



Draft EIR Meeting for Trinity County Cannabis Program

September 2019

Discussion Points

- Provide an overview of the proposed Cannabis Program and its environmental review process
- Summary of Draft Environmental Impact Report (EIR)
- Key environmental issues received as comments on the Draft EIR and responses to these issues
- **No consideration or action on the Cannabis Program will occur at today's meeting.**

Environmental Consultant Overview

Ascent Environmental is under contract to the County for the preparation of the Cannabis Program EIR.

- Ascent's project team includes technical experts in the areas of air quality, biological and natural resources, greenhouse gases, watersheds, noise, and other related environmental issue areas
- Cannabis environmental review experience includes projects in Calaveras County, Humboldt County, and Yolo County
- Focus of work is independent evaluation of environmental impacts consistent with the requirements of state law (CEQA).

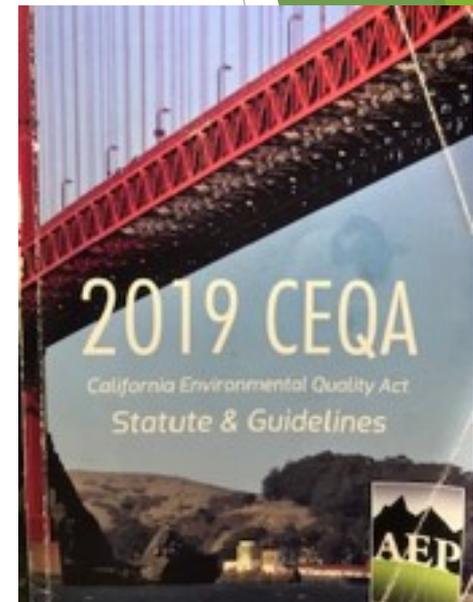
Overview of Cannabis Program

- County Cannabis Program is based on amendment and re-adoption of the following ordinances:
 - Cultivation (Ordinance 315-823, -829, -830, -841, and -843)
 - Testing (Ordinance 315-824)
 - Nurseries (Ordinance 315-826, -827)
 - Distribution (Ordinance 315-828, -834)
 - Non-storefront retail (Ordinance 315-835)
 - Microbusiness (Ordinance 315-837)
 - Manufacturing (Ordinance 315-838,-842)



What is CEQA?

- California Environmental Quality Act (CEQA)
- Public disclosure process
- Public participation is essential
- Avoid or mitigate for environmental impacts
- Certification of EIR does not indicate approval of project



What is an EIR?

- An informational document
 - Discloses information about the effects a proposed project could have on the environment
 - Identifies mitigation measures
 - Describes feasible alternatives to the proposed project
 - Provides opportunity for public comment
- Must be certified prior to action on the Cannabis Program

What is an EIR? (cont.)

What an EIR Does...

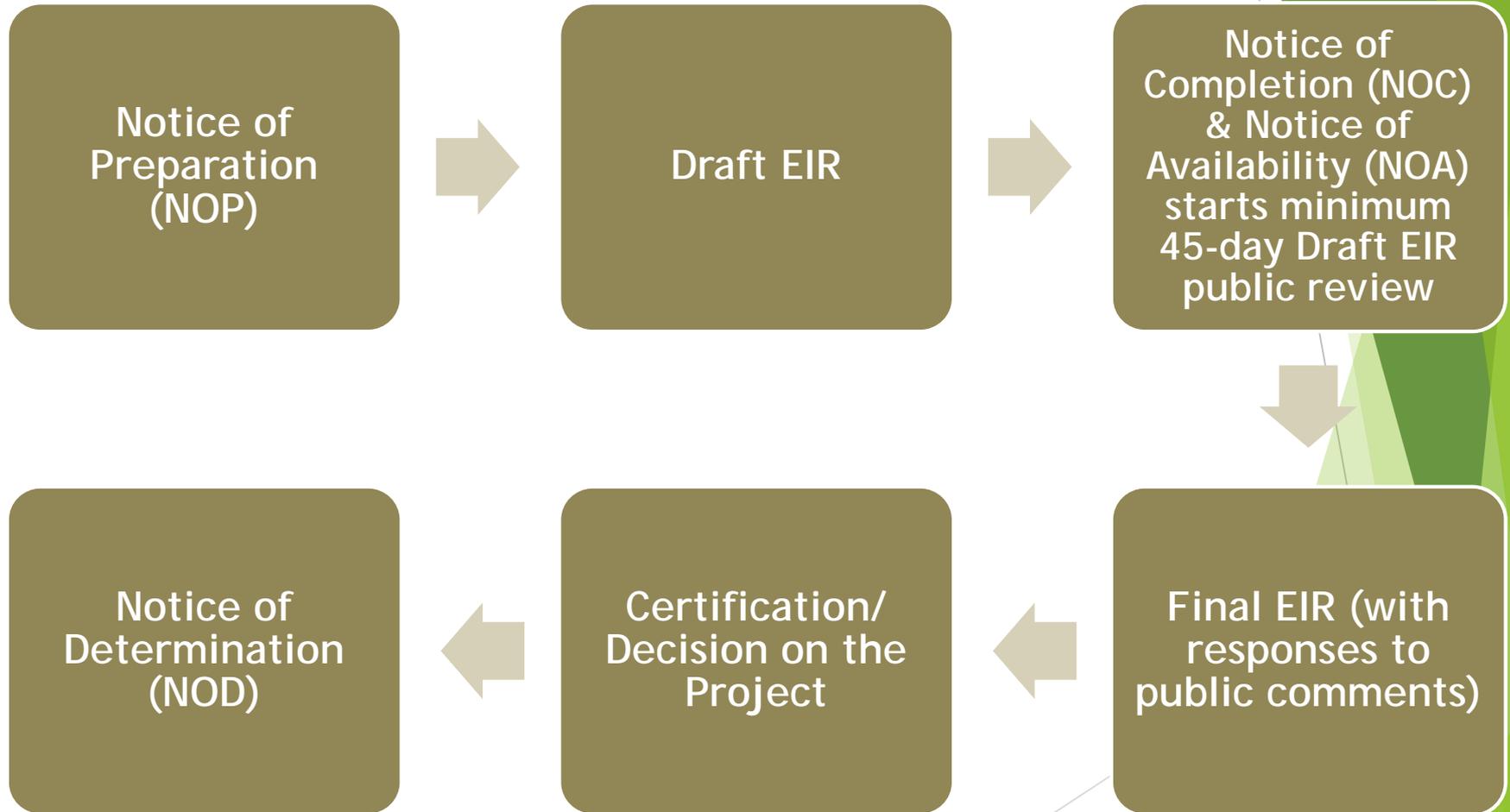
- Analyzes the environmental effects of the Cannabis Program
- Discloses information about the effects a project could have on the environment
- Identifies mitigation measures
- Describes feasible alternatives to the proposed project
- Solicits agency and public input throughout process

What is an EIR? (cont.)

What an EIR Does not Do...

- Does not require mitigation for existing environmental conditions
- Does not advocate for the project under evaluation
- Does not require project denial due to significant environmental impacts
- Does not address economic and social issues (e.g., property values)

Overview of the EIR Process



Draft EIR Focus

- The EIR analyzes the environmental impacts of the County's Cannabis Program
- The EIR is a “programmatic” document that can provide environmental streamlining for review of subsequent applications for local and state licensing
- Individual license applications may not always be able to “tier” off the EIR; they may require additional “site specific” level review
- The state cannabis agencies may require review of site-specific impacts for their licensing process



Environmental Impact Report

Discussion Topics

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Archaeological, Historical, and Tribal Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gases
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Land Use and Planning
- Noise and Vibration
- Public Services/Utilities
- Traffic and Circulation
- Wildfire
- Cumulative Impacts

Alternatives Considered in the Draft EIR

- Alternative 1: No Project*
 - existing program and accept disclosed impacts
- Alternative 2: Limitation for Commercial Cannabis Sites
 - sites restricted to disturbed sites and prohibit new cultivation in designated Cannabis Priority Watersheds
- Alternative 3: Restricted Commercial Cannabis Cultivation
 - reduce total number of cultivation licenses allowed
- Alternative 4: Reduced Commercial Cannabis Operation
 - sites restricted to disturbed sites and prohibits new cultivation in designated Cannabis Priority Watersheds
 - new cultivation required to be operated within an enclosed building

*Note: a ban on Commercial Cannabis was not considered

Comments Received on the Draft EIR

Comment period on Draft EIR closed July 12, 2019

- 50 comment letters received:
 - 3 public agencies (CDFA, CDFW, and NCRWQCB)
 - 2 from a public interest group (Safe Alternatives for Our Forest Environment)
 - 45 public and private organizations/companies

Final EIR under preparation will respond to comments received

Key Environmental Issues Identified in Draft EIR Comments

Baseline Condition Used in the Draft EIR

- Comments state that the baseline condition was not adequately defined including not factoring illegal cultivation.
- Response:
 - Baseline used in the Draft EIR was consistent with CEQA requirements. Based on known environmental conditions at the time of release of the Notice of Preparation in December 2018 as well as updated information since 2018.
 - This included County estimates and mapping of illegal cultivation.

Key Environmental Issues Identified in Draft EIR Comments (cont.)

Consideration of Illegal Cannabis Cultivation

- Comments state that the Draft EIR did not adequately address illegal cultivation and its contribution to cumulative impacts. These comments request that the impacts of illegal cultivation be addressed as part of the Cannabis Program.
- Response:
 - Draft EIR discloses available information on the extent of illegal cultivation and its impact on the environment as part baseline and cumulative conditions.
 - CEQA does not require a project address and mitigate impacts of illegal activities that are separate from the project.

Key Environmental Issues Identified in Draft EIR Comments (cont.)

Noise

- Comments stated concerns regarding noise generated from cannabis uses including barking dogs.
- Response:
 - County Code Section 6.04.050 addresses noise issues associated with animals and prohibits the creation of unreasonable noise. Section 6.04.100 provides enforcement mechanisms.
 - Section 315-843(6)(b) of the Cultivation Ordinance establishes noise standards consistent with County General Plan noise requirements.

Key Environmental Issues Identified in Draft EIR Comments (cont.)

Odors Associated with Cannabis Cultivation

- Comments stated concerns regarding exposure to cannabis odors, while other comments disagreed with the Draft EIR significance determination regarding odor.
- Response:
 - Draft EIR identifies that odors are generally considered an annoyance rather than a health hazard and people may have different reactions to odors.
 - The Draft EIR qualitatively evaluates the potential to create a public nuisance based on possible future locations. The exact extent of odor impacts cannot be determined accurately at a programmatic level.

Key Environmental Issues Identified in Draft EIR Comments (cont.)

Traffic Concerns

- Comments stated concerns regarding traffic impacts and damage to roadways from vehicles associated with cannabis uses.
- Response:
 - Draft EIR conservatively assumes that all cultivation and noncultivation uses are operating at the same time during peak harvest and results in significant traffic operational impacts to SR 3 and SR 299.
 - The Draft EIR also identifies mitigation to ensure roadway and driveways are designed consistent with County standards, State Water Board Standards and meet Rural Road Best Management Practices.

Key Environmental Issues Identified in Draft EIR Comments (cont.)

Reliance on CalCannabis EIR

- Comments that the Draft EIR analysis is unnecessary and could rely on the CalCannabis EIR.
- Response:
 - CalCannabis EIR provides coverage for the state licensing program and was not intended to address local agency cannabis regulations. CDFA encourages local agencies to prepare program EIRs for their cannabis programs.
 - Cannabis Program EIR uses state cannabis regulations and SWRCB standards for cannabis uses.

Key Environmental Issues Identified in Draft EIR Comments (cont.)

EIR Analysis Assumptions

- Comments question the assumptions used to evaluate impacts in the Draft EIR may have resulted in the overstatement of potential impacts.
- Response:
 - Draft EIR provides a programmatic analysis of possible impacts from a wide range of potential cannabis activities and uses best available public data consistent with CEQA.
 - It is acknowledged that analysis is conservative and can be refined to avoid overstating impacts as part of the Final EIR process.



Thank You!