



TRINITY COUNTY
COMMUNITY DEVELOPMENT SERVICES
BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH
P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093
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Kim Hunter, Director

MEMORANDUM

DATE: February 5, 2021
TO: Planning Commissioners and members of the public
FROM: Kim Hunter, Director of Planning *KH*
SUBJECT: Agenda Item 4 – Cannabis Conditional Use Permit & Variance (P-18-01)

The information requested from the project applicant has not yet been provided to the Planning Department and is necessary to revise the CEQA Initial Study and Mitigated Negative Declaration documents to address the comments received by the California Department of Fish & Wildlife (CDFW) and the California Department of Food & Agriculture (CDFA).

Planning staff recommends continuing this item to an undetermined date.

1. Conduct a public hearing as noticed; and
2. Continue this item to an undetermined date.

Attachments:

1. SHN Request for Information dated December 22, 2020



Reference: 518009.303

December 22, 2020

Kim Hunter, Director
Trinity County Planning Department
61 Airport Road
P.O. Box 2819
Weaverville, CA 96093

Subject: Caccavo P-18-01 & CCV-18-25: Request for Information for Responses to CDFA & CDFW Comments

Dear Kim Hunter:

I'm writing you concerning letters from the California Department of Food and Agriculture (CDFA) CalCannabis Cultivation Licensing Division (CalCannabis) dated November 13, 2020, and the California Department of Fish and Wildlife (CDFW) dated December 2, 2020 (see attached). The letters contain comments on the California Environmental Quality Act (CEQA) Initial Study-Mitigated Negative Declaration (IS-MND) prepared for the Caccavo Cannabis Cultivation Conditional Use Permit (P-18-01) and Variance (CCV-18-25). As SHN is acting as an extension of County Planning staff, the following additional information is needed from the Applicant to revise the CEQA IS-MND in response to the CDFA and CDFW comments.

CDFA Comments

CDFA has indicated that for their agency to issue a license for the proposed project, the CEQA IS-MND should be revised to adequately address their comments. The information being requested relates to the adequacy of the irrigation water sources proposed for the project. The specific information needed is identified below and should be directed to the Applicant for completion.

1. Please provide the estimated monthly and annual water use for the proposed one acre of outdoor and/or mixed light (light deprivation) cultivation. Water use should take into account both cultivation methods analyzed in the IS-MND (that is, outdoor and light deprivation).
2. Please describe any water efficiency or conservation measures, other than drip irrigation, that will be implemented by the proposed project.
3. Please provide evidence that the water sources for the proposed project can serve the project during dry or multiple dry years. If water sources for the proposed project have inadequate supply to serve the proposed project during dry or multiple dry years, please provide a contingency plan for water supply. For example, could water storage tanks or rainwater catchment facilities be



added to the property to allow a several month forbearance period for use of the groundwater well. Although primarily proposed for fire suppression purposes, could the proposed pond also be used for irrigation purposes?

4. According to County records, a riparian water right was filed with the State Water Resources Control Board. Please provide additional information related to the water right, such as the intended use and specifications for the diversion system (for example, design, withdrawal rate, storage, etc.).
5. Are any surface water diversions proposed to be used to provide irrigation water for the proposed project? If so, please provide details, such as location, system design, and status of development.

As noted above, the information will be used to revise the CEQA IS-MND to include the information required for CDFW to issue a license for the project. Once the requested information is received, there may be follow-up questions to ensure that we have sufficient data to document the adequacy of the irrigation water sources for the proposed project.

CDFW Comments

CDFW has provided comments on the proposed project as a trustee and responsible agency pursuant to CEQA, California Public Resources Code Section 21000 et seq. Therefore, the CEQA IS-MND should be revised to adequately address their comments. The information being requested primarily relates to the proposed irrigation and electrical systems. The specific information needed is identified below and should be directed to the Applicant for completion.

6. Please identify on a revised version of the Site Plan, what waterline infrastructure is existing versus proposed at the project site. This will assist in revising the description of the existing baseline condition to address the comments from CDFW.
7. Please verify the size and type of all existing and proposed water lines on the property. In the application information submitted to the County, it indicates that the water lines would be 1.5-inch PVC pipe.
8. Please provide information about whether the existing and proposed water lines would be above ground or buried. If existing water lines are above ground, please provide several photos of the water lines crossing portions of the property.
9. In their comments, CDFW has indicated that it appears that the waterlines are proposed to cross two jurisdictional drainages on the project site. Please provide a description of how the water lines will cross these drainages and whether they will be located in CDFW jurisdiction. If already installed, please also provide several photos of the waterlines that cross drainages at the site.
10. CDFW has provided observations from similar projects where water lines have become compromised by wildlife. Please describe any monitoring or maintenance activities to keep the waterlines in good working order.



Kim Hunter

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11. Please identify on a revised version of the Site Plan, what electrical infrastructure (for example, generators) is existing versus proposed at the project site. This will assist in revising the description of the existing baseline condition to address the comments from CDFW.
12. Please provide information related to the existing and proposed generators that will serve the proposed project, including make/model, manufacturing specifications (for example, horsepower, wattage, etc.), type of use, typical duration, etc. (see 3 CCR § 8306). Also, please provide pictures of any existing generators at the site.
13. Please describe if and/or how electricity will be provided to the proposed project between 10 p.m. and 7 a.m., when generators associated with commercial cultivation are not permitted to be operated, pursuant to Section 17.43.060(B) of the County Code. CDFW has also requested a project condition that precludes running the generators from dusk until dawn.
14. Mitigation Measure Bio-1 in the CEQA IS-MND states "*No loud noises including heavy machinery, hammering, discharge of firearms, or unmuffled generators are allowed during the breeding and nesting window to avoid impacts to Northern Spotted Owl (*Strix occidentalis*) and American Peregrine Falcon (*Falco peregrinus anatum*), which is generally February 1 to September 1.*" CDFW has noted that this measure could be more effective if there were specific noise buffers around known nest or activity sites, as preventing "loud noises" across a 640-acre parcel is difficult to consistently enforce. Please provide information about the noise levels generated by the existing and proposed generators (for example, noise measurements, manufacturer specifications, etc.). Based on the existing and projected noise levels, the generators may need to be located within enclosed structures (for example, shed type structures) to sufficiently buffer noise levels.
15. CDFW explains the Applicant submitted a Lake and Streambed Alteration Agreement (LSAA) Notification on September 3, 2019. However, the Notification was closed due to lack of response on June 30, 2020. CDFW requests the applicant begin the online notification process by utilizing the Environmental Permit Information Management System (EPIMS) available at <https://epims.wildlife.ca.gov/>. If the water lines crossing drainages at the site will impact CDFW jurisdictional areas, they may need to be included in the LSAA.

As noted above, the information will be used to revise the CEQA IS-MND to include the information required by CDFW. Once the requested information is received, there may be follow-up questions to ensure the County has sufficient information to revise the CEQA IS-MND.

Please email me at cmateer@shn-engr.com or call me at 707-822-5785 if you have any questions.

Sincerely,

SHN



Colin Mateer
Associate Planner

CTM:cet



Kim Hunter

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Appendices: 1. CDFW Letter
 2. CDFA Letter

