.43.070 - Denial/revocation of license.

- A. Applicant shall be denied a license or the approval of a license shall be revoked if the county becomes aware that:
1. The applicant has provided materially false documents or testimony; or
 2. The applicant has not complied fully with the provisions of this chapter, including any of the requirements of NCRWQCB Order #2015-0023, SWRCB, or CDFW; or
 3. The operation as proposed by the applicant, if permitted, would not have complied with all applicable county and state laws, including, but not limited to; the building, planning, housing, fire and health codes of the county, including the provisions of this chapter and with all applicable laws including zoning and county ordinances.
- B. Applicant shall be given up to seven business days to correct deficiencies prior to denying or revoking the license; if the deficiencies are deemed an immediate threat to environmental and/or public health and safety, they shall be corrected immediately.
- C. Applicant shall have the right to appeal any denials to the planning director. Any person dissatisfied with a decision of the planning director may appeal therefrom to the planning commission at any time within ten working days after notice of the decision is given. Such appeal is taken by filing a notice of appeal with the planning director and paying the required appeal fee. Upon filing of a notice of appeal, the planning director shall within ten days transmit to the secretary of the planning commission all papers and documents on file

with the planning director relating to the appeal and schedule the appeal for the commission hearing.

- D. Registrant shall have the right to appeal any rescissions as prescribed in Section 8.90.130 of the Trinity County Code.
- E. Upon revocation of a use permit or abandonment of a licensed cultivation site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundations and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soil or soil amendments not incorporated into native soil; generators; pumps; or structures not adaptable to noncannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the noncannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will reestablish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County. (MM 3.4-4b.)

17.43.080 - Enforcement.

- A. Violation of this chapter constitutes a nuisance and is subject to fines and abatement pursuant to Chapters 8.64 and 8.90 of the Trinity County Code.
- B. Summary Abatement.
 - 1. Notwithstanding any other provision of this chapter, when any unlawful cannabis cultivation constitutes an immediate threat to the public health or safety, and where there is insufficient time to: (1) obtain an inspection warrant, and (2) comply with the abatement procedures set out in Chapter 8.64 of the Trinity County Code, to mitigate that threat; the enforcement official may direct any officer or employee of the county to summarily abate the nuisance.
 - 2. The county enforcement official shall make reasonable efforts to notify the owner and/or the alleged violator.
 - 3. The county may recover its costs for summarily abating the nuisance in the manner set forth in Chapter 8.64 and may include any costs on the property owner's tax bill.

17.43.090 - Fees.

- A. The county shall collect from the applicant a regulatory cannabis cultivation program fee (hereinafter referred to as fee) when an applicant applies for a registration of a cannabis cultivation site with the planning Department pursuant to this chapter.
- B. Such fee shall fairly and proportionately generate sufficient revenue to cover the costs of administering, implementing and enforcing this chapter.
- C. The cannabis cultivation program fee is set at:

1. Specialty Outdoor and Mix Light: Four thousand dollars plus one thousand dollars toward the general plan up-date.
 2. Specialty Cottage:
 - a. Outdoor: Seven hundred fifty dollars plus two hundred fifty dollars towards general plan update.
 - b. Mix Light: One thousand five hundred dollars two hundred fifty dollars towards general plan update.
 - c. Indoor: Two thousand dollars plus two hundred fifty dollars towards general plan update.
 3. Small Outdoor and Mix Light: Five thousand dollars plus one thousand dollars toward the general plan update.
 4. Medium Outdoor: Eight thousand dollars plus one thousand dollars toward the general plan update.
 5. Cannabis Variance Fee: Seven hundred fifty-one dollars.
- D. Fees shall be paid thereafter annually prior to March 1st of each year.
- E. The above fee amounts are not anticipated to fully cover the cost of administering this chapter; however, within twelve months of this chapter, the county may conduct a fee study to determine the total cost of administering this chapter.
1. If, based on the results of the fee study, the fee needs to be increased; the county may increase the fee by way of resolution for any new or renewal registrations.
 2. If, based on the results of the fee study, the fee exceeds the cost of administering this chapter the county shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.

SECTION 2: Section 17.43A.035 of the Trinity County Code is enacted as follows:

17.43A.035 – Mitigation Measures Applicable

The requirements in this Chapter are in addition to those requirements stated in Chapter 17.43G of this Code.

SECTION 3: Section 17.43B.035 of the Trinity County Code is enacted as follows:

17.43B.035 – Mitigation Measures Applicable

The requirements in this Chapter are in addition to those requirements stated in Chapter 17.43G of this Code.

SECTION 4: Section 17.43C.035 of the Trinity County Code is enacted as follows:

17.43C.035 – Mitigation Measures Applicable

The requirements in this Chapter are in addition to those requirements stated in Chapter 17.43G of this Code.

SECTION 5: Section 17.43D.015 of the Trinity County Code is enacted as follows:

17.43D.015 – Mitigation Measures Applicable

The requirements in this Chapter are in addition to those requirements stated in Chapter 17.43G of this Code.

SECTION 6: Section 17.43E.015 of the Trinity County Code is enacted as follows:

17.43E.035 – Mitigation Measures Applicable

The requirements in this Chapter are in addition to those requirements stated in Chapter 17.43G of this Code.

SECTION 7: Section 17.43F.045 of the Trinity County Code is enacted as follows:

17.43F.045 – Mitigation Measures Applicable

The requirements in this Chapter are in addition to those requirements stated in Chapter 17.43G of this Code.

SECTION 8: Chapter 17.43G of the Trinity County Code is enacted as follows:

CHAPTER 17.43G
MITIGATION MEASURES FOR ALL CANNABIS LAND USES

17.43G.010 - Purpose

This Chapter codifies the mitigation measures identified in the Environmental Impact Report certified for the Trinity County Cannabis Program. Mitigation measures applicable to all cannabis land uses are stated in this Chapter. These measures shall be in addition to any other mitigation measures separately stated in other chapters of this Code.

17.43G.020 - Definitions

As used herein the following definitions shall apply:

"Area" is the measurement of cannabis plant growth in square feet as defined by the California Department of Food and Agriculture. Pursuant to the current regulations, the area is defined as canopy. All changes by California Department of Food and Agriculture are automatically incorporated herein.

"CDFW" means the California Department of Fish and Wildlife.

“CESA” means the California Endangered Species Act.

“CEQA” means the California Environmental Quality Act.

“Commercial cannabis” means any commercial cannabis activity allowed under MMR-SA, AUMA and/or MAUCRSA (SB 94) and AB 133, as limited by the allowable licenses below, as may be amended from time to time, and all uses permitted under any subsequent enacted state law pertaining to the same or similar use for recreational cannabis. Prior to January 1, 2018, the cannabis shall be for medicinal cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215) found at Section 11362.5 of the Health and Safety Code.

“CRHR” means the California Register of Historic Places.

“Cultivation” means the planting, growing, harvesting, drying or processing of cannabis plants or any part thereof.

“Designated area” means the hoop-house, greenhouse, and/or outdoor area(s), identified for the planting, growing and harvesting of cannabis. Designated area shall not exceed two hundred percent of the area for the license type; canopy (mature plants) will not exceed the square footage allowed per license type and the additional square footage shall include immature plants (in a vegetative state prior to flowering) and access areas. Licensees propagating immature plants for distribution or seed for distribution to another licensee shall obtain a nursery license.

“DTSC” means the California Department of Toxic Substances Control.

“EPA” means the United States Environmental Protection Agency.

“ESA” means environmental site assessment.

“NHPA” means the National Historic Preservation Act.

“NRHP” means the National Register of Historic Places.

“RD” means renewable diesel.

“RWQCB” means the Central Valley Regional Water Quality Control Board.

“SWRCB” means the California State Water Resources Control Board.

“USACE” means the United States Army Corps of Engineers.

“USFWS” means the United States Fish and Wildlife Service.

17.43G.030 – Application Standards Applicable to all Cannabis Land Uses

Applications for cannabis land uses shall satisfy all of the following requirements in addition to any other requirements specified in other chapters of this Code.

- A. Prior to approval of any application for commercial cannabis operations or renewal of an existing licensed cultivation site that is planning to expand its Designated Area, a biological reconnaissance survey shall be conducted by a qualified biologist approved by the County. The survey area shall include the proposed development area, including areas of anticipated construction and ground disturbance, as well as staging areas, areas of anticipated light or noise impact, ingress and egress routes, and utility routes. The survey area shall be large

enough to encompass areas subject to both direct and indirect impacts. The qualified biologist shall assess the habitat suitability of the proposed development area for all special-status plant, wildlife species, and sensitive habitats identified as having potential to occur in the county consistent with Term 10 under Attachment A (General Requirements and Prohibitions) of SWRCB Order WQ 2019-0001-DWQ, or any successor to that order. The biologist shall provide a letter report to the project applicant and the County with evidence to support a conclusion as to whether special-status species and sensitive habitats are present or are likely to occur within the proposed development area. At a minimum, the letter report shall include:

1. Date, time, and weather conditions during the survey;
2. A description and explanation of whether the site conditions during the survey are considered typical or atypical;
3. A map depicting the proposed development area and the unique, rare, and special-status species, sensitive habitats, or sensitive natural communities found;
4. A vegetation map of the proposed development area using the National Vegetation Classification System (e.g., A Manual of California Vegetation) and an associated table, including acreage of vegetation types that could be adversely affected by project implementation;
5. A special-status species table generated from review of the CNDDDB, the California Native Plant Society Inventory of Rare and Endangered Plants, lists maintained by USFWS, and the most recent, best-available range information for special-status species;
6. A description of survey methods and any protocols utilized during the survey; and
7. A list of common and special-status species and habitats observed in the proposed development area.

If the reconnaissance survey identifies no potential for special-status plant, wildlife species, or sensitive habitats to occur, the applicant will not be subject any additional biological resource protection measures identified in this Section. If special-status species or sensitive habitats are present, the letter report will include a discussion of potential direct and indirect impacts on these resources, and the appropriate biological resource protection measures identified in this Section will be included in the letter report shall be implemented. (MM 3.4-1a.)

- B. Prior to commencement of new development related to cannabis activities or the expansion of the Designated Area for existing licensed cultivation sites and during the blooming period for the special-status plant species with potential to occur on the site, a qualified botanist approved by the County shall conduct protocol-level surveys for special-status plants in all proposed disturbance areas following survey methods from CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018).

If special-status plants are not found, the botanist shall document the findings in a letter report to CDFW and the applicant, and no further mitigation will be required. Reports shall be submitted to CDFW via email at RILSARedding@wildlife.ca.gov and shall include the project applicant's name, address, and Assessor's Parcel Number in the subject line. If special-status plant species are found, the qualified botanist shall consult with CDFW to designate a no-disturbance buffer that will be reflected in the application to the County. If the special-status plant species cannot be avoided, the application will be denied. (MM 3.4-1b.)

- C. The application shall include identification of invasive plant species that occur on the site to the extent practicable and where they are located, including noxious weed species prioritized by the Trinity County Weed Management Association. The application shall identify specific measures to be employed for the removal invasive species and on-site management practices. Applicants shall monitor annually to ensure successful removal and prevention of new infestations and invasive species.

All invasive plant species shall be removed from the site using measures appropriate to the species to the extent practicable. For example, species that cannot easily reroot, resprout, or disperse seeds may be left on site in a debris pile. Species that resprout readily (e.g., English ivy) or disperse seeds (e.g., Pampas grass) should be hauled off-site and disposed of appropriately at a landfill site.

Heavy equipment and other machinery shall be inspected for the presence of invasive species before on-site use, and shall be cleaned before entering the site, to reduce the risk of introducing invasive plant species.

Only weed-free erosion control materials and mulch shall be used on-site. (MM 3.4-1c.)

- D. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of special-status amphibian species from new development related to cannabis activities.

If special-status amphibians are detected during the initial biological reconnaissance survey (see Paragraph A of this Section) or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual animals, or installation of exclusionary fencing, will be necessary and appropriate.

Regardless of detection during the initial biological reconnaissance survey, if suitable habitat for special-status amphibians is present within the proposed development area, a qualified biologist approved by the County and familiar with the life cycle of Cascades frog, foothill yellow-legged frog, Pacific tailed-frog, southern long-toed salamander, and southern torrent salamander shall conduct preconstruction surveys of proposed new development activities 24 hours before new development activities. Preconstruction

surveys for special-status amphibians shall follow widely used and accepted standardized protocols that control for habitat type, seasonality, and environmental conditions, including the methods described in *Considerations for Conserving Foothill Yellow-Legged Frog* (CDFW 2018b), and *Visual Encounter Survey Protocol for Rana Boylii in Lotic Environments* (UC Davis 2017). Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and at least a 400-foot buffer around the proposed development area. Surveys shall consist of “visual encounter” as well as “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for salamanders, and visual searches for frogs. Preconstruction surveys shall be conducted within the appropriate season to maximize potential for observation for each species, and appropriate surveys will be conducted for the applicable life stages (i.e., eggs, larvae, adults).

If special-status amphibians are not detected during the preconstruction survey, then further mitigation is not required.

If special-status amphibians are detected during the preconstruction survey, then work on the site shall not commence until the applicant has consulted with CDFW shall be initiated as described above. Injury to or mortality of special-status amphibians will be avoided by modifying project design, relocating the cultivation site, or relocating individual animals. If impacts to Cascades frog or foothill yellow-legged frog (both listed under CESA) are unavoidable, then the applicant will submit an incidental take permit application to CDFW and receive take authorization before commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual Cascades frogs or foothill yellow-legged frogs, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank. (MM 3.4-2a.)

- E. If pond turtles are detected during the initial biological reconnaissance survey identified in Paragraph A of this Section, preconstruction surveys, or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether additional measures, such as project design modifications, relocation of the site, relocation of individual animals by a qualified biologist with a valid scientific collecting permit, or installation of exclusionary fencing, will be necessary and appropriate.

Regardless of detection during the initial biological reconnaissance survey, if suitable aquatic habitat for western pond turtle is present within the proposed development area, a qualified biologist approved by the County and familiar with the life history of western pond turtle shall conduct preconstruction surveys of proposed new development activities within 200 feet of any aquatic habitat 24 hours before such development activities.

If pond turtles are not detected during the preconstruction survey, then further mitigation is not required. If pond turtles are detected during the preconstruction survey, then consultation with CDFW shall be initiated as described above. Injury or mortality of western pond turtle be avoided through project design modification, , cultivation site

relocation, or relocation of the turtle by a qualified biologist with a valid CDFW scientific collecting permit. If relocation of western pond turtles is determined to be necessary, turtles shall be relocated to similar nearby habitat free of predators (e.g., racoon, coyote, raptors, bullfrog, nonnative turtles, other western pond turtles) as determined by the qualified biologist. If western pond turtles are relocated, a report shall be submitted electronically to CDFW within 15 days of the relocation. The report shall include the location, date, time, and duration of collection and release; the number of individuals relocated; and identification of the qualified biologist. (MM 3.4-2b.)

- F. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order for the protection of nesting raptors from new development related to cannabis activities.
1. To minimize the potential for loss of nesting raptors, tree removal activities shall occur only during the nonbreeding season (September 1–January 31).
 2. Prior to removal of any trees or ground-disturbing activities between February 1 and August 31, a qualified biologist approved by the County shall conduct preconstruction surveys for nesting raptors and shall identify active nests within 500 feet of the proposed development area. The surveys shall be conducted between February 1 and August 31.
 3. Impacts to nesting raptors, including direct impacts and indirect impacts (e.g., noise, presence of construction crews) shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. Factors to be considered for determining buffer size will include the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; and baseline levels of noise and human activity. Buffer size if the qualified biologist and the applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. The buffer areas shall be protected with construction fencing, and no activity shall occur within the buffer areas until the qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. Monitoring of the nest by a qualified biologist approved by the County during and after construction activities (e.g., ground disturbance, vegetation removal, installation cultivation sites) will be required if the activity has potential to adversely affect the nest.
 4. Removal of bald and golden eagle nests is prohibited regardless of the occupancy status under the federal Bald and Golden Eagle Protection Act. If bald or golden eagle nests are found during preconstruction surveys, then the nest tree shall not be removed.
 5. Trees shall not be removed during the breeding season for nesting raptors unless a survey by the qualified biologist verifies that there is not an active nest in the tree. (MM 3.4-2c.)

G. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order for the protection of northern spotted owl from new development related to cannabis activities. To avoid the potential for loss of northern spotted owl and their nests, or loss or fragmentation of occupied or suitable habitat for northern spotted owl, removal of old-growth habitat shall be prohibited, as outlined in Paragraph (P) of this Section.

If the area of proposed new development activities (e.g., any application for commercial cannabis operations or renewal of an existing licensed cultivation site that is planning to expand its designated area) is within suitable habitat for northern spotted owl (e.g., coniferous forest), and is within 1.3 miles (average species home range) of a known occurrence of northern spotted owl, as determined by a qualified biologist familiar with the species and protocol and approved by the County, the following measures shall be followed:

1. Prior to removal of any trees, or ground-disturbing activities adjacent or within suitable nesting, roosting, or foraging habitat (e.g., forest clearings) for spotted owl, a qualified biologist approved by the County and familiar with the life history of the northern spotted owl shall conduct preconstruction surveys for nests within a 1.3-mile buffer around the site as described in Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls (USFWS 2012). Surveys shall take place between March 1 and August 31. Three complete surveys spaced at least 7 days apart must be completed by June 30. Six complete surveys over the course of 2 years must be completed to determine presence or absence of northern spotted owl.
2. If northern spotted owls are determined to be absent 1.3 miles from the site, then further mitigation is not required.
3. If northern spotted owls are determined to be present within 1.3 miles of the site, then it is presumed that habitat removal could cause harm to northern spotted owl populations in the area and could result in direct take of northern spotted owls. If northern spotted owls are determined to be present within 1.3 miles of the site, proposed cultivation activities, including expansion of its designated area, will not be permitted. (MM 3.4-2d.)

H. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order for the protection of little willow flycatcher, olive-sided flycatcher, yellow warbler, yellow-breasted chat, or other bird nests from new development related to cannabis activities.

1. To minimize the potential for disturbance to or loss of little willow flycatcher, olive-sided flycatcher, yellow warbler, yellow-breasted chat, or other bird nests, vegetation removal activities shall occur only during the nonbreeding season (September 1-January 31).

2. If little willow flycatcher is detected during the initial biological reconnaissance survey or is determined to be likely to occur based on the presence of suitable habitat, a protocol-level survey shall be conducted by a qualified biologist familiar with the species and the protocol prior to removal of any vegetation or any ground disturbance. The protocol-level survey shall utilize methods outlined in *A Willow Flycatcher Survey Protocol for California* (Bombay et al. 2003).
 3. If little willow flycatcher is determined to be present during the protocol-level survey, no development activity shall occur during the breeding season (May 1 through August 31) in and within 300 feet of the little willow flycatcher habitat. Development activities within or adjacent to identified little willow flycatcher habitat shall not damage or destroy willows or other riparian shrubs unless agreed upon through consultation with CDFW.
 4. If olive-sided flycatcher, yellow warbler, yellow-breasted chat, or other bird nests are detected during the initial biological reconnaissance survey or are determined to be likely to occur based on the presence of suitable habitat. Prior to removal of any vegetation or any ground disturbance between February 1 and August 31, a qualified biologist approved by the County shall conduct preconstruction surveys for nests on any structure or vegetation planned for removal. The surveys shall be conducted no more than 7 days before construction commences. If no active nests are found during focused surveys, no further action under this measure will be required. If active nests are located during the preconstruction surveys, the biologist shall notify the Planning Director and CDFW. If deemed necessary by the Planning Director in consultation with CDFW, modifications to the project design to avoid removal of occupied habitat while still achieving project objectives may be required. If the County determines in consultation with CDFW that avoidance is not feasible or conflicts with project objectives, construction shall be prohibited within a minimum of 100 feet of the nest to avoid disturbance until the nest is no longer active. (MM 3.4-2e.)
- I. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of the Trinity bristle snail from new development related to cannabis activities.
1. If Trinity bristle snail is detected during the initial biological reconnaissance survey (see Paragraph A of this Section) or are determined to be likely to occur due to the presence of suitable habitat, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, or relocation of individual animals, will be necessary and appropriate.
 2. Regardless of detection during the initial biological reconnaissance survey, if suitable habitat for Trinity bristle snail is present within the proposed development area, a qualified biologist approved by the County and familiar with the species shall conduct preconstruction surveys of proposed new development activities within the period when the species is the most active

(between May and October and between dusk and dawn) prior to new development activities. Preconstruction surveys shall be conducted using a widely used and accepted standardized protocol that controls for seasonality and environmental conditions, such as the the *Survey Protocol for Survey and Manage Terrestrial Mollusk Species from the Northwest Forest Plan* (BLM 2003). Surveys shall be conducted throughout the proposed construction area and an appropriate buffer around the proposed development area as determined by the qualified biologist familiar with the species and survey protocol.

3. If Trinity bristle snail or its habitat is not detected during the preconstruction survey, then further mitigation is not required.
4. If Trinity bristle snail is detected during the preconstruction survey, then consultation with CDFW shall be initiated as described above. Injury or mortality of this species will be avoided through project design modification or cultivation site relocation. If impacts to Trinity bristle snail are unavoidable, then the applicant will submit an ITP application to CDFW and receive authorization prior to commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual Trinity bristle snails, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank. (MM 3.4-2f.)

- J. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of the American badger from new development related to cannabis activities.

Prior to the commencement of construction activities, a qualified wildlife biologist approved by the County shall conduct surveys of the suitable grassland or agricultural habitats slated for conversion within the site to identify any American badger burrows/dens. These surveys shall be conducted not more than 30 days prior to the start of construction. If occupied burrows are not found, further mitigation shall not be required. If occupied burrows are found, impacts to active badger dens shall be avoided by establishing exclusion zones around all active badger dens, within which construction related activities shall be prohibited until denning activities are complete or the den is abandoned. The qualified biologist shall monitor each den once per week to track the status of the den and to determine when it is no longer occupied. (MM 3.4-2h.)

- K. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of the fisher and Humboldt marten from new development related to cannabis activities.

1. To minimize the potential for loss of or disturbance to fisher and Humboldt marten habitat and dens, removal of old-growth habitat shall be prohibited, as outlined in Paragraph P of this Section.
 2. Prior to commencement of new development related to cannabis activities occurring within the fisher and Humboldt marten denning season (March 1 to July 31), including tree removal (non-old growth), a qualified wildlife biologist approved by the County will conduct preconstruction surveys of all suitable habitat within the site, and will identify sightings of individual fishers or martens, as well as potential dens.
 3. If individuals or potential or occupied dens are not found, further mitigation will not be required.
 4. If fisher or Humboldt marten are identified or if potential dens of these species are located, an appropriate method shall be used by the qualified wildlife biologist to confirm whether a fisher or marten is occupying the den. This may involve use of remote field cameras, track plates, or hair snares. Other devices such as fiber optic scope may be utilized to determine occupancy. If no fisher or marten occupies the potential den, the entrance will be temporarily blocked so that no other animals occupy the area during ground disturbance, vegetation removal, or installation of cultivation sites, but only after it has been fully inspected. The blockage will be removed once these activities have been completed.
 5. If a den is found to be occupied by a fisher or marten, a no-disturbance buffer will be placed around the occupied den location. The no-disturbance buffer will include the den tree (or other structure) plus a suitable buffer as determined by the biologist in coordination with CDFW. Construction activities in the no-disturbance buffer will be avoided until the nest is unoccupied as determined by a qualified wildlife biologist in coordination with CDFW. (MM 3.4-2i.)
- L. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of the ringtail from new development related to cannabis activities.
1. Prior to commencement of new development related to cannabis activities occurring within the ringtail nesting season (not well defined but likely approximately March 1 to July 31), including tree or shrub removal, a qualified wildlife biologist approved by the County will conduct preconstruction surveys of all suitable habitat within the site, and will identify sightings of individual ringtails, as well as potential nests.
 2. If individuals or potential or occupied nests are not found, further mitigation will not be required.
 3. If ringtail are identified or if potential nests of this species are located, an appropriate method shall be used by the qualified wildlife biologist to confirm whether a ringtail is occupying the den. This may involve use of remote field cameras, track plates, or hair snares. Other devices such as a fiber optic scope may be utilized to determine occupancy. If no ringtail occupies the potential nest, the

entrance will be temporarily blocked so that no other animals occupy the area during ground disturbance, vegetation removal, or installation of cultivation sites, but only after it has been fully inspected. The blockage will be removed once these activities have been completed.

4. If a nest is found to be occupied by a ringtail, a no-disturbance buffer will be placed around the occupied den location. The no-disturbance buffer will include the nest tree (or other structure) plus a suitable buffer as determined by the biologist in coordination with CDFW. Construction activities in the no-disturbance buffer will be avoided until the nest is unoccupied as determined by a qualified wildlife biologist in coordination with CDFW. (MM 3.4-2j)

M. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of Oregon snowshoe hare from new development related to cannabis activities.

1. If it is determined during the initial biological reconnaissance survey (see Paragraph A of this Section) that suitable habitat for Oregon snowshoe hare is present within a proposed cultivation area, then preconstruction surveys will be required. Prior to removal of any vegetation or any ground disturbance within suitable Oregon snowshoe hare habitat, a qualified biologist approved by the County shall conduct preconstruction surveys of all suitable habitat within the site.
2. If Oregon snowshoe hares or occupied reproductive sites are not found, further mitigation will not be required.
3. If Oregon snowshoe hares or potential or occupied reproductive sites are observed, a no-disturbance buffer will be placed around the occupied nest. The no-disturbance buffer will include the nest plus a suitable buffer as determined by the biologist in coordination with CDFW. Construction activities in the no-disturbance buffer will be avoided until the reproductive site is unoccupied as determined by the qualified biologist in coordination with CDFW. (MM 3.4-2k.)

N. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order for the protection of the pallid bat and Townsend's big-eared bat from new development related to cannabis activities.

1. Before commencing any development related to cannabis activities, a qualified biologist approved by the County shall conduct surveys for roosting bats. If evidence of bat use is observed, the species and number of bats using the roost shall be determined. Bat detectors may be used to supplement survey efforts. If no evidence of bat roosts is found, then no further study will be required.
2. If pallid bats or Townsend's big-eared bats are found in the surveys, a mitigation program addressing mitigation for the specific occurrence shall be submitted to the Planning Director and CDFW by the qualified biologist subject to the review and approval of the Planning Director in consultation with CDFW. Implementation of

the mitigation plan shall be a condition of project approval. The mitigation plan shall establish a buffer area around the nest during hibernation or while females in maternity colonies are nursing young that is large enough to prevent disturbance to the colonies. (MM 3.4-2l.)

O. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order for the protection of the Sonoma tree vole from new development related to cannabis activities.

1. To minimize the potential for loss of or disturbance to vole habitat and nests, removal of old-growth habitat shall be prohibited.
2. Before commencing any tree or other vegetation removal activities, or ground-disturbance, a qualified biologist approved by the County shall conduct surveys for vole nests (e.g., nest searching within trees on the site, and confirming that nests belong to voles rather than squirrels or birds). If no evidence of vole nests is found, then no further study shall be required. A report summarizing the results of the surveys shall be prepared and submitted to the Planning Director and shall be subject to his review and approval in consultation with CDFW.
3. If occupied trees or nests are identified within 100 feet of the site, the biologist shall determine whether project development activities will adversely affect the voles, based on factors such as noise level of development activities, or line of sight between the tree and the disturbance source. If it is determined that development activities would not affect the voles, then development can proceed without protective measures.
4. If the biologist determines that development activities would likely disturb voles, the proposed area of disturbance shall be relocated a minimum of 200 feet from the nest. (MM 3.4-2m.)

P. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of sensitive natural communities and riparian habitat.

1. For projects that could disturb sensitive natural communities or riparian habitat, the application shall include a report prepared by a qualified biologist approved by the County that surveys the site for these sensitive resources identified from biological reconnaissance survey conducted under Paragraph A of this Section, including riparian habitat associated with aquatic features; old-growth Douglas fir forests; oak woodlands; special-status fish stream habitats; and Darlingtonia seep habitat.
2. The report shall include requirements that before development activities commence, all sensitive areas identified above shall be flagged or fenced with brightly visible construction flagging and/or fencing under the direction of the qualified biologist to require that grading, excavation, other ground-disturbing activities, and vegetation removal will not occur within these areas. Foot traffic by

construction personnel shall also be limited in these areas to prevent the introduction of invasive or weedy species. Periodic inspections during construction shall be conducted by the monitoring biologist to maintain the integrity of exclusion fencing/flagging throughout the period of construction involving ground disturbance.

3. If the report documents that site development would affect the bed, bank, channel, or associated riparian habitat subject to CDFW jurisdiction under California Fish and Game Code Section 1602, a Streambed Alteration Notification shall be submitted to CDFW, pursuant to Section 1600 et seq. of the California Fish and Game Code. If proposed activities are determined to be subject to CDFW jurisdiction, the applicant shall abide by the conditions of any executed agreement prior to any ground disturbance.
4. Subject to the review and approval of the County in consultation with CDFW, applicants shall compensate for permanent loss of riparian habitat at a minimum of a 2:1 ratio through contributions to a CDFW-approved wetland mitigation bank or through the development and implementation of a Compensatory Stream and Riparian Mitigation and Monitoring Plan for creating or restoring in-kind habitat in the surrounding area. If mitigation credits are not available, stream and riparian habitat compensation shall include establishment of riparian vegetation on currently unvegetated bank portions of streams affected by the project and enhancement of existing riparian habitat through removal of nonnative species, where appropriate, and planting additional native riparian plants to increase cover, continuity, and width of the existing riparian corridor along streams in the site and surrounding areas. Construction activities and compensatory mitigation shall be conducted in accordance with the terms of a streambed alteration agreement as required under Section 1602 of the California Fish and Game Code as well as the SWRCB Order WQ 2019-0001-DWQ, or any successor to that order.

The Compensatory Stream and Riparian Mitigation and Monitoring Plan shall include the following:

- a. Identification of compensatory mitigation sites and criteria for selecting these mitigation sites;
- b. In-kind reference habitats for comparison with compensatory riparian habitats (using performance and success criteria) to document success;
- c. Monitoring protocol, including schedule and annual report requirements (compensatory habitat will be monitored for a minimum of 5 years from completion of mitigation, or human intervention [including recontouring and grading], or until the success criteria identified in the approved mitigation plan have been met, whichever is longer);
- d. Ecological performance standards, based on the best available science and including specifications for native riparian plant densities, species composition, amount of dead woody vegetation gaps and bare ground, and survivorship; at a minimum, compensatory mitigation planting sites must achieve 80 percent survival of planted riparian trees and shrubs by the end

of the 5-year maintenance and monitoring period or dead and dying trees will be replaced and monitoring continued until 80 percent survivorship is achieved;

- e. Corrective measures if performance standards are not met;
- f. Responsible parties for monitoring and preparing reports; and
- g. Responsible parties for receiving and reviewing reports and for verifying success or prescribing implementation or corrective actions. (MM 3.4-4a.)

Q. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of waters of the United States from new development related to cannabis activities.

- 1. The application shall include a report prepared by a qualified biologist approved by the County that surveys the site for sensitive resources, including wetlands, streams, and rivers identified from the biological reconnaissance survey conducted under Paragraph (A) of this Section. Wetlands and other waters of the United States are of special concern to resource agencies and are afforded specific consideration, based on Section 404 of the Clean Water Act and other applicable regulations.
- 2. If the report documents waters of the United States to be present, a delineation of waters of the United States, including wetlands that would be affected by the project, shall be prepared by a qualified biologist approved by the County through the formal Section 404 wetland delineation process. The delineation shall be submitted to and verified by USACE.
- 3. If, based on the verified delineation, it is determined that fill of waters of the United States would result from implementation of the project, authorization for such fill from USACE through the Section 404 permitting process would be required. USACE may not issue a Section 404 permit for activities associated with cannabis cultivation. If a Section 404 permit cannot be obtained, then the applicant shall modify the proposed project to avoid any wetlands or other waters of the United States by providing a buffer of at least 50 feet around these features. (MM 3.4-5.)

R. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of the habitat for fisher and Humboldt marten,

- 1. To minimize the potential for loss of or disturbance to fisher and Humboldt marten habitat, removal of old-growth habitat shall be prohibited.
- 2. Habitat features within non-old-growth habitat, such as large trees, large snags, coarse woody debris, and understory vegetation (e.g., shrubs), shall be retained within the site to the extent feasible, to maintain connectivity of fisher and marten habitat. (MM 3.4-6b.)

S. Historic Buildings and Structures.

1. Cannabis operations shall not be permitted within the historic districts of Weaverville, Denny, Helena, and Lewiston.
 2. Applicants shall identify and evaluate all historic-age (over 45 years in age) buildings and structures that are proposed to be removed or modified as part of cannabis operations. This shall include preparation of a historic structure report and evaluation of resources to determine their eligibility for recognition under federal, state, or County local official register of historic resources criteria. The evaluation shall be prepared by an architectural historian or historical architect meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The evaluation shall comply with State CEQA Guidelines Section 15064.5(b) and, if federal funding or permits are required, with Section 106 of the NHPA of 1966 (16 United States Code Section 470 et seq.).
 3. If resources eligible for inclusion in the NRHP, CRHR, or local official register of historic resources are identified, an assessment of impacts on these resources shall be included in the report, as well as detailed measures to avoid impacts. If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts or plans for alteration or adaptive reuse of a historical resource that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings. (MM 3.5-1b.)
- T. Applications for new cannabis activities on commercial, business park, or industrial sites shall include a site assessment for the presence of potential hazardous materials, including an updated review of environmental risk databases. If this assessment indicates the presence or likely presence of contamination, the applicant shall prepare a Phase I ESA in accordance with the American Society for Testing and Materials' E-1527-05 standard. For work requiring any demolition, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done. All recommendations included in a Phase I ESA prepared for a site shall be implemented to protect public health. If a Phase I ESA indicates the presence or likely presence of contamination, the applicant shall prepare a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented before ground disturbance, which will be made a condition of approval for the project. (MM 3.9-2a.)
- U. Applications for new licensed commercial cannabis on commercial, business park, or industrial sites shall include a hazardous materials contingency plan for review and approval by Trinity County Division of Environmental Health. The plan shall describe the necessary actions that would be taken if evidence of contaminated soil or groundwater is encountered during construction. The contingency plan shall identify conditions that could indicate potential hazardous materials contamination, including soil discoloration, petroleum or chemical odors, and presence of underground storage tanks or buried building material. The plan shall include the provision that, if at any time during constructing the

project, evidence of soil and/or groundwater contamination with hazardous material is encountered, the project applicant shall immediately halt construction and contact Trinity County Division of Environmental Health. Work shall not recommence until the discovery has been assessed/treated appropriately (through such mechanisms as soil or groundwater sampling and remediation if potentially hazardous materials are detected above threshold levels) to the satisfaction of Trinity County Division of Environmental Health, RWQCB, and DTSC (as applicable). The plan, and obligations to abide by and implement the plan, shall be incorporated into the conditions of approval for the project. (MM 3.9-2b.)

V. Applications will identify drainage and water quality controls for the site, including roads leading to and from a site, that ensure no sedimentation or other pollutants leave the site as part of project construction and operation. Compliance with this requirement may be combined with the NPDES Construction General Permit compliance measures. Roadway design, water quality control, and drainage features shall be designed and maintained to accommodate peak flow conditions and will be consistent with the Five Counties Salmonid Conservation Roads Maintenance Manual. The County will annually inspect compliance with this measure as part of license issuance or license renewal to confirm compliance. (MM 3.10-1b.)

X. As part of the application and license renewal process, applicants shall provide the County with groundwater monitoring data for existing on-site well facilities that documents well production and changes in groundwater levels during each month of the year. Should this monitoring data identify potential drawdown impacts on adjacent well(s), surface waters, waters of the state, and sensitive habitats, and indicate a connection to operation of the on-site wells, the cannabis operators, in conjunction with the County, shall develop adaptive management measures to allow for recovery of groundwater levels that would protect adjacent wells and habitat conditions that could be adversely affected by declining groundwater levels. Adaptive management measures may include forbearance (e.g., prohibition of groundwater extraction from the months of May to October), water conservation measures, reductions in on-site cannabis cultivation, alteration of the groundwater pumping schedule, or other measures determined appropriate. Adaptive management measures will remain in place until groundwater levels have recovered and stabilized based on annual monitoring data provided to the County as part of subsequent annual inspections. Any monitoring cannabis cultivation irrigation wells that demonstrate hydrologic connection to surface waters shall be subject to surface water diversion requirements and restrictions in SWRCB Order WQ 2019-0001-DWQ. Wells shall also be sited outside of the stream setbacks as set forth in SWRCB Order WQ 2019-0001-DWQ. (MM 3.10-2.)

Y. Prior to the issuance of a license and/or use permit, the County will determine if the application site is located within a watershed on which the CDFA has placed a moratorium on state licensing pursuant to California Code of Regulations Section 8216. The County will reject the application should the site be located in such a watershed. Noncultivation uses may still be allowed if the applicant can demonstrate that the project's water source is

groundwater that is not hydrologically connected to the watershed to the satisfaction of the County. (MM 3.10-3a.)

Z. Applications for new commercial cannabis activities and license renewals for existing cannabis operations shall provide documentation showing that roadways providing site access is in compliance with Chapter 12.10: Design Policies of this Code. New roadway water quality control and drainage features or new drainage features on existing roadways shall be designed to accommodate peak flow conditions and will be consistent with the Road Handbook per California Code of Regulations, Title 14, Chapter 4, and SWRCB Order WQ 2019-0001-DWQ, or any successor to that order. (MM 3.14-3.)

AA. Applications for new commercial cannabis activities and license renewals for existing cannabis operations shall provide documentation showing that site access is in compliance with Chapter 8.30 – Fire Safe Ordinance of this Code. (MM 3.13-4.)

BB. Applicants for new commercial noncultivation cannabis operations shall prepare a materials management plan that will address each permit type sought within a site. Compliance with state licensing that addresses these items may be used to demonstrate compliance with this measure. The plan shall include:

1. A detailed description of activities and processes occurring on site, including:
 - a. Equipment type and number,
 - b. Detailed standard operating procedures for processes,
 - c. Chemical requirements and reactions,
 - d. Cleaning procedures for equipment,
 - e. Required pretreatment requirements for discharge to a public wastewater treatment system, and
 - f. Disposal methods for all materials (e.g., plant materials, solvents, empty containers).
2. Identification of type and quantity of items produced, including:
 - a. Material Safety Data Sheets for all chemical substances occurring on site,
 - b. Manifests for each chemical describing quantities purchased, date used, and quantities disposed,
 - c. Facility site plan with storage map, showing where hazardous materials will be stored,
 - d. An inventory of all emergency equipment with the location and description of items, including:
 - i. Personal protective equipment,
 - ii. Fire extinguishing systems,
 - iii. Spill control equipment and decontamination equipment, and
 - iv. Communication and alarm systems.
3. An employee training plan that includes:
 - a. Emergency response procedures and incident reporting, and
 - b. Chemical handling procedures.

The materials management plan shall be submitted to Trinity County Division of Environmental Health and public agencies or private enterprises accepting waste materials, including CSDs and waste transfer stations. Commercial cannabis permits shall not be granted without approval of the materials management plan from relevant agencies and identification and construction of any required pretreatment facilities for wastewater. (MM 3.15-1.a.)

CC. Applicants not relying on septic systems shall determine whether sufficient public wastewater treatment capacity exists for a proposed project. These determinations must ensure that the proposed development can be served by its existing or planned treatment capacity and wastewater conveyance through approval of the relevant service provider. If adequate capacity does not exist, the application will be denied. (MM 3.15-1.b.)

DD. Applicants for new commercial cannabis operations that plan to obtain water from a retail water supply will obtain, and provide to the County, written verification from the water service provider that adequate water supply and water distribution facilities are or will be available to serve the site including peak operations (e.g., harvest). If adequate capacity does not exist, the application will be denied. (MM 3.15-2.)

EE. Waste compost management.

1. Applicants for new commercial cannabis operations and relicensed sites will develop and implement a cannabis waste composting management plan if the operator proposes to dispose of cannabis waste through onsite composting. The plan shall meet all state requirements and the following requirements that will be confirmed by the County during inspections.
2. Designation of the composting area on a site plan that is contained within the site boundaries (must be located within the Designated Area for cultivation operations) that is of adequate size to accommodate site cannabis waste needs.
3. Identification of water quality control features that ensure no discharge of cannabis waste or other pollutants.
4. Details on routine management and equipment used in the composting area that ensures proper composting and control of odors, potential fuel hazards, and pests for the life of the cannabis operation. (MM 3.15-3.)

FF. Compliance documentation will be provided to the County as part of the application materials for the protection of special-status bumble bees from new development related to cannabis activities.

1. If special-status bumble bees are detected during the initial biological reconnaissance survey or are determined to be likely to occur due to the presence of suitable habitat, consultation with CDFW shall be initiated to determine whether mitigation measures, such as protocol-level surveys, project design modifications, or relocation of the site, will be necessary and appropriate.

2. If impacts to special-status bumble bees are determined to be unavoidable, then the applicant will submit an ITP application to CDFW and receive authorization prior to commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual bumble bees, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank. (MM 3.4-2g.)

GG. Compliance documentation will be provided to the County as part of the application materials for the protection of special-status bumble bees from new development related to cannabis activities for the protection of gray wolf from new development related to cannabis activities:

1. If gray wolf is detected during the initial biological reconnaissance survey is determined to be likely to occur due to the presence of suitable habitat and recent species range information, consultation with CDFW shall be initiated to determine whether mitigation measures, such as protocol-level surveys, project design modifications, relocation of the site, limited operating periods, or biological monitoring will be necessary and appropriate.
2. If impacts to gray wolf cannot be avoided, then proposed cultivation activities will not be permitted. (MM 3.4-2o.)

17.43G.040 – Performance Standards Applicable to all Cannabis Land Uses

The following standards shall apply to all cannabis land uses and shall be in addition to any other standards specified in other chapters of this Code.

A. All diesel-powered off-road equipment used in construction shall meet the EPA’s Tier 4 emission standards as defined in 40 Code of Federal Regulations (CFR) Part 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models or best available construction equipment can be used if a Tier 4 version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors.

Construction activities will implement measures to control dust including:

1. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
2. Cover all haul trucks transporting soil, sand, or other loose material off-site.
3. Remove all visible mud or dirt track-out onto the roads adjacent to the site.
4. Limit all construction vehicle speeds on unpaved roads to 15 miles per hour. (3.3-1b.)

B. RD fuel shall be used in diesel-powered construction equipment. RD fuel must meet the following criteria:

1. The RD must meet California’s Low Carbon Fuel Standards and be certified by the California Air Resources Board Executive Officer;
2. The RD must be hydrogenation-derived (reaction with hydrogen at high temperatures) from 100 percent biomass material (i.e., non-petroleum sources), such as animal fats and vegetables;
3. The RD must contain no fatty acids or functionalized fatty acid esters; and
4. The RD must have a chemical structure that is identical to petroleum-based diesel and complies with American Society for Testing and Materials D975 requirements for diesel fuels to ensure compatibility with all existing diesel engines.

The County shall require implementation of this measure of the licensed entities building a new cannabis site. (3.3-1c.)

C. Except as provided in Paragraph D of this Section, during cultivation operations, licensees shall limit the use of off-road equipment that is powered by gasoline, diesel, or other fossil fuels where available. (3.3-2a.)

D. All diesel generators used at a cultivation site shall meet EPA’s Tier 4 emission standards as defined in 40 CFR 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models or best available model can be used if a Tier 4 version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors. (3.3-2b)

E. Cannabis sites shall develop and implement an odor control plan that contains the following requirements:

1. Identification and description of odor-emitting activities and the nature and characteristics of the emissions.
2. Location and distance of sensitive receptors (e.g., residents, youth-oriented facilities, schools, churches, residential treatment centers) from the site.
3. Demonstrate that the cannabis site’s distance to receptors, wind direction, and local topographic conditions would not result in detection of cannabis odors by off-site sensitive receptors that would create a nuisance.
4. If off-site odor nuisance impacts cannot be avoided without odor controls, identify the procedures and controls for reducing and controlling odors on-site, including the following as applicable to the cannabis use and license type (outdoor, mixed-light, and indoor):. The operator may propose a numeric odor detection threshold for on-site operations (such as dilution-to-threshold standard that is verified by persons of normal odor sensitivity as defined by European Standard EN 13725) subject to County review and approval.:
 - a. All fully enclosed and secure structures that contain cannabis plants or products that generate odors will employ mechanical ventilation

controls, carbon filtration, or other equivalent or superior method(s) to eliminate the detection of cannabis off the parcel. This will include all drying and processing of cannabis plant material recently harvested.

- b. Outdoor operations may include different plant strains and smaller grow areas or relocation of outdoor activities indoors or, in a mixed-light facility contained within an enclosed structure, use of site design or other technology and/or use of odor easements to address odor impacts.
- c. Corrective actions to address County-verified off-site odor complaints will be identified. This may include immediate and complete harvest of the cannabis plants or relocation of outdoor cannabis plants or identification of other methods to be applied as part of the current harvest or the next harvest to minimize off-site odor impacts so that they would not conflict with other applicable standards of the County's Cannabis Program or State license requirements. (3.3-3.)

F. Paleontological Resources.

- 1. If a paleontological discovery is made during construction, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery and shall immediately contact the County.
- 2. A qualified paleontologist shall be retained to observe all subsequent grading and excavation activities in the area of the find and shall salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered that require temporarily halting or redirecting of grading, the paleontologist shall report such findings to the County. The paleontologist shall determine appropriate actions, in cooperation with the applicant and the County, that ensure proper exploration and/or salvage. Excavated finds shall first be offered to a state-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds shall be offered to the County for purposes of public education and interpretive displays. The paleontologist shall submit a follow-up report to the County that shall include the period of inspection, an analysis of the fossils found, and the present repository of fossils. (MM 3.7-4.)

G. All electricity sources used for commercial cannabis cultivation, manufacturing, microbusinesses, non-storefront retail, testing, nurseries, and distribution shall be from renewable sources by conforming to one or more of the following standards:

- 1. Grid-based electricity supplied from 100 percent renewable sources

2. On-site power supplied fully by renewable source (e.g., photovoltaic system)
3. On-site power supplied by partial or wholly non-renewable source with purchase of carbon offset credits
4. Or some combination of the above. (MM 3.8-1.b.)

H. Lighting Efficiency.

1. Only light-emitting diodes (LEDs) or double-ended high-pressure sodium (HPS) fixtures shall be used in all existing and new mixed-light cultivation operations (i.e., sites not seeking relicensing).
2. Only high efficacy lighting shall be used in all existing and new noncultivation operations (i.e., sites not seeking relicensing).
3. Examples of high efficacy lighting include:
 - a. Pin-based linear fluorescent or compact fluorescent light sources using electronic ballasts;
 - b. Pulse-start metal halide light sources;
 - c. HPS light sources;
 - d. Luminaries with hardwired high frequency generator and induction lamp;
and
 - e. LEDs. (MM 3.8-1d.)

I. All outdoor construction activity and use of heavy equipment outdoors shall take place between 7:00 a.m. and 7:00 p.m. (MM 3.12-1.)

J. New power lines extended to sites shall be placed underground. If power lines cannot be placed underground, fuel breaks shall be provided along power lines and any stand-alone electrical facilities in a manner that would avoid ignition of adjacent vegetation to the satisfaction of the County and CAL FIRE. Fuel breaks shall be maintained and verified by the County as part of annual license renewal. (MM 3.16-2a.)

K. The operation of outdoor motorized equipment on-site for construction and maintenance activities shall be required to be covered under a fire protection plan that includes the following provisions:

1. Fire watch personnel responsible for watching for the occurrence of fire during and after equipment use shall be identified.
2. Equipment shall be located so that exhausts do not discharge against combustible materials.
3. Equipment shall not be refueled while in operation and not until after a cooldown period.
4. Water and tools dedicated to fire fighting shall be on hand in the area of onsite construction and maintenance activities at all times.
5. Designated smoking areas with cigarette disposal receptacles that are burn resistant. (MM 3.16-2b.)

SECTION 9: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

Considered at a regular meeting of the Planning Commission held on the 19th day of November 19, 2020, and passed and enacted this ____ day of December 2020 by the Board of Supervisors of the County of Trinity by motion, second (✓), and the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

BOBBI CHADWICK, CHAIR
Board of Supervisors
County of Trinity
State of California

ATTEST:

Emma Purvis, Deputy Clerk of the Board


APPROVED AS TO FORM AND LEGAL EFFECT:

Margaret Long, County Counsel

Kim Hunter

From: Lisa Lozier
Sent: Monday, November 9, 2020 3:57 PM
To: Kim Hunter; Margie DeRose
Subject: FW: Cannabis Final EIR - Discrepancies in scheduling

FYI


Sent: Monday, November 9, 2020 10:46 AM
To: Info.Planning <Info.Planning@trinitycounty.org>; Paul Hauser <trinityactionassociation@gmail.com>
Subject: Cannabis Final EIR - Discrepancies in scheduling

November 9, 2020

Trinity County Planning Commission
PO Box 2819
Weaverville, CA 96093
Info.planning@trinitycounty.org

Dear Planning Commissioners,

This comment is private and confidential. It is not to be used in public comment in any way, or published on the internet for any reason.

The Trinity County Planning Department webpage states that there will be a special meeting on November 19, 2020 at 6:00pm at the Trinity Alps Performing Arts Center for the Planning Commission to consider the Cannabis Program Final EIR. However, the Final Cannabis Program EIR is not yet published and the website has a statement "The Trinity County Cannabis Program Final Environmental Impact Report will be posted here on Thursday November 12, 2020". The planning commission website further states that comments must be submitted by November 10, 2020 in order to be provided to the Planning Commission prior to the meeting.

Specific comments to be provided to the Trinity County Planning Commission for the November 19, 2020 Special Meeting:

1. Please reschedule this important meeting to a later date so that people have an opportunity to review the Final EIR and submit comments to the Planning Commission in advance of any meeting that considers the Final EIR. Not everyone is comfortable or capable of attending the meeting in person to provide comments. The timing of the meeting and release of the Final EIR makes it impossible for those that cannot attend in person to provide comments to the Planning Commission.
2. Please allow a reasonable time period (30-45 days) for people to read and understand the Final EIR and provide comments.

3. Please do not schedule meetings that are near holiday periods as it could result in people that are traveling missing the opportunity to comment on this extremely important item.

This is an extremely important issue and should not be rushed. People should be allowed ample time to read, analyze and comment on this before it is heard by the Trinity County Planning Commission.

Sincerely,

[Redacted signature]

name removed

Per the request of the Commentor

Kim Hunter

From: Lisa Lozier
Sent: Monday, November 9, 2020 3:56 PM
To: Kim Hunter; Margie DeRose
Subject: FW: Giving enough time for EIR process

FYI

From: John Coogan [REDACTED]
Sent: Monday, November 9, 2020 10:26 AM
To: Info.Planning <Info.Planning@trinitycounty.org>
Subject: Giving enough time for EIR process

November 9, 2020

Trinity County Planning Commission
PO Box 2819
Weaverville, CA 96093
Info.planning@trinitycounty.org

Dear Planning Commissioners,

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This is an extremely important issue and should not be rushed. People should be allowed ample time to read, analyze and comment on this before it is heard by the Trinity County Planning Commission.

Sincerely,

John Coogan
890 Rowdy Bear Rd
Post Mt/Hayfork, CA

November 9, 2020

Trinity County Planning Commission
PO Box 2819
Weaverville, CA 96093
Info.planning@trinitycounty.org

Dear Planning Commissioners,

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This is an extremely important issue and should not be rushed. People should be allowed ample time to read, analyze and comment on this before it is heard by the Trinity County Planning Commission.

Sincerely,

Judith Haseltine
10 Sutter St.
Lewiston, CA
96052

Kim Hunter

From: Lisa Lozier
Sent: Tuesday, November 10, 2020 9:24 AM
To: Kim Hunter; Margie DeRose
Subject: FW: Time needed for Cannabis EIR review/comments

From: Trent Tuthill [REDACTED]
Sent: Monday, November 9, 2020 6:29 PM
To: Info.Planning <Info.Planning@trinitycounty.org>
Subject: Time needed for Cannabis EIR review/comments

Dear Planning Commissioners,

The Trinity County Planning Department webpage states that there will be a special meeting on November 19, 2020 at 6:00pm at the Trinity Alps Performing Arts Center for the Planning Commission to consider the Cannabis Program Final EIR. However, the Final Cannabis Program EIR is not yet published and the website has a statement "The Trinity County Cannabis Program Final Environmental Impact Report will be posted here on Thursday November 12, 2020". The planning commission website further states that comments must be submitted by November 10, 2020 in order to be provided to the Planning Commission prior to the meeting.

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This is an extremely important issue and should not be rushed. People should be allowed ample time to read, analyze and comment on this before it is heard by the Trinity County Planning Commission.

Thanks
Trent Tuthill

November 9, 2020

Trinity County Planning Commission
PO Box 2819
Weaverville, CA 96093
Info.planning@trinitycounty.org

Dear Planning Commissioners,

The Trinity County Planning Department webpage states that there will be a special meeting on November 19, 2020 at 6:00pm at the Trinity Alps Performing Arts Center for the Planning Commission to consider the Cannabis Program Final EIR. However, the Final Cannabis Program EIR is not yet published and the website has a statement "The Trinity County Cannabis Program Final Environmental Impact Report will be posted here on Thursday November 12, 2020". The planning commission website further states that comments must be submitted by November 10, 2020 in order to be provided to the Planning Commission prior to the meeting.

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Sincerely,

Theresa and Gale Ickes
P.O. Box 569
Lewiston CA 96052

Kim Hunter

From: Lisa Lozier
Sent: Monday, November 9, 2020 3:59 PM
To: Kim Hunter; Margie DeRose
Subject: FW: Planning Mtg Cannabis Final EIR
Attachments: Cannabis Final EIR Mtg.pdf

FYI

From: Becky Duncan [REDACTED]
Sent: Monday, November 9, 2020 3:46 PM
To: Info.Planning <Info.Planning@trinitycounty.org>
Subject: Planning Mtg Cannabis Final EIR

Good afternoon,

I've attached a letter regarding the Planning Department's special meeting scheduled for 11/19/20, re: the Final Cannabis EIR.

Please note that I object to the timing of the meeting, the lack of time for input considering the public does not yet have access to review the document. Timing should be considered for the residents of Trinity County, not a quick push through by the Board.

Please see my attached letter. I and residents of this county have a right to see what you are trying to put/push through and to have a voice!

Sincerely,
Becky Duncan
8040 Rush Creek Rd.
Lewiston CA 9052

--

What is life? It is the flash of a firefly in the night. It is the breath of a buffalo in the wintertime. It is the little shadow which runs across the grass and loses itself in the sunset. ~ Crowfoot

November 9, 2020

Trinity County Planning Commission
PO Box 2819
Weaverville, CA 96093
Info.planning@trinitycounty.org

Dear Planning Commissioners,

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This is an extremely important issue and should not be rushed. People should be allowed ample time to read, analyze and comment on this before it is heard by the Trinity County Planning Commission.

Sincerely,

Becky Duncan
5040 Rush Creek Rd
Lewiston GA
96052



Kim Hunter

From: Lisa Lozier
Sent: Monday, November 9, 2020 3:58 PM
To: Kim Hunter; Margie DeRose
Subject: FW: Final Cannabis Program EIR

FYI

From: Ric Leutwyler [REDACTED]
Sent: Monday, November 9, 2020 2:32 PM
To: Info.Planning <Info.Planning@trinitycounty.org>
Cc: SusiQ Leutwyler [REDACTED]
Subject: Final Cannabis Program EIR

Trinity County Planning Commission

PO Box 2819

Weaverville, CA 96093

Info.planning@trinitycounty.org

Dear Planning Commissioners,

The Trinity County Planning Department webpage states that there will be a special meeting on November 19, 2020 at 6:00pm at the Trinity Alps Performing Arts Center for the Planning Commission to consider the Cannabis Program Final EIR. However, the Final Cannabis Program EIR is not yet published and the website has a statement "The Trinity County Cannabis Program Final Environmental Impact Report will be posted here on Thursday November 12, 2020". The planning commission website further states that comments must be submitted by November 10, 2020 in order to be provided to the Planning Commission prior to the meeting.

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This is an extremely important issue and should not be rushed. People should be allowed ample time to read, analyze and comment on this before it is heard by the Trinity County Planning Commission.

Sincerely,

Ric Leutwyler



Ric Leutwyler
ASU Venture Mentor
602-723-0019 | [REDACTED]



Kim Hunter

From: Lisa Lozier
Sent: Monday, November 9, 2020 5:09 PM
To: Kim Hunter; Margie DeRose
Subject: FW: Cannabis Final EIR Comments

FYI

From: Donna Teuscher [REDACTED]
Sent: Monday, November 9, 2020 4:06 PM
To: Info.Planning <Info.Planning@trinitycounty.org>
Subject: Cannabis Final EIR Comments

November 9, 2020

Trinity County Planning Commission
PO Box 2819
Weaverville, CA 96093
Info.planning@trinitycounty.org

Dear Planning Commissioners,

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Specific comments to be provided to the Trinity County Planning Commission for the November 19, 2020 Special Meeting:

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This is an extremely important issue and should not be rushed. People should be allowed ample time to read, analyze and comment on this before it is heard by the Trinity County Planning Commission.

Sincerely,
Roger & Donna Teuscher

Kim Hunter

From: Lisa Lozier
Sent: Tuesday, November 10, 2020 9:24 AM
To: Kim Hunter; Margie DeRose
Subject: FW: Commission to consider Final EIR

-----Original Message-----

From: steve rhodehouse [REDACTED]
Sent: Monday, November 9, 2020 5:55 PM
To: Mike Mchugh Planning Commission Chair <tcpc.Mchugh@gmail.com>
Cc: Info.Planning <Info.Planning@trinitycounty.org>
Subject: Commission to consider Final EIR

Good evening Mike.

Even though we haven't talked in awhile, we hope this finds you in great health and spirit! As with all the commission! It's just come to our attention about this special meeting on 11/19/2020. As with any endeavor of this magnitude it takes careful consideration and time to read and assess the quantity of information in the EIR so it be accurate, truthful and execute proper judgment to have peace in our community.

Our request is to reschedule to a later date so people have that opportunity to review the final EIR and submit comments to the planning commission in advance of any meeting that considers the final EIR. I understand the report maybe available on the 12th, yet the commission web site states comments must be submitted by 11/10 in order to be provided to the planning commission prior to the meeting.

Please allow a reasonable period of time (30-45 days) for people to read and understand the final EIR and provide comments.

Please don't schedule meetings that are near holiday periods as it may result in people traveling to miss the opportunity to comment on this extremely important document.

Considering the extremely important nature of this issue, it should not be rushed! People should be allowed ample time to read, analyze and comment on how it will affect our community before it's heard by the planning commission.

Thank you, Steve Rhodehouse. Carolyn Fencil

Sent from my iPad

Kim Hunter

From: Lisa Lozier
Sent: Tuesday, November 10, 2020 9:24 AM
To: Kim Hunter; Margie DeRose
Subject: FW: Time needed for Cannabis EIR review/comments

From: Trent Tuthill [REDACTED]
Sent: Monday, November 9, 2020 6:29 PM
To: Info.Planning <Info.Planning@trinitycounty.org>
Subject: Time needed for Cannabis EIR review/comments

Dear Planning Commissioners,

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Thanks
Trent Tuthill

Kim Hunter

From: Lisa Lozier
Sent: Tuesday, November 10, 2020 9:24 AM
To: Kim Hunter; Margie DeRose
Subject: FW: EIR on Cannabis

-----Original Message-----

From: Toni Schwartz [REDACTED]
Sent: Monday, November 9, 2020 5:59 PM
To: Info.Planning <Info.Planning@trinitycounty.org>
Subject: EIR on Cannabis

Please give us time to understand what is going on. Thanks Antoinette and Ralph Schwartz 2541 Lewiston Rd Lewiston Ca 96052

Sent from my iPhone

Kim Hunter

From: Lisa Lozier
Sent: Tuesday, November 10, 2020 9:26 AM
To: Kim Hunter; Margie DeRose
Subject: FW: Cannabis Program Final EIR

From: Joyce Wilhite [REDACTED]
Sent: Tuesday, November 10, 2020 9:23 AM
To: Info.Planning <Info.Planning@trinitycounty.org>
Subject: Cannabis Program Final EIR

November 9, 2020

Trinity County Planning Commission

PO Box 2819

Weaverville, CA 96093

Dear Planning Commissioners,

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Sincerely,
Gerry and Joyce Wilhite
Lewiston, CA

Kim Hunter

From: Lisa Lozier
Sent: Tuesday, November 10, 2020 9:24 AM
To: Kim Hunter; Margie DeRose
Subject: FW:

From: Nancy Anderson [REDACTED]
Sent: Monday, November 9, 2020 6:55 PM
To: Info.Planning <Info.Planning@trinitycounty.org>
Subject:

Dear Planning Commision,

The meeting on November 19, 2020 at 6:00pm at the Trinity Alps Performing Arts Center for the Planning Commission to consider the Cannabis Program comes at a very challenging time with very short notice. And, with only one week to examine the Environmental Impact Report that will be posted on November 12, the timeline to digest all of this and make a sensible decision seems rushed.

Please reschedule this meeting to a later date and allow a reasonable time period for people to read and understand the Final EIR and provide comments. This is an extremely important issue and should not be rushed.

Sincerely,

Nancy Anderson
Lewiston Resident and Business Owner

Kim Hunter

From: Lisa Lozier
Sent: Tuesday, November 10, 2020 9:26 AM
To: Kim Hunter; Margie DeRose
Subject: FW: Giving enough time for EIR process

From: Bruce Gardiner [REDACTED]
Sent: Tuesday, November 10, 2020 7:53 AM
To: Info.Planning <Info.Planning@trinitycounty.org>
Subject: Giving enough time for EIR process

November 9, 2020

Trinity County Planning Commission
PO Box 2819
Weaverville, CA 96093
Info.planning@trinitycounty.org

Dear Planning Commissioners,

The Trinity County Planning Department webpage states that there will be a special meeting on November 19, 2020 at 6:00pm at the Trinity Alps Performing Arts Center for the Planning Commission to consider the Cannabis Program Final EIR. However, the Final Cannabis Program EIR is not yet published and the website has a statement "The Trinity County Cannabis Program Final Environmental Impact Report will be posted here on Thursday November 12, 2020". The planning commission website further states that comments must be submitted by November 10, 2020 in order to be provided to the Planning Commission prior to the meeting. Specific comments to be provided to the Trinity County Planning Commission for the November 19, 2020 Special Meeting:

1. Please reschedule this important meeting to a later date so that people have an opportunity to review the Final EIR and submit comments to the Planning Commission in advance of any meeting that considers the Final EIR. Not everyone is comfortable or capable of attending the meeting in person to provide comments. The timing of the meeting and release of the Final EIR makes it impossible for those that cannot attend in person to provide comments to the Planning Commission.
 2. Please allow a reasonable time period (30-45 days) for people to read and understand the Final EIR and provide comments.
 3. Please do not schedule meetings that are near holiday periods as it could result in people that are traveling missing the opportunity to comment on this extremely important item.
- This is an extremely important issue and should not be rushed. People should be allowed ample time to read, analyze and comment on this before it is heard by the Trinity County Planning Commission.

Sincerely,

Bruce Gardiner
898 Rowdy Bear Rd
Post Mt/Hayfork, CA

Katie Quinn & Mel Deardorff
PO Box 756
Lewiston, CA 96052

[REDACTED]
[REDACTED]
[REDACTED]

November 10, 2020

Trinity County Planning Commission
PO Box 2819
Weaverville, CA 96093
Via email: Info.planning@trinitycounty.org

Dear Planning Commissioners,

I am writing to ask that you reschedule the special meeting set for November 19 to discuss and possibly act on the Final EIR for the Cannabis Program. That only gives people a week to read and figure out the EIR (if it does get posted by November 12.)

During this time of heavy surge of the Coronavirus, having a public meeting feels irresponsible.

It also feels like the Pro-Cannabis folks are trying to get this pushed through without allowing sufficient time for a proper review.

This is an extremely important issue, and we need time to read and discuss and comment. I urge you to reschedule this meeting and allow at least a 30-day window for the review of the EIR.

Sincerely,



Katie Quinn & Mel Deardorff

Kim Hunter

From: LAUREL EDWARDS [REDACTED]
Sent: Tuesday, November 10, 2020 3:10 PM
To: Info.Planning; Mary B. Brinkley; Kim Hunter; Keith Groves; mdrose@trinitycounty.org
Subject: Special Meeting 11/19

Dear Commissioners,

Because the meeting is at the TAPAC and there will probably be a lot of people attending, I am not comfortable going and so I'm sending my comments in advance. In addition, the past Zoom meetings have been fraught with technical difficulties (I'm referring to the Aug. 2020 meeting as well as the Sept. 2020 meeting.)

The problem I have with the meeting, as it is scheduled, is, according to your website, the Final EIR has not been posted yet. It doesn't make sense to require comments be sent by 5:00 this afternoon even though the report has not been posted.

Also, the report is probably very lengthy and will take some time to comb through. I believe that more time should be given after this important report is made available to the public before you vote on its contents.

Please consider postponing the special meeting in order to allow more time to study the document so that we (the public) might be able to appropriately comment and/or question the contents of the report.

Respectfully,

Laurel Edwards
District 1, Lewiston

Kim Hunter

From: Jerry McDonald [REDACTED]
Sent: Tuesday, November 10, 2020 3:48 PM
To: Info.Planning
Cc: Kim Hunter
Subject: Nov 19 meeting Cannabis program final EIS

If the planning department web site is correct comments on the EIS must be submitted prior to the release of the final report, how can that be possible? Please reschedule this meeting to give the public the opportunity to read the report and make informed comments. I worked on EA, EIS and other environmental document for the Forest Service and understand the time it takes for the public to read, understand and make comments on the text. It seems like 20-30 days minimum should be adequate time for the public to digest the text and comment, this is way to important an issue to rush to the final printing. The timing on this just seems unfair, it looks like the public's input is either not really wanted or unimportant to planners. I hope this is not the case. The public should be given ample opportunity to read and comment, this should not be rushed. I will be unable to attend the 19th meeting in person.

Thanks for your consideration.

Jerry McDonald

Lewiston

Sent from Mail for Windows 10



Virus-free. www.avast.com

Kim Hunter

From: Lisa Lozier
Sent: Tuesday, November 10, 2020 3:15 PM
To: Kim Hunter; Margie DeRose
Subject: FW: Special Meeting 11/19

From: LAUREL EDWARDS [REDACTED]
Sent: Tuesday, November 10, 2020 3:10 PM
To: Info.Planning <Info.Planning@trinitycounty.org>; Mary B. Brinkley <mbrinkley@trinitycounty.org>; Kim Hunter <khunter@trinitycounty.org>; Keith Groves <kgroves@trinitycounty.org>; mdrose@trinitycounty.org
Subject: Special Meeting 11/19

Dear Commissioners,

Because the meeting is at the TAPAC and there will probably be a lot of people attending, I am not comfortable going and so I'm sending my comments in advance. In addition, the past Zoom meetings have been fraught with technical difficulties (I'm referring to the Aug. 2020 meeting as well as the Sept. 2020 meeting.)

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Also, the report is probably very lengthy and will take some time to comb through. I believe that more time should be given after this important report is made available to the public before you vote on its contents.

Please consider postponing the special meeting in order to allow more time to study the document so that we (the public) might be able to appropriately comment and/or question the contents of the report.

Respectfully,

Laurel Edwards
District 1, Lewiston

November 9, 2020

Trinity County Planning Commission
PO Box 2819
Weaverville, CA 96093
Info.planning@trinitycounty.org

Dear Planning Commissioners,

The Trinity County Planning Department webpage states that there will be a special meeting on November 19, 2020 at 6:00pm at the Trinity Alps Performing Arts Center for the Planning Commission to consider the Cannabis Program Final EIR. However, the Final Cannabis Program EIR is not yet published and the website has a statement "The Trinity County Cannabis Program Final Environmental Impact Report will be posted here on Thursday November 12, 2020". The planning commission website further states that comments must be submitted by November 10, 2020 in order to be provided to the Planning Commission prior to the meeting.

Specific comments to be provided to the Trinity County Planning Commission for the November 19, 2020 Special Meeting:

1. Please reschedule this important meeting to a later date so that people have an opportunity to review the Final EIR and submit comments to the Planning Commission in advance of any meeting that considers the Final EIR. Not everyone is comfortable or capable of attending the meeting in person to provide comments. The timing of the meeting and release of the Final EIR makes it impossible for those that cannot attend in person to provide comments to the Planning Commission.
2. Please allow a reasonable time period (30-45 days) for people to read and understand the Final EIR and provide comments.
3. Please do not schedule meetings that are near holiday periods as it could result in people that are traveling missing the opportunity to comment on this extremely important item.

This is an extremely important issue and should not be rushed. People should be allowed ample time to read, analyze and comment on this before it is heard by the Trinity County Planning Commission.

Sincerely,



WENDY DRAKE

9679 Canyon Creek Rd
JC 96048

November 9, 2020

Trinity County Planning Commission
PO Box 2819
Weaverville, CA 96093
Info.planning@trinitycounty.org

Dear Planning Commissioners,


The Trinity County Planning Department webpage states that there will be a special meeting on November 19, 2020 at 6:00pm at the Trinity Alps Performing Arts Center for the Planning Commission to consider the Cannabis Program Final EIR. However, the Final Cannabis Program EIR is not yet published and the website has a statement "The Trinity County Cannabis Program Final Environmental Impact Report will be posted here on Thursday November 12, 2020". The planning commission website further states that comments must be submitted by November 10, 2020 in order to be provided to the Planning Commission prior to the meeting.

Specific comments to be provided to the Trinity County Planning Commission for the November 19, 2020 Special Meeting:

1. Please reschedule this important meeting to a later date so that people have an opportunity to review the Final EIR and submit comments to the Planning Commission in advance of any meeting that considers the Final EIR. Not everyone is comfortable or capable of attending the meeting in person to provide comments. The timing of the meeting and release of the Final EIR makes it impossible for those that cannot attend in person to provide comments to the Planning Commission.
2. Please allow a reasonable time period (30-45 days) for people to read and understand the Final EIR and provide comments.
3. Please do not schedule meetings that are near holiday periods as it could result in people that are traveling missing the opportunity to comment on this extremely important item.

This is an extremely important issue and should not be rushed. People should be allowed ample time to read, analyze and comment on this before it is heard by the Trinity County Planning Commission.

Sincerely,


RICH VELASQUEZ
8679 CANYON CREEK Rd
J.C.

Kim Hunter

From: Lisa Lozier
Sent: Tuesday, November 10, 2020 1:50 PM
To: Kim Hunter; Margie DeRose
Subject: FW: Comments Needed on Final Cannabis EIR

From: Rich Velasquez [REDACTED]
Sent: Tuesday, November 10, 2020 1:43 PM
To: Paul Hauser <trinityactionassociation@gmail.com>; Info.Planning <Info.Planning@trinitycounty.org>
Subject: Re: Comments Needed on Final Cannabis EIR

I feel to have a meeting at the performing arts center now is foolish and possibly reckless. With the recent outbreaks of covid in the hayfork area you can be sure people who are contagious will be attending that meeting. Not a good idea.

On Mon, Nov 9, 2020, 9:57 AM Paul Hauser <[REDACTED]> wrote:

TAA Supporters,

The Trinity County Planning Department webpage states that there will be a special meeting on November 19, 2020 at 6:00pm at the Trinity Alps Performing Arts Center for the Planning Commission to consider the Cannabis Program Final EIR. However, the Final Cannabis Program EIR is not yet published and the website has a statement "The Trinity County Cannabis Program Final Environmental Impact Report will be posted here on Thursday November 12, 2020". The planning commission website further states that comments must be submitted by November 10, 2020 in order to be provided to the Planning Commission prior to the meeting.

It very much looks like the county is trying to rush this item through the approval process prior to the new Board of Supervisors being seated and a new Planning Commission being put in place. PLEASE SUBMIT COMMENTS TO THE PLANNING COMMISSION objecting to this rushed process. A sample template is attached to this email that you can modify and email to the planning commission with your comments. This must be done before 5PM tomorrow in order to be included in the planning commissioner's agenda packet.

It would also be great for as many people as possible to attend the planning commission meeting in person to urge more time for public comment and have this meeting rescheduled until next year.

Thank you for all of your efforts.

Kim Hunter

From: Lisa Lozier
Sent: Tuesday, November 10, 2020 1:42 PM
To: Kim Hunter; Margie DeRose
Subject: FW: Scheduled Special Meeting on 11/19/20 to consider TC Cannabis EIR

From: [REDACTED]
Sent: Tuesday, November 10, 2020 12:35 PM
To: Info.Planning <Info.Planning@trinitycounty.org>
Subject: Scheduled Special Meeting on 11/19/20 to consider TC Cannabis EIR

November 10, 2020

Trinity County Planning Commission

PO Box 2819

Weaverville, CA 96093

Dear Planning Commissioners,

We are writing to you today to affirm our complete agreement with all the issues addressed in the following statement.

The Trinity County Planning Department will be having a special meeting on November 19, 2020 for the Planning Commission to consider the Cannabis Program Final EIR. However, the Final Cannabis Program EIR is not yet published and the website has a statement "The Trinity County Cannabis Program Final Environmental Impact Report will be posted here on Thursday November 12, 2020". The planning commission Notice of Special Meeting (TJ, 11/4/20) further states that comments must be submitted by November 10, 2020 in order to be included in the meeting agenda packet provided to the Planning Commission prior to the meeting. **How can we provide input regarding this issue before being able to read it?**

1. Please reschedule this important meeting to a later date so that people have an opportunity to review the Final EIR and submit comments to the Planning Commission in advance of any meeting that considers the Final EIR. Not everyone is comfortable or capable of attending the meeting in person to provide comments. The timing of the meeting and release of the Final EIR makes it impossible for those that cannot attend in person to provide comments to the Planning Commission.

2. Please allow a reasonable time period (30-45 days) for people to read and understand the Final EIR and provide comments.

3. Please do not schedule meetings that are near holiday periods as it could result in people that are traveling missing the opportunity to comment on this extremely important item.

This is an extremely important issue and should not be rushed. People should be allowed ample time to read, analyze and comment on this before it is heard by the Trinity County Planning Commission.

Sincerely,

Roy and Gayl Ward

237 Wellock Rd

Lewiston, CA 96052

Kim Hunter

From: Lisa Lozier
Sent: Tuesday, November 10, 2020 11:12 AM
To: Kim Hunter; Margie DeRose
Subject: FW:

From: Jvorp [REDACTED]
Sent: Tuesday, November 10, 2020 10:29 AM
To: Info.Planning <Info.Planning@trinitycounty.org>
Subject:

§ 15088.5. Recirculation of an EIR Prior to Certification.

14 CA ADC § 15088.5 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations Currentness

Title 14. Natural Resources

Division 6. Resources Agency

Chapter 3. Guidelines for Implementation of the California Environmental Quality Act

Article 7. EIR Process

14 CCR § 15088.5

§ 15088.5. Recirculation of an EIR Prior to Certification.

(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish & Game Com.*(1989) 214 Cal.App.3d 1043).

AND

(c) If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.

I am requesting that Chapter 3.3 Air Quality of the Cannabis Project DEIR be redrafted and recirculated. The DEIR concluded that the impact of the Cannabis Project on Air Quality was both significant and unavoidable. Dust generated by travel on unpaved roads during the harvest season was identified as the prime factor (<99%) impacting air quality. Assumptions made to model the impact of travel on unpaved roads during the harvest season included (DEIR, Appendix C, pg 680):

1. During the harvest season each worker would drive to the cultivation site and home each day
2. Vehicle Miles Traveled (VMT), Non-residential trip length, C-W trip (default) 14.7 miles/trip
3. Cumulative Maximum Daily Trips 11,014 trips/day
4. Cumulative Harvest Cumulative Maximum Daily VMT 161,906 VMT/day
5. Daily VMT per cultivation site 467 VMT/day

In addition to these assumptions no measures were identified to mitigate the impact of travel on unpaved roads during the harvest season.

Recirculation of an EIR is required if:

(a) (3) a mitigation measure not analyzed in the DEIR can be identified that would significantly reduce the impact of the project. Clearly, car pooling and overnight stays could dramatically lessen the impact of travel on unpaved roads during the harvest. These mitigation measures are significant and were not evaluated in the DEIR.

(a) (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. The assumption that there would be over 11,000 trips per day during the harvest season clearly precludes any meaningful analysis of the real impact of the Cannabis Project on Air Quality.

The Planning Commission has both the authority and responsibility to request a redraft and recirculation chapters of the EIR.

Additionally, Section (e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

In summary, I believe the conclusion of the Cannabis Project DEIR that air quality impacts would be significant and unavoidable are erroneous. Using an unrealistic assumption of travel on unpaved roads during the harvest season as the sole basis for determining the impact of the Cannabis Project necessitates a redraft and recirculation of Chapter 3.3 Air Quality of the DEIR.

Thank you and I hope you enjoyed Appendix C.

Kim Hunter

From: Lisa Lozier
Sent: Tuesday, November 10, 2020 11:12 AM
To: Kim Hunter; Margie DeRose
Subject: FW: Cannabis Program EIR

From: Susanne Risso [REDACTED]
Sent: Tuesday, November 10, 2020 10:36 AM
To: Info.Planning <Info.Planning@trinitycounty.org>
Subject: Cannabis Program EIR

Trinity County Planning Commission

PO Box 2819

Weaverville, CA 96093

Info.planning@trinitycounty.org

Dear Planning Commissioners,

The Trinity County Planning Department webpage states that there will be a special meeting on November 19, 2020 at 6:00pm at the Trinity Alps Performing Arts Center for the Planning Commission to consider the Cannabis Program Final EIR. However, the Final Cannabis Program EIR is not yet published and the website has a statement "The Trinity County Cannabis Program Final Environmental Impact Report will be posted here on Thursday November 12, 2020". The planning commission website further states that comments must be submitted by November 10, 2020 in order to be provided to the Planning Commission prior to the meeting.

Specific comments to be provided to the Trinity County Planning Commission for the November 19, 2020 Special Meeting:

1. Please reschedule this meeting to a later date so that residents have an opportunity to review the Final EIR and submit comments to the Planning Commission in advance of any meeting that considers the Final EIR. With Covid 19 on the increase in Trinity County not everyone is comfortable or capable of attending the meeting in person. The timing of the meeting and release of the Final EIR makes it impossible for those that cannot attend or are avoiding large gatherings to provide comments to the Planning Commission.
2. Please allow a reasonable time period (30-45 days) for people to read and understand the Final EIR and provide comments.
3. Please do not schedule meetings that are near holiday periods as it could result in people that are traveling missing the opportunity to comment on this extremely important item.

This is an important issue and should not be rushed. Residents should be allowed sufficient time to read, analyze, and comment on this before it is heard by the Trinity County Planning Commission. Trying to rush this though, and in a day when people are suspicious of government transparency, it does not look well upon the county.

Thank you,

Sue Risso

Paul Baldwin

Table ES-1 Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<p style="text-align: center;"> NI = No impact LTS = Less than significant PS = Potentially significant S = Significant SU = Significant and unavoidable CC = Cumulatively considerable NCC = Not Cumulatively considerable </p>			
<p>3.1 Aesthetics</p>			
<p>Impact 3.1-1: Have a Substantial Adverse Impact on Scenic Vistas or Damage Scenic Resources Scenic vistas and resources in Trinity County include public views of mountains, natural forests, and rivers and other waterways. Implementation of the Cannabis Program has the potential to alter localized public views of scenic vistas or resources from tree and vegetation removal and the construction of fencing and on-site structures. This impact would be potentially significant.</p>	<p>PS</p>	<p>Mitigation Measure 3.1-1a: Screen Cultivation Sites from County Scenic Roadways Section 315-843(6) will be amended to include the following new performance standard:</p> <ul style="list-style-type: none"> ▶ License applications for new cultivation sites and requests for license renewal for sites located within 0.5 mile of a County-designated scenic roadway will provide details on methods to screen the cultivation site from public views along the scenic roadway so that the developed site conditions blends with the existing visual character of the viewshed and does not dominate the view. Screening may be accomplished through retention of perimeter trees and other vegetation, revegetation <u>with locally appropriate native vegetation</u> as part of site modification or closure, or other methods determined acceptable to the County. This requirement will not apply to cultivation sites that demonstrate the site is not visible from the scenic roadway. Due to the topography of specific sites, a fence may not be adequate to screen a cultivation site from the roadway. For these sites, perimeter trees and other vegetation shall be used. <p>Mitigation Measure 3.1-1b: Maintain Cultivation Parcel Section 315-843(6) will be amended to include the following new performance standard:</p> <ul style="list-style-type: none"> ▶ License applications for new cultivation sites and requests for license renewal will maintain the parcel clear of trash and debris piles. No trash or debris, including abandoned cars, various woody materials, plastic tarps, cannabis waste, or household appliances, will be allowed to accumulate on the parcel for a period greater than two weeks for the life of the license. The County will inspect compliance with this measure prior to license renewal. <p>Mitigation Measure 3.1-1c: Fence Cultivation Site Section 315-843(6) will be amended to include the following new performance standard:</p> <ul style="list-style-type: none"> ▶ Covered and solid fencing shall be designed to blend with the surrounding rural or natural conditions of the parcel and will be maintained in good working condition. If topography prevents fencing from being adequate screening, a vegetative fence will be maintained in good condition to comply with screening requirements. The County will inspect compliance with this measure prior to license renewal. 	<p>LTS</p>

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<p>Impact 3.1-2: Substantially Degrade the Existing Visual Character or Quality of the Project Area Implementation of the Cannabis Program could result in the expansion of cannabis cultivation operations in areas where the expanded operations would conflict with the rural and natural character of the county. This impact would be potentially significant.</p>	PS	<p>Mitigation Measure 3.1.2: Implement Mitigation Measures 3.1-1a, 3.1-b, and 3.1-1c</p>	LTS
<p>Impact 3.1-3: Create a New Source of Substantial Light or Glare That Would Adversely Affect Views Implementation of the Cannabis Program would not result in nighttime lighting and glare impacts because the Cannabis Program and state regulations require the shielding of nighttime light sources for all activities. This impact would be less than significant.</p>	LTS	No mitigation is required.	LTS
<p>3.2 Agriculture and Forestry Resources</p>			
<p>Impact 3.2-1: Convert Farmland to Nonagricultural Use or Conflict with Existing Zoning for Agricultural Use or a Williamson Act Contract Health and Safety Code Section 11362.777(a) and Business and Professions Code Section 26067(a) define medical and adult-use cannabis as agricultural products, and cannabis is defined by the state as an agricultural product; therefore, cannabis activities under the Cannabis Program would not result in conversion of farmland to nonagricultural uses or conflict with existing zoning for agricultural use or a Williamson Act contract. There would be no impact related to conversion of farmland to nonagricultural use or conflict with zoning for agricultural use or a Williamson Act contract.</p>	NI	No mitigation is required.	NI
<p>Impact 3.2-2: Convert Substantial Forest Land, Conflict with or Cause Rezoning of Forest Land or Timberland Production Zone, or Involve Other Changes in the Existing Environment Which, Because of Their Location or Nature, Could Result in Substantial Conversion of Forest Land to Nonforest Use The existing licensed commercial cannabis operations have led to the clearing of some forest areas. Implementation of the Cannabis Program would allow existing licensed cultivation sites to expand and new commercial cannabis operations to be located in forested areas and result in forest removal. However, commercial cannabis operations would be restricted from locating in areas zoned TPZ, as well as public lands that contain most of the county's forest resources. This impact would be less than significant.</p>	LTS	No mitigation is required.	LTS

Table ES-1 Summary of Impacts and Mitigation Measures

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<p>3.3 Air Quality</p>			
<p>Impact 3.3-1: Construction-Generated Emissions of Criteria Air Pollutants and Precursors Construction-generated emissions from later projects under the Cannabis Program could exceed NCUAQMD-recommended maximum daily emission threshold for NO_x and annual mass emission threshold for PM₁₀. Because the NCAB is in nonattainment for PM₁₀, construction of new facilities licensed under the Cannabis Program would contribute substantially to an existing or projected air quality violation, could expose sensitive receptors to substantial pollutant concentrations, and could conflict with air quality planning efforts in Trinity County and the NCAB. This impact would be significant.</p>	<p>S</p>	<p>Mitigation Measure 3.3-1a: Prohibit Burning Vegetation The following shall be included as a new performance standard in Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis):</p> <ul style="list-style-type: none"> ▶ Prohibit the burning of vegetation that has been cleared for cultivation purposes. <u>It should also be noted that CDFR regulations prohibit the burning of cannabis waste under CCR, Title 3, Division 8, Chapter 1, Section 8308.</u> <p>Mitigation Measure 3.3-1b: Implement Diesel Engine Exhaust Control Measures and Dust Control The following shall be included as a new performance standard in Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis); Section 315-842(6) (Required Conditions); Section 315-838(6) (Required Conditions); Section 315-837(3) (Required Conditions); Section 315-835(2) (Regulations); Section 315-824(5) (Required Conditions); Section 315-827(4) (Required Conditions of Use Permit Approval); and Section 315-828(5) (Required Conditions):</p> <ul style="list-style-type: none"> ▶ All diesel-powered off-road equipment used in construction shall meet EPA's Tier 4 emission standards as defined in 40 CFR 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models or best available construction equipment can be used if a Tier 4 version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors. ▶ Construction activities will implement measures to control dust such as: <ul style="list-style-type: none"> ▪ Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day. ▪ Cover all haul trucks transporting soil, sand, or other loose material off-site. ▪ Remove all visible mud or dirt track-out onto adjacent roads. ▪ Limit all construction vehicle speeds on unpaved roads to 15 miles per hour. 	<p>SU</p>

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		<p>Mitigation Measure 3.3-1c: Use Alternative Fuels The following shall be included as a new performance standard in Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis); Section 315-842(6) (Required Conditions); Section 315-838(6) (Required Conditions); Section 315-837(3) (Required Conditions); Section 315-835(2) (Regulations); Section 315-824(5) (Required Conditions); Section 315-827(4) (Required Conditions of Use Permit Approval); and Section 315-828(5) (Required Conditions):</p> <ul style="list-style-type: none"> ▶ Renewable diesel (RD) fuel shall be used in diesel-powered construction equipment <u>if commercially available in reasonable proximity</u>. RD fuel must meet the following criteria: <ul style="list-style-type: none"> ▪ meet California’s Low Carbon Fuel Standards and be certified by CARB Executive Officer; ▪ be hydrogenation-derived (reaction with hydrogen at high temperatures) from 100 percent biomass material (i.e., non-petroleum sources), such as animal fats and vegetables; ▪ contain no fatty acids or functionalized fatty acid esters; and ▪ have a chemical structure that is identical to petroleum-based diesel and complies with American Society for Testing and Materials D975 requirements for diesel fuels to ensure compatibility with all existing diesel engines. <p>The County shall require implementation of this measure of the licensed entities building a new cannabis site.</p>	
<p>Impact 3.3-2: Long-Term Operational Emissions of Criteria Air Pollutants and Precursors Operation of existing licensed commercial cannabis cultivation and distribution uses in Trinity County generates daily emissions of ROG, NO_x, and PM₁₀ and annual emissions of PM₁₀ that exceed applicable NCUAQMD mass emission thresholds. Operation of new commercial cannabis cultivation and noncultivation operations would generate emissions of ROG, NO_x, PM₁₀, and PM_{2.5} that exceed applicable daily and annual mass emission thresholds established by NCUAQMD.</p>	S	<p>Mitigation Measure 3.3-2a: Limit the Use of Fossil Fuel-Powered Outdoor Power Equipment at All Commercial Cannabis Cultivation and Noncultivation Sites The following shall be included as a new performance standard in Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis); Section 315-842(6) (Required Conditions); Section 315-838(6) (Required Conditions); Section 315-837(3) (Required Conditions); Section 315-835(2) (Regulations); Section 315-824(5) (Required Conditions); Section 315-827(4) (Required Conditions of Use Permit Approval); and Section 315-828(5) (Required Conditions):</p>	SU

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<p style="text-align: center;"> NI = No impact LTS = Less than significant PS = Potentially significant S = Significant SU = Significant and unavoidable CC = Cumulatively considerable NCC = Not Cumulatively considerable </p>			
<p>Thus, operational emissions of ozone precursors (i.e., ROG and NO_x) and of PM_{2.5} could conflict with NCUAQMD's efforts to maintain the CAAQS and NAAQS for ozone and PM_{2.5}. Given that the NCAB is designated as nonattainment with respect to the CAAQS for PM₁₀, implementation of the Cannabis Program could contribute to an existing or projected air quality violation. This impact would be significant.</p>		<ul style="list-style-type: none"> ▶ Limit the use of off-road equipment that is powered by gasoline, diesel, or other fossil fuels where available. This requirement does not apply to generators. <p>Mitigation Measure 3.3-2b: Require Use of Low Emission Diesel Back-Up Generators at All Commercial Cannabis Cultivation and Noncultivation Sites The following shall be included as a new performance standard in Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis); Section 315-842(6) (Required Conditions); Section 315-838(6) (Required Conditions); Section 315-837(3) (Required Conditions); Section 315-835(2) (Regulations); Section 315-824(5) (Required Conditions); Section 315-827(4) (Required Conditions of Use Permit Approval); and Section 315-828(5) (Required Conditions):</p> <ul style="list-style-type: none"> ▶ All generators shall meet EPA's Tier 4 emission standards as defined in 40 CFR 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models or best available model can be used if a Tier 4 version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors. 	
<p>Impact 3.3-3: Exposure of People to Objectionable Odors Implementation of the Cannabis Program would license the operation of new commercial cultivation and noncultivation sites, as well as existing cultivation. The cultivation and processing of cannabis generates odors associated with the plant itself, which during maturation can produce substantial odors. Setbacks are required under the Cannabis Program, however, they do not preclude the generation of odorous emissions in such quantities as to cause detriment, nuisance, or annoyance to a substantial number of people. This impact would be significant.</p>	<p>S</p>	<p>Mitigation Measure 3.3-3: Implement Odor Control Plan for the Growing, Cultivating, Processing, Handling of Cannabis The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):</p> <ul style="list-style-type: none"> ▶ Cannabis sites shall develop and implement an odor control plan that contains the following requirements as appropriate for each cannabis use: ▶ Identify and describe odor-emitting activities and the nature and characteristics of the emissions. ▶ <u>Location and distance of sensitive receptors (e.g., residents, youth-oriented facilities, schools, churches, residential treatment centers) from the site.</u> 	<p>SU</p>

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		<ul style="list-style-type: none"> ▶ <u>Demonstrate that the cannabis site's distance to receptors, wind direction, and local topographic conditions would not result in detection of cannabis odors by off-site sensitive receptors that would create a nuisance.</u> ▶ <u>If off-site odor nuisance impacts cannot be avoided without odor controls, identify Describe procedures and controls for reducing/controlling odors on-site, including the following as applicable to the cannabis use and license type (outdoor, mixed-light, and indoor): The operator may propose a numeric odor detection threshold for on-site operations (such as dilution-to-threshold standard that is verified by persons of normal odor sensitivity as defined by European Standard EN 13725) subject to County review and approval.¹</u> <ul style="list-style-type: none"> ▪ All fully enclosed and secure structures that contain cannabis plants or products that generate odors will employ mechanical ventilation controls, carbon filtration, or other equivalent or superior method(s) to eliminate the detection of cannabis off the parcel. This will include all drying and processing of cannabis plant material recently harvested. ▪ Outdoor operations may include different plant strains and smaller grow areas or relocation of outdoor activities indoors or, in a mixed-light facility contained within an enclosed structure, use of site design or other technology and/or use of odor easements to address odor impacts. ▪ Corrective actions to address County-verified off-site odor complaints will be identified. This may include immediate and complete harvest of the cannabis plants or <u>identification of other methods to be applied as part of the current harvest or the next harvest to minimize off-site odor impacts so that they would not conflict with other applicable standards of the County's Cannabis Program or State license requirements.</u> relocation of outdoor cannabis plants to an enclosed structure if the plants are currently grown in moveable pots or planter boxes. 	

¹ The use of a dilution-to-threshold (D/T) standard is based on scientific publications on odor pollution control that have identified that odors above 7 D/T will often result in complaints (i.e., objectionable), with 15 D/T often described as a nuisance, and odors above 30 D/T described as a serious nuisance (i.e., nauseating) (McGinley 2000 and Huey et al. 1960).

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<p>3.4 Biological Resources</p>			
<p>Impact 3.4-1: Disturbance to or Loss of Special-Status Plant Species and Habitat Potential land use conversion and development as part of the implementation of the Cannabis Program could result in disturbance to or loss of several special-status plant species, if they are present. Additionally, development under the Cannabis Program could result in introduction or spread of invasive plants during vegetation removal, ground disturbance, or introduction of off-site soils, which could result in exclusion of special-status plants. Because the loss of special-status plants could substantially affect the abundance, distribution, and viability of local and regional populations of these species, this would be a potentially significant impact.</p>	<p>S</p>	<p>Mitigation Measure 3.4-1a: Conduct Preapproval Biological Reconnaissance Surveys The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). This mitigation measure will determine whether there is potential for 103 98 special-status plants, 38 28 special-status wildlife, or sensitive habitats identified in the Cannabis Program, EIR to be present within a proposed commercial cannabis operation seeking a permit or licensed from the County:</p> <ul style="list-style-type: none"> ▶ Prior to approval of any application for commercial cannabis operations or renewal of an existing licensed cultivation site that is planning to expand its Designated Area, a biological reconnaissance survey shall be conducted within the proposed development area by a qualified biologist approved by the County. <u>The survey area shall include the proposed development area, including areas of anticipated construction and ground disturbance, as well as staging areas, areas of anticipated light or noise impact, ingress and egress routes, and utility routes. The survey area shall be large enough to encompass areas subject to both direct and indirect impacts.</u> The qualified biologist shall assess the habitat suitability of the proposed development area for all special-status plant, wildlife species, and sensitive habitats identified as having potential to occur in the county consistent with Term 10 under Attachment A (General Requirements and Prohibitions) of SWRCB Order WQ 2017-0023-DWQ. The biologist shall provide a letter report to the project applicant and the County with evidence to support a conclusion as to whether special-status species and sensitive habitats are present or are likely to occur within the proposed development area. <u>At a minimum, the letter report shall include:</u> <ul style="list-style-type: none"> ▪ <u>date, time, and weather conditions during the survey;</u> ▪ <u>a description and explanation of whether the site conditions during the survey are considered typical or atypical;</u> 	<p>LTS</p>

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		<ul style="list-style-type: none"> ▪ <u>a map depicting the proposed development area and the unique, rare, and special-status species, sensitive habitats, or sensitive natural communities found;</u> ▪ <u>a vegetation map of the proposed development area using the National Vegetation Classification System (e.g., A Manual of California Vegetation) and an associated table, including acreage of vegetation types that could be adversely affected by project implementation;</u> ▪ <u>a special-status species table generated from review of the CNDDDB, the California Native Plant Society Inventory of Rare and Endangered Plants, lists maintained by USFWS, and the most recent, best-available range information for special-status species;</u> ▪ <u>a description of survey methods and any protocols utilized during the survey; and</u> ▪ <u>a list of common and special-status species and habitats observed in the proposed development area.</u> <p>▶ If the reconnaissance survey identifies no potential for special-status plant, wildlife species, or sensitive habitats to occur, the applicant will not be subject any additional biological resource protection measures identified in the ordinance.</p> <p>▶ If special-status species or sensitive habitats are present, <u>the letter report will include a discussion of potential direct and indirect impacts on these resources, and the appropriate biological resource protection measures identified in Mitigation Measures 3.4-1b, 3.4-2a through 3.4-2m, 3.4-4a, 3.4-4b, 3.4-5, and 3.4-6b will be included in the letter report and shall be implemented.</u></p> <p>Mitigation Measure 3.4-1b: Conduct Special-Status Plant Surveys and Implement Avoidance Measures and Mitigation</p> <p>The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the</p>	

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		<p>application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ Order WQ 2017-0023-DWQ:</p> <ul style="list-style-type: none"> ▶ Prior to commencement of new development related to cannabis activities or the expansion of the Designated Area for existing licensed cultivation sites and during the blooming period for the special-status plant species with potential to occur on the site, a qualified botanist approved by the County shall conduct protocol-level surveys for special-status plants in all proposed disturbance areas following survey methods from CDFW’s Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018a 2009). ▶ If special-status plants are not found, the botanist shall document the findings in a letter report to CDFW and the applicant, and no further mitigation will be required. Reports shall be submitted to CDFW via email at R1LSARedding@wildlife.ca.gov and shall include the project applicant’s name, address, and Assessor’s Parcel Number in the subject line. ▶ If special-status plant species are found, the qualified botanist shall consult with CDFW to designate a no-disturbance buffer that will be reflected in the application to the County. If the special-status plant species cannot be avoided, the application will be denied. <p>Mitigation Measure 3.4-1c: Implement Measures to Avoid Introduction or Spread of Invasive Plant Species</p> <p>The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ Order WQ 2017-0023-DWQ to avoid the introduction or spread of plants classified as invasive plant species by the California Invasive Plant Council:</p> <ul style="list-style-type: none"> ▶ The application will include identification of invasive plant species that occur on the site <u>to the extent practicable</u> and where they are located, <u>including noxious</u> 	

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		<p><u>weed species prioritized by the Trinity County Weed Management Association.</u> The application will identify specific measures to be employed for the removal of invasive species and on-site management practices.</p> <ul style="list-style-type: none"> ▶ All invasive plant species shall be removed from the site using measures appropriate to the species <u>to the extent practicable</u>. For example, species that cannot easily reroot, resprout, or disperse seeds may be left on site in a debris pile. Species that resprout readily (e.g., English ivy) or disperse seeds (e.g., Pampas grass) should be hauled off-site and disposed of appropriately at a landfill site. ▶ <u>Applicants shall monitor annually to ensure successful removal and prevention of new infestations of invasive species.</u> ▶ Heavy equipment and other machinery shall be inspected for the presence of invasive species before on-site use, and shall be cleaned before entering the site, to reduce the risk of introducing invasive plant species. ▶ <u>Only weed-free erosion control materials and mulch shall be used on-site.</u> 	
<p>Impact 3.4-2: Disturbance to or Loss of Special-Status Wildlife Species and Habitat Potential land use conversion and development that may occur from implementation of the Cannabis Program could adversely affect several special-status wildlife species. Project implementation may include ground disturbance, vegetation removal, and overall conversion of wildlife habitat, which could result in the disturbance to or loss of individuals and reduced breeding productivity of these species. Special-status wildlife species are protected under the ESA, CESA, California Fish and Game Code, CEQA, and other regulations. The loss of special-status wildlife species and their habitat would be a significant impact.</p>	<p>S</p>	<p>Mitigation Measure 3.4-2a: Conduct Preconstruction Surveys for Special-Status Amphibians The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB <u>Order WQ 2019-0001-DWQ</u> Order WQ 2017-0023-DWQ for the protection of special-status amphibian species from new development related to cannabis activities.</p> <ul style="list-style-type: none"> ▶ If special-status amphibians are detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) or are determined to be likely to occur <u>based on the presence of suitable habitat</u>, consultation with CDFW shall be initiated to determine whether mitigation measures, such as 	<p>LTS</p>

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		<p>project design modifications, relocation of the site, relocation of individual animals, or installation of exclusionary fencing, will be necessary and appropriate.</p> <ul style="list-style-type: none"> ▶ Regardless of detection during the initial biological reconnaissance survey, if suitable habitat for special-status amphibians is present within the proposed development area, a qualified biologist approved by the County and familiar with the life cycle of Cascades frog, foothill yellow-legged frog, Pacific tailed-frog, southern long-toed salamander, and southern torrent salamander shall conduct preconstruction surveys of proposed new development activities 48 <u>24</u> hours before new development activities. <u>Preconstruction surveys for special-status amphibians shall follow widely used and accepted standardized protocols that control for habitat type, seasonality, and environmental conditions, including the methods described in <i>Considerations for Conserving Foothill Yellow-Legged Frog</i> (CDFW 2018b), and <i>Visual Encounter Survey Protocol for Rana Boylii in Lotic Environments</i> (UC Davis 2017).</u> Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and a <u>at least a</u> 400-foot buffer around the proposed development area. Surveys shall consist of "visual encounter" as well as "walk and turn" surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for salamanders, and visual searches for frogs. Preconstruction surveys shall be conducted within the appropriate season to maximize potential for observation for each species, and appropriate surveys will be conducted for the applicable life stages (i.e., eggs, larvae, adults). ▶ If special-status amphibians are not detected during the preconstruction survey, then further mitigation is not required. ▶ If special-status amphibians are detected during the preconstruction survey, <u>work on the site shall not commence until the applicant has consulted the</u> then <u>consultation with CDFW shall be initiated</u> as described above. Injury to or mortality of special-status amphibians will be avoided by modifying project design, relocating the cultivation site, or relocating individual animals. If impacts to Cascades frog or foothill yellow-legged frog (both listed under CESA) are unavoidable, then the applicant will submit an incidental take permit (ITP) 	

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		<p>application to CDFW and receive take authorization before commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual Cascades frogs or foothill yellow-legged frogs, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank.</p> <p>Mitigation Measure 3.4-2b: Conduct Surveys for Western Pond Turtle and Relocate Individuals</p> <p>The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ Order WQ 2017-0023-DWQ for the protection of western pond turtle from new development related to cannabis activities:</p> <ul style="list-style-type: none"> ▶ If pond turtles are detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a), preconstruction surveys, or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether additional measures, such as project design modifications, relocation of the site, relocation of individual animals <u>by a qualified biologist with a valid CDFW Scientific Collecting Permit</u>, or installation of exclusionary fencing, will be necessary and appropriate. ▶ Regardless of detection during the initial biological reconnaissance survey, if suitable aquatic habitat for western pond turtle is present within the proposed development area, a qualified biologist approved by the County and familiar with the life history of western pond turtle shall conduct preconstruction surveys of proposed new development activities within 200 feet of any aquatic habitat 24 hours before such development activities. ▶ If pond turtles are not detected during the preconstruction survey, then further mitigation is not required. 	

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		<p>▶ If pond turtles are detected during the preconstruction survey, then consultation with CDFW shall be initiated as described above. Injury or mortality of western pond turtle will be avoided by through project design modification, modifying project design, cultivation site relocation, relocating the cultivation site, or relocation of the turtle by a qualified biologist with a valid CDFW Scientific Collecting Permit relocating the turtle. <u>If relocation of western pond turtles is determined to be necessary, turtles shall be relocated to similar nearby habitat free of predators (e.g., racoon, coyote, raptors, bullfrog, nonnative turtles, other western pond turtles) as determined by the qualified biologist. If western pond turtles are relocated, a report shall be submitted electronically to CDFW within 15 days of the relocation. The report shall include the location, date, time, and duration of collection and release; the number of individuals relocated; and identification of the qualified biologist.</u></p> <p>Mitigation Measure 3.4-2c: Conduct Preconstruction Nesting Raptor Surveys and Establish Protective Buffers</p> <p>The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ Order WQ 2017-0023-DWQ for the protection of nesting raptors from new development related to cannabis activities:</p> <ul style="list-style-type: none"> ▶ To minimize the potential for loss of nesting raptors, tree removal activities shall occur only during the nonbreeding season (September 1–January 31). ▶ Prior to removal of any trees or ground-disturbing activities between February 1 and August 31, a qualified biologist approved by the County shall conduct preconstruction surveys for nesting raptors and shall identify active nests within 500 feet of the proposed development area. The surveys shall be conducted between February 1 and August 31. 	

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		<ul style="list-style-type: none"> ▶ Impacts to nesting raptors, including direct impacts and indirect impacts (e.g., noise, presence of construction crews) shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. Factors to be considered for determining buffer size will include the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; and baseline levels of noise and human activity. Buffer size if the qualified biologist and the applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. The buffer areas shall be protected with construction fencing, and no activity shall occur within the buffer areas until the qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. Monitoring of the nest by a qualified biologist approved by the County during and after construction activities (e.g., ground disturbance, vegetation removal, installation cultivation sites) will be required if the activity has potential to adversely affect the nest. ▶ Removal of bald and golden eagle nests is prohibited regardless of the occupancy status under the federal Bald and Golden Eagle Protection Act. If bald or golden eagle nests are found during preconstruction surveys, then the nest tree shall not be removed. ▶ Trees shall not be removed during the breeding season for nesting raptors unless a survey by the qualified biologist verifies that there is not an active nest in the tree. <p>Mitigation Measure 3.4-2d: Conduct Northern Spotted Owl Preconstruction Habitat Suitability Surveys and Determine Presence or Absence of the Species</p> <p>The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB</p>	

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		<p>Order WQ 2019-0001-DWQ Order WQ 2017-0023-DWQ for the protection of northern spotted owl from new development related to cannabis activities:</p> <ul style="list-style-type: none"> ▶ To avoid the potential for loss of northern spotted owl and their nests, or loss or fragmentation of occupied or suitable habitat for northern spotted owl, removal of old-growth habitat shall be prohibited, as outlined in Mitigation Measure 3.4-4a. ▶ If the area of proposed new development activities (<u>e.g., any application for commercial cannabis operations or renewal of an existing licensed cultivation site that is planning to expand its Designated Area</u>) is within suitable habitat for northern spotted owl (e.g., coniferous forest), and is within 1.3 miles (average species home range) of a known occurrence of northern spotted owl, as determined by a qualified biologist <u>familiar with the species and protocol, and approved by the County</u>, the following measures shall be followed: <ul style="list-style-type: none"> ▪ Prior to removal of any trees, or ground-disturbing activities adjacent or within suitable nesting, roosting, or foraging habitat (e.g., forest clearings) for spotted owl, a qualified biologist approved by the County and familiar with the life history of the northern spotted owl shall conduct preconstruction surveys for nests within a 1.3-mile buffer around the site as described in Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls (USFWS 2012). Surveys shall take place between March 1 and August 31. Three complete surveys spaced at least 7 days apart must be completed by June 30. Six complete surveys over the course of 2 years must be completed to determine presence or absence of northern spotted owl. ▪ If northern spotted owls are determined to be absent 1.3 miles from the site, then further mitigation is not required. ▪ If northern spotted owls are determined to be present within 1.3 miles of the site, then it is presumed that habitat removal could cause harm to northern spotted owl populations in the area and could result in direct take of northern spotted owls. If northern spotted owls are determined to be present within 1.3 miles of the site, proposed cultivation activities, <u>including expansion of an existing Designated Area</u>, will not be permitted. 	

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		<p>Mitigation Measure 3.4-2e: Conduct Preconstruction Special-Status Nesting Bird Surveys and Establish Protective Buffers</p> <p>The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ Order WQ 2017-0023-DWQ for the protection of little willow flycatcher, olive-sided flycatcher, yellow warbler, yellow-breasted chat, or other bird nests from new development related to cannabis activities:</p> <ul style="list-style-type: none"> ▶ To minimize the potential for disturbance to or loss of little willow flycatcher, olive-sided flycatcher, western yellow-billed cuckoo, yellow warbler, yellow-breasted chat, or other bird nests, vegetation removal activities shall occur only during the nonbreeding season (September 1-January 31). ▶ <u>If little willow flycatcher is detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) or is determined to be likely to occur based on the presence of suitable habitat, a protocol-level survey shall be conducted by a qualified biologist familiar with the species and the protocol prior to removal of any vegetation or any ground disturbance. The protocol-level survey shall utilize methods outlined in <i>A Willow Flycatcher Survey Protocol for California</i> (Bombay et al. 2003).</u> ▶ <u>If little willow flycatcher is determined to be present during the protocol-level survey, no development activity shall occur during the breeding season (May 1 through August 31) in and within 300 feet of the little willow flycatcher habitat. Development activities within or adjacent to identified little willow flycatcher habitat shall not damage or destroy willows or other riparian shrubs unless agreed upon through consultation with CDFW.</u> ▶ <u>If olive-sided flycatcher, yellow warbler, yellow-breasted chat, or other bird nests are detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) or are determined to be likely to occur based on the presence</u> 	

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		<p>of suitable habitat. Prior to removal of any vegetation or any ground disturbance between February 1 and August 31, a qualified biologist approved by the County shall conduct preconstruction surveys for nests on any structure or vegetation planned for removal. The surveys shall be conducted no more than 7 days before construction commences. If no active nests are found during focused surveys, no further action under this measure will be required. If active nests are located during the preconstruction surveys, the biologist shall notify the Planning Director and CDFW. If deemed necessary by the Planning Director in consultation with CDFW, modifications to the project design to avoid removal of occupied habitat while still achieving project objectives may be required. If the County determines in consultation with CDFW that avoidance is not feasible or conflicts with project objectives, construction shall be prohibited within a minimum of 100 feet of the nest to avoid disturbance until the nest is no longer active.</p> <p>Mitigation Measure 3.4-2f: Conduct Preconstruction Surveys for Trinity Bristle Snail The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ Order WQ 2017-0023-DWQ for the protection of the Trinity bristle snail from new development related to cannabis activities:</p> <ul style="list-style-type: none"> ▶ If Trinity bristle snail is detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) or are determined to be likely to occur due to the presence of suitable habitat, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, or relocation of the site, or relocation of individual animals, will be necessary and appropriate. ▶ Regardless of detection during the initial biological reconnaissance survey, if suitable habitat for Trinity bristle snail is present within the proposed development area, a qualified biologist approved by the County and familiar 	

Table ES-1 Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<p style="text-align: center;"> NI = No impact LTS = Less than significant PS = Potentially significant S = Significant SU = Significant and unavoidable CC = Cumulatively considerable NCC = Not Cumulatively considerable </p>			
		<p>with the species shall conduct preconstruction surveys of proposed new development activities within the period when the species is the most active (between May and October and between dusk and dawn) prior to new development activities. Preconstruction surveys shall be conducted <u>using a widely used and accepted standardized protocol that controls for seasonality and environmental conditions, such as the <i>Survey Protocol for Survey and Manage Terrestrial Mollusk Species from the Northwest Forest Plan</i> (BLM 2003). Surveys shall be conducted throughout the proposed construction area and an appropriate buffer around the proposed development area as determined by the qualified biologist familiar with the species and survey protocols. Surveys shall consist of “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris).</u></p> <ul style="list-style-type: none"> ▶ If Trinity bristle snail <u>or its habitat</u> is not detected during the preconstruction survey, then further mitigation is not required. ▶ If Trinity bristle snail is detected during the preconstruction survey, then consultation with CDFW shall be initiated as described above. Injury or mortality of this species will be avoided <u>by through project design modification or cultivation site relocation. modifying project design, relocating the cultivation site, or relocating individual animals.</u> ▶ If impacts to Trinity bristle snail are unavoidable, then the applicant will submit an ITP application to CDFW and receive authorization prior to commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual Trinity bristle snails, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank. <p><u>Mitigation Measure 3.4-2g: Implement Measures to Avoid Take of Special-Status Bumble Bees or Obtain Incidental Take Coverage</u></p> <p><u>The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions).</u></p>	

Table ES-1 Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<p>NI = No impact LTS = Less than significant PS = Potentially significant S = Significant SU = Significant and unavoidable CC = Cumulatively considerable NCC = Not Cumulatively considerable</p>			
		<p><u>Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of special-status bumble bees from new development related to cannabis activities:</u></p> <ul style="list-style-type: none"> ▶ <u>If special-status bumble bees are detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) or are determined to be likely to occur due to the presence of suitable habitat, consultation with CDFW shall be initiated to determine whether mitigation measures, such as protocol-level surveys, project design modifications, or relocation of the site, will be necessary and appropriate.</u> ▶ <u>If impacts to special-status bumble bees are determined to be unavoidable, then the applicant will submit an ITP application to CDFW and receive authorization prior to commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual bumble bees, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank.</u> <p>Mitigation Measure 3.4-2gh: Conduct Preconstruction American Badger Survey and Establish Protective Buffers</p> <p>The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2017-0023-DWQ Order WQ 2019-0001-DWQ for the protection of the American badger from new development related to cannabis activities:</p> <ul style="list-style-type: none"> ▶ Prior to the commencement of construction activities, a qualified wildlife biologist approved by the County shall conduct surveys of the suitable grassland or agricultural habitats slated for conversion within the site to identify any American badger burrows/dens. These surveys shall be conducted not more 	

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		<p>than 30 days prior to the start of construction. If occupied burrows are not found, further mitigation shall not be required. If occupied burrows are found, impacts to active badger dens shall be avoided by establishing exclusion zones around all active badger dens, within which construction related activities shall be prohibited until denning activities are complete or the den is abandoned. The qualified biologist shall monitor each den once per week to track the status of the den and to determine when it is no longer occupied.</p> <p>Mitigation Measure 3.4-2hi: Conduct Preconstruction Fisher and Humboldt Marten Survey and Preserve Active Den Sites</p> <p>The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2017-0023-DWQ <u>Order WQ 2019-0001-DWQ</u> for the protection of the fisher and Humboldt marten from new development related to cannabis activities:</p> <ul style="list-style-type: none"> ▶ To minimize the potential for loss of or disturbance to fisher and Humboldt marten habitat and dens, removal of old-growth habitat shall be prohibited, as outlined in Mitigation Measure 3.4-4a. ▶ Prior to commencement of new development related to cannabis activities occurring within the fisher and Humboldt marten denning season (March 1 to July 31), including tree removal (non-old growth), a qualified wildlife biologist approved by the County will conduct preconstruction surveys of all suitable habitat within the site, and will identify sightings of individual fishers or martens, as well as potential dens. ▶ If individuals or potential or occupied dens are not found, further mitigation will not be required. ▶ If fisher or Humboldt marten are identified or if potential dens of these species are located, an appropriate method shall be used by the qualified wildlife biologist to confirm whether a fisher or marten is occupying the den. This may 	

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<p style="text-align: center;"> NI = No impact LTS = Less than significant PS = Potentially significant S = Significant SU = Significant and unavoidable CC = Cumulatively considerable NCC = Not Cumulatively considerable </p>			
		<p>involve use of remote field cameras, track plates, or hair snares. Other devices such as fiber optic scope may be utilized to determine occupancy. If no fisher or marten occupies the potential den, the entrance will be temporarily blocked so that no other animals occupy the area during ground disturbance, vegetation removal, or installation of cultivation sites, but only after it has been fully inspected. The blockage will be removed once these activities have been completed.</p> <ul style="list-style-type: none"> ▶ If a den is found to be occupied by a fisher or marten, a no-disturbance buffer will be placed around the occupied den location. The no-disturbance buffer will include the den tree (or other structure) plus a suitable buffer as determined by the biologist in coordination with CDFW. Construction activities in the no-disturbance buffer will be avoided until the nest is unoccupied as determined by a qualified wildlife biologist in coordination with CDFW. <p>Mitigation Measure 3.4-2ij: Conduct Preconstruction Surveys for Ringtail and Implement Avoidance Measures</p> <p>The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2017-0023-DWQ Order WQ 2019-0001-DWQ for the protection of the ringtail from new development related to cannabis activities:</p> <ul style="list-style-type: none"> ▶ Prior to commencement of new development related to cannabis activities occurring within the ringtail nesting season (not well defined but likely approximately March 1 to July 31), including tree or shrub removal, a qualified wildlife biologist approved by the County will conduct preconstruction surveys of all suitable habitat within the site, and will identify sightings of individual ringtails, as well as potential nests. ▶ If individuals or potential or occupied nests are not found, further mitigation will not be required. 	

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<p>NI = No impact LTS = Less than significant PS = Potentially significant S = Significant SU = Significant and unavoidable CC = Cumulatively considerable NCC = Not Cumulatively considerable</p>			
		<ul style="list-style-type: none"> ▶ If ringtail are identified or if potential nests of this species are located, an appropriate method shall be used by the qualified wildlife biologist to confirm whether a ringtail is occupying the den. This may involve use of remote field cameras, track plates, or hair snares. Other devices such as a fiber optic scope may be utilized to determine occupancy. If no ringtail occupies the potential nest, the entrance will be temporarily blocked so that no other animals occupy the area during ground disturbance, vegetation removal, or installation of cultivation sites, but only after it has been fully inspected. The blockage will be removed once these activities have been completed. ▶ If a nest is found to be occupied by a ringtail, a no-disturbance buffer will be placed around the occupied den location. The no-disturbance buffer will include the nest tree (or other structure) plus a suitable buffer as determined by the biologist in coordination with CDFW. Construction activities in the no-disturbance buffer will be avoided until the nest is unoccupied as determined by a qualified wildlife biologist in coordination with CDFW. <p>Mitigation Measure 3.4-2jk: Conduct Preconstruction Surveys for Oregon Snowshoe Hare and Implement Avoidance Measures</p> <p>The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2017-0023-DWQ Order WQ 2019-0001-DWQ for the protection of Oregon snowshoe hare from new development related to cannabis activities:</p> <ul style="list-style-type: none"> ▶ If it is determined during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) that suitable habitat for Oregon snowshoe hare is present within a proposed cultivation area, then preconstruction surveys will be required. Prior to removal of any vegetation or any ground disturbance within suitable Oregon snowshoe hare habitat, a qualified biologist approved by the 	

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<p style="text-align: center;"> NI = No impact LTS = Less than significant PS = Potentially significant S = Significant SU = Significant and unavoidable CC = Cumulatively considerable NCC = Not Cumulatively considerable </p>			
		<p>County shall conduct preconstruction surveys of all suitable habitat within the site.</p> <ul style="list-style-type: none"> ▶ If Oregon snowshoe hares or occupied reproductive sites are not found, further mitigation will not be required. ▶ If Oregon snowshoe hares or potential or occupied reproductive sites are observed, a no-disturbance buffer will be placed around the occupied nest. The no-disturbance buffer will include the nest plus a suitable buffer as determined by the biologist in coordination with CDFW. Construction activities in the no-disturbance buffer will be avoided until the reproductive site is unoccupied as determined by the qualified biologist in coordination with CDFW. <p>Mitigation Measure 3.4-2k: Preconstruction Bat Survey and Exclusion</p> <p>The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2017-0023-DWQ <u>Order WQ 2019-0001-DWQ</u> for the protection of the pallid bat and Townsend’s big-eared bat from new development related to cannabis activities:</p> <ul style="list-style-type: none"> ▶ Before commencing any development related to cannabis activities, a qualified biologist approved by the County shall conduct surveys for roosting bats. If evidence of bat use is observed, the species and number of bats using the roost shall be determined. Bat detectors may be used to supplement survey efforts. If no evidence of bat roosts is found, then no further study will be required. ▶ If pallid bats or Townsend’s big-eared bats are found in the surveys, a mitigation program addressing mitigation for the specific occurrence shall be submitted to the Planning Director and CDFW by the qualified biologist subject to the review and approval of the Planning Director in consultation with CDFW. Implementation of the mitigation plan shall be a condition of project approval. The mitigation plan shall establish a buffer area around the nest during 	

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		<p>hibernation or while females in maternity colonies are nursing young that is large enough to prevent disturbance to the colonies.</p> <p>Mitigation Measure 3.4-2m: Preconstruction Vole Survey and Relocation The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2017-0023-DWQ Order WQ 2019-0001-DWQ for the protection of the Sonoma tree vole from new development related to cannabis activities:</p> <ul style="list-style-type: none"> ▶ To minimize the potential for loss of or disturbance to vole habitat and nests, removal of old-growth habitat shall be prohibited, as outlined in Mitigation Measure 3.4-4a. ▶ Before commencing any tree or other vegetation removal activities, or ground-disturbance, a qualified biologist approved by the County shall conduct surveys for vole nests (e.g., nest searching within trees on the site, and confirming that nests belong to voles rather than squirrels or birds). If no evidence of vole nests is found, then no further study shall be required. A report summarizing the results of the surveys shall be prepared and submitted to the Planning Director and shall be subject to his review and approval in consultation with CDFW. ▶ If occupied trees or nests are identified within 100 feet of the site, the biologist shall determine whether project development activities will adversely affect the voles, based on factors such as noise level of development activities, or line of sight between the tree and the disturbance source. If it is determined that development activities would not affect the voles, then development can proceed without protective measures. ▶ If the biologist determines that development activities would likely disturb voles, the proposed area of disturbance shall be relocated a minimum of 200 feet from the nest. 	

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		<p>Mitigation Measure 3.4-2a: Implement Generator Noise Reduction Measures Section 315-843(6)(b) will be modified as shown to include standards to protect wildlife (USFWS 2006):</p> <ul style="list-style-type: none"> ▶ The cultivation of cannabis shall not exceed the noise level standards as set forth in the County General Plan: 55 A-weighted decibels (dBA) from 7:00 a.m. to 7:00 p.m. and 50 dBA from 7:00 p.m. to 7:00 a.m. measured at the property line, except that generators associated with a commercial grow are not to be used between 10:00 p.m. and 7:00 a.m. (Section 315-843[6][b]). The following additional noise performance standards shall apply to generator use: ▶ Project-generated sound must not exceed ambient nesting conditions by 20-25 dBA. ▶ Project-generated sound, when added to existing ambient conditions, must not exceed 90 dBA. <p>Mitigation Measure 3.4-2b: Implement Measures to Avoid Take of Gray Wolf The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of gray wolf from new development related to cannabis activities:</p> <ul style="list-style-type: none"> ▶ <u>If gray wolf is detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) or is determined to be likely to occur due to the presence of suitable habitat and recent species range information, consultation with CDFW shall be initiated to determine whether mitigation measures, such as protocol-level surveys, project design modifications, relocation of the site, limited operating periods, or biological monitoring will be necessary and appropriate.</u> ▶ <u>If impacts to gray wolf cannot be avoided, then proposed cultivation activities will not be permitted.</u> 	

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<p>Impact 3.4-3: Disturbance to or Loss of Special-Status Fisheries Surface water diversions for commercial cannabis uses that may occur under the County Cannabis Program could adversely affect several special-status fish species. Special-status fish species are protected under ESA, CESA, and other regulations. The alteration of surface water conditions that support special-status fish species would be a potentially significant impact.</p>	PS	<p>Mitigation Measure 3.4-3: Implement Mitigation Measures 3.10-1a and 3.10-3b.</p>	LTS
<p>Impact 3.4-4: Disturbance to or Loss of Riparian Habitat, Old-Growth Habitat, or Other Sensitive Natural Communities Potential land use conversion and development that may occur from implementation of the County Cannabis Program could adversely affect riparian habitat, old-growth habitat, and other sensitive natural communities if they are present on the site. Construction-related activities, including ground disturbance, old-growth habitat removal, removal of riparian vegetation, or disturbance of stream and river habitat would be a potentially significant impact.</p>	PS	<p>Mitigation Measure 3.4-4a: Identify, Avoid, and Protect Sensitive Natural Communities, Riparian Habitat, and Wetland Vegetation or Provide Compensation The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2017-0023-DWQ <u>Order WQ 2019-0001-DWQ</u> for the protection of sensitive natural communities and riparian habitat:</p> <ul style="list-style-type: none"> ▶ For projects that could disturb sensitive natural communities or riparian habitat, the application shall include a report prepared by a qualified biologist approved by the County that surveys the site for these sensitive resources identified from biological reconnaissance survey conducted under Mitigation Measure 3.4-1a, including riparian habitat associated with aquatic features; old-growth Douglas fir forests; oak woodlands; special-status fish stream habitats; and Darlingtonia seep habitat. ▶ The report shall include requirements that before development activities commence, all sensitive areas identified above shall be flagged or fenced with brightly visible construction flagging and/or fencing under the direction of the qualified biologist to require that grading, excavation, other ground-disturbing activities, and vegetation removal will not occur within these areas. Foot traffic by construction personnel shall also be limited in these areas to prevent the introduction of invasive or weedy species. Periodic inspections during construction shall be conducted by the monitoring biologist to maintain the 	LTS

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		<p>integrity of exclusion fencing/flagging throughout the period of construction involving ground disturbance.</p> <ul style="list-style-type: none"> ▶ If the report documents that site development would affect the bed, bank, channel, or associated riparian habitat subject to CDFW jurisdiction under California Fish and Game Code Section 1602, a Streambed Alteration Notification shall be submitted to CDFW, pursuant to Section 1600 et seq. of the California Fish and Game Code. If proposed activities are determined to be subject to CDFW jurisdiction, the applicant shall abide by the conditions of any executed agreement prior to any ground disturbance. ▶ Subject to the review and approval of the County in consultation with CDFW, applicants shall compensate for permanent loss of riparian habitat at a minimum of a 2:1 ratio through contributions to a CDFW-approved wetland mitigation bank or through the development and implementation of a Compensatory Stream and Riparian Mitigation and Monitoring Plan for creating or restoring in-kind habitat in the surrounding area. If mitigation credits are not available, stream and riparian habitat compensation shall include establishment of riparian vegetation on currently unvegetated bank portions of streams affected by the project and enhancement of existing riparian habitat through removal of nonnative species, where appropriate, and planting additional native riparian plants to increase cover, continuity, and width of the existing riparian corridor along streams in the site and surrounding areas. Construction activities and compensatory mitigation shall be conducted in accordance with the terms of a streambed alteration agreement as required under Section 1602 of the California Fish and Game Code as well as the SWRCB Order WQ 2017-0023-DWQ <u>Order WQ 2019-0001-DWQ</u>. <p>The Compensatory Stream and Riparian Mitigation and Monitoring Plan shall include the following:</p> <ul style="list-style-type: none"> ▪ identification of compensatory mitigation sites and criteria for selecting these mitigation sites; ▪ in-kind reference habitats for comparison with compensatory riparian habitats (using performance and success criteria) to document success; 	

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		<ul style="list-style-type: none"> ▪ monitoring protocol, including schedule and annual report requirements (compensatory habitat will be monitored for a minimum of 5 years from completion of mitigation, or human intervention [including recontouring and grading], or until the success criteria identified in the approved mitigation plan have been met, whichever is longer); ▪ ecological performance standards, based on the best available science and including specifications for native riparian plant densities, species composition, amount of dead woody vegetation gaps and bare ground, and survivorship; at a minimum, compensatory mitigation planting sites must achieve 80 percent survival of planted riparian trees and shrubs by the end of the 5-year maintenance and monitoring period or dead and dying trees will be replaced and monitoring continued until 80 percent survivorship is achieved; ▪ corrective measures if performance standards are not met; ▪ responsible parties for monitoring and preparing reports; and ▪ responsible parties for receiving and reviewing reports and for verifying success or prescribing implementation or corrective actions. <p>Mitigation Measure 3.4-4b: Restore Abandoned Cultivation and Nursery Sites The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis) and Section 315-826(3) (Regulation of Nurseries) for the protection of sensitive natural communities and riparian habitat:</p> <ul style="list-style-type: none"> ▶ Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundations and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soil or soil amendments not incorporated into native soil; generators; pumps; or structures not adaptable to noncannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the 	

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		permittee and/or property owner shall prepare a plan and description of the noncannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will reestablish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.	
<p>Impact 3.4-5: Disturbance to or Loss of Waters of the United States Potential land use conversion and development under the County Cannabis Program could adversely affect waters of the United States, such as streams, rivers, lakes, and wetlands. This would be a potentially significant impact.</p>	PS	<p>Mitigation Measure 3.4-5: Identify Wetlands and Other Waters of the United States and Avoid These Features The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2017-0023-DWQ Order WQ 2019-0001-DWQ for the protection of waters of the United States from new development related to cannabis activities:</p> <ul style="list-style-type: none"> ▶ The application shall include a report prepared by a qualified biologist approved by the County that surveys the site for sensitive resources, including wetlands, streams, and rivers identified from biological reconnaissance survey conducted under Mitigation Measure 3.4-1a. Wetlands and other waters of the United States are of special concern to resource agencies and are afforded specific consideration, based on Section 404 of the Clean Water Act and other applicable regulations. ▶ If the report documents waters of the United States to be present, a delineation of waters of the United States, including wetlands that would be affected by the project, shall be prepared by a qualified biologist approved by the County through the formal Section 404 wetland delineation process. The delineation shall be submitted to and verified by USACE. ▶ If, based on the verified delineation, it is determined that fill of waters of the United States would result from implementation of the project, authorization for such fill from USACE through the Section 404 permitting process would be 	LTS

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		required. USACE may not issue a Section 404 permit for activities associated with cannabis cultivation. If a Section 404 permit cannot be obtained, then the applicant shall modify the proposed project to avoid any wetlands or other waters of the United States by providing a buffer of at least 50 feet around these features.	
<p>Impact 3.4-6: Interference with Resident or Migratory Wildlife Corridors or Native Wildlife Nursery Sites Potential land use conversion and development under the County Cannabis Program could adversely affect resident or migratory wildlife corridors through habitat fragmentation, degradation of aquatic habitat (e.g., streams and rivers), or blockage of important wildlife migration paths. Impacts to movement corridors and habitat connectivity for these species would be potentially significant.</p>	PS	<p>Mitigation Measure 3.4-6a: Implement Mitigation Measure 3.4-5: Identify Wetlands and Other Waters of the United States and Avoid These Features</p> <p>Mitigation Measure 3.4-6b: Retention of Fisher and Humboldt Marten Habitat Features The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2017-0023-DWQ <u>Order WQ 2019-0001-DWQ</u> for the protection of the habitat for fisher and Humboldt marten:</p> <ul style="list-style-type: none"> ▶ To minimize the potential for loss of or disturbance to fisher and Humboldt marten habitat, removal of old-growth habitat shall be prohibited, as outlined in Mitigation Measure 3.4-4a. ▶ Habitat features within non-old-growth habitat, such as large trees, large snags, coarse woody debris, and understory vegetation (e.g., shrubs), shall be retained within the site to the extent feasible, to maintain connectivity of fisher and marten habitat. <p>Mitigation Measure 3.4-6c: Implement Mitigation Measure 3.1-1b: Maintain Cultivation Parcel</p>	LTS

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<p>3.5 Archaeological, Historical, and Tribal Cultural Resources</p>			
<p>Impact 3.5-1: Cause a Substantial Adverse Change in the Significance of a Historic Resource Cannabis operations associated with the implementation of the Cannabis Program could be located on lands that contain or are near historic resources. This could result in damage to or destruction of a historic building or structure, thereby resulting in a substantial adverse change in the significance of a historical resource as defined in Section 15064.5. This would be a potentially significant impact.</p>	<p>SI</p>	<p>Mitigation Measure 3.5-1a: Conduct Historic Evaluations for Existing Operations The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis) and Section 315-828(5) (Required Conditions):</p> <ul style="list-style-type: none"> ▶ Annual relicensing of cannabis operations licensed before 2019 shall require a one-time historic building evaluation, and the results of the evaluation shall be submitted to the County if buildings on-site are over 45 years old and are expected to be used in future operations. If the buildings are determined to be a significant historic resource, then the applicant shall be required to comply with historic resource protection standards set forth in Mitigation Measure 3.5-1b. This requirement does not apply to buildings that are currently being used as part of the cannabis operation. <p>Mitigation Measure 3.5-1b: Revise Ordinance to Include All Historic Districts and Additional Measures to Protect Historic Resources The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions) for the protection of historic resources:</p> <ul style="list-style-type: none"> ▶ Cannabis <u>cultivation</u> operations shall not be permitted within the historic districts of <u>Weaverville</u>, Denny, Helena, and Lewiston. ▶ Applicants shall identify and evaluate all historic-age (over 45 years in age) buildings and structures that are proposed to be removed or modified as part of cannabis operations. This shall include preparation of a historic structure report and evaluation of resources to determine their eligibility for recognition under federal, state, or County local official register of historic resources criteria. The evaluation shall be prepared by an architectural historian or historical architect meeting the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The evaluation shall comply with State CEQA Guidelines Section 15064.5(b) and, if federal 	<p>LTS</p>

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		funding or permits are required, with Section 106 of the NHPA of 1966 (16 U.S. Code Section 470 et seq.). ▶ If resources eligible for inclusion in the NRHP, CRHR, or local official register of historic resources are identified, an assessment of impacts on these resources shall be included in the report, as well as detailed measures to avoid impacts. If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts or plans for alteration or adaptive reuse of a historical resource that follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings.	
Impact 3.5-2: Disturb Unique Archaeological Features, Sites, or Materials Cannabis operations associated with implementation of the Cannabis Program could be located on properties that contain known or unknown archaeological resources, and ground-disturbing activities could result in discovery or damage of previously undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. Implementation of existing state regulations would ensure that these potential impacts are addressed and mitigated. This would be a less than significant impact.	LTS	No mitigation is required.	LTS
Impact 3.5-3: Destruction of Human Remains Previously undiscovered human remains could be discovered when soils are disturbed during construction of commercial cultivation and processing sites under the Cannabis Program. Compliance with California Health and Safety Code Sections 7050.5 and 7052, PRC Section 5097, and other state regulations associated with cannabis cultivation would make this impact less than significant.	LTS	No mitigation is required.	LTS
Impact 3.5-4: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource Consultation with tribes did not identify any tribal cultural resources that could be affected by implementing the County Cannabis Program. The environmental concerns of the Tsungwe Council are addressed in the technical sections of this EIR. Because no resources meet the criteria for a tribal cultural resource under PRC Section 21074, this impact would be less than significant.	LTS	No mitigation is required.	LTS

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3.6 Energy			
<p>Impact 3.6-1: Energy Efficiency and Conservation Construction and operation of commercial cannabis cultivation and noncultivation sites under the Cannabis Program would result in consumption of fuel (gasoline and diesel), electricity, and propane. Energy consumption associated with construction of new cultivation and noncultivation sites would be temporary and would not require additional capacity or increased peak or base period demands for electricity or other forms of energy. Sections 8203, 8205, and 8206 include energy efficiency requirements that are more stringent than standard requirements in the California Energy Code. Energy consumption associated with the cultivation and noncultivation operations under the Cannabis Program would not result in wasteful, inefficient, or unnecessary consumption of energy; this impact would be less than significant.</p>	LTS	No mitigation is required.	LTS
<p>Impact 3.6-2: Consistency With Plans for Renewable Energy and Energy Efficiency Renewable energy generation requirements pursuant to the Cannabis Program would result in an increase renewable energy use, which would directly support the goals and strategies in the state’s 2008 Update Energy Action Plan (EAP). Constructing and operating project buildings in compliance with the 2019 California Energy Code would improve energy efficiency compared to building built to earlier iterations of the Code. Therefore, construction and operation of cannabis facilities licensed under the program would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. No impact would occur.</p>	NI	No mitigation is required.	NI
<p>Impact 3.6-3: Demand for Energy Services and Facilities Infrastructure and capacity for energy services and facilities exist within portions of the county for commercial cannabis operations resulting from the Cannabis Program. State cannabis regulations requires all sites conducting cultivation or supportive activities ensure that electrical power used for commercial cannabis activity meets the average electricity GHG emissions intensity required by their local utility provider pursuant to the California Renewables Portfolio Standard Program. Compliance could involve the use of a zero net energy renewable source</p>	LTS	No mitigation is required.	LTS

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<p>such as solar. These requirements would reduce new energy demand. Thus, this impact would be less than significant.</p>			
<p>3.7 Geology and Soils</p>			
<p>Impact 3.7-1: Loss, Injury or Death Resulting from Seismic Hazards Implementation of the Cannabis Program could expose additional people and structures in a region susceptible to existing seismic hazards. New development from implementation of the Cannabis Program would not exacerbate existing seismic hazards and would comply with state and local regulatory design requirements related to seismic hazards (e.g., building codes and other laws and regulations), such that the exposure of people or structures to risk of loss, injury or death resulting from rupture of a known earthquake fault or strong seismic shaking would be avoided or reduced. This impact would be less than significant.</p>	LTS	No mitigation is required.	LTS
<p>Impact 3.7-2: Create Geologic Hazard and Soil Stability Issues and Associated Soil Erosion Impacts Parts of Trinity County are characterized by steep slopes, landslides, expansive soils, and other related conditions that can result in geologic and soil stability hazards. Development of cannabis uses from implementation of the Cannabis Program could result in geologic and soil stability issues resulting slope failures and soil erosion and sedimentation. This impact would be potentially significant.</p>	PS	Mitigation Measure 3.7-2: Implement Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards	LTS
<p>Impact 3.7-3: Create Adverse Soil Conditions Resulting from Use of Septic Tanks or Alternative Wastewater Disposal Systems Implementation of the Cannabis Program would lead to the installation of septic tanks and onsite sewage disposal systems. Portions of the county may contain areas with soils not suitable for wastewater treatment. Such systems must be sited, designed, and constructed in accordance with applicable local requirements. Because the siting and design of wastewater disposal systems is governed by existing requirements, there would be a less-than-significant impact.</p>	LTS	No mitigation is required.	LTS
<p>Impact 3.7-4: Adverse Effects to Paleontological Resources Expansion of existing commercial cannabis uses and development of new commercial cannabis uses under the Cannabis Program could result in the</p>	PS	Mitigation Measure 3.7-4: Protect Discovered Paleontological Resources The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries),	LTS

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<p>accidental damage of previously undiscovered paleontological resources. This impact would be potentially significant.</p>		<p>Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):</p> <ul style="list-style-type: none"> ▶ If a paleontological discovery is made during construction, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery and shall immediately contact the County. ▶ A qualified paleontologist shall be retained to observe all subsequent grading and excavation activities in the area of the find and shall salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered that require temporarily halting or redirecting of grading, the paleontologist shall report such findings to the County. The paleontologist shall determine appropriate actions, in cooperation with the applicant and the County, that ensure proper exploration and/or salvage. <u>It is encouraged that the excavated finds shall first be offered to a state-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds may shall be offered to the County for purposes of public education and interpretive displays.</u> The paleontologist shall submit a follow-up report to the County that shall include the period of inspection, an analysis of the fossils found, and the present repository of fossils 	
<p>3.8 Greenhouse Gas Emissions and Climate Change</p>			
<p>Impact 3.8-1: Generation of Greenhouse Gas Emissions Operation of existing licensed commercial cannabis cultivation and noncultivation sites, as well as construction and operation of new cultivation and noncultivation sites permitted under the Cannabis Program, would result in the generation of GHG emissions. Although there are state regulations that would require the project to reduce GHG emissions (i.e., Sections 8203 and 8305 of CCR Title 3, Division 8, Chapter 1) these regulations would not take effect under 2022 and 2023, respectively. The Cannabis Program does not include performance standards that</p>	<p>PS</p>	<p>Mitigation Measure 3.8-1a: Implement Mitigation Measures 3.3-1a, 3.3-1b, and 3.3-1c Details of these mitigation measures are provided in Section 3.3, "Air Quality." Mitigation Measure 3.3-1a prohibits the burning of vegetation that has been cleared for cultivation purposes. Mitigation Measure 3.3-1a is consistent with a local action measure recommended in Appendix B, Local Action, of the 2017 Scoping Plan, which reads, "Promote alternatives to open pile burning as disposal options for woody biomass wastes" (CARB 2017:B-6).</p>	<p>LTS</p>

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<p>reduce GHG emissions. Therefore, implementation of the Cannabis Program could conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions. This impact would be potentially significant.</p>		<p>Mitigation Measure 3.3-1b requires diesel engine exhaust controls for heavy-duty construction equipment through the use of Tier 4 diesel engines where available, or Tier 3 or best available construction equipment if Tier 4 is not available. Mitigation Measure 3.3-1b is consistent with a local action measure recommended in Appendix B, Local Action, of the 2017 Scoping Plan, which reads, "Require construction vehicles to operate with the highest tier engines commercially available" (CARB 2017:B-8).</p> <p>Mitigation Measure 3.3-1c requires the use of renewable diesel in all diesel-powered construction equipment. Mitigation Measure 3.3-1c is consistent with a local action measure recommended in Appendix B, Local Action, of the 2017 Scoping Plan, which reads, "Increase use of electric and renewable fuel-powered construction equipment and require renewable diesel fuel where commercially available" (CARB 2017:B-8). The use of renewable diesel results in a GHG reduction associated with diesel-powered equipment by 67 percent (SMAQMD 2015).</p> <p>Mitigation Measure 3.8-1b: Implement Mitigation Measures 3.3-2a and 3.3-2b Mitigation 3.8-1c: Renewable Electricity Requirements The following shall be included as a new performance standard in Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis); Section 315-842(6) (Required Conditions); Section 315-838(6) (Required Conditions); Section 315-837(3) (Required Conditions); Section 315-835(2) (Regulations); Section 315-824(5) (Required Conditions); Section 315-827(4) (Required Conditions of Use Permit Approval); and Section 315-828(5) (Required Conditions):</p> <ul style="list-style-type: none"> ▶ All electricity sources used for commercial cannabis cultivation, manufacturing, microbusinesses, non-storefront retail, testing, nurseries, and distribution shall be from renewable sources by conforming to one or more of the following standards: ▶ Grid-based electricity supplied from 100 percent renewable sources ▶ On-site power supplied fully by renewable source (e.g., photovoltaic system) ▶ On-site power supplied by partial or wholly non-renewable source with purchase of carbon offset credits ▶ Or some combination of the above. 	

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		<p>This mitigation measure is consistent with a local action measure recommended in Appendix B, Local Action, of the 2017 Scoping Plan, which reads, "Require on-site renewable energy generation" (CARB 2017:B-8).</p> <p>Mitigation Measure 3.8-1d: Lighting Efficiency Requirements The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis); Section 315-842(6) (Required Conditions); Section 315-838(6) (Required Conditions); Section 315-837(3) (Required Conditions); Section 315-835(2) (Regulations); Section 315-824(5) (Required Conditions); Section 315-827(4) (Required Conditions of Use Permit Approval); and Section 315-828(5) (Required Conditions):</p> <ul style="list-style-type: none"> ▶ Only light-emitting diodes (LEDs) or double-ended high-pressure sodium (HPS) fixtures shall be used in all existing and new mixed-light cultivation operations (i.e., sites not seeking relicensing). ▶ Only high efficacy lighting shall be used in all existing and new noncultivation operations (i.e., sites not seeking relicensing). <p>Examples of high efficacy lighting include:</p> <ul style="list-style-type: none"> ▶ Pin-based linear fluorescent or compact fluorescent light sources using electronic ballasts; ▶ Pulse-start metal halide light sources; ▶ HPS light sources; ▶ Luminaries with hardwired high frequency generator and induction lamp; and ▶ LEDs. <p>LED or HPS lighting has been considered feasible in cannabis cultivation sites by numerous studies conducted by utility providers throughout California (SDG&E 2016). This is consistent with a local action measure recommended in Appendix B, Local Action, of the 2017 Scoping Plan, which reads, "Require the use of energy-efficient lighting for all street, parking, and area lighting" (CARB 2017:B-10).</p>	

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3.9 Hazards and Hazardous Materials			
<p>Impact 3.9-1: Create a Significant Hazard Through Transport, Use, or Disposal of Hazardous Materials Activities conducted under the Cannabis Program could create a hazard through the routine transport, use, or disposal of hazardous materials during construction or operational activities. However, compliance with existing, applicable rules and regulations specifically designed to protect public health would be sufficient to preclude significant hazardous materials impacts. This impact would be less than significant.</p>	LTS	No mitigation is required.	LTS
<p>Impact 3.9-2: Create Potential Human Hazards From Exposure to Existing Onsite Hazardous Materials Construction activities that disturb subsurface materials could encounter previously unidentified contamination from past practices, placement of undocumented fill, or even unauthorized disposal of hazardous wastes. Encountering these hazardous materials could expose workers, the public, or the environment to adverse effects depending on the volume, materials involve, and concentrations. This impact would be potentially significant.</p>	PS	<p>Mitigation Measure 3.9-2a: Prepare Environmental Site Assessments The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):</p> <ul style="list-style-type: none"> ▶ Applications for new cannabis activities on <u>sites that contain existing or previous</u> commercial, business park, or industrial <u>uses sites</u> shall include a site assessment for the presence of potential hazardous materials, including an updated review of environmental risk databases. If this assessment indicates the presence or likely presence of contamination, the applicant shall prepare a Phase I ESA in accordance with the American Society for Testing and Materials' E-1527-05 standard. For work requiring any demolition, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done. All recommendations included in a Phase I ESA prepared for a site shall be implemented to protect public health. If a Phase I ESA indicates the presence or likely presence of contamination, the applicant shall prepare a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented before ground disturbance, which will be made a condition of approval for the project. 	LTS

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<p>Impact 3.9-4: Emit Hazardous Emissions or Handle Hazardous Materials Within 0.25 Mile of a School Cultivation sites are not anticipated to use large quantities of hazardous materials. Materials used in noncultivation cannabis operations would be used in accordance with applicable regulations to limit the potential for accident or upset conditions. Setbacks from school sites are required in the Cannabis Program. This impact would be less than significant.</p>	LTS	No mitigation is required.	LTS
<p>Impact 3.9-5: Result in a Safety Hazard or Excessive Noise for People Residing or Working in a Project Area That Is Located Within 2 Miles of a Public Airport or Public Use Airport Applications for new licensed commercial cannabis operations development near public airports would be required to comply with the Trinity County ALUCP. Further, development subject to the Cannabis Program would not result in new sensitive land uses or attract dense populations. The Cannabis Program would not create a safety hazard or excessive noise exposure for people working or residing near a public airport. This impact would be less than significant.</p>	LTS	No mitigation is required.	LTS
<p>Impact 3.9-6: Impair Emergency Response or Evacuation Plans Existing and future licensed commercial cannabis operations that would be allowed under the Cannabis Program could impair implementation of, or physically interfere with, emergency response plans or emergency evacuation if roadways and driveways are not designed properly. This impact would be potentially significant.</p>	PS	Mitigation Measure 3.9-6: Implement Mitigation Measures 3.14-3 and 3.14-4.	LTS
<p>3.10 Hydrology and Water Quality</p>			
<p>Impact 3.10-1: Degrade Water Quality Commercial cannabis operations in the county that may occur under the Cannabis Program have the potential to modify surface drainage and flows in such a manner that increased sedimentation and erosion could take place, leading to water quality degradation. This could further affect waterways subject to the 303(d) list and North Coast RWQCB Sedimentation TMDL. The long-term operational use of pesticides, fertilizers, other chemicals, and roadway use can also have a negative effect on water quality and ultimately affect the health and sustainability of</p>	PS	<p>Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB <u>Order WQ 2019-0001-DWQ</u> Order WQ 2017-0023-DWQ.</p>	LTS

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<p>organisms that rely on high-quality waters. As a result, the impact would be potentially significant.</p>		<ul style="list-style-type: none"> ▶ All cultivation sites (new and licensed renewals) are required to demonstrate compliance with all applicable the requirements of SWRCB Order <u>WQ 2019-0001-DWQ</u> WQ 2017-0023-DWQ or any subsequent water quality standards that apply to all new commercial cannabis cultivation operations and will not limited by a minimum <u>area of disturbance</u> cultivation area size as part of application review and at annual licensed renewal. This will include documentation, Site Management Plan, and an improvement plan <u>grading details</u> prepared by a qualified professional to help ensure that any grading of the site will be stable and describing how stabilization will be achieved. The documentation will also identify the location of all water quality control features for the site and associated access roads. Roadway design, water quality control, and drainage features shall be designed and maintained to accommodate peak flow conditions and will be consistent with the Five Counties Salmonid Conservation Roads Maintenance Manual <u>The Road Handbook, per CCR Title 14, Chapter 4</u>. Compliance with water diversion standards and restrictions of SWRCB Order WQ 2017-0023<u>2019-0001-DWQ</u> will also be provided to the County. The County will annually inspect compliance with this measure as part of license issuance or license renewal to confirm compliance. ▶ On-site sewage systems shall be designed to accommodate employees and seasonal employees during harvest consistent with the requirements of County Code of Ordinances Section 16.48.122. <p>The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):</p> <ul style="list-style-type: none"> ▶ Applications will identify drainage and water quality controls for the site, including roads leading to and from a site, that ensure no sedimentation or other pollutants leave the site as part of project construction and operation. Compliance with this requirement may be combined with the NPDES Construction General Permit compliance measures. Roadway design, water quality control, and drainage features shall be designed and maintained to accommodate peak flow conditions and will be consistent with the Five Counties 	

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		<p>Salmonid Conservation Roads Maintenance Manual. The County will annually inspect compliance with this measure as part of license issuance or license renewal to confirm compliance.</p> <p>Mitigation Measure 3.10-1b: Restrict Prohibit Cultivation Operations in Floodplains The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis):</p> <ul style="list-style-type: none"> ▶ Cultivation sites shall not place any structures or involve any grading that alters the capacity of the 100-year floodplain. No storage of pesticides, fertilizers, fuel, or other chemicals will be allowed within the 100-year floodplain. All cultivation uses (plants, planter boxes and pots, and related materials) will be removed from the 100-year floodplain between November 1 and April 1 each year. 	
<p>Impact 3.10-2: Result in Groundwater Supply Impacts Commercial cannabis operations in the county that may occur under the Cannabis Program have the potential to deplete local groundwater supplies and affect adjacent wells as a result of cultivation water demands. Trinity County Ordinance provisions include requirements for pump testing. While these requirements would address the potential effects of short-term well operation, it is not known if operation of wells for cannabis operations over an extended period could result in isolated locations that affect the operability of adjacent wells. As a result, this impact would be potentially significant.</p>	<p>PS</p>	<p>Mitigation Measure 3.10-2: Conduct Groundwater Monitoring and Adaptive Management The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions) associated with projects using groundwater as a water supply source:</p> <ul style="list-style-type: none"> ▶ As part of the application and license renewal process, applicants shall provide the County with groundwater monitoring data for existing on-site well facilities that documents well production and changes in groundwater levels during each month of the year. Should this monitoring data identify potential drawdown impacts on adjacent well(s), surface waters, and waters of the state and sensitive habitats, and indicate a connection to operation of the on-site wells, the cannabis operators, in conjunction with the County, shall develop adaptive management measures to allow for recovery of groundwater levels that would protect adjacent wells and habitat conditions that could be adversely affected by declining groundwater levels. Adaptive management measures may include forbearance (e.g., prohibition of groundwater extraction from the months of May to October), water conservation measures, reductions in on-site cannabis cultivation, alteration of the groundwater pumping schedule, or other measures 	<p>LTS</p>

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		<p>determined appropriate. Adaptive management measures will remain in place until groundwater levels have recovered <u>and stabilized</u> based on annual monitoring data provided to the County as part of subsequent annual inspections. <u>Any monitoring cannabis cultivation irrigation wells that demonstrate hydrologic connection to surface waters shall be subject to surface water diversion requirements and restrictions in SWRCB Order WQ 2019-0001-DWQ. Wells shall also be sited outside of the stream setbacks as set forth in SWRCB Order WQ 2019-0001-DWQ.</u></p>	
<p>Impact 3.10-3: Result in Diversion of Surface Water New commercial cannabis cultivation operations in the county that may occur under the Cannabis Program could result in decreased flow rates on county streams and rivers because of surface water diversion. Low flows are associated with increased temperature and may also aggravate the effects of water pollution. Compliance with SWRCB Order WQ 2019-002301-DWQ requires that certain flow and gaging requirements be met and that a surface water diversion forbearance period be implemented. However, these requirements apply only to cultivation sites that are of 2,000 square feet or greater. Because the location and size of additional cannabis cultivation sites are unknown, there is potential that surface water flows could decrease, causing degraded water quality conditions. This impact would be potentially significant.</p>	<p>PS</p>	<p>Mitigation Measure 3.10-3a: Implement Mitigation <u>Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards</u></p> <p>Mitigation Measure 3.10-3b: Prohibit Commercial Cannabis Operations in Watersheds under a CDFA Moratorium The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions) associated with projects using groundwater as a water supply source:</p> <ul style="list-style-type: none"> ▶ Prior to the issuance of a license and/or use permit, the County will determine if the application site is located within a watershed on which the CDFA has placed a moratorium on state licensing pursuant to CCR Section 8216. The County will reject the application should the site be located in such a watershed. Noncultivation uses may still be allowed if the applicant can demonstrate that the project’s water source is groundwater that is not hydrologically connected to the watershed to the satisfaction of the County. 	<p>LTS</p>
<p>Impact 3.10-4: Result in Alteration of Drainage Conditions and Floodplains Commercial cannabis cultivation operations in the county that may occur under the Cannabis Program have the potential to alter natural drainage conditions and floodplains, which could alter flood flows and create new sources of flooding. This impact would be significant.</p>	<p>S</p>	<p>Mitigation Measure 3.10-4: Implement Mitigation Measure 3.10-1b: <u>Restrict Prohibit Cultivation Operations</u> in Floodplains</p>	<p>LTS</p>

Table ES-1 Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
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3.11 Land Use and Planning			
Impact 3.11-1: Potential for Physical Division of an Established Community The Cannabis Program contains requirements that would manage conditions that create public nuisances by enacting restrictions on the location, type, and size of cannabis cultivation sites and commercial activities in the county, as well as other requirements such as setbacks, security, and other protective measures. Because the project would include the above requirements, land use conflicts that could result in the division of established communities would not occur. Therefore, this impact would be less than significant.	LTS	No mitigation is required.	LTS
Impact 3.11-2: Conflict with Relevant Zoning, Plans, and Policies for the Purpose of Avoiding an Environmental Effect The Cannabis Program would amend the County Code of Ordinances that implements the General Plan land use policy direction, and would be consistent with General Plan land use provisions. Further, the Cannabis Program contains permitting requirements that provides a mechanism for the County to ensure compliance with relevant plans and policies. Therefore, this impact would be less than significant.	LTS	No mitigation is required.	LTS
3.12 Noise			
Impact 3.12-1: Create Short-Term, Construction-Related Noise Construction of new commercial cannabis operations that may occur under the Cannabis Program could involve the use of heavy off-road equipment that could increase noise levels at nearby land uses and expose noise-sensitive receptors to noise levels that exceed County noise standards and/or result in sleep disturbance at residential receptors during evening and nighttime hours. This impact would be significant.	S	Mitigation Measure 3.12-1: Implement Construction Noise Mitigation The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions): ► All outdoor construction activity and use of heavy equipment outdoors shall take place between 7:00 a.m. and 7:00 p.m.	LTS

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<p>Impact 3.12-2: Creation of Long-Term Nontransportation Operational Noise Commercial cannabis cultivation operations in the county that may occur under the Cannabis Program could generate increased noise levels as a result of the use of specialized, mechanized equipment, as determined necessary for individual sites. However, the use of mechanized equipment would be temporary and periodic in nature and adjacent land uses would not be exposed to noise levels that exceed noise standards in the Trinity County General Plan. Additionally, the setback requirements in the Cannabis Program would prevent sensitive uses from being exposed to excessive noise levels during each harvest. Therefore, this impact would be less than significant.</p>	LTS	No mitigation is required.	LTS
<p>Impact 3.12-3: Traffic Noise Levels Commercial cannabis operations in the county that may occur under the Cannabis Program could result in increased traffic volumes on associated roadways and highways in the county, particularly during fall harvest season when the demand for workers is highest. Project-generated traffic volumes could expose noise-sensitive receptors to traffic noise levels that exceed the Trinity County General Plan exterior noise standards for transportation noise. Due to this potential, this impact would be significant.</p>	S	No mitigation is available.	SU
<p>3.13 Public Services</p>			
<p>Impact 3.13-1: Result in Substantial Adverse Physical Impacts Associated with the Need for New or Physically Altered Fire Protection Facilities Commercial cannabis operations and production that would result with implementation of the Cannabis Program could increase the demand for fire protection services, but because of the nature of the activities would not trigger the need for new or altered fire protection facilities. Compliance with existing building, electrical, commercial cannabis regulations, and fire code regulations would be required for all activities under the Cannabis Program. However, existing and new commercial cannabis operations could create or worsen emergency response if roadways and driveways are not designed properly. This impact would be potentially significant.</p>	PS	Mitigation Measure 3.13-1: Implement Mitigation Measures 3.14-3 and 3.14-4.	LTS

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<p>Impact 3.13-2: Result in Substantial Adverse Physical Impacts Associated with the Need for New or Physically Altered Law Enforcement Facilities Commercial cannabis production and operation under the Cannabis Program would be required to include onsite security measures that would address safety of the facilities and would not require increased law enforcement services that would result in the need for new or altered facilities. Potential impacts related to law enforcement services would be less than significant.</p>	LTS	No mitigation is required.	LTS
<p>3.14 Transportation/Traffic</p>			
<p>Impact 3.14-1: Construction Related Increase in Traffic New licensed commercial cannabis operations in the county that may occur under the Cannabis Program would involve construction activities. These construction activities would result in an increase in vehicular trips associated with construction workers traveling to and from construction sites. However, the increase in trips associated with construction at new licensed commercial cannabis operations would be minimal and would not create operational safety issues, dispersed throughout the larger roadway network serving the county, and staggered over an extended period of time.</p>	LTS	No mitigation is required.	LTS
<p>Impact 3.14-2: Long-Term Increase in Traffic Existing and new licensed commercial cannabis operations under the Cannabis Program would result in the addition of vehicle trips to existing traffic levels on the state highway system within Trinity County. This increase would be greatest during the peak harvest time. Pursuant to Public Resources Code Section 21099(b)(2) automobile delay and congestion is not considered a significant impact on the environment. No impact would occur, and could result in the LOS degrading below LOS C along segments of SR 3. Therefore, LOS could exceed existing LOS standards due to project-generated traffic. This impact would be potentially significant.</p>	<u>PSNI</u>	No mitigation is available required.	<u>SUN</u>
<p>Impact 3.14-3: Roadway Hazards Due to Geometric Design Under the Cannabis Program, it cannot be assured that existing or new licensed commercial cannabis operations would provide site access along roadways that are free of hazards due to the geometric design. Therefore, the project would result in a potentially significant impact on roadway hazards due to geometric design.</p>	PS	<p>Mitigation Measure 3.14-3: Provide Site Access Free of Hazards Due to Geometric Roadway Design The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries),</p>	LTS

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		Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions): ▶ Applications for new commercial cannabis activities and license renewals for existing cannabis operations shall provide documentation showing that <u>roadways providing site access are</u> in compliance with Chapter 12.10: Design Policies of the Trinity County Code of Ordinances. New roadway water quality control and drainage features or new drainage features on existing roadways shall be designed to accommodate peak flow conditions and will be consistent with the Road Handbook, per CCR Title 14, Chapter 4 Five Counties Salmonid Conservation Roads Maintenance Manual and SWRCB Order WQ 2019-0001-DWQ 2017-0023-DWQ.	
Impact 3.14-4: Conflict with Adequate Emergency Access Under the Cannabis Program, it cannot be assured that existing and new commercial cannabis operations would provide adequate emergency access. Therefore, the project would result in a potentially significant impact on emergency access.	PS	Mitigation Measure 3.14-4: Provide Adequate Emergency Access The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions): ▶ Applications for new commercial cannabis activities and license renewals for existing cannabis operations shall provide documentation showing that site access is in compliance with Chapter 8.30 – Fire Safe Ordinance of the Trinity County Code.	LTS
Impact 3.14-5: Result in a Net Increase in and inefficient VMT travel for the Proposed Cannabis Program New commercial cannabis operations resulting from implementation of the Cannabis Program would alter VMT conditions in the county. Based on the trip generation assumptions made for each of the commercial cannabis operations, implementation of the Cannabis Program could result in approximately 11,014 daily trips within Trinity County during the height of harvest. It is likely that implementation of the Cannabis Program would reduce the distance between existing and future cultivation operations through the creation of new noncultivation facilities within county that currently are located outside the county. The Cannabis Program would also increase employment opportunities in a county	LTS	No mitigation is required.	LTS

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that has relatively few such opportunities and, based on the 2010 Trinity County Travel Demand Forecasting Model Development Report, showed a large percent of residents commuting out of the county on a daily basis. While no quantitative models or other current data are available to determine the relative VMT effects of the Cannabis Program, this data suggest that VMT may be reduced and, if not, would likely be substantially more efficient than the current condition of commuting out of the county for employment and industry needs currently not provided in the county. Any other conclusion would be speculative. Therefore, this impact would be less than significant.			
3.15 Utilities and Service Systems			
<p>Impact 3.15-1: Increase Demand on Wastewater Treatment Systems New commercial cannabis facilities that would be allowed under the Cannabis Program could result in increased wastewater service demand for public wastewater systems that may not have adequate capacity. Commercial cannabis operations involving manufacturing and testing that could result with implementation of the Cannabis Program would generate wastewater that may contain contaminants that cannot be adequately treated by existing public wastewater treatment systems. This impact would be potentially significant.</p>	PS	<p>Mitigation Measure 3.15-1a: Prepare a Treatment Program for Noncultivation Activities The following shall be included as new performance standards for Section 315-824(5) (Required Conditions), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):</p> <p>Applicants for new commercial noncultivation cannabis operations shall prepare a materials management plan that will address each permit type sought within a site. Compliance with state licensing that addresses these items may be used to demonstrate compliance with this measure. The plan shall include:</p> <ul style="list-style-type: none"> ▶ a detailed description of activities and processes occurring on site, including: <ul style="list-style-type: none"> ▪ equipment type and number, ▪ detailed standard operating procedures for processes, ▪ chemical requirements and reactions, ▪ cleaning procedures for equipment, ▪ required pretreatment requirements for discharge to a public wastewater treatment system, and ▪ disposal methods for all materials (e.g., plant materials, solvents, empty containers). ▶ Identification of type and quantity of items produced, including: <ul style="list-style-type: none"> ▪ material Safety Data Sheets for all chemical substances occurring on site, 	LTS

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		<ul style="list-style-type: none"> ▪ manifests for each chemical describing quantities purchased, date used, and quantities disposed, ▪ facility site plan with storage map, showing where hazardous materials will be stored, ▪ an inventory of all emergency equipment with the location and description of items, including: <ul style="list-style-type: none"> - personal protective equipment, - fire extinguishing systems, - spill control equipment and decontamination equipment, and - communication and alarm systems. ▶ An employee training plan that includes: <ul style="list-style-type: none"> ▪ emergency response procedures and incident reporting, and ▪ chemical handling procedures. <p>The materials management plan shall be submitted to Trinity County Division of Environmental Health and public agencies or private enterprises accepting waste materials, including CSDs and waste transfer stations. Commercial cannabis permits shall not be granted without approval of the materials management plan from relevant agencies and identification and construction of any required pretreatment facilities for wastewater.</p> <p>Mitigation Measure 3.15-1b: Verification of Adequate Wastewater Service and Necessary Improvements for Public Wastewater Systems</p> <p>The following shall be included as new performance standards for Section 315-824(5) (Required Conditions), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):</p> <ul style="list-style-type: none"> ▶ Applicants not relying on septic systems shall determine whether sufficient public wastewater treatment capacity exists for a proposed project. These determinations must ensure that the proposed development can be served by its existing or planned treatment capacity and wastewater conveyance through approval of the relevant service provider. If adequate capacity does not exist, the application will be denied. 	

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<p>Impact 3.15-2: Increase Demand of Public Water Supplies New commercial cannabis facilities that would be allowed under the Cannabis Program would result in increased water demand from public water systems <u>that may require additional water distribution facility improvements</u>. However, existing regulations require that adequate water supplies are available that could exceed supply and related infrastructure. This impact would be potentially significant.</p>	<p>PS</p>	<p>Mitigation Measure 3.15-2: Verify Adequate Water Supply and Service for Municipal Water Service The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):</p> <ul style="list-style-type: none"> ▶ Applicants for new commercial cannabis operations that plan to obtain water from a retail water supply will obtain, and provide to the County, written verification from the water service provider that adequate water supply <u>and water distribution facilities are or will be</u> is available to serve the site including peak operations (e.g., <u>growing season harvest</u>). If adequate capacity does not exist, the application will be denied. 	<p><u>SU/LTS</u></p>
<p>Impact 3.15-3: Generate Amounts of Solid Waste in Excess of Landfill Capacity, Violate Existing Statutes Related to Solid Waste, or Result in Adverse Environmental Effects Cannabis cultivation and noncultivation operations under the Cannabis Program would generate solid waste from involving cannabis plant and product waste as well as noncannabis waste. Consistent with state cannabis licensing regulations, licensees must maintain accurate and comprehensive records regarding cannabis waste that account for, reconcile, and evidence all activity related to the generation or disposition of cannabis waste. Waste management plans and other regulations would ensure that solid waste (cannabis and noncannabis waste) that is hauled offsite is disposed of properly. However, improper management of onsite composting of cannabis waste could result adverse environmental effects. This impact would be potentially significant.</p>	<p>PS</p>	<p>Mitigation Measure 3.15-3: Implement a Cannabis Waste Composting Management Plan The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):</p> <ul style="list-style-type: none"> ▶ Applicants for new commercial cannabis operations and relicensed sites will develop and implement a cannabis waste composting management plan if the operator proposes to dispose of cannabis waste through onsite composting. The plan shall meet all state requirements and the following requirements that will be confirmed by the County during inspections. <ul style="list-style-type: none"> ▪ Designation of the composting area on a site plan that is contained within the site boundaries (must be located within the Designated Area for cultivation operations) that is of adequate size to accommodate site cannabis waste needs. ▪ Identification of water quality control features that ensure no discharge of cannabis waste or other pollutants. ▪ Details on routine management and equipment used in the composting area that ensures proper composting and control of odors, potential fuel hazards, and pests for the life of the cannabis operation. 	<p>LTS</p>

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<p>3.16 Wildfire</p>			
<p>Impact 3.16-1: Exposure of People or Structures Directly or Indirectly to a Significant Risk of Loss Involving Wildfire Hazards or Exacerbate Wildfire Risk and Expose Project and Public to Pollutant Concentrations from Uncontrolled Spread of a Wildfire Trinity County is highly susceptible to wildfires. Implementation of the Cannabis Program could create new fire hazards from creation of new fuel and ignition sources and expose people and structures to increased wildfire hazards and unhealthy air quality conditions from smoke. This impact would be potentially significant.</p>	<p>PS</p>	<p>Mitigation Measure 3.16-1: Implement Mitigation Measure 3.1-1b: Maintain Cultivation Parcel</p>	<p>LTS</p>
<p>Impact 3.16-2: Installation and Operation of Associated Infrastructure That May Exacerbate Fire Risk Implementation of the Cannabis Program would include the development on-site and off-site infrastructure improvements to support commercial cannabis uses that could create new fire hazards. This impact would be potentially significant.</p>	<p>PS</p>	<p>Mitigation Measure 3.16-2a: Implement Fire Prevention Measures for New Power Lines and Electrical Facilities The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):</p> <ul style="list-style-type: none"> ▶ New power lines extended to sites shall be placed underground. If power lines cannot be placed underground, fuel breaks shall be provided along power lines and any stand-alone electrical facilities in a manner that would avoid ignition of adjacent vegetation to the satisfaction of the County and CAL FIRE. Fuel breaks shall be maintained and verified by the County as part of annual license renewal. <p>Mitigation Measure 3.16-2b: Implement Fire Prevention Measures for On-Site Construction and Maintenance Activities The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):</p> <ul style="list-style-type: none"> ▶ The operation of outdoor motorized equipment on-site for construction and maintenance activities shall be required to be covered under a fire protection plan that includes the following provisions: 	<p>LTS</p>

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		<ul style="list-style-type: none"> ▪ Fire watch personnel responsible for watching for the occurrence of fire during and after equipment use shall be identified. ▪ Equipment shall be located so that exhausts do not discharge against combustible materials. ▪ Equipment shall not be refueled while in operation and not until after a cooldown period. ▪ Water and tools dedicated to fire fighting shall be on hand in the area of onsite construction and maintenance activities at all times. ▪ <u>Designated smoking areas with cigarette disposal receptacles that are burn resistant.</u> 	
<p>Impact 3.16-3: Expose People to Increased Risk of Landslide from Post-Fire Slope Instability Previous wildfires in Trinity County have resulted in the loss of vegetation on sloped terrain. This condition could result in soil erosion and slope failure. Development of commercial cannabis uses under the Cannabis Program in these areas could exacerbate this condition and increase the risk of erosion and slope failure. This impact would be potentially significant.</p>	PS	<p>Mitigation Measure 3.16-3: Implement Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards</p>	LTS
Cumulative			
Impact 4.3.1: Substantial Adverse Cumulative Effect Related to Scenic Views, Scenic Highways, Visual Character and Lighting Impacts	NCC	No mitigation is required.	NCC
Impact 4.3.2: Substantial Adverse Cumulative Effect Related to Agricultural and Forestry Impacts	NCC	No mitigation is required.	NCC
Impact 4.3.3: Substantial Adverse Cumulative Effect Related to Construction Air Quality Impacts, Operational Air Quality Impacts, and Odor Impacts	CC S	No mitigation is available.	CC SU
Impact 4.3.4: Substantial Adverse Cumulative Effect Related to Biological Resource Impacts	NCC	No mitigation is required.	NCC
Impact 4.3.5: Substantial Adverse Cumulative Effect Related to Archaeological, Historical, and Tribal Cultural Resource Impacts	NCC	No mitigation is required.	NCC
Impact 4.3.6: Substantial Adverse Cumulative Effect Related to Energy Impacts	NCC	No mitigation is required.	NCC

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Impact 4.3.7: Substantial Adverse Cumulative Effect Related to Geology and Soil Impacts	NCC	No mitigation is required.	NCC
Impact 4.3.8: Substantial Adverse Cumulative Effect Related to Greenhouse Gas Impacts	NCC	No mitigation is required.	NCC
Impact 4.3.9: Substantial Adverse Cumulative Effect Related to Hazards and Hazardous Materials Impacts	NCC	No mitigation is required.	NCC
Impact 4.3.10: Substantial Adverse Cumulative Effect Related to Water Quality, Groundwater, Flooding, and Surface Water Resource Impacts	NCC	No mitigation is required.	NCC
Impact 4.3.11: Substantial Adverse Cumulative Effect Related to Land Use and Planning Impacts	NCC	No mitigation is required.	NCC
Impact 4.3.12: Substantial Adverse Cumulative Effect Related to Construction Noise Impacts, Stationary Noise Impacts, and Traffic Noise Impacts	CC S	No mitigation is available.	CC SU
Impact 4.3.13: Substantial Adverse Cumulative Effect Related to Public Service Impacts	NCC	No mitigation is required.	NCC
Impact 4.3.14: Substantial Adverse Cumulative Effect Related to Traffic Operational Impacts, Vehicle Miles Traveled Impacts, and Roadway/Emergency Access Impacts	CC S-NCC	No mitigation is available required.	CC SUNCC
Impact 4.3.15: Substantial Adverse Cumulative Effect Related to Public Wastewater Impacts, Public Water Supply Impacts, and Solid Waste Impacts	CC S-NCC	No mitigation is available required.	CC SUNCC
Impact 4.3.16: Substantial Adverse Cumulative Effect Related to Wildfire Impacts	NCC	No mitigation is required.	NCC