



**TRINITY COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

530 MAIN ST., PO BOX 2819
PHONE – 530-623-1351
WEAVERVILLE, CALIFORNIA 96093

Edward Prestley, Deputy Director

MEMORANDUM

DATE: February 8, 2024
TO: Members of the Trinity County Planning Commission
FROM: Drew Plebani, Cannabis Division Director,
SUBJECT: Agenda Item: Agenda Item: Item 4, DEV-24-02 Zoning Text
Amendment to 17.43

Attached is Resolution 2020-103 A *RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY (1) ADOPTING FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; (2) ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM; AND (3) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT CONCERNING THE COUNTY'S COMMERCIAL CANNABIS PROGRAM*

RESOLUTION NO. 2020-103

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY (1) ADOPTING FINDINGS OF FACT AND A
STATEMENT OF OVERRIDING CONSIDERATIONS UNDER THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT; (2) ADOPTING A MITIGATION MONITORING
AND REPORTING PROGRAM; AND (3) CERTIFYING THE ENVIRONMENTAL
IMPACT REPORT CONCERNING THE COUNTY'S COMMERCIAL CANNABIS
PROGRAM**

WHEREAS, the County published a Notice of Preparation of an Environmental Impact under the California Environmental Quality Act ("CEQA") regarding the County's Commercial Cannabis Program ("Cannabis 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, 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.

WHEREAS, following the close of the public hearing, the Planning Commission continued the proposed certification of the FEIR and adoption of the Ordinance for further consideration and deliberation at a special meeting on December 3, 2020.

WHEREAS, at its December 3, 2020 special meeting, the Planning Commission recommended that the Board of Supervisors certify the FEIR with modifications that it specified in Planning Commission Resolution PC-2020-13, which the Board of Supervisors has reviewed and considered.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors 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 Board of Supervisors 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 Board of Supervisors adopts the CEQA Findings of Fact and Statements of Overriding Considerations for the Cannabis Program attached in Attachment A.

BE IT FURTHER RESOLVED that the Board of Supervisors adopts the Mitigation and Monitoring Program for the Program attached in Attachment B.

BE IT FURTHER RESOLVED that the Environmental Impact Report for the Cannabis Program is hereby certified pursuant to CEQA.

DULY PASSED AND ADOPTED this 21st day of December, 2020 by the Board of Supervisors of the County of Trinity by motion, second (Brown/Morris), and the following vote:

AYES: Supervisors Brown, Morris, Groves, Fenley and Chadwick
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None



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

ATTEST:

RICHARD KUHNS, Psy.D,
Clerk of the Board of Supervisors

By:  _____
Deputy

ATTACHMENT A

CEQA Findings of Fact and Statement of Overriding Considerations Trinity County Cannabis Program SCH Number: 2018122049

Prepared for:
Trinity County Department of Transportation
P.O. Box 2490
31301 State Highway 3
Weaverville, CA 96093

Contact: David Colbeck, Environmental Compliance Specialist

Prepared by:
Ascent Environmental
455 Capitol Mall, Suite 300
Sacramento, CA 95814
Contact: Pat Angell, Project Manager

December 2020

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1 FINDINGS OF FACT

1.1 INTRODUCTION

1.1.1 Purpose

This statement of Findings of Fact (Findings) and Statement of Overriding Considerations addresses the environmental effects associated with the Trinity County Cannabis Program (Cannabis Program or project). These Findings are made pursuant to the California Environmental Quality Act (CEQA) under Sections 21081, 21081.5, and 21081.6 of the Public Resources Code and Sections 15091 and 15093 of the CEQA Guidelines, Title 14, Cal. Code Regs. 15000, et seq (CEQA Guidelines). The potentially significant impacts were identified in both the Draft Environmental Impact Report (EIR) and the Final EIR, as well as additional facts found in the complete record of proceedings.

Public Resources Code 21081 and Section 15091 of the CEQA Guidelines require that the lead agency prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. Trinity County (County) is the lead agency responsible for preparation of the EIR in compliance with CEQA and the CEQA Guidelines. Section 15091 of the CEQA Guidelines states, in part, that:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with Public Resource Code 21081 and Section 15093 of the CEQA Guidelines, whenever significant impacts cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations, pursuant to the CEQA Guidelines.

Section 15093 of the CEQA Guidelines state that:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Final EIR for the project identified potentially significant effects that could result from project implementation. However, the County Board of Supervisors finds that the inclusion of certain mitigation measures as part of the project approval will reduce most, but not all, of those effects to less than significant levels. Those impacts that are not reduced to less than significant levels are identified and overridden due to specific project benefits in a Statement of Overriding Considerations.

In accordance with CEQA and the CEQA Guidelines, the County Board of Supervisors adopts these Findings as part of its certification of the Final EIR for the project. Pursuant to Section 21082.1(c)(3) of the Public Resources Code, the County Board of Supervisors (Board) also finds that the Final EIR reflects the Board's independent judgment as the lead agency for the project. As required by CEQA, the Board, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project. The Board finds that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

1.1.2 Organization and Format of Findings

Section 1.1, Introduction, contains a summary description of the Cannabis Program and background facts relative to the environmental review process.

Section 1.2 discusses the CEQA findings of independent judgment. Section 1.2.1 identifies the project's potential environmental effects that were determined not to be significant and, therefore, do not require mitigation measures. Section 1.2.2 describes the environmental effects determined not to be significant and therefore were not further evaluated in detail in the EIR. Section 1.2.3 identifies the potentially significant effects of the project that would be mitigated to a less than significant level with implementation of the identified mitigation measures. Section 1.2.4 of these Findings identifies the significant impacts of the project that cannot be mitigated to a less than significant level, even though all feasible mitigation measures have been identified and incorporated into the project.

Section 1.3 identifies the feasibility of the project Alternatives that were studied in the EIR.

Section 1.4 discusses findings with respect to mitigation of significant adverse impacts, and adoption of the Mitigation, Monitoring, and Reporting Program (MMRP).

Section 1.5 describes the certification of the Final EIR.

Section 2.0 contains the Statement of Overriding Considerations providing the Board's views on the balance between the project's significant environmental effects and the merits and objectives of the project.

1.1.3 Summary of Project Description

The Cannabis Program proposes to continue regulating cannabis operations within the county. These include indoor, outdoor, and mixed-light cultivation operations, nurseries, processing, testing, manufacturing, distribution, and non-storefront retail activities. Trinity County has six ordinances to regulate each of the cannabis operation types that are collectively referred to as the Cannabis Program. The following project components are proposed:

- ▶ adopt the six ordinances that regulate commercial cannabis operations in the unincorporated area of the county into a single ordinance;
- ▶ propose an amendment to Section S315-843(1)(i) of the Cultivation Ordinance 315-843 that would increase the designated area for cultivation activities from 200 percent to 250 percent;

- ▶ provide amendments to the various ordinances through mitigation measures to prevent potentially significant environmental impacts of cannabis activities.

1.1.4 Project Objectives

The County has identified the following objectives for the Cannabis Program:

- ▶ 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,
- ▶ regulate cannabis operations to protect the county's reputation as a tourist destination, and
- ▶ align the County's commercial cannabis regulations with state requirements.

1.1.5 Environmental Review Process

NOTICE OF PREPARATION

In accordance with CEQA (PRC Section 21092) and the State CEQA Guidelines (14 CCR Section 15082), a notice of preparation (NOP) was distributed on December 21, 2018, to the State Clearinghouse, responsible agencies, interested parties and organizations, and private organizations and individuals that could have interest in the project. A scoping meeting was held January 16, 2019, at the Trinity Alps Performing Arts Center in Weaverville.

DRAFT EIR

On May 29, 2019, the County released the Draft EIR for a 45-day public review and comment period. The Draft EIR was submitted to the State Clearinghouse for distribution to reviewing agencies and posted on the County's website at <https://www.trinitycounty.org/Commercial-Cannabis> and <https://www.trinitycounty.org/Transportation>. The Draft EIR was also made available at the following locations:

- ▶ Hayfork Library, 6641A State Highway 3, Hayfork;
- ▶ Trinity Center Branch Library, 540B Airport Road, Scott Museum Building, Trinity Center;
- ▶ Weaverville Public Library, 351 Main Street, Weaverville;
- ▶ Willow Creek Branch Library, 39 Mayfair Street, Willow Creek;
- ▶ Trinity County Department of Transportation, 31301 Highway 3, Weaverville; and
- ▶ Trinity County Planning Department, 60 Airport Road, Weaverville.

Public meetings to provide an overview of the Draft EIR and environmental review process were held on the following dates and at the following locations:

- ▶ June 19, 2019 – Weaverville,
- ▶ June 20, 2019 – Burnt Ranch,
- ▶ June 21, 2019 – Trinity Center,
- ▶ June 22, 2019 – Mad River, and
- ▶ June 22, 2019 – Hayfork.

FINAL EIR

Section 15088 of the State CEQA Guidelines requires that the Lead Agency responsible for the preparation of an EIR evaluate comments on environmental issues received during the noticed comment period and prepare written response addressing each of the comments. The intent of the Final EIR is to provide a forum to address comments pertaining to the information and analysis contained within the Draft EIR, and to provide an opportunity for clarifications, corrections, or revisions to the Draft EIR as needed and as appropriate.

After completion of the 45-day comment period, the County held four additional meetings to receive input on the Draft EIR and the Cannabis Program:

- ▶ September 26, 2019, Planning Commission meeting,
- ▶ November 19, 2019, Board of Supervisors meeting, and
- ▶ December 11, 2019, Board of Supervisors special meeting.

While not required under State CEQA Guidelines Section 15088, the Final EIR provides a summaries of common comments received at these meetings and responses to these comments.

The Final EIR assembles in one document all the environmental information and analysis prepared for the proposed project, including comments on the Draft EIR and responses by the County to those comments.

In accordance with State CEQA Guidelines Section 15132, the Final EIR (in two volumes) for the proposed project consists of: (i) the Draft EIR and subsequent revisions; (ii) comments received on the Draft EIR; (iii) a list of the persons, organizations, and public agencies commenting on the Draft EIR; (iv) written responses to significant environmental issues raised during the public review and comment period and related supporting materials; and, (v) other information contained in the EIR, including EIR appendices.

The Final EIR was released on November 11, 2020 and was made available for review by commenting agencies, in accordance with CEQA requirements. The Final EIR was also made available to the public online at <https://www.trinitycounty.org/node/2609>.

1.2 CEQA FINDINGS OF INDEPENDENT JUDGMENT

1.2.1 Effects Determined Not to Be Significant

Section 15128 of the State CEQA Guidelines requires an EIR to contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were, therefore, not discussed in detail in the EIR. This information is addressed in Section 1.2.1, "Effects Found Not to be Significant, " and under the heading "Issues Not Discussed Further" in each resource section of the Final EIR Volume 2. Based on these discussions, implementation of the Cannabis Program was determined to result in no potentially significant impacts related to the following issues, which were therefore, not discussed in detail in the EIR:

- ▶ Air Quality: the Cannabis Program would not result in impacts associated with the naturally occurring asbestos because the North Coast Unified Air Quality Management District requires projects conform with the California Air Resources Board's Airborne Toxic Control Measures for naturally occurring asbestos;
- ▶ Air Quality: the Cannabis Program are not expected to generate more than 32 trips per day during the peak harvest period that could create carbon monoxide hot spots;
- ▶ Air Quality: the Cannabis Program construction and operation of new cannabis facilities would not expose existing receptors to substantial toxic air contaminant concentrations;
- ▶ Biological Resources: the Cannabis Program are not expected result in significant impacts to California wolverine, gray wolf, Sierra Nevada red fox, and western yellow-billed cuckoo;

- ▶ Biological Resources: the commercial cannabis uses under the Cannabis Program would not be permitted within the implementation areas of existing habitat conservation plan areas (private land designated for timber harvest and aquatic habitat), and thus would not affect the successful implementation of the habitat conservation plans;
- ▶ Hydrology and Water Quality: implementation of the Cannabis Program would not increase hazards associated with tsunamis hazards as the county is not exposed to these hazards;
- ▶ Hydrology and Water Quality: implementation of the Cannabis Program would not conflict with the Sustainable Groundwater Management Act because groundwater basins in the county are considered to be of low priority, and thus are not subject to development of a sustainable groundwater management plan;
- ▶ Mineral Resources: implementation of the Cannabis Program would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state;
- ▶ Mineral Resources: implementation of the Cannabis Program would not result in the loss of availability of a locally-important mineral resource recovery site delineated on an applicable land use plan;
- ▶ Noise: implementation of the Cannabis Program would not expose people residing or working in the county to excessive noise associated with airport/airstrip-related operations;
- ▶ Noise: implementation of the Cannabis Program would not generate excessive groundborne vibration or groundborne noise levels during construction or operation;
- ▶ Population and Housing: implementation of the Cannabis Program would not induce substantial population growth and necessitate the construction of new housing. Commercial cannabis uses are not expected to displace housing or displace people because cultivation would be required to be setback from residential uses;
- ▶ Public Services: implementation of the Cannabis Program would not substantially increase population levels in the county. Thus, there would not be additional use of schools or parks and recreation facilities such that new or expansion of facilities would be necessary. Likewise, there would not be an increased demand on fire or law enforcement demand associated with population growth;
- ▶ Recreation: implementation of the Cannabis Program would not result in a substantial increase in countywide population such that indirect impacts on recreational facilities could occur;
- ▶ Transportation: implementation of the Cannabis Program would not result in a change in air traffic patterns or contribute to an increase in demand for air travel; and
- ▶ Transportation: implementation of the Cannabis Program would not limit or adversely affect rail traffic, infrastructure, or activities. Similarly, transit, bike, and pedestrian facilities and activities would not be affected by the project. Due to the rural character of much of the transportation network and the anticipated dispersion of the individual cultivation sites throughout the county, the project would not generate demand for transit, bike, or pedestrian facilities.

1.2.2 Less Than Significant Impacts

The Board finds that, based upon substantial evidence in the record, including information in the Final EIR, the following impacts have been determined be less than significant and no mitigation is required pursuant to Public Resources Code section 21081(a) and CEQA Guidelines Section 15091(a):

AESTHETICS

An evaluation of the project's lighting and glare impacts is found in Section 3.1, "Aesthetics," of the Final EIR Volume 2. 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 (**Impact 3.1-3**).

Finding

The Board finds that, based upon substantial evidence in the record, the potential impact related to the project's effects from lighting and glare is less than significant, and no mitigation measures are required (Final EIR Volume 2, Section 3.1 page 3.1-11).

AGRICULTURE AND FORESTRY RESOURCES

An evaluation of the project's agriculture and forestry resources impacts is found in Section 3.2, "Agriculture and Forestry Resources," of the Final EIR Volume 2. 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 (**Impact 3.2-1**). 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 Timber Production Zone, as well as public lands that contain most of the county's forest resources (**Impact 3.2-2**).

Finding

The Board finds that, based upon substantial evidence in the record, the potential impact related to the project's effects to agriculture and forestry resources is less than significant, and no mitigation measures are required (Final EIR Volume 2, Section 3.2 pages 3.2-9 through 3.2-11).

ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

An evaluation of the project's archaeological, historical, and tribal cultural resources impacts is found in Section 3.5, "Archaeological, Historical, and Tribal Cultural Resources," of the Final EIR Volume 2. 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 (**Impact 3.5-2**).

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, Public Resources Code Section 5097 (**Impact 3.5-3**). Consultation with tribes also did not identify any tribal cultural resources that could be affected by implementing the County Cannabis Program (**Impact 3.5-4**).

Finding

The Board finds that, based upon substantial evidence in the record, the potential impact related to the project's effects on archaeological resources, human remains, and tribal cultural resources is less than significant, and no mitigation measures are required (Final EIR Volume 2, Section 3.5 pages 3.5-20 through 3.5-22).

ENERGY

An evaluation of the project's energy impacts is found in Section 3.6, "Energy," of the Final EIR. Implementation of the Cannabis Program is not projected to result in any significant impacts related to wasteful, inefficient, or unnecessary consumption of energy or wasteful use of energy resources (**Impact 3.6-1**); conflict with or obstruct a state or local plan for renewable energy or energy efficiency (**Impact 3.6-2**); or impacts to energy facilities (**Impact 3.6-3**).

Finding

The Board finds that, based upon substantial evidence in the record, the potential impact related to the project's effects from wasteful, inefficient, or unnecessary consumption of energy or wasteful use of energy resources, conflict with or obstruct a state or local plan for renewable energy or energy efficiency, or to energy facilities is less than significant, and no mitigation measures are required (Final EIR Volume 2, Section 3.6 pages 3.6-8 through 3.6-13).

GEOLOGY AND SOILS

An evaluation of the project's geology and soils impacts is found in Section 3.7, "Geology and Soils," of the Final EIR Volume 2. 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 (**Impact 3.7-1**). Septic systems must be sited, designed, and constructed in accordance with applicable local requirements (**Impact 3.7-3**).

Finding

The Board finds that, based upon substantial evidence in the record, the potential impact related to the project's effects from loss, injury, or death, involving seismic hazards; or operation of septic systems is less than significant, and no mitigation measures are required (Final EIR Volume 2, Section 3.7 pages 3.7-9 through 3.7-13).

HAZARDS AND HAZARDOUS MATERIALS

An evaluation of the project's hazard impacts is found in Section 3.9, "Hazards and Hazardous Materials," of the Final EIR Volume 2. Compliance with existing, applicable rules and regulations specifically designed to protect public health would be sufficient to preclude significant hazardous materials impacts (**Impact 3.9-1**). Also existing regulations effectively reduce the potential for individual projects to create a hazard to the public, schools, or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials (**Impact 3.9-3** and **3.9-4**). The Cannabis Program would also not create a safety hazard or excessive noise exposure for people working or residing near a public airport (**Impact 3.9-5**).

Finding

The Board finds that, based upon substantial evidence in the record, the potential impact related to the project's effects associated with hazardous materials and airport hazards is less than significant, and no mitigation measures are required (Final EIR Volume 2, Section 3.9 pages 3.9-12 through 3.9-18).

LAND USE AND PLANNING

An evaluation of the project's land use impacts is found in Section 3.11, "Land Use and Planning," of the Final EIR Volume 2. 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 (**Impact 3.11-1**). The Cannabis Program would also 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 (**Impact 3.11-2**).

Finding

The Board finds that, based upon substantial evidence in the record, the potential impact related to the project's effects associated with land use and planning is less than significant, and no mitigation measures are required (Final EIR Volume 2, Section 3.11 pages 3.11-5 through 3.11-7).

NOISE

An evaluation of the project's noise impacts is found in Section 3.12, "Noise," of the Final EIR Volume 2. Implementation of the Cannabis Program would require operations to comply with noise standards in the Trinity County General Plan (**Impact 3.12-2**).

Finding

The Board finds that, based upon substantial evidence in the record, the potential impact related to the project's effects from generation of significant operational noise levels is less than significant, and no mitigation measures are required (Final EIR Volume 2, Section 3.12 page 3.12-10).

PUBLIC SERVICES

An evaluation of the project's public services impacts is found in Section 3.13, "Public Services," of the Final EIR Volume 2. Commercial cannabis production and operation under the Cannabis Program would be required to include on-site 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 (**Impact 3.13-2**).

Finding

The Board finds that, based upon substantial evidence in the record, the potential impact related to the project's law enforcement effects is less than significant, and no mitigation measures are required (Final EIR Volume 2, Section 3.13 page 3.13-12).

TRANSPORTATION/TRAFFIC

An evaluation of the project's transportation impacts is found in Section 3.14, "Transportation/Traffic," of the Final EIR Volume 2. Implementation of the Cannabis Program would not result in significant effects related to construction traffic, operations, and vehicle miles traveled (**Impact 3.14-1**, **Impact 3.14-2**, and **Impact 3.14-5**).

Finding

The Board finds that, based upon substantial evidence in the record, the potential impact related to the project's transportation impacts are less than significant, and no mitigation measures are required (Final EIR Volume 2, Section 3.14 pages 3.14-13 through 3.14-16).

CUMULATIVE

An evaluation of the project's cumulative impacts is found in Chapter 4, "Cumulative Impacts," of the Final EIR Volume 2. Implementation of the Cannabis Program is not projected to result in any cumulatively considerable impacts in the following areas with implementation of mitigation measures project impacts identified in sections 3.1 through 3.16 of the Final EIR Volume 2:

- ▶ Substantial Adverse Cumulative Effect Related to Scenic Views, Scenic Highways, Visual Character and Lighting Impacts (**Impact 4.3.1**)
- ▶ Substantial Adverse Cumulative Effect Related to Agricultural and Forestry Impacts (**Impact 4.3.2**)
- ▶ Substantial Adverse Cumulative Effect Related to Biological Resource Impacts (**Impact 4.3.4**)
- ▶ Substantial Adverse Cumulative Effect Related to Archaeological, Historical, and Tribal Cultural Resource Impacts (**Impact 4.3.5**)
- ▶ Substantial Adverse Cumulative Effect Related to Energy Impacts (**Impact 4.3.6**)

- ▶ Substantial Adverse Cumulative Effect Related to Geology and Soil Impacts (**Impact 4.3.7**)
- ▶ Substantial Adverse Cumulative Effect Related to Greenhouse Gas Impacts (**Impact 4.3.8**)
- ▶ Substantial Adverse Cumulative Effect Related to Hazards and Hazardous Materials Impacts (**Impact 4.3.9**)
- ▶ Substantial Adverse Cumulative Effect Related to Water Quality, Groundwater, Flooding, and Surface Water Resource Impacts (**Impact 4.3.10**)
- ▶ Substantial Adverse Cumulative Effect Related to Land Use and Planning Impacts (**Impact 4.3.11**)
- ▶ Substantial Adverse Cumulative Effect Related to Public Service Impacts (**Impact 4.3.13**)
- ▶ Substantial Adverse Cumulative Effect Related to Traffic Operational Impacts, Vehicle Miles Traveled Impacts, and Roadway/Emergency Access Impacts (**Impact 4.3.14**)
- ▶ Substantial Adverse Cumulative Effect Related to Public Wastewater Impacts, Public Water Supply Impacts, and Solid Waste Impacts (**Impact 4.3.15**)
- ▶ Substantial Adverse Cumulative Effect Related to Wildfire Impacts (**Impact 4.3.16**)

Finding

The Board finds that, based upon substantial evidence in the record, the potential impact related to the project's contribution to the above cumulative impacts are less than cumulatively considerable (Final EIR Volume 2, Chapter 4). The reader is referred to findings on project impacts and mitigation measures related to cumulative impacts in Section 1.2.3 and 1.2.4 below.

1.2.3 Potentially Significant Impacts that Can Be Mitigated Below a Level of Significance

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the CEQA Guidelines, the Board finds that, for each of the following significant effects identified in the Final EIR, changes or alterations have been required in, or incorporated into, the proposed project which avoid or mitigate the identified significant effects on the environment to less than significant levels. These findings are explained below and are supported by substantial evidence in the record of proceedings.

AESTHETICS - IMPACTS TO SCENIC VISTAS OR DAMAGE SCENIC RESOURCES

An evaluation of the project's impacts related to aesthetics is found in Section 3.1, "Aesthetics," of the Final EIR Volume 2. 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 (**Impact 3.1-1**).

Mitigation measures to avoid or reduce the environmental effects of the project on aesthetics are included as part of the project.

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:

- ▶ 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 with locally appropriate native vegetation 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.

Mitigation Measure 3.1-1b: Maintain Cultivation Premises

Section 315-843(6) will be amended to include the following new performance standard:

- ▶ License applications for new cultivation sites and requests for license renewal will maintain the premises 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 premises 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.

Mitigation Measure 3.1-1c: Fence Cultivation Site

Section 315-843(6) will be amended to include the following new performance standard:

- ▶ 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.

Finding

The Board finds that the above mitigation measures are feasible, will reduce the potential aesthetics-related impacts of the project to less-than-significant levels, and are adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measure 3.1-1a would address impacts on scenic views and scenic resources by requiring the screening of new cultivation sites and the establishment of screening features at existing cultivation sites, ensuring that these features do not dominate the scenic view. Mitigation Measures 3.1-1b and 3.1-1c would require that the cultivation site conditions be maintained clean of trash and debris piles and that fencing blend with the surrounding conditions of the site. These mitigation measures would be consistent with the intent of Circulation Element Policy 1.15D and recommendations of the Open Space Element. (Final EIR Volume 2 Section 3.1 pages 3.1-8 and 3.1-9)

During Planning Commission and Board of Supervisor meetings on the Cannabis Program in November and December 2020, Mitigation Measure 3.1-1b was revised since release of the Final EIR to clarify that the measure is intended to apply to the premise of cannabis cultivation sites where cannabis activities would occur, and not to the entirety of a parcel. Premises, as defined in the proposed project, 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...."

AESTHETICS - DEGRADE VISUAL CHARACTER

An evaluation of the project's impacts related to aesthetics is found in Section 3.1, "Aesthetics," of the Final EIR Volume 2. 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 (**Impact 3.1-2**).

Mitigation measures to avoid or reduce the environmental effects of the project on aesthetics are included as part of the project.

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:

- ▶ 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 blend 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 with locally appropriate native vegetation 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.

Mitigation Measure 3.1-1b: Maintain Cultivation Premises

Section 315-843(6) will be amended to include the following new performance standard:

- ▶ License applications for new cultivation sites and requests for license renewal will maintain the premises 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 premises 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.

Mitigation Measure 3.1-1c: Fence Cultivation Site

Section 315-843(6) will be amended to include the following new performance standard:

- ▶ 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.

Finding

The Board finds that the above mitigation measures are feasible, will reduce the potential aesthetics-related impacts of the project to less-than-significant levels, and are adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measure 3.1-1a would address impacts on scenic views and scenic resources by requiring the screening of new cultivation sites and the establishment of screening features at existing cultivation sites, ensuring that these features do not dominate the scenic view. Mitigation Measures 3.1-1b and 3.1-1c would require that the cultivation site conditions be maintained clean of trash and debris piles and that fencing blend with the surrounding conditions of the site. This would address new cultivation visual character impacts as well improve existing visual character conditions. (Final EIR Volume 2 Section 3.1 pages 3.1-10 and 3.1-11)

BIOLOGICAL RESOURCES - PLANT SPECIES IMPACTS

An evaluation of the potential biological resource impacts of the Cannabis Program is provided in Section 3.4, "Biological Resources," of the Final EIR. 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 (**Impact 3.4-1**).

Mitigation measures to avoid or reduce the environmental effects of the project on special-status plant species are included as part of the project.

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 special-status plants, 38 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:

- ▶ 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. 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:
 - date, time, and weather conditions during the survey;
 - a description and explanation of whether the site conditions during the survey are considered typical or atypical;
 - a map depicting the proposed development area and the unique, rare, and special-status species, sensitive habitats, or sensitive natural communities found;
 - 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;
 - 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;
 - a description of survey methods and any protocols utilized during the survey; and
 - 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 the ordinance.
- ▶ 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 Mitigation Measures 3.4-1b, 3.4-2a through 3.4-2o, 3.4-4a, 3.4-4b, 3.4-5, and 3.4-6b will be included in the letter report and shall be implemented.

Mitigation Measure 3.4-1b: Conduct Special-Status Plant Surveys and Implement Avoidance Measures and Mitigation

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:

- ▶ 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).
- ▶ 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.

Mitigation Measure 3.4-1c: Implement Measures to Avoid Introduction or Spread of Invasive Plant Species

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 to avoid the introduction or spread of plants classified as invasive plant species by the California Invasive Plant Council:

- ▶ The application will 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 will identify specific measures to be employed for the removal of invasive species and on-site management practices.
- ▶ 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.
- ▶ Applicants shall monitor annually to ensure successful removal and prevention of new infestations of invasive species.
- ▶ 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.

Finding

The Board finds that the above mitigation measures are feasible, will reduce the potential biological resource-related impacts of the project to less-than-significant levels, and are adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measure 3.4-1a, 3.4-1b, and 3.4-1c would reduce significant impacts on special-status plants to a less-than-significant level because it would require applicants to identify and avoid special-status plants and would prevent the spread of invasive weeds by removal of existing populations on-site and inspecting machinery. These

mitigation measures are consistent with the requirements of Attachment A (General Requirements and Prohibitions) of SWRCB Order WQ 2019-0001-DWQ. (Final EIR Volume 2 Section 3.4 pages 3.4-42 through 3.4-44)

BIOLOGICAL RESOURCES - DISTURBANCE TO OR LOSS OF SPECIAL-STATUS WILDLIFE SPECIES AND HABITAT

An evaluation of the potential biological resource impacts of the Cannabis Program is provided in Section 3.4, "Biological Resources," of the Final EIR. 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 federal and state endangered species acts, California Fish and Game Code, CEQA, and other regulations. (**Impact 3.4-2**).

Mitigation measures to avoid or reduce the environmental effects of the project on special-status wildlife species and habitat are included as part of the project.

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 Order WQ 2019-0001-DWQ 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 Mitigation Measure 3.4-1a) or are determined to be likely to occur based on 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, 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 48 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, work on the site shall not commence until the applicant has consulted with CDFW 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) 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.

Mitigation Measure 3.4-2b: Conduct Surveys for Western Pond Turtle and Relocate Individuals

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 western pond turtle from new development related to cannabis activities:

- ▶ 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 by a qualified biologist with a valid CDFW 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 will 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.

Mitigation Measure 3.4-2c: Conduct Preconstruction Nesting Raptor Surveys and Establish Protective Buffers

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 nesting raptors from new development related to cannabis activities:

- ▶ 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.
- ▶ 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.

Mitigation Measure 3.4-2d: Conduct Northern Spotted Owl Preconstruction Habitat Suitability Surveys and Determine Presence or Absence of the Species

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 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 Mitigation Measure 3.4-4a.
- ▶ 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:
 - 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, including expansion of an existing Designated Area, will not be permitted.

Mitigation Measure 3.4-2e: Conduct Preconstruction Special-Status Nesting Bird Surveys and Establish Protective Buffers

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 little willow flycatcher, olive-sided flycatcher, yellow warbler, yellow-breasted chat, or other bird nests from new development related to cannabis activities:

- ▶ 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).
- ▶ 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 *A Willow Flycatcher Survey Protocol for California* (Bombay et al. 2003).
- ▶ 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.
- ▶ 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 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.

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 for the protection of the Trinity bristle snail from new development related to cannabis activities:

- ▶ 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, 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 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 *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 protocols.

- ▶ If Trinity bristle snail or its habitat 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 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.

Mitigation Measure 3.4-2g: Implement Measures to Avoid Take of Special-Status Bumble Bees or Obtain Incidental Take Coverage

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 special-status bumble bees from new development related to cannabis activities:

- ▶ 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.
- ▶ 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.

Mitigation Measure 3.4-2h: Conduct Preconstruction American Badger Survey and Establish Protective Buffers

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 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 7 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.

Mitigation Measure 3.4-2i: Conduct Preconstruction Fisher and Humboldt Marten Survey and Preserve Active Den Sites

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 the fisher and Humboldt marten from new development related to cannabis activities:

- ▶ 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 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.
- ▶ 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.

Mitigation Measure 3.4-2j: Conduct Preconstruction Surveys for Ringtail and Implement Avoidance Measures

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 the ringtail from new development related to cannabis activities:

- ▶ 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.
- ▶ 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.

Mitigation Measure 3.4-2k: Conduct Preconstruction Surveys for Oregon Snowshoe Hare and Implement Avoidance Measures

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 Oregon snowshoe hare from new development related to cannabis activities:

- ▶ 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 County shall conduct preconstruction surveys of all suitable habitat within the site.
- ▶ 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.

Mitigation Measure 3.4-2l: Preconstruction Bat Survey and Exclusion

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 the pallid bat and Townsend's big-eared bat from new development related to cannabis activities:

- ▶ 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 hibernation or while females in maternity colonies are nursing young that is large enough to prevent disturbance to the colonies.

Mitigation Measure 3.4-2m: Preconstruction Vole Survey

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 the Sonoma tree vole from new development related to cannabis activities:

- ▶ 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.

Mitigation Measure 3.4-2n: Implement Generator Noise Reduction Measures

Section 315-843(6)(b) will be modified as shown to include standards to protect wildlife (USFWS 2006):

- ▶ 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.

Mitigation Measure 3.4-2o: 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:

- ▶ 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.
- ▶ If impacts to gray wolf cannot be avoided, then proposed cultivation activities will not be permitted.

Finding

The Board finds that the above mitigation measures are feasible, will reduce the potential biological resource-related impacts of the project to less-than-significant levels, and are adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measures 3.4-2a through 3.4-2o would address impacts because actions including preconstruction surveys, establishment of protective buffers, and avoidance of individual animals would reduce the

potential impacts of injury, mortality or other disturbance of individual animals and habitat. These mitigation measures would reduce the project's impacts to special-status wildlife species and habitat impacts to a less-than-significant level. (Final EIR Volume 2 Section 3.4 pages 3.4-44 through 3.4-61)

BIOLOGICAL RESOURCES - DISTURBANCE TO OR LOSS OF SPECIAL-STATUS FISHERIES

An evaluation of the potential biological resource impacts of the Cannabis Program is provided in Section 3.4, "Biological Resources," of the Final EIR. 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 the Endangered Species Act (ESA), California Endangered Species Act (CESA), and other regulations. (**Impact 3.4-3**).

Mitigation measures to avoid or reduce the environmental effects of the project on special-status fisheries and habitat are included as part of the project.

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 Order WQ 2019-0001-DWQ:

- ▶ All cultivation sites (new and licensed renewals) are required to demonstrate compliance with all applicable 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 be 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 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 Road Handbook, per CCR Title 14, Chapter 4. Compliance with water diversion standards and restrictions of SWRCB Order WQ 2019-0001-DWQ 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.

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):

- ▶ 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 Road Handbook, per CCR Title 14, Chapter 4. The County will annually inspect compliance with this measure as part of license issuance or license renewal to confirm compliance.

Mitigation Measure 3.10-1b: Restrict 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):

- ▶ 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.

Finding

The Board finds that the above mitigation measures are feasible, will reduce the potential biological resource-related impacts of the project to less-than-significant levels, and are adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measure 3.10-1a would amend the Cannabis Program to require compliance with the requirements of SWRCB Order WQ 2019-0001-DWQ, or any subsequent water quality standards to apply to all new commercial cannabis cultivation operations. Mitigation Measure 3.10-3b would require the County to deny any application for cultivation that is located within a watershed that has a moratorium for state licenses in place pursuant to CCR Section 8216. These mitigation measures would be consistent with the General Plan Conservation Element recommendations. Compliance with the SWRCB numeric and narrative instream flow requirements and implementation of Mitigation Measures 3.10-1a and 3.10-3b would ensure that surface water flows are protected and would reduce this impact to less than significant. The SWRCB's flow standards and diversion requirements were developed to protect fish spawning, migration, and rearing for endangered anadromous salmonids, and flows needed to maintain natural flow variability within each watershed. The diversion requirements would ensure that the individual and cumulative effects of water diversions and discharges associated with cannabis cultivation do not affect instream flows necessary for fish spawning, migration, and rearing for endangered anadromous salmonids, and flows needed to maintain natural flow variability. These standards were scientifically peer reviewed and determined that water quality, instream flow, and diversion requirements of the policy were based on sound scientific knowledge, methods, and data. (Final EIR Volume 2 Section 3.4 pages 3.4-61 through 3.4-63)

BIOLOGICAL RESOURCES - DISTURBANCE TO OR LOSS OF RIPARIAN HABITAT, OLD-GROWTH HABITAT, OR OTHER SENSITIVE NATURAL COMMUNITIES

An evaluation of the potential biological resource impacts of the Cannabis Program is provided in Section 3.4, "Biological Resources," of the Final EIR. 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. (**Impact 3.4-4**).

Mitigation measures to avoid or reduce the environmental effects of the project on sensitive habitat and natural communities are included as part of the project.

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 2019-0001-DWQ for the protection of sensitive natural communities and riparian habitat:

- ▶ 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 integrity of exclusion fencing/flagging throughout the period of construction involving ground disturbance.
- ▶ 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 2019-0001-DWQ.

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

- 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;
- 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.

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:

- ▶ 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 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.

Finding

The Board finds that the above mitigation measures are feasible, will reduce the potential biological resource-related impacts of the project to less-than-significant levels, and are adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measure 3.4-1a would apply to this impact and would determine if there is potential for the sensitive natural communities to be present. Mitigation Measures 3.4-4a and 3.4-4b would reduce significant impacts to sensitive natural communities and riparian habitat to less-than-significant levels because it would require applicants to identify and avoid sensitive resources or provide compensation for the loss of riparian habitat through enhancement of existing populations, creation and management of off-site populations, conservation easements, or other appropriate measures and to restore cultivation and nursery sites upon revocation of a license or abandonment. These mitigation measures would be consistent with the General Plan Conservation Element recommendations. (Final EIR Volume 2 Section 3.4 pages 3.4-63 through 3.4-65)

BIOLOGICAL RESOURCES - DISTURBANCE TO OR LOSS OF WATERS OF THE UNITED STATES

An evaluation of the potential biological resource impacts of the Cannabis Program is provided in Section 3.4, "Biological Resources," of the Final EIR. 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. (**Impact 3.4-5**).

Mitigation measure to avoid or reduce the environmental effects of the project on wetlands is included as part of the project.

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 2019-0001-DWQ for the protection of waters of the United States from new development related to cannabis activities:

- ▶ 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 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.

Finding

The Board finds that the above mitigation measure is feasible, will reduce the potential biological resource-related impacts of the project to less-than-significant levels, and is adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measure 3.4-1a would apply to this impact and would determine if there is potential for wetlands to be present. Mitigation Measure 3.4-5 would reduce impacts to wetlands and other waters of the United States to a less-than-significant level because it would require the proposed projects to avoid any wetlands or waters of the United States. (Final EIR Volume 2 Section 3.4 pages 3.4-66 through 3.4-67)

BIOLOGICAL RESOURCES - INTERFERENCE WITH RESIDENT OR MIGRATORY WILDLIFE CORRIDORS OR NATIVE WILDLIFE NURSERY SITES

An evaluation of the potential biological resource impacts of the Cannabis Program is provided in Section 3.4, "Biological Resources," of the Final EIR. 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. **(Impact 3.4-6).**

Mitigation measures to avoid or reduce the environmental effects of the project on wildlife movement and nursery sites are included as part of the project.

Mitigation Measure 3.4-6a: Implement Mitigation Measure 3.4-5: Identify Wetlands and Other Waters of the United States and Avoid These Features

The reader is referred to impact 3.4-5 above for a complete description of this mitigation measure.

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 2019-0001-DWQ for the protection of the habitat for fisher and Humboldt marten:

- ▶ 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.

Mitigation Measure 3.4-6c: Implement Mitigation Measure 3.1-1b: Maintain Cultivation Premises

The reader is referred to impact 3.1-1 above for a complete description of this mitigation measure.

Finding

The Board finds that the above mitigation measures are feasible, will reduce the potential biological resource-related impacts of the project to less-than-significant levels, and are adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measure 3.4-6a would reduce impacts to aquatic corridors to a less-than-significant level because it would require approval and permits from CDFW and RWQCB and result in no net loss of functions and acreage of wetlands, including aquatic corridors through avoidance of these features. Implementation of Mitigation Measure 3.4-6b would reduce impacts to terrestrial wildlife movement corridors to a less-than-significant level because it would prohibit removal of old-growth habitat and would retain features important for habitat connectivity for the fisher and Humboldt marten. Implementation of Mitigation Measure 3.4-6c would also mitigate wildlife movement impacts by requiring that sites remain clear of trash and debris piles. (Final EIR Volume 2 Section 3.4 pages 3.4-67 through 3.4-68)

ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

An evaluation of the project's impacts related to archaeological, historical, and tribal cultural resources is found in Section 3.5, "Archaeological, Historical, and Tribal Cultural Resources," of the Final EIR Volume 2. 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. (**Impact 3.5-1**)

Mitigation measures to avoid or reduce the environmental effects of the project on historic resources are included as part of the project.

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):

- ▶ 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.

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:

- ▶ Cannabis cultivation operations shall not be permitted within the historic districts of Weaverville, Denny, Helena, and Lewiston, unless the operations occur indoors, do not require modification of historic features, and do not conflict with any limitation on location to cultivate cannabis.
- ▶ 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 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.

Finding

The Board finds that the above mitigation measures are feasible, will reduce the potential historic resources-related impacts of the project to less-than-significant levels, and are adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measure 3.5-1a would ensure that any buildings of potential historical value would be identified and would further prevent modifications that could result in a change in the historical significance of the buildings.

Implementation of Mitigation Measure 3.5-1b would reduce potentially significant impacts by amending the proposed Cannabis Program to include protection of historic resources within the county's historic districts. Further, this mitigation ensures that actions will be taken to record, evaluate, avoid, or otherwise treat the resource appropriately, in accordance with pertinent laws and regulations. (Final EIR Volume 2 Section 3.5 pages 3.5-18 through 3.5-20)

During Planning Commission and Board of Supervisor meetings on the Cannabis Program in November and December 2020, Mitigation Measure 3.5-1b was revised since release of the Final EIR to clarify that the intent that cannabis uses may be allowed in historic districts provided that they do not impact historic features associated with the district and do not conflict with any other limitation on location to cultivate cannabis.

GEOLOGY AND SOILS - GEOLOGIC AND SOIL STABILITY IMPACTS

An evaluation of the project's impacts related to geology and soils is found in Section 3.7, "Geology and Soils," of the Final EIR Volume 2. 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. **(Impact 3.7-2)**

Mitigation measure to avoid or reduce the environmental effects of the project on geologic and soil stability is included as part of the project.

Mitigation Measure 3.7-2: Implement Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards

The reader is referred to impact 3.10-1 below for a complete description of this mitigation measure.

Finding

The Board finds that the above mitigation measure is feasible, will reduce the potential geologic and soil stability impacts of the project to less-than-significant levels, and is adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measure 3.10-1a would require all existing and new commercial cannabis activities in the county to comply with the conditions of SWRCB Order WQ 2019-0001-DWQ or otherwise avoid water quality impacts regardless of the site size. This would also include ensuring that sites are geologically stable and do not result in operational soil erosion and sedimentation impacts. This would be consistent with the intent and protection provisions of County Code of Ordinances Chapters 12.12. and 15.24, related to soil stability, drainage control, and erosion minimization. Therefore, geologic and soil stability impacts would be less than significant. (Final EIR Volume 2 Section 3.7 pages 3.7-10 through 3.7-12)

GEOLOGY AND SOILS - PALEONTOLOGICAL RESOURCE IMPACTS

An evaluation of the project's impacts related to geology and soils is found in Section 3.7, "Geology and Soils," of the Final EIR Volume 2. Expansion of existing commercial cannabis uses and development of new commercial cannabis uses under the Cannabis Program could result in the accidental damage of previously undiscovered paleontological resources. (**Impact 3.7-4**)

Mitigation measure to avoid or reduce the environmental effects of the project on paleontological resources is included as part of the project.

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), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):

- ▶ 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. It is encouraged that the excavated finds 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 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.

Finding

The Board finds that the above mitigation measures is feasible, will reduce the potential paleontological resource impacts of the project to less-than-significant levels, and is adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measure 3.7-4 would reduce potential loss of paleontological resources from site development to a less-than-significant level because it would ensure that discovered resources are evaluated and protected. (Final EIR Volume 2 Section 3.7 pages 3.7-13 through 3.7-14)

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

An evaluation of the project's impacts related to greenhouse gases and climate change is found in Section 3.8, "Greenhouse Gas Emissions and Climate Change," of the Final EIR Volume 2. 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 greenhouse gas emissions (GHG). 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 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. **(Impact 3.8-1)**

Mitigation measures to avoid or reduce the environmental effects of the project on GHG emissions are included as part of the project.

Mitigation Measure 3.8-1a: Implement Mitigation Measures 3.3-1a, 3.3-1b, and 3.3-1c

The reader is referred to Section 1.2.4 for a complete description of these mitigation measures.

Mitigation Measure 3.8-1b: Implement Mitigation Measures 3.3-2a and 3.3-2b

The reader is referred to Section 1.2.4 for a complete description of these mitigation measures.

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) by January 1, 2023 for consistency with California Code of Regulations Title 3, Division 8, Chapter 1, Section 8305 (Renewable Energy Requirements):

- ▶ 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.

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).

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):

- ▶ 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).

Examples of high efficacy lighting include:

- ▶ 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.

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).

Finding

The Board finds that the above mitigation measures are feasible, will reduce the GHG emissions of the project to less-than-significant levels, and are adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measure 3.8-1a could reduce construction-generated GHG emissions by 67 percent at all new licensed cultivation and noncultivation sites. Implementation of Mitigation Measure 3.8-1b would reduce GHG emissions associated with off-road equipment. Implementation of Mitigation Measures 3.8-1c and 3.8-1d would require all cannabis cultivation and noncultivation sites to reduce their GHG emissions through the use of electrified off-road equipment, higher performing back-up generators, renewable energy, and high-efficacy lighting. These requirements would apply to all new cultivation and noncultivation sites under the Cannabis Program and would apply to all existing cultivation and noncultivation site when seeking annual relicensing. With implementation of these mitigation measures, the Cannabis Program would be consistent with the California Air Resources Board 2017 Scoping Plan's Local Action recommendations for reducing GHG emissions. All cultivation and noncultivation sites permitted under the Cannabis Program would align with applicable plans and policies adopted for the purpose of reducing GHG emissions. The GHG emissions associated with project implementation would not be a considerable contribution to global climate change and would be less than significant. (Final EIR Volume 2 Section 3.8 pages 3.8-8 through 3.8-12)

During Planning Commission and Board of Supervisor meetings on the Cannabis Program in November and December 2020, Mitigation Measure 3.8-1b was revised since release of the Final EIR to match its timing with the

timing of the renewable energy requirements under California Code of Regulations Title 3, Division 8, Chapter 1, Section 8305 associated with cannabis cultivation operations.

HAZARDS AND HAZARDOUS MATERIALS - EXPOSURE TO EXISTING ONSITE HAZARDOUS MATERIALS

An evaluation of the project's impacts related to hazards is found in Section 3.9, "Hazards and Hazardous Materials," of the Final EIR Volume 2. 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 involved, and concentrations. **(Impact 3.9-2)**

Mitigation measures to avoid or reduce the environmental effects of the project are included as part of the project.

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):

- ▶ Applications for new cannabis activities on sites that contain existing or previous commercial, business park, or industrial uses 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.

Mitigation Measure 3.9-2b: Prepare a Hazardous Materials Contingency Plan for Construction Activities

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 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.

Finding

The Board finds that the above mitigation measures are feasible, will reduce the hazard impacts of the project to less-than-significant levels, and are adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Preparation of, and compliance with, a Phase I ESA for properties at risk of potential hazardous materials and/or waste contamination would avoid adverse impacts (Mitigation Measure 3.9-2a). This would minimize the risk of an accidental release of hazardous substances that could adversely affect human health or the environment. Mitigation Measure 3.9-2b would establish a hazardous materials contingency plan to address potential soil and groundwater contamination and ensure remediation, if discovered during construction activities consistent with County General Plan Safety Element policies. (Final EIR Volume 2 Section 3.9 pages 3.9-14 through 3.9-15)

HAZARDS AND HAZARDOUS MATERIALS - EMERGENCY RESPONSE AND EVACUATION PLAN IMPACTS

An evaluation of the project's impacts related to hazards is found in Section 3.9, "Hazards and Hazardous Materials," of the Final EIR Volume 2. 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. **(Impact 3.9-6)**

Mitigation measures to avoid or reduce the environmental effects of the project are included as part of the project.

Mitigation Measure 3.9-6: Implement Mitigation Measures 3.14-3 and 3.14-4.

The reader is referred to "Transportation/Traffic" below for a complete description of these mitigation measures.

Finding

The Board finds that the above mitigation measures are feasible, will reduce the emergency access and evacuation impacts of the project to less-than-significant levels, and are adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measures 3.14-3 and 3.14-4 would require that existing licensed and new commercial cannabis sites meet County roadway and access design and fire safety requirements set forth in County Code of Ordinances Chapters 8.30 and 12.10. (Final EIR Volume 2 Section 3.9 pages 3.9-18 through 3.9-19)

HYDROLOGY AND WATER QUALITY - WATER QUALITY IMPACTS

An evaluation of the project's impacts related to hydrology and water quality is found in Section 3.10, "Hydrology and Water Quality," of the Final EIR Volume 2. 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 organisms that rely on high-quality waters. **(Impact 3.10-1)**

Mitigation measures to avoid or reduce the environmental effects of the project are included as part of the project.

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 Order WQ 2019-0001-DWQ:

- ▶ All cultivation sites (new and licensed renewals) are required to demonstrate compliance with all applicable 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 be 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 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 Road Handbook, per CCR Title 14, Chapter 4. Compliance with water diversion standards and restrictions of SWRCB Order WQ 2019-0001-DWQ 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.

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):

- ▶ 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 Road Handbook, per CCR Title 14, Chapter 4. The County will annually inspect compliance with this measure as part of license issuance or license renewal to confirm compliance.

Mitigation Measure 3.10-1b: Restrict 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):

- ▶ 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.

Finding

The Board finds that the above mitigation measures are feasible, will reduce the water quality impacts of the project to less-than-significant levels, and are adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Mitigation Measure 3.10-1a would require all existing and new commercial cannabis activities in the county to comply with the conditions of SWRCB Order WQ 2019-0001-DWQ or otherwise avoid water quality impacts. These conditions were developed in consultation with California Department of Fish and Wildlife to ensure that the individual and

cumulative effects of water diversions and discharges associated with cannabis cultivation do not affect fish spawning, migration, and rearing for endangered anadromous salmonids. The provisions of SWRCB Order WQ 2019-0001-DWQ were scientifically peer reviewed by four experts. The peer review determined that water quality, instream flow, and diversion requirements of the Policy were based on sound scientific knowledge, methods, and data. This would also include ensuring that sites are stable and do not result in operational water quality impacts. Mitigation Measure 3.10-1b would avoid direct discharge of pollutants during a flood event. (Final EIR Volume 2 Section 3.10 pages 3.10-29 through 3.10-32)

HYDROLOGY AND WATER QUALITY - GROUNDWATER IMPACTS

An evaluation of the project's impacts related to hydrology and water quality is found in Section 3.10, "Hydrology and Water Quality," of the Final EIR Volume 2. 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. (Impact 3.10-2)

Mitigation measure to avoid or reduce the environmental effects of the project is included as part of the project.

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:

- ▶ 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 usage 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 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.

Finding

The Board finds that the above mitigation measure is feasible, will reduce the groundwater impacts of the project to less-than-significant levels, and is adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Mitigation Measure 3.10-2 would require the reporting of annual monitoring of groundwater conditions to the County as part of the annual inspections required under the Cannabis Program. This monitoring would identify if on-site well operations are resulting in groundwater drawdown impacts and what adaptive measures would be

implemented to recover groundwater levels and protect adjacent wells. Because implementation of this mitigation measure would be required as part of annual commercial cannabis operations permit renewals, it would provide ongoing protection of local groundwater resources. (Final EIR Volume 2 Section 3.10 pages 3.10-32 through 3.10-34)

During Planning Commission and Board of Supervisor meetings on the Cannabis Program in November and December 2020, Mitigation Measure 3.10-2 was revised since release of the Final EIR to clarify its intent to monitor groundwater levels and usage.

HYDROLOGY AND WATER QUALITY - DIVERSION OF SURFACE WATER

An evaluation of the project's impacts related to hydrology and water quality is found in Section 3.10, "Hydrology and Water Quality," of the Final EIR Volume 2. 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 2019-0001-DWQ requires that certain flow and gaging requirements be met and that a surface water diversion forbearance period be implemented. **(Impact 3.10-3)**

Mitigation measures to avoid or reduce the environmental effects of the project are included as part of the project.

Mitigation Measure 3.10-3a: Implement Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards

The reader is referred to the water quality impact (3.10-1) for a complete description of this mitigation measure.

Mitigation Measure 3.10-3b: Prohibit Commercial Cannabis Operations in Watersheds under a CDFR 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:

- ▶ 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 CDFR 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.

Finding

The Board finds that the above mitigation measures are feasible, will reduce the surface water impacts of the project to less-than-significant levels, and are adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measure 3.10-3a would require that all commercial cannabis operations comply with the water diversion requirements and restrictions of SWRCB Order WQ 2019-0001-DWQ, which contains instream flow requirements and a period of surface water diversion forbearance during dry months. These gage requirements have been determined by SWRCB to limit adverse effects on surface waterways due to low flows. Implementation of Mitigation Measure 3.10-3b would ensure that the County prohibits any new commercial cannabis uses that could further affect critical watersheds identified by SWRCB and CDFW. (Final EIR Volume 2 Section 3.10 pages 3.10-34 through 3.10-36)

HYDROLOGY AND WATER QUALITY - ALTERATION OF DRAINAGE CONDITIONS AND FLOODPLAINS

An evaluation of the project's impacts related to hydrology and water quality is found in Section 3.10, "Hydrology and Water Quality," of the Final EIR Volume 2. 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. **(Impact 3.10-4)**

Mitigation measure to avoid or reduce the environmental effects of the project is included as part of the project.

Mitigation Measure 3.10-4: Implement Mitigation Measure 3.10-1b: Restrict Cultivation Operations in Floodplains

The reader is referred to the water quality impact (3.10-1) for a complete description of this mitigation measure.

Finding

The Board finds that the above mitigation measure is feasible, will reduce the drainage and flooding impacts of the project to less-than-significant levels, and is adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measure 3.10-4 would ensure that cultivation activities avoid alteration of floodplain conditions. (Final EIR Volume 2 Section 3.10 page 3.10-37)

NOISE - CONSTRUCTION NOISE IMPACTS

An evaluation of the project's impacts related to noise is found in Section 3.12, "Noise," of the Final EIR Volume 2. 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. **(Impact 3.12-1)**

Mitigation measure to avoid or reduce the environmental effects of the project is included as part of the project.

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.

Finding

The Board finds that the above mitigation measure is feasible, will reduce the noise impacts of the project to less-than-significant levels, and is adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measure 3.12-1 would ensure that surrounding noise-sensitive receptors would not be exposed to construction noise during the more noise-sensitive evening and nighttime hours and that sleep disturbance would not occur during these times of the day at residential land uses. (Final EIR Volume 2 Section 3.12 pages 3.12-8 through 3.12-10)

PUBLIC SERVICES - FIRE PROTECTION SERVICE IMPACTS

An evaluation of the project's impacts related to public services is found in Section 3.13, "Public Services," of the Final EIR Volume 2. 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. (**Impact 3.13-1**)

Mitigation measures to avoid or reduce the environmental effects of the project are included as part of the project.

Mitigation Measure 3.13-1: Implement Mitigation Measures 3.14-3 and 3.14-4.

The reader is referred to "Transportation/Traffic" below for a complete description of these mitigation measures.

Finding

The Board finds that the above mitigation measures are feasible, will reduce the fire protection service impacts of the project to less-than-significant levels, and are adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measures 3.14-3 and 3.14-4 would require that existing licensed and new commercial cannabis sites meet county roadway and access design and fire safety requirements set forth in County Code of Ordinances Chapters 8.30 and 12.10. (Final EIR Volume 2 Section 3.13 pages 3.13-10 through 3.13-11)

TRANSPORTATION/TRAFFIC - ROADWAY HAZARDS

An evaluation of the project's impacts related to public services is found in Section 3.14, "Transportation/Traffic," of the Final EIR Volume 2. 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. (**Impact 3.14-3**)

Mitigation measure to avoid or reduce the environmental effects of the project is included as part of the project.

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), 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 roadways providing site access are 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 and SWRCB Order WQ 2019-0001-DWQ.

Finding

The Board finds that the above mitigation measures are feasible, will reduce roadway safety impacts of the project to less-than-significant levels, and is adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

With implementation of Mitigation Measure 3.14-3, existing and new commercial cannabis operations in the county would be required to be in compliance with Chapter 12.10: Design Policies of the Trinity County Code; and thus, access to existing and new commercial cannabis operations would not be located along roadways that are hazardous due to the geometric design of the roadway. (Final EIR Volume 2 Section 3.14 pages 3.14-16 through 3.14-17)

TRANSPORTATION/TRAFFIC - EMERGENCY ACCESS

An evaluation of the project's impacts related to public services is found in Section 3.14, "Transportation/Traffic," of the Final EIR Volume 2. Under the Cannabis Program, it cannot be assured that existing and new commercial cannabis operations would provide adequate emergency access. (**Impact 3.14-4**)

Mitigation measure to avoid or reduce the environmental effects of the project is included as part of the project.

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.

Finding

The Board finds that the above mitigation measure is feasible, will reduce emergency access impacts of the project to less-than-significant levels, and is adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

With implementation of Mitigation Measure 3.14-4, existing and new commercial cannabis operations in the county that may occur under the proposed ordinance would be required to be in compliance with Chapter 8.30 – Fire Safe Ordinance of the Trinity County Code of Ordinances; and thus, would provide adequate emergency access. (Final EIR Volume 2 Section 3.14 pages 3.14-17 through 3.14-18)

UTILITIES AND SERVICE SYSTEMS - IMPACT ON WASTEWATER TREATMENT SYSTEMS

An evaluation of the project's impacts related to utilities and service systems is found in Section 3.15, "Utilities and Service Systems," of the Final EIR Volume 2. 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. **(Impact 3.15-1)**

Mitigation measures to avoid or reduce the environmental effects of the project are included as part of the project.

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):

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:

- ▶ a detailed description of activities and processes occurring on site, including:
 - 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:
 - material Safety Data Sheets for all chemical substances occurring on site,
 - 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:
 - personal protective equipment,
 - fire extinguishing systems,
 - spill control equipment and decontamination equipment, and
 - communication and alarm systems.
- ▶ An employee training plan that includes:
 - emergency response procedures and incident reporting, and
 - 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.

Mitigation Measure 3.15-1b: Verification of Adequate Wastewater Service and Necessary Improvements for Public Wastewater Systems

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):

- ▶ 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.

Finding

The Board finds that the above mitigation measures are feasible, will reduce wastewater system impacts of the project to less-than-significant levels, and are adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Mitigation Measures 3.15-1a and 3.15-1b would ensure that commercial cannabis operations verify that adequate wastewater service exists for the site and that anticipated wastewater effluent quality from noncultivation operations would not adversely affect current wastewater treatment facilities of service providers and provide pretreatment of wastewater discharges if required. (Final EIR Volume 2 Section 3.15 pages 3.15-6 through 3.15-8)

UTILITIES AND SERVICE SYSTEMS - INCREASED DEMAND ON PUBLIC WATER SUPPLIES

An evaluation of the project's impacts related to utilities and service systems is found in Section 3.15, "Utilities and Service Systems," of the Final EIR Volume 2. New commercial cannabis facilities that would be allowed under the Cannabis Program would result in increased water demand from public water systems that may require additional water distribution facility improvements. (**Impact 3.15-2**)

Mitigation measure to avoid or reduce the environmental effects of the project is included as part of the project.

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):

- ▶ 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., growing season). If adequate capacity does not exist, the application will be denied.

Finding

The Board finds that the above mitigation measures is feasible, will reduce public water system impacts of the project to less-than-significant levels, and is adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Adequate public water supplies exist to serve future commercial cannabis uses. Implementation Mitigation Measure 3.15-2 would require verification of adequate public water supply service for new commercial cannabis operations proposing to use retail water supply service. (Final EIR Volume 2 Section 3.15 pages 3.15-9 through 3.15-10)

UTILITIES AND SERVICE SYSTEMS - SOLID WASTE SERVICE IMPACTS

An evaluation of the project's impacts related to utilities and service systems is found in Section 3.15, "Utilities and Service Systems," of the Final EIR Volume 2. 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. **(Impact 3.15-3)**

Mitigation measure to avoid or reduce the environmental effects of the project is included as part of the project.

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):

- ▶ 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.
 - 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.

Finding

The Board finds that the above mitigation measures is feasible, will reduce solid waste impacts of the project to less-than-significant levels, and is adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation Mitigation Measure 3.15-3 would require that on-site composting is managed in a manner to avoid adverse environmental impacts through water quality, odor, and pest control that would be monitored by the County. (Final EIR Volume 2 Section 3.15 pages 3.15-11 through 3.15-12)

WILDFIRE – EXPOSURE TO WILDFIRE HAZARDS

An evaluation of the project’s impacts related to utilities and service systems is found in Section 3.16, “Wildfire,” of the Final EIR Volume 2. 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. **(Impact 3.16-1)**

Mitigation measure to avoid or reduce the environmental effects of the project is included as part of the project.

Mitigation Measure 3.16-1: Implement Mitigation Measure 3.1-1b: Maintain Cultivation Premises

The reader is referred to Impact 3.1-1 above for a complete description of this mitigation measure.

Finding

The Board finds that the above mitigation measure is feasible, will reduce wildfire hazard impacts of the project to less-than-significant levels, and is adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measures 3.1-1b would require license applications for new cultivation sites and requests for license renewal maintain the premises clear of trash and debris piles. No trash or debris will be allowed to accumulate 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. This will eliminate the potential for new sources of fuel that could increase wildfire hazards. Mitigation Measure 3.1-1b is consistent with Trinity County Safety Element policies that identify the need for fuel reduction. (Final EIR Volume 2 Section 3.16 pages 3.16-15 through 3.16-16)

WILDFIRE – INSTALLATION AND OPERATION OF INFRASTRUCTURE

An evaluation of the project’s impacts related to utilities and service systems is found in Section 3.16, “Wildfire,” of the Final EIR Volume 2. 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. **(Impact 3.16-2)**

Mitigation measures to avoid or reduce the environmental effects of the project are included as part of the project.

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):

- ▶ 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.

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):

- ▶ 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:
 - 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.
 - Designated smoking areas with cigarette disposal receptacles that are burn resistant.

Finding

The Board finds that the above mitigation measures are feasible, will reduce wildfire hazard impacts of the project to less-than-significant levels, and are adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measures 3.16-2a and 3.16-2b would require that power lines and electrical facilities maintain fuel breaks and that the use of outdoor motorized equipment be conducted in a manner to avoid accidental fire. (Final EIR Volume 2 Section 3.16 pages 3.16-16 through 3.16-18)

WILDFIRE - INCREASED RISK OF LANDSLIDES FROM POST-FIRE SLOPE INSTABILITY

An evaluation of the project's impacts related to utilities and service systems is found in Section 3.16, "Wildfire," of the Final EIR Volume 2. 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. (**Impact 3.16-3**)

Mitigation measure to avoid or reduce the environmental effects of the project is included as part of the project.

Mitigation Measure 3.16-3: Implement Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards

The reader is referred to Impact 3.10-1 above for a complete description of these mitigation measures.

Finding

The Board finds that the above mitigation measure is feasible, will reduce post wildfire hazard impacts of the project to less-than-significant levels, and is adopted by the Board. Accordingly, the Board finds, that pursuant to PRC Section 21081(a)(1), and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measure 3.10-1a would require all existing and new commercial cannabis cultivation activities in the county to comply with the conditions of SWRCB Order WQ 2019-0001-DWQ or otherwise avoid water quality impacts. This would also include ensuring that sites are geologically stable and do not result in operational soil erosion impacts. (Final EIR Volume 2 Section 3.16 page 3.16-18)

1.2.4 Potentially Significant Impacts That Cannot Be Mitigated Below a Level of Significance

This section identifies the significant unavoidable impacts that require a statement of overriding considerations to be issued by the Board, pursuant to Section 15093 of the CEQA Guidelines, if the project is approved. Based on the analysis contained in the Final EIR, the following impacts have been determined to be significant and unavoidable:

AIR QUALITY - CONSTRUCTION EMISSIONS

An evaluation of the project's impacts to air quality is found in Section 3.3, "Air Quality," of the Final EIR Volume 2. Construction-generated emissions from later projects under the Cannabis Program could exceed North Coast Unified Air Quality Management District (NCUAQMD) recommended maximum daily emission threshold for nitrogen oxide (NO_x) and annual mass emission threshold for PM₁₀. Because the North Coast Air Basin (NCAB) is in nonattainment for particulate matter (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 and unavoidable. **(Impact 3.3-1)**

Mitigation Measures

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):

- ▶ Prohibit the burning of vegetation that has been cleared for cultivation purposes unless proof is submitted that all required permits have been obtained, including, but not limited to, a standard burn permit and/or a non-standard burn permit. It should also be noted that CDFA regulations prohibit the burning of cannabis waste under CCR, Title 3, Division 8, Chapter 1, Section 8308.

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):

- ▶ 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:
 - 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.

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):

- ▶ Renewable diesel (RD) fuel shall be used in diesel-powered construction equipment if commercially available in reasonable proximity. RD fuel must meet the following criteria:
 - 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.

The County shall require implementation of this measure of the licensed entities building a new cannabis site.

Finding

The Board finds that implementation of the identified mitigation measures will reduce construction-generated criteria air pollutant and precursor emissions impacts attributable to the proposed project. Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which will mitigate, in part, this significant air quality impact attributable to the project, as identified in the Final EIR. However, there are no feasible mitigation measures that will reduce the identified significant impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Statement of Overriding Considerations, for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

Implementation of Mitigation Measure 3.3-1a would reduce PM emissions associated with burning vegetation. Although this analysis does not quantify the PM emissions if cleared vegetation at new cultivation sites was to be burned, it is assumed that this mitigation measure would result in improved local and regional air quality due to less PM released. It should also be noted that CDFA regulations prohibit the burning of cannabis waste under CCR, Title 3, Division 8, Chapter 1, Section 8308. Final EIR Volume 2 Table 3.3-4 shows construction-generated emissions associated with the project if the most stringent Tier, Tier 4, diesel engines were available and used, which would be required by Mitigation Measure 3.3-1b. Emissions estimates shown in Table 3.3-4 also include the use of RD in all diesel-powered off-road equipment where feasible, as required by Mitigation Measure 3.3-1c. The use of RD, as required by Mitigation Measure 3.3-1c, can reduce NO_x emissions by approximately 14 percent and PM₁₀ exhaust emissions by approximately 34 percent. As shown in Table 3.3-4, daily emissions of NO_x and annual emissions of PM₁₀ emissions would still exceed applicable thresholds. Although implementation of Mitigation Measures 3.3-1a, 3.3-1b, and 3.3-1c would reduce NO_x and PM₁₀ emissions associated with construction activities, it would not reduce the Cannabis Program's PM₁₀ emissions below the NCUAQMD threshold. Daily NO_x and annual PM₁₀ emissions would remain above the respective thresholds. Because there is no other feasible mitigation available, this impact would be significant and unavoidable. (Final EIR Volume 2 Section 3.3 pages 3.3-14 through 3.3-18)

During Planning Commission and Board of Supervisor meetings on the Cannabis Program in November and December 2020, Mitigation Measure 3.3-1a was revised since release of the Final EIR to clarify circumstances when vegetation can be burned in order to minimize wildfire hazards and maintain site conditions.

AIR QUALITY – OPERATIONAL EMISSIONS

An evaluation of the project’s impacts to air quality is found in Section 3.3, “Air Quality,” of the Final EIR Volume 2. Operation of existing licensed commercial cannabis cultivation and distribution uses in Trinity County generates daily emissions of reactive organic gases (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. 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 California ambient air quality standards (CAAQS) and national ambient air quality standards (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 and unavoidable. **(Impact 3.3-2)**

Mitigation Measures

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):

- ▶ 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.

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):

- ▶ 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.

Finding

The Board finds that implementation of the identified mitigation measures will reduce operational-generated criteria air pollutant and precursor emissions impacts attributable to the proposed project. Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which will mitigate, in part, this significant air quality impact attributable to the project, as identified in the Final EIR. However, there are no feasible mitigation measures that will reduce the identified significant impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Statement of Overriding Considerations, for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

Implementation of Mitigation Measure 3.3-2a would result in the reduction of criteria air pollutants and precursors associated with the use of an on-site utility vehicle by replacing a fossil fuel-powered vehicle with one that is electric

at outdoor and mixed-light cultivation sites and all noncultivation sites. Implementation of Mitigation Measure 3.3-2b would result in the reduction emissions of NO_x, PM₁₀, and PM_{2.5} associated with back-up diesel generators at mixed-light cultivation sites and result in a slight reduction in ROG emissions. Final EIR Volume 2 Table 3.3-7 shows the project's operational emissions with the implementation of Mitigation Measures 3.3-2a and 3.3-2b using Tier 4 and electric equipment where feasible. As shown in Table 3.3-7, implementation of these mitigation measures would reduce NO_x below the threshold; however, operational emissions of ROG, PM₁₀, and PM_{2.5} would not be reduced to less than the mass emission thresholds recommended by NCUAQMD. In addition, Tier 4 and electric equipment may not be available for all activities.

The County also considered the measures to reduce fugitive PM₁₀, and PM_{2.5} dust from vehicle travel on unpaved surfaces, including watering unpaved roadways at regular intervals (e.g., two times per day), application of dust suppressants, and paving. None of these measures were determined feasible.

Because there is no other feasible mitigation available, this impact would be significant and unavoidable. (Final EIR Volume 2 Section 3.3 pages 3.3-18 through 3.3-23)

AIR QUALITY - ODOR IMPACTS

An evaluation of the project's impacts to air quality is found in Section 3.3, "Air Quality," of the Final EIR Volume 2. 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 and unavoidable. (**Impact 3.3-3**)

Mitigation Measures

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):

- ▶ This mitigation shall not apply to lands zoned Agricultural, Agriculture-Forest, or Agricultural Preserve.
- ▶ 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.
 - Location and distance of sensitive receptors (e.g., residents, youth-oriented facilities, schools, churches, residential treatment centers) from the site.
 - 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.
 - If off-site odor nuisance impacts cannot be avoided without odor controls, identify 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

- 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 and methods to be developed and applied for the next harvest to minimize off-site odor impacts so that they do not conflict with other applicable standards of the County's Cannabis Program or State license requirements.

Finding

The Board finds that implementation of the identified mitigation measure will reduce odor impacts attributable to the proposed project. Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which will mitigate, in part, this significant air quality impact attributable to the project, as identified in the Final EIR. However, there are no feasible mitigation measures that will reduce the identified significant impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Statement of Overriding Considerations, for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

Implementation of Mitigation Measure 3.3-3 would reduce the potential of odor nuisance impacts and would include corrective actions for cultivation sites that routinely generate nuisance odor impacts off-site. However, it is possible that nuisance odor impacts would occur occasionally before abatement for outdoor cultivation sites, especially in areas where outdoor cultivation sites are concentrated. There are no feasible mitigation measures for completely avoiding the potential for occasional odor nuisance impacts because there is no reliable method to contain odors on-site under all atmospheric conditions during harvest season. There are no effective mitigation measures to ensure to elimination of cannabis odors at harvest for outdoor cultivation operations. Because there is no other feasible mitigation available, this impact would be significant and unavoidable. (Final EIR Volume 2 Section 3.3 pages 3.3-23 through 3.3-25)

During Planning Commission and Board of Supervisor meetings on the Cannabis Program in November and December 2020, Mitigation Measure 3.3-3 was revised since release of the Final EIR to clarify its implementation.

NOISE - TRAFFIC NOISE IMPACTS

An evaluation of the project's impacts to air quality is found in Section 3.12, "Noise," of the Final EIR Volume 2. 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. This impact would be significant and unavoidable. **(Impact 3.12-3)**

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; Huey et al. 1960).

Mitigation Measures

No feasible mitigation is available to address this impact.

Finding

The Board finds that there are no feasible mitigation measures that will reduce the identified significant impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Statement of Overriding Considerations, for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

The typical approach to mitigate traffic noise levels is to construct structures (e.g., soundwalls, berms, or some berm-wall combination) between the roadway segment and the affected noise-sensitive receptors. However, this method would be infeasible given the extensive length of the affected state highway segments (i.e., over 45 contiguous miles along SR 3), and the number of sensitive receptors along these highway segments. Even if landowners were offered to have protective noise barriers constructed on their property, it cannot be assured the all of the landowners of the affected properties residences would allow for the construction of a noise barrier. Additionally, if any soundwalls were proposed within Caltrans right-of-way, implementation of the improvements would not fall within Trinity County's jurisdictional control, and while the appropriate jurisdictions can and should implement feasible mitigation to reduce impacts, it cannot be guaranteed that these improvements would be implemented. Moreover, some noise barriers could potentially result in other types of environmental impacts (e.g., aesthetic impacts) or adversely affect the potential for a highway segment to be designated as a scenic highway.

The Final EIR noise methodology used to estimate the number of trips that could potentially be generated by the project was based on the conservative assumptions discussed above and represents a worst-case scenario. Additionally, the levels of traffic noise modeled and shown in Final EIR Volume 2 Table 3.12-5 would occur only during the peak harvest time (i.e., 4 weeks per year). However, as stated above, there is no feasible mitigation to address the potential long-term traffic noise levels generated by the project. Because there is no feasible mitigation available, this impact would be significant and unavoidable. (Final EIR Volume 2 Section 3.12 pages 3.12-11 through 3.12-13)

CUMULATIVE IMPACTS - AIR QUALITY

An evaluation of the project's impacts to cumulative air quality impacts is found in Chapter 4, "Cumulative Impacts," of the Final EIR Volume 2. Implementation of the Cannabis Program would result in peak emissions of PM₁₀ during the harvest season from road dust, which would contribute to the existing nonattainment status with respect to the CAAQS for PM₁₀ in the NCAB. Implementation of the Cannabis Program would also result in an increase in the number and potentially the density of commercial cannabis outdoor, mixed-light, and indoor cultivation operations throughout the county that are a significant source of cannabis odor, thereby increasing the potential cultivation-related odor sources throughout the county. The project's contribution to cumulative odor impacts would be cumulatively considerable and significant and unavoidable. (**Impact 4.3.3**)

Mitigation Measures

No feasible mitigation is available to address this impact.

Finding

The Board finds that there are no feasible mitigation measures that will reduce the identified cumulative significant impact to a level of less than cumulatively considerable. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Statement of Overriding Considerations, for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

As discussed in Final EIR Volume 2 Section 3.3, "Air Quality," feasible mitigation measures are not available to offset project-generated PM₁₀ emissions from unpaved roadway use. While the Cannabis Program would require a minimum setback of 1,000 feet from youth-oriented facilities, schools, churches, and residential treatment facilities; and 350 feet from residences; it does not preclude the potential for off-site residential receptors to be exposed to objectionable odors emitted by mature cannabis plants. As discussed in Final EIR Volume 2 Impact 3.3-3, dispersion modeling indicate that specific cannabis compounds may be detectable at a distance of 2 miles or more depending on weather conditions. Because there is no feasible mitigation available, this impact would be cumulatively considerable and significant and unavoidable. (Final EIR Volume 2 Chapter 4 pages 4-6 through 4-7)

CUMULATIVE IMPACTS - NOISE

An evaluation of the project's impacts to cumulative air quality impacts is found in Chapter 4, "Cumulative Impacts," of the Final EIR Volume 2. The addition of new vehicle trips associated with cannabis facilities licensed under the Cannabis Program would substantially contribute to excessive noise levels (above the County's maximum allowable exposure from transportation noise sources) during the harvest period for segments along SR 3 and SR 299 (see Final EIR Impact 3.12-3). The project's contribution to cumulative traffic noise impacts would be cumulatively considerable and significant and unavoidable. (**Impact 4.3.12**)

Mitigation Measures

No feasible mitigation is available to address this impact.

Finding

The Board finds that there are no feasible mitigation measures that will reduce the identified cumulative significant impact to a level of less than cumulatively considerable. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Statement of Overriding Considerations, for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

The typical approach to mitigate traffic noise levels is to construct structures (e.g., soundwalls, berms, or some berm-wall combination) between the roadway segment and the affected noise-sensitive receptors. However, this method would be infeasible given the extensive length of the affected state highway segments (i.e., over 45 contiguous miles along SR 3), and the number of sensitive receptors along these highway segments. Even if landowners were offered to have protective noise barriers constructed on their property, it cannot be assured that all the landowners of the affected properties would allow for the construction of a noise barrier. Additionally, if any soundwalls were proposed within Caltrans right-of-way, implementation of the improvements would not fall within Trinity County's jurisdictional control, and while the appropriate jurisdictions can and should implement feasible mitigation to reduce impacts, it cannot be guaranteed that these improvements would be implemented. Moreover, some noise barriers could potentially result in other types of environmental impacts (e.g., aesthetic impacts) or adversely affect the potential for a highway segment to be designated as a scenic highway. Because there is no feasible mitigation available, this impact would be cumulatively considerable and significant and unavoidable. (Final EIR Volume 2 Chapter 4 pages 4-14 through 4-15)

1.3 FINDINGS REGARDING ALTERNATIVES

Section 15126.6(a) of the CEQA Guidelines requires the discussion of "a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives." The Final EIR identified and considered the following reasonable range alternatives to the proposed project which would be capable, to varying degrees, of reducing identified impacts:

- ▶ Alternative 1: No Project Alternative
- ▶ Alternative 2: Siting Limitation for Commercial Cannabis Sites Alternative
- ▶ Alternative 3: Restricted Commercial Cannabis Cultivation Alternative
- ▶ Alternative 4: Reduced Commercial Cannabis Operations Alternative

These alternatives are evaluated for their ability to avoid or substantially lessen the impacts of the proposed project identified in the Final EIR, as well as consideration of their ability to meet the basic objectives of the proposed project as described in the Final EIR.

1.3.1 No Project Alternative

DESCRIPTION

This alternative would consist of continued implementation of the existing ordinances that make up the Cannabis Program:

- ▶ cultivation (Ordinances 315-823, 315-829, 315-830, 315-841, and 315-843),
- ▶ testing (Ordinance 315-824),
- ▶ nurseries (Ordinances 315-826, 315-827, and 315-833),
- ▶ distribution (Ordinances 315-828 and 315-834),
- ▶ non-storefront retail (Ordinance 315-835),
- ▶ microbusiness (Ordinance 315-837), and
- ▶ manufacturing (Ordinances 315-838 and 315-842).

The No Project Alternative would not include the proposed amendment to Section S315-843(1)(i) to increase the Designated Area (land area used to support the cultivation operation) from 200 percent to 250 percent of the licensed cannabis canopy area for cultivation activities. This would result in the potential for approximately 287 acres of land area disturbed for cannabis cultivation (a reduction of approximately 72 acres as compared to the proposed Cannabis Program).

FINDING

The Board rejects the No Project Alternative as undesirable as it fails to provide substantial reductions or avoidance of significant environmental impacts identified for the project, and because specific economic, legal, social, technological or other considerations make the alternative infeasible.

RATIONALE

As identified in Final EIR Chapter 5, "Alternatives," the No Project Alternative would not provide any substantial reduction or avoidance of significant environmental impacts of the project. The No Project Alternative would also not provide additional flexibility in cannabis cultivation site operations by not including the expansion of the Designated area.

1.3.2 Siting Limitation for Commercial Cannabis Sites Alternative

DESCRIPTION

This alternative would include a new performance standard in all the ordinances of the Cannabis Program that would require all new commercial cannabis cultivation and noncultivation uses to be located on sites that have already been developed or otherwise disturbed (graded and vegetation removed). Ordinance 315-843 would also include an additional performance standard that establishes a moratorium on the issuance of new commercial cultivation in the following Cannabis Priority Watersheds designated by the SWRCB: Upper South Fork Trinity River, Middle South Fork Trinity River, Lower South Fork Trinity River, Upper Hayfork Creek, and the Lower Hayfork Creek. As described in Section 3.10, "Hydrology and Water Quality," Cannabis Priority Watersheds are designated due to a high concentration of cannabis cultivation; noncompliant cannabis cultivation in these areas has the potential to cause adverse effects on the watersheds.

FINDING

The Board rejects the Siting Limitation for Commercial Cannabis Sites Alternative as undesirable as it restricts cannabis cultivation uses within an area of the county that currently contains several licensed cultivation sites and would not provide flexibility for cannabis cultivation site development. Further, while it would achieve most project objectives, it would not achieve them to the extent of the project. Therefore, the Board declines to adopt this alternative pursuant to the standards in CEQA and the CEQA Guidelines.

RATIONALE

The Siting Limitation for Commercial Cannabis Sites Alternative would establish a moratorium on the issuance of new commercial cultivation in the following Cannabis Priority Watersheds designated by the SWRCB: Upper South Fork Trinity River, Middle South Fork Trinity River, Lower South Fork Trinity River, Upper Hayfork Creek, and the Lower Hayfork Creek. CDFW has not notified CDFA that cannabis cultivation is causing significant adverse impacts on the environment in these watersheds pursuant to California Code of Regulations 8216 that would cease the issuance of licenses. These watersheds make up a significant portion of the County that already contains numerous licensed cultivation sites (Final EIR Volume 2 Figure 3.10-4).

The Board, while acknowledging the application of the adopted mitigations, considers this restriction (as well as restriction to existing disturbed sites) too restrictive for successful and regulated cannabis cultivation development. Through the effective and stable regulation of legal cannabis operations, the amended Cannabis Program is anticipated to have a positive effect on stabilization of real estate values that have been influenced by cannabis operations and the fluctuation of regulatory frameworks at the State and County levels. The restriction of siting cannabis operations in the watersheds described in this alternative could lead to destabilization of local economies and communities based on a preexisting culture of acceptance and participation in the cannabis industry.

1.3.3 Restricted Commercial Cannabis Operations Alternative

DESCRIPTION

Alternative 3 would modify the Cannabis Program provisions for commercial cultivation in Ordinance 315-843 to reduce the total number of cultivation licenses allowed from 530 to 280. This would reduce the total allowed licensed canopy for cultivation by approximately 68 acres and the Designated Area by approximately 169 acres as compared to the proposed Cannabis Program. All other aspects of the Cannabis Program would remain in place.

FINDING

The Board rejects the Restricted Commercial Cannabis Cultivation Alternative as undesirable as it restricts the extent of existing and future licensed cannabis cultivation sites and the ability to allow existing illegal cultivation sites to become licensed. For the reasons set forth below and more fully described in Final EIR and in the record of proceeding, the Board find that Alternative 3 is infeasible as it meets the project objectives to a lesser extent than the project. Therefore, the Board declines to adopt this alternative pursuant to the standards in CEQA and the CEQA Guidelines.

RATIONALE

The Restricted Commercial Cannabis Cultivation Alternative would restrict the number of licensed cannabis cultivation sites to 280 that is below the total number of sites licensed by the County as of December 2018 (286) (Final EIR Volume 2 page 2-1). The County believes that the best approach to regulating cannabis operations is through the implementation of the Cannabis Program with a cultivation license cap of 530. This license cap under the Cannabis Program was established by the County as the acceptable number of total commercial cannabis cultivation licenses and will result in the conversion of some current illegal cultivation sites to legal sites with operators who agree to comply with County and State regulations. This limitation of available licenses, in combination with the eradication of illegal operators who choose to avoid or ignore the permitting process, is expected to provide a regulated cannabis cultivation industry that can be adequately regulated by County government resources (e.g., inspection and enforcement) and meet the project objectives. This alternative would not provide as much new employment opportunities as the project (Cannabis Program is anticipated to generate 945 new jobs (Final EIR Volume 2 Table 2-3)).

1.3.4 Reduced Commercial Cannabis Operations Alternative

DESCRIPTION

The Reduced Commercial Cannabis Operations Alternative (Alternative 4) would modify the Cannabis Program in the following manner:

- ▶ Restrict the siting of new commercial cannabis cultivation and noncultivation uses to sites that have already been developed or otherwise disturbed (graded and vegetation removed). Ordinance 315-843 would also include an additional performance standard that establishes a moratorium on the issuance of new commercial cultivation in the following Cannabis Priority Watersheds designated by the SWRCB: Upper South Fork Trinity River, Middle South Fork Trinity River, Lower South Fork Trinity River, Upper Hayfork Creek, and the Lower Hayfork Creek.
- ▶ Amend Ordinance 315-843 to reduce the total number of cultivation licenses allowed from 530 to 280.
- ▶ Amend Ordinance 315-843 to require new commercial cannabis cultivation operations to be operated within an enclosed building or greenhouse structure with a controlled ventilation and odor control system.

FINDING

The Board rejects the Reduced Commercial Cannabis Operations Alternative as undesirable as it restricts the extent, type, and location of licensed cannabis cultivation sites and the ability to allow existing illegal cultivation sites to become licensed. For the reasons set forth below and more fully described in Final EIR and in the record of proceeding, the Board find that Alternative 4 is infeasible as it meets the project objectives to a lesser extent than the project. Therefore, the Board declines to adopt this alternative pursuant to the standards in CEQA and the CEQA Guidelines.

RATIONALE

The Reduced Commercial Cannabis Operations Alternative would restrict the number of licensed cannabis cultivation sites to 280 that is below the total number of sites licensed by the County as of December 2018 (286) (Final EIR Volume 2 page 2-1) as well as require all cannabis cultivation to be placed within enclosed structures to control odors. This alternative would also establish a moratorium on the issuance of new commercial cultivation in the following Cannabis Priority Watersheds designated by the SWRCB: Upper South Fork Trinity River, Middle South Fork Trinity River, Lower South Fork Trinity River, Upper Hayfork Creek, and the Lower Hayfork Creek.

The County believes that the best approach to regulating cannabis operations is through the implementation of the Cannabis Program with a cultivation license cap of 530. This license cap under the Cannabis Program was established by the County as the acceptable number of total commercial cannabis cultivation licenses and will result in the conversion of some current illegal cultivation sites to legal sites with operators who agree to comply with County and State regulations. This limitation of available licenses to 530, in combination with the eradication of illegal operators who choose to avoid or ignore the permitting process, is expected to provide a regulated cannabis cultivation industry that can be adequately regulated by County government resources (e.g., inspection and enforcement) and meet the project objectives. The Board considers this restriction of licensed cultivation sites proposed in this Alternative to be too restrictive to improve existing conditions associated with illegal cannabis cultivation impacts. The Board also wishes to promote the success of licensed cultivation sites and finds that placement of cannabis cultivation indoors may result in limiting a licensee's ability to successfully compete in the competitive regulated market through brand development of cannabis products based on County geographic and cultural characteristics.

The Cannabis Priority Watersheds make up a significant portion of the County that already contains numerous licensed cultivation sites (Final EIR Volume 2 Figure 3.10-4). The Board, while acknowledging the application of the adopted mitigations, considers this restriction (as well as restriction to existing disturbed sites) too restrictive to allow flexibility of cannabis cultivation development. Through the effective and stable regulation of legal cannabis operations, the amended Cannabis Program is anticipated to have a positive effect on stabilization of real estate values that have been influenced by cannabis operations and the fluctuation of regulatory frameworks at the State and County levels. The restriction of siting cannabis operations in the watersheds described in this alternative could lead to destabilization of local economies and communities based on a preexisting culture of acceptance and participation in the cannabis industry. This alternative would also not provide as much new employment opportunities as the project (Cannabis Program is anticipated to generate 945 new jobs (Final EIR Volume 2 Table 2-3)).

1.4 GENERAL CEQA FINDINGS

1.4.1 Mitigation Monitoring and Reporting Program

Based on the entire record before the Board and having considered the unavoidable significant impacts of the project, the Board hereby determines that all feasible mitigation within the responsibility and jurisdiction of the County has been adopted to reduce or avoid the potentially significant impacts identified in the Final EIR, and that no additional feasible mitigation is available to further reduce significant impacts. The feasible mitigation measures are discussed in Sections 1.2.3 and 1.2.4, above, and are set forth in the mitigation monitoring and reporting program (MMRP).

Section 21081.6 of the Public Resources Code requires the Board to adopt a monitoring or compliance program regarding the changes in the project and mitigation measures imposed to lessen or avoid significant effects on the environment. The MMRP for the Cannabis Program is hereby adopted by the Board because it fulfills the CEQA mitigation monitoring requirements through incorporation into the Cannabis Program.

1.4.2 CEQA Guidelines Section 15091 and 15092 Findings

Based on the foregoing findings and the information contained in the administrative record, the Board has made one or more of the following findings with respect to each of the significant effects of the project:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly-trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR.

Based on the foregoing findings and the information contained in the administrative record, and as conditioned by the foregoing:

1. All significant effects on the environment due to the project have been eliminated or substantially lessened where feasible.
2. Any remaining significant effects that have been found to be unavoidable are acceptable due to the overriding considerations set forth herein.

1.4.3 Board of Supervisors Independent Judgment

The Final EIR for the Cannabis Program reflects the Board's independent judgment. The Board has exercised independent judgment in accordance with Public Resources Code 21082.1(c)(3) in retaining its own environmental consultant in the preparation of the EIR, as well as reviewing, analyzing and revising material prepared by the consultant.

Having received, reviewed, and considered the information in the Final EIR, as well as any and all other information in the record, the Board hereby makes findings pursuant to and in accordance with Sections 21081, 21081.5, and 21081.6 of the Public Resources Code.

1.4.4 Nature of Findings

Any findings made by the Board shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by the Board, whether or not any particular sentence or clause includes a statement to that effect. The Board intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross-reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by the Board with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.

1.4.5 Reliance on Record

Each and all of the findings and determinations contained herein are based on substantial evidence, both oral and written, contained in the administrative record relating to the project. As required pursuant to Public Resources Code Section 15091(h) the location of the administrative record will be the Trinity County Planning Department and the custodian will be the Director of that department.

RECORD OF PROCEEDINGS

In accordance with PRC Section 21167.6(e), the record of proceedings for the Board' decision on the project includes the following documents:

- ▶ The NOP for the project and all other public notices issued in conjunction with the project;
- ▶ All comments submitted by agencies or members of the public during the comment period on the NOP;
- ▶ The Draft EIR for the project and all appendices;
- ▶ All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- ▶ The Final EIR for the project, including comments received on the Draft EIR, responses to those comments, and appendices;
- ▶ Documents cited or referenced in the Draft EIR and Final EIR;
- ▶ The MMRP for the project;
- ▶ All findings and resolutions adopted by the Board in connection with the project and all documents cited or referred to therein;
- ▶ All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared in compliance with the requirements of CEQA and with respect to the Board's action on the project;
- ▶ All documents submitted by other public agencies or members of the public in connection with the project, up through the close of the final public hearing;
- ▶ Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held in connection with the project;
- ▶ Any documentary or other evidence submitted at such information sessions, public meetings, and public hearings;
- ▶ Any and all resolutions adopted by the County regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- ▶ Matters of common knowledge, including, but not limited to federal, state, and local laws and regulations;
- ▶ Any documents expressly cited in these findings and any documents incorporated by reference, in addition to those cited above;
- ▶ Any other written materials relevant to the Board's compliance with CEQA or its decision on the merits of the project, including any documents or portions thereof, that were released for public review, relied upon in the environmental documents prepared for the project, or included in the Board non-privileged retained files for the EIR or project; and
- ▶ Any other materials required for the record of proceedings by PRC Section 21167.6(e).

The Board intends that only those documents relating to the project and its compliance with CEQA and prepared, owned, used, or retained by the Board and listed above shall comprise the administrative record for the project. Only that evidence was presented to, considered by, and ultimately before the Board prior to reviewing and reaching its decision on the EIR and project.

CUSTODIAN OF RECORDS

The custodian of the documents or other material that constitute the record of proceedings upon which the Board' decision is based is identified as follows:

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

RECIRCULATION NOT REQUIRED

CEQA Guidelines Section 15088.5 provides the criteria that a lead agency is to consider when deciding whether it is required to recirculate an EIR. Recirculation is required when “significant new information” is added to the EIR after public notice of the availability of the Draft EIR is given, but before certification. (CEQA Guidelines, Section 15088.5(a).) “Significant new information,” as defined in CEQA Guidelines Section 15088.5(a), means information added to an EIR that changes the EIR so as to deprive the public of a meaningful opportunity to comment on a “substantial adverse environmental effect” 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.”

An example of significant new information provided by the CEQA Guidelines is a disclosure showing that a “new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;” that a “substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance;” or that 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.” (CEQA Guidelines, Section 15088.5(a)(1)-(3).)

Recirculation is not required where “the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” (CEQA Guidelines, Section 15088.5(b).) Recirculation also is not required simply because new information is added to the EIR — indeed, new information is oftentimes added given CEQA’s public/agency comment and response process and CEQA’s post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies. In short, recirculation is “intended to be an exception rather than the general rule.” (Laurel Heights Improvement Assn. v. Regents of University of California (1993) 6 Cal.4th 1112, 1132.)

In this legal context, the Board finds that recirculation of the Draft EIR prior to certification is not required. In addition to providing responses to comments, the Final EIR includes revisions to expand upon information presented in the Draft EIR; explain or enhance the evidentiary basis for the Draft EIR’s findings; update information; and to make clarifications, amplifications, updates, or helpful revisions to the Draft EIR. The Final EIR’s revisions, clarifications and/or updates do not result in any new significant impacts or increase the severity of a previously identified significant impact.

In sum, the Final EIR demonstrates that the project will not result in any new significant impacts or increase the severity of a significant impact, as compared to the analysis presented in the Draft EIR. The changes reflected in the Final EIR also do not indicate that meaningful public review of the Draft EIR was precluded in the first instance. Accordingly, recirculation of the EIR is not required as revisions to the EIR are not significant as defined in Section 15088.5 of the State CEQA Guidelines.

1.5 CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Board certifies that the Final EIR, dated November 2020, has been completed in compliance with CEQA and the CEQA Guidelines, that the EIR was presented to the Board, and that the Board reviewed and considered the information contained therein before approving the proposed Cannabis Program as the project, and that the EIR reflects the independent judgment and analysis of the Board. (CEQA Guidelines Section 15090)

2 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines section 15093(a) and (b), the Board is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological or other benefits of the project, including region-wide or statewide environmental benefits, outweigh the unavoidable adverse environmental effects, those effects may be considered "acceptable" (CEQA Guidelines, Section 15093 (a)). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines, Section 15093(b)).

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to, new jobs, stronger tax base, and implementation of an agency's economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs. See *Towards Responsibility in Planning v. City Council* (1988) 200 Cal App. 3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal App. 3d 1029; *City of Poway v City of San Diego* (1984) 155 Cal App. 3d 1037; *Markley v. City Council* (1982) 131 Cal App.3d 656. In accordance with the requirements of CEQA and the CEQA Guidelines, the Board finds that the mitigation measures identified in the Final EIR and the MMRP, when implemented, will avoid or substantially lessen many of the significant effects identified in the Final EIR for the proposed Cannabis Program Project (hereinafter, Cannabis Program or Project). However, certain significant impacts of the Cannabis Program are unavoidable even after incorporation of all feasible mitigation measures. These significant unavoidable impacts are to air quality and noise. The Final EIR provides detailed information regarding these impacts (see Section 1.2.4 Potentially Significant Impacts that Cannot be Mitigated Below a Level of Significance).

The Board finds that all feasible mitigation measures identified in the Final EIR within the purview of County will be implemented with implementation of the Cannabis Program, and that the remaining significant unavoidable effects are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits based upon the facts set forth above, the Final EIR, and the record, as follows:

1. Illegal cannabis cultivation has resulted in serious concerns among regulators, environmentalists, and the general public. These concerns have resulted in the desire by many agencies, including Trinity County, to develop and implement regulations as well as enforcement activities (e.g., Watershed Enforcement Team operated by the California Department of Fish and Wildlife) that address, control, and minimize environmental impacts from cannabis operations.
2. The best approach to regulating cannabis operations in the County is through the implementation of the Cannabis Program. The license cap under the Cannabis Program establishes an acceptable number of total commercial cannabis cultivation licenses and will result in the conversion of some current illegal cultivation sites to legal sites with operators who agree to comply with County and State regulations. This limitation of available licenses, in combination with the eradication of illegal operators who choose to avoid or ignore the permitting process, is expected to provide a regulated cannabis cultivation industry that can be adequately regulated by County government resources (e.g., inspection and enforcement) and meet the project objectives.
3. Cannabis Program is anticipated to generate additional employment opportunities through the creation of up to 945 new permanent jobs. (Final EIR Volume 2 Table 2-3)
4. Through the effective and stable regulation of legal cannabis operations, the amended Cannabis Program is anticipated to have a positive effect on stabilization of real estate values that have been influenced by cannabis operations and the fluctuation of regulatory frameworks at the State and County levels. Further, the amended Cannabis Program is anticipated to stabilize the community of Program participants, thereby reducing the level of program turnover and resulting in fewer environmental impacts.

Considering all the factors, the Board finds that there are specific economic, legal, social, technological, and other considerations associated with the project that serve to override and outweigh the project's significant unavoidable effects and, thus, the adverse effects are considered acceptable. Therefore, the Board hereby adopts this Statement of Overriding Considerations.

ATTACHMENT B

MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires public agencies to report on and/or monitor measures adopted as part of the environmental review process (see Public Resources Code Section 21081.6 and CEQA Guidelines Sections 15091[d] and 15097).

This mitigation monitoring and reporting program (MMRP) identifies all relevant, feasible mitigation measures necessary to mitigate potentially significant and significant impacts attributable to the proposed project, which is adoption and implementation of the Cannabis Program, including issuance of cannabis licenses for future individual cannabis operations and activities. Each of these measures to reduce environmental effects has been incorporated into the Cannabis Program in the form of regulations and therefore, will be implemented and enforced through the implementation of the Cannabis Program. The timing of implementation of individual regulations will be ongoing as license applications of all types are received, processed, issued, inspected and/or renewed.

Public Resources Code Section 21081.6(b) and Section 15097(b) of the CEQA Guidelines establish that when the project examined in an EIR is a “plan-level document” such as a zoning ordinance, mitigation measures may be incorporated into the regulations. This is the approach that has been taken by the County with the proposed Cannabis Program.

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed in a satisfactory manner prior to implementation of the proposed ordinance. The attached table has been prepared to assist the responsible parties in implementing the mitigation measures. The table identifies the impact, mitigation measures (as amended through the Final EIR), monitoring responsibility, mitigation timing, and provides space to confirm implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the EIR.

The Cannabis Program Final EIR identifies all relevant, feasible mitigation measures necessary and available to mitigate significant impacts to acceptable levels. As part of the Board of Supervisors’ adoption of the Cannabis Program and certification of the EIR, each of the measures are substantially incorporated into the Cannabis Program making the plan "self-mitigating" in that respect. The measures therefore will be implemented and enforced through the application of the Cannabis Program to individual cannabis projects.

ROLES AND RESPONSIBILITIES

Unless otherwise specified herein, the County is responsible for taking all actions necessary to implement the mitigation measures under its jurisdiction according to the specifications provided for each measure and for demonstrating that the action has been successfully completed.

REPORTING

The County shall document and describe compliance of future cannabis projects with the required mitigation measures as part of processing cannabis applications under the Cannabis Program. The staff analysis of the

merits of each proposed cannabis use will include a determination of consistency and compliance with the adopted Cannabis Program.

MITIGATION MONITORING AND REPORTING PROGRAM TABLE

The categories identified in the attached MMRP table are described below.

- Mitigation Measure – This column provides the verbatim text of the adopted mitigation measure
- Implementation Responsibility – This column identifies the party responsible for implementing the mitigation measure.
- Timing – This column identifies the time frame in which the mitigation will be implemented.
- Verification – This column may be dated and signed by the person (either project manager or his/her designee) responsible for verifying compliance with the requirements of the mitigation measure.

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
<p>3.1 Aesthetics</p>				
<p>Impact 3.1-1: Have a Substantial Adverse Impact on Scenic Vistas or Damage Scenic Resources</p> <p>Impact 3.1-2: Substantially Degrade the Existing Visual Character or Quality of the Project Area</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 with locally appropriate native vegetation 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 Premises 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 premises 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 premises 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>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
3.3 Air Quality				
<p>Impact 3.3-1: Construction-Generated Emissions</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 unless proof is submitted that all required permits have been obtained, including, but not limited to, a standard burn permit and/or a non-standard burn permit. It should also be noted that CDFA regulations prohibit the burning of cannabis waste under CCR, Title 3, Division 8, Chapter 1, Section 8308. <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. 	<p>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<ul style="list-style-type: none"> ○ 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>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 if commercially available in reasonable proximity. 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</p>	<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>	<p>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<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</p> <p>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</p>	<p>Mitigation Measure 3.3-3: Implement Odor Control Plan for the Growing, Cultivating, Processing, Handling of Cannabis</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):</p> <ul style="list-style-type: none"> • This mitigation shall not apply to lands zoned Agricultural, Agriculture-Forest, or Agricultural Preserve. • Cannabis sites shall develop and implement an odor control plan that contains the following requirements as appropriate for each cannabis use: <ul style="list-style-type: none"> ○ Identify and describe odor-emitting activities and the nature and characteristics of the emissions. 	<p>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<ul style="list-style-type: none"> ○ Location and distance of sensitive receptors (e.g., residents, youth-oriented facilities, schools, churches, residential treatment centers) from the site. ○ 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. ○ If off-site odor nuisance impacts cannot be avoided without odor controls, identify 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 <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 and methods to be developed and applied for the next harvest to minimize off-site odor impacts so that they do not conflict with other applicable standards of the 			

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; Huey et al. 1960).

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	County’s Cannabis Program or State license requirements.			
3.4 Biological Resources				
<p>Impact 3.4-1: Disturbance to or Loss of Special-Status Plant Species and Habitat</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 special-status plants, 38 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 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. 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: <ul style="list-style-type: none"> o date, time, and weather conditions during the survey; o a description and explanation of whether the site conditions during the survey are considered typical or atypical; o a map depicting the proposed development area and the unique, rare, and special-status species, sensitive habitats, or sensitive natural communities found; 	Trinity County	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<ul style="list-style-type: none"> o 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; o 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; o a description of survey methods and any protocols utilized during the survey; and o a list of common and special-status species and habitats observed in the proposed development area. <ul style="list-style-type: none"> • 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. • 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 Mitigation Measures 3.4-1b, 3.4-2a through 3.4-2o, 3.4-4a, 3.4-4b, 3.4-5, and 3.4-6b will be included in the letter report and shall be implemented. <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 application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-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 			

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<p>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).</p> <ul style="list-style-type: none"> • 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 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 to the extent practicable and where they are located, including noxious weed species prioritized by the Trinity County Weed Management Association. The application will identify specific measures to be employed for the removal of invasive species and on-site management practices. • 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 reroor, 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. 			

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<ul style="list-style-type: none"> Applicants shall monitor annually to ensure successful removal and prevention of new infestations of invasive species. 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. 			
<p>Impact 3.4-2: Disturbance to or Loss of Special-Status Wildlife Species and Habitat</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 Order WQ 2019-0001-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 based on 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, 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 48 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 <i>Considerations for Conserving Foothill Yellow-Legged Frog</i> (CDFW 2018b), and <i>Visual Encounter Survey Protocol for Rana Boylii in</i> 	<p>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<p><i>Lotic Environments</i> (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).</p> <ul style="list-style-type: none"> • 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, work on the site shall not commence until the applicant has consulted with CDFW 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) 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>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 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 			

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<p>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 CDFW Scientific Collecting Permit, 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 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 will 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. <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 for the protection of nesting raptors from new development related to cannabis activities:</p>			

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<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. • 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 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</p>			

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<p>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 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 (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: • 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, including expansion of an existing Designated Area, will not be permitted. 			

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<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 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, yellow warbler, yellow-breasted chat, or other bird nests, vegetation removal activities shall occur only during the nonbreeding season (September 1-January 31). • 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). • 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. • 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 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 			

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<p>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 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, 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 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 <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 			

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<p>development area as determined by the qualified biologist familiar with the species and survey protocols.</p> <ul style="list-style-type: none"> • If Trinity bristle snail or its habitat 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 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. <p>Mitigation Measure 3.4-2g: Implement Measures to Avoid Take of Special-Status Bumble Bees or Obtain Incidental Take Coverage</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 for the protection of special-status bumble bees from new development related to cannabis activities:</p> <ul style="list-style-type: none"> • 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. • 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 			

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<p>for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank.</p> <p>Mitigation Measure 3.4-2h: 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 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 than 7 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>Mitigation Measure 3.4-2i: 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 2019-0001-DWQ for the protection of the fisher and Humboldt marten from new development related to cannabis activities:</p>			

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<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 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. • 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 3.4-2j: 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</p>			

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<p>required compliance with SWRCB 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. • 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 3.4-2k: 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</p>			

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<p>required compliance with SWRCB 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 County shall conduct preconstruction surveys of all suitable habitat within the site. • 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 3.4-2: Preconstruction Bat Survey and Exclusion 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 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. 			

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<ul style="list-style-type: none"> 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. <p>Mitigation Measure 3.4-2m: Preconstruction Vole Survey 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 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. 			

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<ul style="list-style-type: none"> • 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. <p>Mitigation Measure 3.4-2n: 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: <ul style="list-style-type: none"> ○ 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 3.4-2o: 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"> • 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. 			

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<ul style="list-style-type: none"> If impacts to gray wolf cannot be avoided, then proposed cultivation activities will not be permitted. 			
<p>Impact 3.4-3: Disturbance to or Loss of Special-Status Fisheries</p>	<p>Mitigation Measure 3.4-3: Implement Mitigation Measures 3.10-1a and 3.10-1b.</p>	<p>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	
<p>Impact 3.4-4: Disturbance to or Loss of Riparian Habitat, Old-Growth Habitat, or Other Sensitive Natural Communities</p>	<p>Mitigation Measure 3.4-4a: Identify, Avoid, and Protect Sensitive Natural Communities, Riparian Habitat, and Wetland Vegetation or Provide Compensation</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 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 integrity of exclusion fencing/flagging throughout the period of construction involving ground disturbance. 	<p>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<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 2019-0001-DWQ. The Compensatory Stream and Riparian Mitigation and Monitoring Plan shall include the following: <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; ○ 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); 			

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<ul style="list-style-type: none"> ○ 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 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. 			

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
<p>Impact 3.4-5: Disturbance or Less of Waters of the United States</p>	<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 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 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>Trinity County</p>	<p>This will be incorporated into the Cannabis Program. This requirement will be applied to cannabis licenses.</p>	
<p>Impact 3.4-6: Interference with Resident or Migratory Wildlife Corridors or Native Wildlife Nursery Sites</p>	<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>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p>	

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<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 2019-0001-DWQ 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 Premises</p>		<p>This requirement will be applied to cannabis licenses.</p>	
<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</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</p>	<p>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<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) for the protection of historic resources:</p> <ul style="list-style-type: none"> • Cannabis cultivation operations shall not be permitted within the historic districts of Weaverville, Denny, Helena, and Lewiston, unless the operations occur indoors, do not require modification of historic features, and do not conflict with any limitation on location to cultivate cannabis. • 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 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. 			

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
3.7 Geology and Soils				
<p>Impact 3.7-2: Create Geologic Hazard and Soil Stability Issues and Associated Soil Erosion Impacts</p>	<p>Mitigation Measure 3.7-2: Implement Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards</p>	<p>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	
<p>Impact 3.7-4: Adverse Effects to Paleontological Resources</p>	<p>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), 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. It is encouraged that the excavated finds 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 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. 	<p>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
3.8 Greenhouse Gas Emissions and Climate Change				
<p>Impact 3.8-1: Generate Greenhouse Gas Emissions</p>	<p>Mitigation Measure 3.8-1a: Implement Mitigation Measures 3.3-1a, 3.3-1b, and 3.3-1c</p> <p>Mitigation Measure 3.8-1b: Implement Mitigation Measures 3.3-2a and 3.3-2b</p> <p>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) by January 1, 2023 for consistency with California Code of Regulations Title 3, Division 8, Chapter 1, Section 8305 (Renewable Energy Requirements):</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: <ul style="list-style-type: none"> ○ 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. <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>	<p>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<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>			
<p>3.9 Hazards and Hazardous Materials</p>				
<p>Impact 3.9-2: Create Potential Human Health Hazards From Exposure to Existing Onsite Hazardous Materials</p>	<p>Mitigation Measure 3.9-2a: Prepare Environmental Site Assessments</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):</p> <ul style="list-style-type: none"> Applications for new cannabis activities on sites that contain existing or previous commercial, business park, or industrial uses 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 	<p>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<p>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.</p> <p>Mitigation Measure 3.9-2b: Prepare a Hazardous Materials Contingency Plan for Construction Activities</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):</p> <ul style="list-style-type: none"> • 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. 			
<p>Impact 3.9-6: Impair Emergency Response or Evacuation Plans</p>	<p>Mitigation Measure 3.9-6: Implement Mitigation Measures 3.14-3 and 3.14-4.</p>	<p>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p>	

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
			This requirement will be applied to cannabis licenses.	
3.10 Hydrology and Water Quality				
<p>Impact 3.10-1: Degrade Water Quality</p>	<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 Order WQ 2019-0001-DWQ:</p> <ul style="list-style-type: none"> All cultivation sites (new and licensed renewals) are required to demonstrate compliance with all applicable 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 be 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 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 Road Handbook, per CCR Title 14, Chapter 4. Compliance with water diversion standards and restrictions of SWRCB Order WQ 2019-0001-DWQ 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. 	Trinity County	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<p>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 Road Handbook, per CCR Title 14, Chapter 4. Compliance with water diversion standards and restrictions of SWRCB Order WQ 2019-0001-DWQ 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.</p> <p>Mitigation Measure 3.10-1b: Restrict 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</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 water usage 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 	<p>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<p>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.</p>			
<p>Impact 3.10-3: Result in Diversion of Surface Water</p>	<p>Mitigation Measure 3.10-3a: Implement Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards</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>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	
<p>Impact 3.10-4: Result in Alteration of Drainage Conditions and Floodplains</p>	<p>Mitigation Measure 3.10-4: Implement Mitigation Measure 3.10-1b: Restrict Cultivation Operations in Floodplains</p>	<p>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	

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Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
3.12 Noise				
<p>Impact 3.12-1: Create Short-Term, Construction-Related Noise</p>	<p>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):</p> <ul style="list-style-type: none"> All outdoor construction activity and use of heavy equipment outdoors shall take place between 7:00 a.m. and 7:00 p.m. 	Trinity County	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	
3.13 Public Services				
<p>Impact 3.13-1: Result in Substantial Adverse Physical Impacts Associated with the Need for New or Physically Altered Fire Protection Facilities</p>	<p>Mitigation Measure 3.13-1: Implement Mitigation Measures 3.14-3 and 3.14-4.</p>	Trinity County	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	
3.14 Transportation/Traffic				
<p>Impact 3.14-3: Roadway Hazards Due to Geometric Design</p>	<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), 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 commercial cannabis activities and license renewals for existing cannabis operations shall provide documentation showing that roadways providing site access are 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 and SWRCB Order WQ 2019-0001-DWQ. 	Trinity County	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	

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Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
<p>Impact 3.14-4: Conflict with Adequate Emergency Access</p>	<p>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):</p> <ul style="list-style-type: none"> • 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. 	<p>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	
<p>3.15 Utilities and Service Systems</p>				
<p>Impact 3.15-1: Increase Demand on Wastewater Treatment Systems</p>	<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): 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: 	<p>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	

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Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<ul style="list-style-type: none"> o material Safety Data Sheets for all chemical substances occurring on site, o manifests for each chemical describing quantities purchased, date used, and quantities disposed, o facility site plan with storage map, showing where hazardous materials will be stored, o 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"> o emergency response procedures and incident reporting, and o 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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Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
<p>Impact 3.15-2: Increase Demand of Public Water Supplies</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 and water distribution facilities are or will be available to serve the site including peak operations (e.g., growing season). If adequate capacity does not exist, the application will be denied. 	<p>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	
<p>Impact 3.15-3: Solid Waste Impacts</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>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	

Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
3.16 Wildfire				
Impact 3.16-1: Exposure to Wildfire Hazards or Exacerbate Wildfire Risk	<p>Mitigation Measure 3.16-1: Implement Mitigation Measure 3.1-1b: Maintain Cultivation Premises</p>	Trinity County	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	
Impact 3.16-2: Installation and Operation of Associated Infrastructure That May Exacerbate Fire Risk	<p>Mitigation Measure 3.16-2a: Implement Fire Prevention Measures for New Power Lines and Electrical Facilities</p> <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"> • 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</p> <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"> • 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: <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. 	Trinity County	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	

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Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
	<ul style="list-style-type: none"> ○ 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. ○ Designated smoking areas with cigarette disposal receptacles that are burn resistant. 			
<p>Impact 3.16-3: Expose People to Increased Risk of Landslides from Post-Fire Slope Instability</p>	<p>Mitigation Measure 3.16-3: Implement Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards</p>	<p>Trinity County</p>	<p>This will be incorporated into the Cannabis Program.</p> <p>This requirement will be applied to cannabis licenses.</p>	

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