FREQUENTLY ASKED QUESTIONS
FOR EXISTING TRINITY COUNTY
COMMERCIAL CANNABIS LICENSEES/APPLICANTS
2020

Note: Additional information appears at the end of this document to provide links to guidance documents referenced in the answers to questions provided below.

Q: Last year I had a Trinity County Commercial Cannabis License and my site was covered by a Categorical Exemption (CE). I provided a Notice of Exemption (NOE) to the State to demonstrate compliance with California Environmental Quality Act (CEQA) last year to get my State license. Will I be able to do the same thing this year?

A: Maybe. The California Department of Food and Agriculture (CDFA) has determined that its action on each annual license application for cannabis cultivation is a discretionary decision. If CDFA receives an application for an annual license for a project where Trinity County has issued a local cultivation license with the determination that a project is categorically exempt from CEQA, CDFA will evaluate the documentation provided by the County or applicant to determine whether it supports CDFA's decision regarding the issuance of a state license for the project. Therefore, you must proceed with your documentation to the County, await a determination by the County and provide any CEQA documentation to CDFA to receive a state license.

If you had a Class 1 Categorical Exemption on your site last year for Existing Facilities and have not changed any of the site conditions and operations from last year, you may receive another Class 1 CE, although you must submit a completed checklist for a Class 1 Categorical Exemption and provide the information to the County.

If your site triggers any of the exceptions identified in the CEQA guidelines (related to location, cumulative impacts, significant effects, scenic highways, hazardous waste sites or historical resources), the County will not issue a Categorical Exemption and you must prepare an Initial Study.

An accurate project description is required before the County will issue a Provisional license. Demonstration of progress on an Initial Study, necessary to retain a Provisional license, includes specific Environmental Factors in the Appendix G: Environmental Checklist Form. Of the 21 listed environmental factors, 8 must be addressed first. These include Aesthetics, Land Use and Planning, Mineral Resources, Noise, Odor (Air Quality), Recreation, Public Services and Utilities, Traffic and Transportation. Analysis of the impacts associated with these factors must be provided to the County within six (6) months of receiving a Provisional County license. If this information is not provided by that time, the Provisional License may be suspended.

The remaining subsequent factors must be completed and submitted to the County within nine (9) months of receiving a Provisional County license. If these remaining factors are not provided at that time, the Provisional License may be suspended.

If you had a Class 1 Categorical Exemption on your site last year for Existing Facilities, and have changed your site by expanding the site from last year, you will NOT receive another Class 1 CE if you have expanded the site by more than 10,000 square feet. Use the Categorical Exemption checklists to verify whether a different Categorical Exemption is suitable for your site. If you feel that another CE is appropriate, the County will review the information that you provide in a completed CE checklist to verify whether the CE is appropriate.
Before issuing a license under this or any other exemption, the County will ask for verification that prior to land development or alteration, you complied with all applicable state, and local laws, regulations, and permitting requirements, including retention of qualified professionals', records requests and pre-disturbance surveys to identify sensitive resources. If this information cannot be provided and the County will not make a CEQA determination or issue a license until the information is provided.

If additional information indicates that the site is not appropriate for a CE, you must prepare an Initial Study. An accurate project description is required before the County will issue a Provisional license. Demonstration of progress on an Initial Study, necessary to retain a Provisional license, includes specific Environmental Factors in the Appendix G: Environmental Checklist Form. Of the 21 listed environmental factors, 8 must be addressed first. These include Aesthetics, Land Use and Planning, Mineral Resources, Noise, Odor (Air Quality), Recreation, Public Services and Utilities, Traffic and Transportation. Analysis of the impacts associated with these factors must be provided to the County within six (6) months of receiving a Provisional County license. If this information is not provided by that time, the Provisional License may be suspended.

The remaining subsequent factors must be completed and submitted to the County within nine (9) months of receiving a Provisional County license. If these remaining factors are not provided at that time, the Provisional License may be suspended.

Q: Last year I had a Trinity County Provisional Commercial Cannabis License and received a checklist from the County telling me to address a specific issue(s). How will my licensing work this year?

A: If you had a Provisional license on your site last year and have not changed any of the site conditions and operations from last year, your site may qualify for an exemption if the factors that precluded it from receiving a Categorical Exemption last year no longer apply. Use the CE checklists available on the County’s website to verify whether a different Categorical Exemption is suitable for your site. If you determine that another CE is appropriate, the County will review the information that you provide in a completed checklist to verify whether the Categorical Exemption is appropriate. If it is not appropriate, you must prepare an Initial Study.

An accurate project description is required before the County will issue a Provisional license. Demonstration of progress on an Initial Study, necessary to retain a Provisional license, includes specific Environmental Factors in the Appendix G: Environmental Checklist Form. Of the 21 listed environmental factors, 8 must be addressed first. These include Aesthetics, Land Use and Planning, Mineral Resources, Noise, Odor (Air Quality), Recreation, Public Services and Utilities, Traffic and Transportation. Analysis of the impacts associated with these factors must be provided to the County within six (6) months of receiving a Provisional County license. If this information is not provided by that time, the Provisional License may be suspended.

The remaining subsequent factors must be completed and submitted to the County within nine (9) months of receiving a Provisional County license. If these remaining factors are not provided at that time, the Provisional License may be suspended.

If you had a Provisional license on your site last year and have expanded the site, use the attached checklists to verify whether any Categorical Exemption is suitable for your site. If you determine that one or multiple Categorical Exemptions are appropriate, the County will review the information that you provide and verify whether the Categorical Exemption is appropriate. If no Categorical Exemption is appropriate, you must prepare an Initial Study.
The County will ask for verification that prior to land development or alteration, you complied with all applicable state, and local laws, regulations, and permitting requirements, including retention of qualified professionals, records requests and pre-disturbance surveys to identify sensitive resources. If this information cannot be provided the County will not issue a license to you until the information has been provided.

An accurate project description reflecting the changes on site will be required before the County will issue a Provisional license. Demonstration of progress on an Initial Study, necessary to retain a Provisional license, includes specific Environmental Factors in the Appendix G: Environmental Checklist Form. Of the 21 listed environmental factors, 8 must be addressed first. These include Aesthetics, Land Use and Planning, Mineral Resources, Noise, Odor (Air Quality), Recreation, Public Services and Utilities, Traffic and Transportation. Analysis of the impacts associated with these factors must be provided to the County within six (6) months of receiving a Provisional County license. If this information is not provided by that time, the Provisional License will be may be suspended.

The remaining subsequent factors must be completed and submitted to the County within nine (9) months of receiving a Provisional County license. If these remaining factors are not provided at that time, the Provisional License may be suspended.

Q: If I must prepare an Initial Study and am expected to meet milestones to verify adequate progress, what milestones and timelines apply?

A: An accurate project description will be required before the County issue a license to you. Demonstration of progress on an Initial Study, necessary to receive a Provisional license, includes specific Environmental Factors in the Appendix G: Environmental Checklist Form. Of the 21 listed environmental factors, 8 must be addressed first. These include Aesthetics, Land Use and Planning, Mineral Resources, Noise, Odor (Air Quality), Recreation, Public Services and Utilities, Traffic and Transportation. These factors must be provided to the County within six (6) months of receiving a Provisional County license. If this information is not provided by that time, the Provisional License may be suspended.

The remaining subsequent factors must be completed and submitted to the County within nine (9) months. If these remaining factors are not provided at that time, the Provisional License may be suspended.

Q: What happens after I have completed an Initial Study?

A: Upon completion and submission of an Initial Study to the County, staff will review it for completeness, accuracy and adequate documentation. This likely will require a site visit by County staff. County staff will then make a determination of what CEQA document is required – be it a Negative Declaration (ND), a Mitigated Negative Declaration (MND) or an Environmental Impact Report (EIR). Upon this determination, the County will act as the lead agency.

Q: What if I had a Categorical Exemption last year for my license but I built a greenhouse over the last season?

A: If your greenhouse is greater than 2,500 square feet you no longer qualify for a Categorical Exemption for the 2020 licensing season. You must prepare an Initial Study to demonstrate that CEQA compliance is underway for your site.
The County will ask for verification that prior to land development or alteration, you complied with all applicable state, and local laws, regulations, and permitting requirements, including retention of qualified professionals, records requests and pre-disturbance surveys to identify sensitive resources. If this information cannot be provided the County will not issue a license to you until the information has been provided.

An accurate project description reflecting the changes on site will be required before the County will issue a Provisional license. Demonstration of progress on an Initial Study, necessary to retain a Provisional license, includes specific Environmental Factors in the Appendix G: Environmental Checklist Form. Of the 21 listed environmental factors, 8 must be addressed first. These include Aesthetics, Land Use and Planning, Mineral Resources, Noise, Odor (Air Quality), Recreation, Public Services and Utilities, Traffic and Transportation. Analysis of the impacts associated with these factors must be provided to the County within six (6) months of receiving a Provisional County license. If this information is not provided by that time, the Provisional License may be suspended.

The remaining subsequent factors must be completed and submitted to the County within nine (9) months of receiving a Provisional County license. If these remaining factors are not provided at that time, the Provisional License may be suspended.

Q: What if I did a Less Than 3 Acre Conversion Exemption last year while I was licensed?

A: If you identified commercial cannabis as a *bona fide* intent of the conversion, you must prepare an Initial Study. An accurate project description reflecting the changes on site will be required before the County will issue a Provisional license. Demonstration of progress on an Initial Study, necessary to retain a Provisional license, includes specific Environmental Factors in the Appendix G: Environmental Checklist Form. Of the 21 listed environmental factors, 8 must be addressed first. These include Aesthetics, Land Use and Planning, Mineral Resources, Noise, Odor (Air Quality), Recreation, Public Services and Utilities, Traffic and Transportation. Analysis of the impacts associated with these factors must be provided to the County within six (6) months of receiving a Provisional County license. If this information is not provided by that time, the Provisional License may be suspended.

The remaining subsequent factors must be completed and submitted to the County within nine (9) months of receiving a Provisional County license. If these remaining factors are not provided at that time, the Provisional License may be suspended.

If commercial cannabis was not included in the Less Than 3 Acre Conversion Exemption as a *bona fide* intent of the conversion, the County will ask for verification that prior to land development or alteration, you complied with all applicable state, and local laws, regulations, and permitting requirements, including retention of qualified professionals, records requests and pre-disturbance surveys to identify sensitive resources. If this information cannot be provided the County will not issue a license to you until the information has been provided.

After pre-disturbance survey information and records requests have been received, an accurate project description reflecting the changes on site will be required before the County will issue a Provisional license. Demonstration of progress on an Initial Study, necessary to retain a Provisional license, includes specific Environmental Factors in the Appendix G: Environmental Checklist Form. Of the 21 listed environmental factors, 8 must be addressed first. These include Aesthetics, Land Use and Planning, Mineral Resources, Noise, Odor (Air Quality), Recreation, Public Services and Utilities, Traffic and Transportation. Analysis of the impacts
associated with these factors must be provided to the County within six (6) months of receiving a Provisional County license. If this information is not provided by that time, the Provisional License may be suspended.

The remaining subsequent factors must be completed and submitted to the County within nine (9) months of receiving a Provisional County license. If these remaining factors are not provided at that time, the Provisional License may be suspended.

**Q: What if I want to change my site after I receive a CE?**

**A:** If you received a CE and a State/County license you may not change your site during cultivation season. If you do modify your site, the CE becomes invalid, you have no CEQA coverage and the State/County license will be suspended until a subsequent CEQA review is conducted and approved. You may not cultivate until this process is complete and no site development can occur unless all applicable regulations are followed.

Before issuing a license under the subsequent CEQA review (resulting in a new CE, ND/MND/EIR, the County will ask for verification that prior to land development or alteration, the cannabis cultivator complied with all applicable state, and local laws, regulations, and permitting requirements, including retention of qualified professionals, records requests and pre-disturbance surveys to identify sensitive resources. If this information cannot be provided and the County determines that a CE is not appropriate for the site, you must prepare an Initial Study.
### SUMMARY OF CEQA PROCESS FOR TRINITY COUNTY COMMERCIAL CANNABIS CULTIVATION IN 2020

#### RENEWAL APPLICATIONS

<table>
<thead>
<tr>
<th>Site had Categorical Exemption (CE) in 2019 and received a Trinity County Commercial Cannabis License</th>
<th>Site was issued a Trinity County Provisional Commercial Cannabis License in 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant use Categorical Exemption template checklists to indicate if a CE is appropriate and submit the completed checklist(s) to the County.</td>
<td>Applicant use Categorical Exemption (CE) template checklists to indicate if a CE is appropriate and submit the completed checklist(s) to the County.</td>
</tr>
<tr>
<td>Site will likely receive a CE unless exceptions to the CE apply</td>
<td>If a CE is not justified, prepare an Initial Study.</td>
</tr>
</tbody>
</table>

| There were no changes to the site in 2019 after the license was issued | | |
| --- | --- |
| Applicant use Categorical Exemption template checklists to indicate if a CE is appropriate and submit the completed checklist(s) to the County. | Applicant use Categorical Exemption template checklists to indicate if a CE is appropriate and submit the completed checklist(s) to the County. |
| Site will likely receive a CE unless exceptions to the CE apply | If a CE is not justified, prepare an Initial Study. |

| The site was changed during 2019 | | |
| --- | --- |
| Applicant use Categorical Exemption template checklists to indicate if a CE is appropriate and submit the completed checklist(s) to the County. | Applicant use Categorical Exemption template checklists to indicate if a CE is appropriate and submit the completed checklist(s) to the County. |
| Applicant submit records requests and pre-disturbance surveys for sensitive resources to County. (The renewal application will not continue to be processed until this information is provided.) | Applicant submit records requests and pre-disturbance surveys for sensitive resources to County. (The renewal application will not continue to be processed until this information is provided.) |
| If a CE is not justified, prepare an Initial Study. | If a CE is not justified, prepare an Initial Study. |
| Site will receive a CE if appropriate. | Site will receive a CE if appropriate. |

#### NEW APPLICANT, EXISTING CANNABIS SITE

<table>
<thead>
<tr>
<th>No site changes since August, 2016</th>
<th>Site has been changed since August, 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant use Categorical Exemption (CE) template checklists to indicate if a CE is appropriate and submit the completed checklist(s) to the County.</td>
<td>Applicant use Categorical Exemption template checklists to indicate if a CE is appropriate and submit the completed checklist(s) to the County.</td>
</tr>
<tr>
<td>If a CE is not justified, prepare an Initial Study.</td>
<td>Applicant submit records requests and pre-disturbance surveys for sensitive resources to County. (The renewal application will not continue to be processed until this information is provided.)</td>
</tr>
</tbody>
</table>

#### NEW APPLICANT, UNDISTURBED SITE

| Applicant use Categorical Exemption template checklists to indicate if a CE is appropriate and submit the completed checklist(s) to the County. | Applicant use Categorical Exemption template checklists to indicate if a CE is appropriate and submit the completed checklist(s) to the County. |
| Applicant submit records requests and pre-disturbance surveys for sensitive resources to County. (The renewal application will not continue to be processed until this information is provided.) | If a CE is not justified, prepare an Initial Study. |
| If a CE is not justified, prepare an Initial Study. | |
To access Categorical Exemption checklists and instructions, refer to the Trinity County Commercial Cannabis webpage link *Trinity County Commercial Cannabis Program 2020 CEQA Guidelines* in the CEQA Information section of the webpage. This link includes template checklists and instructions for five of the most common Categorical Exemptions applicable to commercial cannabis operations.


For guidance regarding how to write an accurate project description, please refer to the *Trinity County Commercial Cannabis Project Description* link on the County’s commercial cannabis website.

For guidance regarding the timeline associated with demonstrating adequate progress on an Initial Study, please refer to the *Initial Study Milestones* link on the County’s commercial cannabis website.

For guidance regarding qualified professionals, please refer to the *Trinity County Requirements to Become an Approved Professional* link on the County’s commercial cannabis website.