



# TRINITY COUNTY

## PLANNING DEPARTMENT

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## TRINITY COUNTY NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT AND NOTICE OF PUBLIC SCOPING MEETING FOR THE TRINITY COUNTY CANNABIS PROGRAM PROJECT

**DATE:** December 21, 2018

**TO:** Interested Agencies, Organizations, and Individuals

**PROJECT:** Trinity County Cannabis Program

**LOCATION:** Entire unincorporated territory of Trinity County (see Figure 1)

**LEAD AGENCY:** Trinity County

Trinity County (County) is the Lead Agency for the preparation and review of the Program Environmental Impact Report (EIR) for the Trinity County Cannabis Program (Cannabis Program). Pursuant to Section 15082 of the California Environmental Quality Act Guidelines (State CEQA Guidelines), the County is soliciting the views of interested agencies, organizations, and individuals on the scope and content of the environmental analysis in the EIR. Agencies should comment on the elements of the scope and content of the EIR that are relevant to the agencies' statutory responsibilities, as provided under State CEQA Guidelines Section 15082(b). A summary of the Cannabis Program and environmental effects that may result from implementing the Program is provided below.

### PUBLIC SCOPING MEETING

Trinity County will conduct a public scoping meeting to inform interested parties about the project, and to provide agencies, organizations, and the public with an opportunity to provide comments on the scope and content of the EIR. The public scoping meeting is scheduled for the following time and location:

**DATE:** January 16, 2019  
**Time:** 5:30 p.m. to 7:30 p.m.  
**Trinity Alps Performing Arts Center**  
101 Arbuckle Court,  
Weaverville, CA 96093

## PROVIDING COMMENTS ON THIS NOTICE OF PREPARATION

Written comments, including e-mail comments, on the notice of preparation (NOP) should be provided at the earliest possible date, but must be received by 4:00 p.m. on January 21, 2019. Please send all comments on the NOP to:

Trinity County Department of Transportation  
P.O. Box 2490  
31301 State Highway 3  
Weaverville, CA 96093  
Attn: David Colbeck  
Environmental Compliance Specialist  
Phone: (530) 623-1365 extension 3409  
Fax: (530) 623-5312  
E-mail: dcolbeck@trinitycounty.org

If you are from an agency that will need to consider the EIR when deciding whether to issue permits or other approvals for the project, please provide the name of a contact person. Comments provided by email should include the name and mailing address of the commenter in the body of the e-mail message.

### Focus of Input

Trinity County relies on responsible and trustee agencies to provide information relevant to the analysis of resources falling within their jurisdiction. The County encourages input for the proposed EIR, with a focus on the following topics:

**Scope of Environmental Analysis:** Guidance on the scope of analysis for the EIR, including identification of specific issues that will require closer study because of the location, scale, and character of the county;

**Mitigation Measures:** Ideas for feasible mitigation, including mitigation that could potentially be imposed by Trinity County and that would avoid, eliminate, or reduce potentially significant or significant impacts;

**Alternatives:** Suggestions for alternatives to the Trinity County Cannabis Program that could potentially reduce or avoid potentially significant or significant impacts; and

**Interested Parties:** Identification of public agencies, public and private groups, and individuals that Trinity County should notice regarding the EIR.

## PROJECT LOCATION

Trinity County is located in northern California east of Humboldt County, south of Siskiyou County, west of Shasta County, and north of Mendocino County. It encompasses 2,051,988 acres. Approximately 76 percent of this land area is under federal ownership that consists of the Shasta-Trinity, Six Rivers, and Mendocino National Forests and four wilderness areas: Yolla Bolly-Middle Eel Reserve, Trinity Alps, Chanchellula, and North Fork. There are 26 unincorporated communities in the county: Coffee Creek, Trinity Center, Covington Mill, Minersville, Weaverville, Lewiston, Junction City, Helena, Big Flat, Big Bar, Del Loma, Burnt Ranch, Hawkins Bar, Denny, Salyer, Douglas City, Hayfork, Hyampom, Peanut, Wildwood, Post Mountain, Forest Glen, Mad River, Ruth, Zenia, and Kettenpom. These unincorporated communities are under the jurisdiction of the County. There are no incorporated cities within the County.

Natural resources of the County include coniferous forests, the Coastal Range and Klamath Mountains, Trinity River, the South Fork of the Trinity River, and the New, Mad, Van Duzen, and Eel Rivers.

# DESCRIPTION OF TRINITY COUNTY CANNABIS PROGRAM

## Project Background

Trinity County currently regulates commercial cannabis cultivation licensing in the unincorporated area of the County under Ordinance 315-823 (as modified by Ordinances 315-829 and 315-830). Before this ordinance existed, the County regulated cannabis cultivation under Ordinance 315-816 EXT(A1), which was adopted on August 30, 2016. Licensed commercial operations are required to comply with the limitations on the location of cannabis cultivation and with performance standards that address noise; water supply; water quality; restrictions on the use and storage of fertilizers, pesticides, fungicides, rodenticides and herbicides; and nighttime lighting restrictions. Licensed cultivation operations are also required to obtain state licensing (known as CalCannabis Cultivation Licensing) and comply with the requirements associated with the State Water Resources Control Board (State Water Board) Cannabis Cultivation Policy – Guidelines for Cannabis Cultivation that includes Cannabis General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order); General Water Quality Certification for Cannabis Cultivation Activities; Cannabis Small Irrigation Use Registration; and Water Rights Permitting and Licensing Program.

In addition, County are used to regulate the following commercial noncultivation cannabis uses:

- ▶ testing (Ordinance 315-824)
- ▶ nurseries (Ordinance 315-826 and -827)
- ▶ distribution (Ordinance 315-828 and -834)
- ▶ microbusiness (Ordinance 315-837), and
- ▶ manufacturing (Ordinance 315-838)

## Environmental Setting for EIR Analysis

State CEQA Guidelines Section 15125 states that an EIR must include a description of the physical environmental conditions in the vicinity of the project. This setting generally serves as the baseline against which environmental impacts are evaluated. Typically, and in accordance with the State CEQA Guidelines, the date the NOP is issued is considered appropriate for establishing existing environmental conditions.

For the purposes of this EIR, the description of the baseline conditions includes the operation of existing commercial cannabis operations that have been licensed by the County since it adopted its first commercial cannabis regulations (Ordinance 315-816 EXT[A1]) on August 30, 2016.

The environmental setting for the EIR also includes cannabis operations that are either unpermitted or illegal. Trinity County estimates that there are more than 3,500 unpermitted cannabis cultivation operations on private lands and an additional illegal trespass cultivation sites in the Shasta-Trinity National Forest (public lands). Existing unpermitted and illegal cannabis cultivation operations within public and private lands in the region have led to illegal water diversions, unpermitted removal of sensitive habitat, and direct mortality to special-status species from exposure to rodenticides and habitat removal. In addition, these practices (e.g., tree clearing, grading, and road construction) have been conducted in a manner that has resulted in sedimentation and water quality impacts to County watersheds.

## Project Description

The proposed Trinity County Cannabis Program consists of the amendment and re-adoption of the six ordinances identified above that regulate commercial cannabis operations in the unincorporated area of the County in a manner consistent with County Resolution No. 2016-077, "Four Principles on Local Regulation of Cannabis:"

- ▶ regulate cannabis operations in a manner that ensures that the county is a safe place for all residents to live and work,
- ▶ protect the county's quality of life and natural environment,
- ▶ ensure that cannabis operations avoid environmental damage and detrimental impacts on communities and neighborhoods, and
- ▶ regulate cannabis operations to protect the county's reputation as a tourist destination.

Proposed amendments to the ordinances are also intended to align the County's commercial cannabis regulations with state requirements.

Land owned by state and federal agencies and tribal trust land are not subject to the County Cannabis Program.

## POTENTIAL ENVIRONMENTAL EFFECTS

The County has determined that implementing the proposed Cannabis Program may result in significant environmental impacts; therefore, an EIR will be prepared. As allowed under State CEQA Guidelines Section 15060(d) (when the decision to prepare an EIR has already been made), the County has elected not to prepare an initial study and will instead begin work directly on the EIR.

The EIR will analyze a broad range of potential environmental impacts associated with implementing the Cannabis Program. The action is the adoption of a modified set of regulations that will apply countywide and is therefore programmatic in nature. The EIR will consider implementation of the Cannabis Program generally rather than specific review of the potential impacts of every individual cannabis project that is in operation or may be proposed. The analysis in the EIR will also be programmatic and will evaluate the effectiveness of the proposed land use requirements and development performance standards to address environmental impacts associated with the regulated cannabis activities for existing licensed operations and the development and operation of new commercial cannabis operations. Where potentially significant environmental impacts are identified, the EIR will also discuss mitigation measures (e.g., in the form of modifications to ordinance) that may reduce or avoid significant impacts. The EIR will tier off of the CalCannabis Cultivation Licensing program Final Program Environmental Impact Report.

Commercial cannabis operations that do not comply with the Cannabis Program would be considered illegal. Enforcement activities would be taken by the County in coordination with other agencies that could result in bringing some cultivation operations into compliance with County and state standards and the closure and remediation of others. However, it is acknowledged that illegal cannabis operations would likely continue to occur in the County after adoption and implementation of the Cannabis Program. Although this EIR will acknowledge the adverse environmental effects of continued illegal cannabis operations as part of the environmental baseline condition, the EIR does not propose mitigation measures to address illegal operations, because they are not part of the project.

The EIR will analyze the potential for significant adverse impacts (both direct and indirect) in the following areas:

**Aesthetics.** The EIR will describe how project implementation could generally change aesthetics within the county, especially from important viewpoints. Changes may include fences and other visual screens that block views of grow operations, as well as additional outdoor cultivation activities. The analysis will also include a discussion of light- and glare-related impacts and a discussion of potential impacts to the existing viewshed associated with mixed-light cultivation using hoop houses.

**Agriculture and Forestry Resources.** Health and Safety Code Section 11362.777(a) and Business and Profession Code Section 26067(a) define medical and adult-use cannabis as agricultural products. Thus, the cultivation of cannabis is not expected to result in the loss of important farmlands. The EIR will address the project's consistency with County General Plan and agricultural and forestry zoning provisions and will identify whether implementation of the Cannabis Program could result in the loss timberlands or conflicts with agricultural operations.

**Air Quality and Odors.** The County is located within the North Coast Air Basin and under the jurisdiction of the North Coast Unified Air Quality Management District. The EIR will evaluate the potential criteria pollutant emissions of the cannabis operations allowed under the Cannabis Program. The EIR will also evaluate potential odor impacts associated with the project.

**Biological Resources.** The effects of biological resources will be addressed in the EIR and will consider existing conditions compared to the reasonably foreseeable compliance responses associated with the Cannabis Program as well as protection measures within the State Water Board Cannabis Cultivation Policy – Guidelines for Cannabis Cultivation.

**Archaeological, Historical, and Tribal Cultural Resources.** The EIR will include a discussion of applicable state and local policies and regulations related to defined cultural resources; a brief summary of the prehistory and history of the county; a description of known historic properties or historical resources; and identification of impacts on historical, archaeological, and tribal cultural resources.

**Energy.** The EIR will evaluate whether cannabis operations allowed under the Cannabis Program would result in a wasteful, inefficient, or unnecessary use of energy (stationary and mobile). The section will consider Title 24 building efficiency requirements and state cannabis licensing provisions regarding the use of renewable energy. Construction energy use will also be addressed in the EIR.

**Geology and Soils.** The EIR will describe the geological setting of the County, including topography and soil characteristics, as well as County and state regulations related to geology, soils, paleontological resources, and seismicity. This information will be used to evaluate impacts related to geological hazards, seismic-related effects, unstable soil and slopes, soil erosion, impacts on paleontological resources, loss of availability to mineral resources of value, and other geologic issues.

**Greenhouse Gases and Climate Change.** The EIR analysis will determine whether commercial cannabis operations under the Cannabis Program would generate significant greenhouse gas emissions and result in a cumulatively considerable contribution to the global impact of climate change. The analysis will factor in the degree to which cannabis cultivation replaces other agricultural production or forest conditions. Changes in carbon sequestration associated with changes in vegetation from establishment of cultivation areas and plant growing cycles will be considered.

**Hazards and Hazardous Materials.** Cannabis operations may involve the use of potentially hazardous materials that could result in impacts on public health and the environment or the accidental release of hazardous materials into the environment. Applicable local and state regulations and databases will be identified and considered. Using available information, including the California Department of Pesticide Regulation's standards and guidance on pest management practices for cannabis cultivation (including in the State Water Resources Control Board Cannabis Policy), the EIR will identify typical hazardous materials used in cannabis operations and associated impacts. It also will address whether cannabis operations could result in an increase in wildfires or impairment to emergency evacuation/response plans.

**Hydrology and Water Quality.** The EIR will describe the existing hydrologic setting of the County and surrounding area. This discussion will include the impaired water status of Eel River, Mad River, and the Trinity River. The EIR will identify appropriate state and County regulations and policies related to these issues, including the State Water Board Cannabis Cultivation Policy – Guidelines for Cannabis Cultivation and numeric surface water and groundwater diversion standards by watershed. Using this information, the EIR will evaluate the effects of the cannabis operations allowed under the Cannabis Program on run-off and drainage patterns, pollutant discharges to surface waters, and

potential flooding hazards. The analysis will also address surface water and groundwater resource impacts associated with cannabis operation water supply needs.

**Land Use and Planning.** The EIR will evaluate the project relative to the Trinity County General Plan land use policies and applicable provisions of the County's Zoning Ordinance that provide environmental protection. The EIR will also address any potential for division of existing communities.

**Noise.** The EIR will generally describe the existing noise environment within the county and will identify existing areas with concentrations of noise-sensitive receptors and major noise sources; ambient noise levels; and natural factors, if any, that relate to the attenuation of noise, including topographic features. The impact of noise from specific equipment used for construction, cultivation (e.g., generators, fans, well pumps, and mechanical trimmers), manufacturing, and processing activities will be addressed. The EIR will assess exposure to excessive noise or groundborne vibration from allowed cannabis activities.

**Population and Housing.** The Cannabis Program would not involve the generation of substantial new employment or a need for housing that could result in significant impacts. Therefore, these issues will not be analyzed in the EIR.

**Public Services.** The Cannabis Program would allow for expanded or new cannabis operations that could generate additional need for law enforcement and fire protection services. The EIR will evaluate whether new cannabis operations under the Cannabis Program could result in new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives related to these public services. The EIR will evaluate whether the project could result in substantial physical deterioration of parks or recreation facilities. Implementation of the Cannabis Program would not be expected to affect school facility capacities or other public facilities because it would not involve the generation of substantial new employment or a need for housing that could generate new students; therefore, these issues will not be analyzed in the EIR.

**Transportation and Circulation.** The EIR will describe the existing transportation system and will analyze how cannabis operations under the Cannabis Program may affect the operation of County roadway facilities and state highway facilities. The EIR will address potential impacts on roadway conditions from increased truck traffic, as well as on traffic safety.

**Utilities and Service Systems.** The EIR will evaluate whether implementing the Cannabis Program may affect the provision of utilities and related service systems, including the need to construct new or expanded water, wastewater, stormwater drainage, or electrical systems, the construction of which would result in significant environmental effects. The impact analysis will also consider solid waste service demands associated with cannabis operations and whether impacts on disposal capacity or reduction goals would result.

**Cumulative Impacts.** The cumulative impact analysis will be based on existing land use plans for the County and the surrounding counties. The analysis will evaluate whether implementing the Cannabis Program would result in an incremental contribution to significant cumulative impacts that is considerable.


**Other CEQA Required Analyses.** The EIR will evaluate whether the Cannabis Program would have the potential to induce population and economic growth, identify any significant and unavoidable impacts, and disclose significant irreversible changes to the environment.

## USE OF THIS EIR FOR LATER PROJECT-LEVEL CEQA STREAMLINING

As encouraged under CEQA, the County intends to use the Program EIR prepared for the Cannabis Program to streamline the environmental review and consideration of future cannabis operation applications. The County plans to make full use of existing streamlining provided by CEQA, as well as emerging streamlining techniques that may become available later, as applicable. Subsequent to adoption of the Cannabis Program, applicants may apply for licenses pursuant to the regulations. Individual applications for commercial cannabis operations under the Cannabis Program will be subject to further site-specific environmental review as applicable under CEQA pursuant to CEQA Guidelines Section 15168(c), Use with Later Activities. This section of the guidelines addresses environmental review of projects intended to be addressed in a program for which an EIR was prepared. The County may determine that the environmental impacts of an individual application are adequately addressed in the EIR and that no further environmental review is required, or it may determine that additional environmental review is required or could require focused environmental review. Preparation of a site-specific environmental review document would be required if the County determines that the individual application would cause a significant environmental impact that was not examined in the EIR or would substantially increase the severity of a previously identified significant impact under State CEQA Guidelines Sections 15162 and 15168(c).

Date: December 21, 2018  
Name and Title: David Colbeck, Environmental Compliance Specialist  
Trinity County Dept. of Transportation

Signature:



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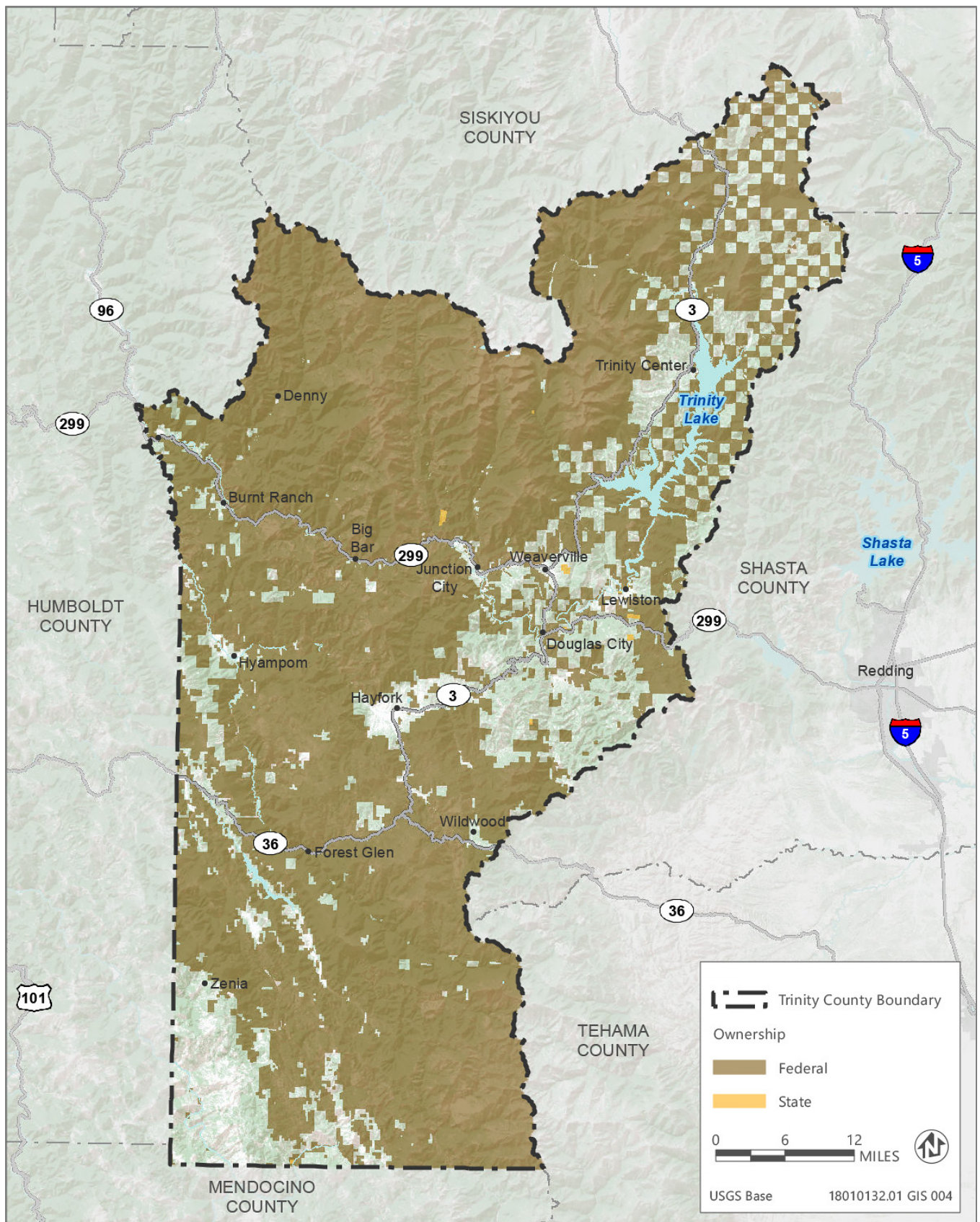


Figure 1 Project Location