

ITEM NO. 4

MEETING DATE: 6/27/2019

APPLICATION NO. P-2019-001

**TRINITY COUNTY PLANNING COMMISSION
STAFF REPORT
Hayfork Cannabis Manufacturing Project**

OWNER: Daniel Davoudian

APPLICANT: Daniel Davoudian

AGENT: Daniel Davoudian

REPORT BY: Leslie Hubbard
Deputy Director of Planning

APN: Trinity County 017-430-49

PROPOSAL: The project applicant proposes to develop the Hayfork Cannabis Manufacturing Project which would establish a cannabis manufacturing operation for the extraction of cannabinoil from legally grown and harvested cannabis plants, using a hydrocarbon extraction process. The project would also include distribution of cannabis products including purchase of raw material, lateral sales and retail sales, and transportation of raw material to other licensed cannabis facilities.

The project would also expand the existing cannabis operations by establishing a cannabis nursery in greenhouses. Although not currently allowed at this site according to County Code, the applicant intends to expand the existing cannabis cultivation operation from its current canopy of 10,000 square feet, which is being accommodated in a new single 12,600 square foot greenhouse, to 43,560 square feet (one acre) of canopy as future changes in County Code allow. All new cannabis cultivation would occur in outdoor planting beds that would accommodate 30,000 square feet of cannabis canopy in addition to the existing permitted canopy; the outdoor beds would later be replaced by greenhouses accommodating the same canopy area. The new 12,600 square foot greenhouse, which accommodates 10,000 square feet in canopy area, is being constructed to replace a permitted duplex greenhouse that was damaged by Winter 2018-2019 snowfall.

A new warehouse (approximately 3,600 square feet in floor area) would be constructed adjacent to the proposed greenhouse and would provide storage space for cultivation and harvesting activities, product storage and restrooms for employees.

The proposed manufacturing facility is not currently allowed under the existing County Zoning for the project site (Agricultural District-A10) and the applicant is requesting that the parcel be rezoned to Specific Unit Development (SUD), which would allow the manufacturing uses as well as all proposed cannabis cultivation activities.

LOCATION: The Hayfork Cannabis Manufacturing Project is located within Trinity County, at 3001 Morgan Hill Road, Hayfork. The 30-acre parcel is identified as Assessor’s Parcel Number 017-430-49. The project site is shown on the U.S. Geological Survey’s Hayfork, California, 7.5-minute quadrangle map within Section 8, Township 31 North, Range 11 West, Mt. Diablo Base and Meridian (MDBM). Figures 1, 2 and 3 show the general site location and specific site plans for the development of the project.

PROJECT INFORMATION:

- A) General Plan Designation: Agriculture
- B) Existing Zoning: Agriculture – 10 acre minimum (A10)
- C) Existing Land Use: Undeveloped, Agriculture, Rural Residential
- D) Adjacent Land Use Information: Agriculture, Industrial, Rural Residential, Resource

The existing land uses, zoning and general plan designations for the properties immediately adjacent to the project are shown below. A map depicting the current zoning is provided as Figure 4.

| Location | Land Use | Zoning | General Plan Designation |
|----------|--------------------------------|--------------------------------------|--------------------------|
| North | Sand and Gravel, Agriculture | Agricultural- 10-acre min (A10) | Agricultural (A) |
| South | Vacant | Unclassified (U) | Resource (RE), |
| East | Rural Residential, Agriculture | Agricultural- 10-acre min (A10) | Agricultural (A) |
| West | Industrial, Commercial | Heavy Industrial/ Manufacturing (M2) | Industrial (I) |

PROJECT DESCRIPTION

The project proposes to establish a cannabis manufacturing operation that would extract cannabidiol from legally grown and harvested cannabis plants using a hydrocarbon extraction process. The extract would be sold wholesale to other manufacturers who would use it in the manufacture of retail cannabis products. The proposed operation may also produce some retail products. The proposed manufacturing operation would occur within a new specially equipped steel container designed to minimize safety risks. The container would be located within a new, larger steel building which would be used for packaging and product storage. The manufacturing operation would require a Type 7 license from the State of California (State) and a Conditional Use Permit from the County. The proposed manufacturing use is not allowed under the existing zoning for the project site (A10, Agriculture District), so the project applicant has requested a rezoning of the project parcel to Specific Unit Development (SUD).

Distribution of cannabis and cannabis products is integral to the proposed project. Distribution involves a variety of manufacturing-related activities including purchase of raw material, lateral sales and retail sales. Distribution activities involve transportation of raw material to the manufacturing facility and of wholesale and retail cannabis products to other licensed cannabis facilities. Distribution activities require a Type 11 license from the State and also require a Conditional Use Permit from the County. The transportation effects

of the project are addressed in the Transportation section of Chapter 3.0 Environmental Impacts and Mitigation Measures.

The project includes establishing a commercial cannabis nursery that would be located in four of the existing greenhouses on the site. Together, the greenhouses would accommodate 4,608 square feet of cannabis canopy. The nursery would require a Type 4 license from the State and a Conditional Use Permit from the County. Although not currently allowed at this site according to existing County Code, the applicant intends to expand the existing cannabis cultivation operation from its current canopy of 10,000 square feet, which is being accommodated in a new single 12,600 square foot greenhouse, to 43,560 square feet (one acre) of canopy as future changes in County Code allow.

Initially, one Type 2b license is being pursued for this expansion, the applicant will pursue an additional three applications for Type 2b licenses, if the County cannabis ordinances are modified to allow for additional licenses on the same site. All new cannabis cultivation would occur in outdoor planting beds that would accommodate 30,000 square feet of cannabis canopy. In addition to the existing permitted canopy; the outdoor beds would later be replaced by greenhouses accommodating the same canopy area. The new 12,600 square foot greenhouse, which accommodates 10,000 square feet in canopy area, is being constructed to replace a permitted duplex greenhouse that was damaged by Winter 2018-2019 snowfall. A warehouse approximately 3,600 square feet in floor area would be constructed adjacent to the proposed greenhouse and would provide storage space for cultivation and harvesting activities, product storage and restrooms for employees. In addition to the State licenses, the expanded cultivation operation would require Conditional Use Permits from the County.

STAFF RECOMMENDATION AND FINDINGS

Staff recommends the Planning Commission:

1. Adopt the resolution and findings that the Initial Study and Mitigated Negative Declaration are consistent with the California Environmental Quality Act ("CEQA") requirements, and adopt the Mitigation Monitoring and Reporting Program ("MMRP") that provides sufficient mitigations to reduce impacts from the project to a less than significant level.
2. Recommend to the Board of Supervisors that County Assessor's Parcel Number 017-430-49 be rezoned from Agricultural-10-acre minimum (A10) to Specific Unit Development (SUD) to allow for the manufacturing of cannabis products.
3. Approve the Conditional Use Permit for development of a cannabis manufacturing facility, contingent upon the approval by the Board of Supervisors of the rezone of County Assessor's Parcel Number 017-430-49 from the A10 zoning designation to the SUD zoning designation, and subject to the conditions of approval for that use as provided in this Staff Report and of the County's Cannabis Ordinance.
4. Approve the Conditional Use Permit for development of a Cannabis Distribution use, subject to the conditions of approval for that use as provided in this Staff Report and of the County's Cannabis Ordinance.

5. Approve the Conditional Use Permit for development of a Cannabis Nursery, subject to the conditions of approval for that use as provided in this Staff Report and of the County's Cannabis Ordinance.

PROJECT EVALUATION

The Applicant's proposed project was routed to County Departments for review and development of recommended conditions of approval prior to the development of the CEQA document. Comments from County Departments were provided through the County Planning Department to the Applicant, who contracted with a consultant to prepare the Draft Initial Study and Mitigated Negative Declaration (IS/MND) for this project proposal.

After review and comment by the County Planning Department, the IS/MND was submitted to the California State Clearinghouse for public and agency review, and the IS/MND was made available to the public by the County through official postings and a Notice of Availability of the CEQA document was posted on the County's website on May 1, 2019, including the entire IS/MND.

No public comments were received by the County or the California State Clearinghouse on this project in response to the postings and Notice of Availability. One comment from the California Department of Fish and Wildlife was received for this project by the State Clearinghouse, and is responded to in this Staff Report.

CEQA FINDINGS

The IS/MND for the project has been prepared in accordance with the current California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and the State *CEQA Guidelines*. This is a public information document that describes the project, existing environmental setting at the project site, and potential environmental impacts of construction and operation of the project. It is intended to inform the Planning Commission of the project's potential environmental impacts and to document the lead agency's compliance with CEQA and the State CEQA Guidelines.

The resources in the project area were evaluated in the IS based on the thresholds of significance identified in the CEQA Guidelines. Those resource areas that were identified in the IS to have thresholds of significance that require Mitigation Measures to reduce significant impacts of the project to a less than significant level, and those resource areas that require specific conditions of approval as a part of the Conditional Use Permit are provided below. Full text of the IS, Thresholds of Significance and Findings are provided in the IS, attached to the Staff Report. A listing of all other Conditions of Approval are provided in the section titled "Conditions of Approval" in this Staff Report.

Planning Staff's review of the IS and Mitigation Measures prepared for this project have found that the project, with incorporation of the Mitigation Measures would have a less than significant impact on the environment. Development of the Mitigation Monitoring and Reporting Program (MMRP) has incorporated these mitigations showing areas of responsibilities, timing and reporting requirements, as pertinent to the project.

Based on the IS/MND, the following resource areas were determined by County Planning Staff to require mitigation measures to reduce impacts to a less than significant level, or conditions of approval (COA) as a part of the Conditional Use Permits for the various projects requested to implement the project.

Air Quality

The following conditions of approval are recommended for inclusion into the Use Permit for the protection of air quality.

COA #8: Limited hours of operation for generators. Should generators be used at a future time by the Permittee, those uses would be required to be in compliance with the California Air Resources Board (CARB) requirements for the Portable Equipment Registration Program (PERP), should the generators qualify for coverage by this permitting program, or as may be required by the North Coast Unified Air Quality Management District (NCUAQMD).

COA #9: Application of Pesticides. The spray application of pesticides (e.g. neem oil, sulfur or other materials) shall occur no closer than 500 feet to an adjacent residence. Spraying shall not occur at wind speeds greater than 10 miles per hour (CCR, Title 3, Division 6, 6960(b)(3)). The operator shall measure the wind speed prior to and during spraying activities to ensure wind speeds are below 10 mph. Spraying activities shall cease if wind speeds are measured at greater than 10 mph.

Biological Resources

Development of the project requires the applicant to comply with the Mitigation Measures as identified below and as outlined on the MMRP.

Mitigation Measure BR-1: If tree removal is proposed during the general avian nesting season (February 1 through August 31), then a pre-construction survey for nesting birds shall be conducted by a qualified biologist within 14 days of proposed construction. If active nests are found, then removal of the tree with the nest shall be delayed until the young have fledged. No further mitigation shall be implemented if no active bird nests are found, and no mitigation need be implemented if tree removal occurs outside the nesting season.

COA #7: Setback Requirements from Hayfork Creek. The applicant is required to implement a 150-foot setback from Hayfork Creek for the development of the proposed activities for the protection of riparian vegetation.

Cultural Resources

Development of the project requires the applicant to comply with the Mitigation Measures as identified below and as outlined on the MMRP. Mitigation Measures were revised by the County Planning Department to provide clearer direction for the mitigation and protection of cultural resources and to be consistent with the County's previous mitigations for this resource. The revisions provide an amplification of the protections and do not provide any new direction or require the CEQA document to be recirculated.

Mitigation Measure CR-1/COA #4. Resources Found During Work Activities. If cultural resources, such as chipped or ground stone, or bone are discovered during ground-disturbance activities, work shall be stopped within 50 feet of the discovery, as required by the California Environmental Quality Act (CEQA; January 1999 Revised Guidelines, Title 14 California Code of Regulations [CCR] 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the material and offered recommendations for further action.

Mitigation Measures CR-2/COA #5. Unidentified Human Remains. If In the event that previously unidentified evidence of human burial or human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5)., The Trinity County Coroner must be informed and consulted, per State law. If the coroner determines the remains to be Native American, he or she shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent. The most likely descendent will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. when the commission is unable to identify a descendant or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. Work in the area shall not continue until the human remains are dealt with according to the recommendations of the County Coroner, Native American Heritage Commission and/or the most likely descendent have been implemented.

Geology and Soils

The following conditions of approval are recommended to be included in the Use Permit for the protection of soils and water quality

Mitigation Measure Geo-1: A grading, drainage, and erosion control plan shall be submitted to and approved by the County Planning Department prior to the start of construction activities. In the event that construction would involve more than an acre of disturbance, the project will require compliance with the State's General Construction Permit for storm water. The plan shall be prepared by a qualified Storm Water Pollution Prevention Plan Developer and shall incorporate standard erosion control practices and Best Management Practices. The project applicant shall file a Notice of Intent with the North Coast Regional Water Quality Control Board (RWQCB).

COA #10: Septic Systems. The applicant must comply with County regulations that govern the use and development of septic systems, as provided for by the Trinity County Environmental Health Department.

Hazards and Hazardous Materials

With the development of a cannabis manufacturing facility, that will utilize volatile compounds to extract cannabiniol from raw cannabis plants, the following conditions of approval are recommended to be included in the Use Permit regarding the use and storage of hazardous materials.

COA #11: Hazardous Materials. The applicant is required to provide the County Fire Marshall, and other State agencies as may be required by other permits, a list and physical locations of storage and use of hazardous materials on the project site, and shall have the site inspected by the Fire Marshall (or their designated representative) prior to the start of cannabis manufacturing operations, and at future intervals as deemed appropriate by the Fire Marshall.

Land Use and Planning

The uses proposed by the Applicant for cannabis related manufacturing and distribution are currently allowed by the A10 zoning designation. However, the Applicants proposed use of the site for cannabis

manufacturing is not an allowed use in the A10 zoning areas. Approval of the cannabis manufacturing aspect of the project requires that the County rezone the A10 to another appropriate zoning type that would allow this use. The Applicant has requested that the project parcel be rezoned to the SUD zoning designation which would allow cannabis manufacturing, as well as cannabis cultivation to occur. The rezoning of this parcel requires approval from the Board of Supervisors, prior to a Use Permit for Cannabis Manufacturing being issued.

Hydrology and Water Quality

The following conditions of approval are made for the protection of water quality.

COA #10: Septic Systems. Refer to COA #10 description in Geology and Soils.

COA #12: Grading Greater Than 1-acre. If the Applicant grades or disturbs one (1) acre or more of land for activities associated with this permit, the Permittee is required to be in compliance with the State of California Construction General Permit, (RWQCB Order No. 2009-0009-DWQ) or the equivalent at time of disturbance prior to the disturbance occurring.

COA # 13: County Mass Grading Ordinance. If the Applicant affects or grades an area and disturbs a volume of material greater than 800 cubic yards, or an area greater than 20,000 square feet, a County mass grading permit must be secured prior to the disturbance, as outlined in County’s Mass Grading Ordinance (Ordinance No. 1347).

Mitigation Monitoring and Reporting Plan

A Mitigation Monitoring and Reporting Plan (MMRP) has been prepared for the project as a result of the Initial Study, and is attached as a part of this staff report in Appendix 1.

RESPONSE TO COMMENTS

As a result of the development of the Initial Study and review by the public and agencies, the County received one (1) comment letter in response to the project from the California Department of Fish and Wildlife. That comment letter is included in Appendix 2. Comments that are not directly related to the environmental issues of the project, such as commentary, opinion or grievances are not identified as a comment and are not responded to.

Responses to comments are provided below. The comments have been summarized to provide a context for the response. However, the full text of the comment is provided in Appendix 2.

Where it was determined that the comments provide factual information that resulted in a modification to the information provided in the IS, County staff determined that these changes were either minor clarifications, corrections or amplifications of information to better understand the environmental impacts of the proposed project, or are modifications to mitigation measures that provide additional resource protection and result in a reduction in impacts. These changes do not constitute significant new information, and do not require recirculation of the IS in accordance with CEQA Guidelines Section 15088.5.

Comment Letter 1 - California Department of Fish and Wildlife

Comment 1a- 1-Riparian Setbacks. The commenter says: The narrative discussion in the Biological Resources section of the IS/MND states that the Project would not encroach upon the established 300-foot buffer along Hayfork Creek. This riparian buffer is not mapped on the site plan; however, the 100-foot sanitary setback is mapped. The proposed expanded cultivation area on the southwest side of the parcel appears to contact the 100-foot sanitary setback shown on Figure 2-1. This appears to contradict the "*established minimum 300-foot buffer to the nearest waterbody*" discussed in the IS/MND. New disturbed areas or expansions to the existing cultivation facilities should comply with the setbacks provided in the State Water Resources Control Board Cannabis Cultivation Policy (Policy) (Resolution No. 2017-0063), currently 150 feet from perennial watercourses, as outlined in Attachment A of the Policy. In order to comply with the more protective setbacks in the Policy, the proposed cultivation area and the established greenhouse near the pond should to be a minimum of 150 feet away from the perennial waterbodies, as measured from the bankfull stage. The Department recommends that this 150-foot riparian setback from both Hayfork Creek and the pond be delineated and demonstrated on parcel figures and site plans.

Response 1a- The referenced 300-foot buffer was a concept established early in the project planning process and was reflected in early drafts of the IS/MND. As planning and environmental review proceeded, the referenced section of the IS/MND was inadvertently not updated to reflect the latest project design, resulting in the contradiction noted by the commenter. Based on this comment, the project has been further modified to reflect the 150-foot setback recommended in the SWRCB Cannabis Policy; this change is shown on the modified Property and Premises Diagram.

The discussion referencing the 300-foot buffer is located on two pages in the IS/MND, pages 3-12 and 3-60. The referenced text is modified to correct the buffer distance as shown below. The change in buffer distance would not modify the conclusions of the environmental analysis as presented in the Public Review Draft.

Page 3-12, paragraph 4:

As noted, riparian vegetation is found along Hayfork Creek. The project would not encroach upon this riparian area. The cultivation operation has established a minimum buffer distance of at least 150 ~~300~~ feet to the nearest waterbodies. The proposed project would not encroach on the buffer area, thereby preserving the riparian area from disturbance. No other sensitive habitats were identified. The project would have no impact on riparian and other sensitive habitats.

Page 3-12, paragraph 6:

Natural Investigations Company queried the U.S. Fish and Wildlife Service's wetland database, the National Wetland Inventory, on January 3, 2018. The nearest potential Waters of the U.S. are Hayfork Creek and its riverine wetlands. The CDFW reviewed a notification by the project applicant about the project. In a response letter, CDFW

stated that the project would not substantially affect a fish or wildlife resource, and therefore would not require a Lake and Streambed Alteration Agreement (CDFW 2018). As noted in b) above, the cultivation operation has established a minimum buffer distance of at least ~~150~~ 300 feet to the nearest waterbodies. The proposed project would not encroach upon this buffer; therefore, the project would have no impact on wetlands and Waters of the U.S.

Page 3-60, paragraph 4:

Biological Resources. Cannabis activities in the County, particularly legal and illegal cultivation, has affected biological resources and vegetation communities. As noted in Section 3.4, Biological Resources, the project would not be built within ~~150~~ 300 feet of Hayfork Creek, so the project would not contribute to surface water impacts in the Hayfork Creek watershed. A limited number of trees would be removed; however, most of the project site would remain forested and open for wildlife migration. Project development would be limited to an already-developed area. The project would not make a cumulatively considerable contribution to biological resource impacts.

Comment 1b- Surface and Groundwater Hydrology. The commenter says: Due to greatly expanded project description from the original LSA Notification, the Department recommends further analysis of proposed water use on stream flow and resources, including an assessment of cumulative effects of other withdrawals in the same watershed. This analysis is critical when cannabis development is proposed within watersheds such as Hayfork Creek and Big Creek, which are inhabited by special-status species such as steelhead trout (*Oncorhynchus mykiss*), Coho Salmon (*Oncorhynchus kisutch*) and foothill yellow-legged frogs (*Rana boylii*).

Response 1b- CDFW suggests that the existing well on the project may be interconnected with Hayfork Creek and that pumping of the 100 gallon per minute well may substantially affect streamflow and water quality resulting in significant effects on juvenile steelhead and salmon. And adequate site-specific analysis is necessary to avoid these impacts and to provide evidence that well yield is independent of Hayfork Creek surface flows.

The applicant retained a California Licensed Hydrogeologist to analyze the available information and render an opinion on the potential impacts of well withdrawals on surface flows in Hayfork Creek. The hydrogeologist's written report is shown in Attachment A. The hydrogeologist concludes that

...it is unlikely that the surface water impacts in Hayfork Creek at projected use rate will exceed 2.0 gpm. If flows in Hayfork Creek drop to 1 cubic foot per second (448 gpm) a 2 gpm withdrawal is a minimal and intermittent (sic) quantity, and therefore represents an insignificant impact to the surface water flows in Hayfork Creek.

The IS/MND stated that CDFW staff had determined that “well yield is independent of Hayfork Creek surface flows.” This statement was made based on the applicant’s understanding of information provided verbally by CDFW staff. The CDFW comment letter denies that the Department made this determination and correctly refers to the language of the Department’s determination that an LSAA was not needed. To ensure that CDFW’s determination is properly reflected, the IS/MND discussion on page 3-31 has been modified, as shown below.

Page 3-31, paragraph 3

An existing groundwater well on the project site was installed in 2011. The well report filed with the County that year indicated that drilling went down 185 feet from ground surface before encountering water. It estimated the well yield at 100 gallons per minute; a one-hour production test reported no drawdown. The producing strata is a gravel layer located more than 160 feet below the ground surface. ~~The California Department of Fish and Wildlife has found that the well yield is independent of Hayfork Creek surface flows.~~ The hydrogeologist report considered potential surface water flow impacts of project-related well operations and found that those impacts would be insignificant.

The CDFW also asserts that cumulative effects of other withdrawals should be analyzed but provides no evidence that Hayfork Creek flows are cumulatively affected by cannabis development or that any surface applications for diversion from Hayfork Creek have filed with the agency, as required. As discussed in the IS/MND, the potential cumulative impacts of the project would be related to other lawful cannabis development under consideration by the County and State rather than undocumented extra-legal surface water withdrawals.

Comment 1c- Flood Flows The commenter says: The IS/MND states that “many of the proposed project structures are located within the 100-year floodplain as outlined in the approved FEMA map.” Flood maps were not included with the document, nor is there discussion of which of the proposed structures are within that mapped floodplain. The e-mail included as Appendix D discusses the coordinates at the location of the greenhouses that have since been built, but does not include coordinates for the expanded cultivation area. The IS/MND should include an analysis of potentially significant impacts resulting from cannabis cultivation with the FEMA 100-year floodplain. The impacts of cannabis cultivation within the floodplain may include potential pollution sources including imported fertilizers, compost, pesticides, and components of potting soils, such as perlite, that could be transported into or captured by surface waters. The conclusion that one single coordinate indicates that the entire project would not impede or redirect flood flows in a manner that would threaten water quality or adjacent land uses is not supported. The Department encourages the County to prohibit cannabis activities within the floodway. If activities within the floodway are approved by the County, minimization measures, such as seasonal restrictions on activities within the floodway, or prohibiting storage or use of pollutants should be adopted to fully avoid the aforementioned pollution sources from entering waters of the state.

Response 1c- Evaluation of the FEMA mapping for the area confirms that portions of the site have been identified as being within the 100-year floodplain, but no FEMA designated regulatory floodways are shown for the site, as shown on the Flood Insurance Rate Map (Panel 06105C1195E, Attachment B). The area of the proposed project has numerous existing structures, including residences, that are within the

FEMA-mapped floodplain. However, on December 10, 2016 the applicant hired a Registered Professional Engineer to complete an Elevation Certificate for a proposed greenhouse in the project area. The attached, revised Property and Premises Diagram identifies the point on the site (the then-proposed greenhouse location) for which the Elevation Certificate was issued (Attachment C). The surveyor also identified the "top of bank" to the northwest of the certificated point, which is also the approximate limit of proposed cannabis-related improvements. The approximate location of the top of bank is also shown on the revised Property and Premises Diagram. The elevation certificate verified that the lowest floor of the greenhouse is located 15.9 feet above the Base Flood Elevation (BFE); building requirements are for a minimum of a 2-foot elevation above the BFE. The applicant will be required to verify that any operational areas for cannabis cultivation and structures associated with cannabis manufacturing are located at or above this elevation.

The commenter also requests that development of cannabis cultivation be analyzed within the floodplain areas. As noted above, the County has determined that the impacts to the floodplain from this specific project are minimal, especially when coupled with Conditions of Approvals for the use and storage of hazardous materials.

The CDFW suggests that cannabis cultivation could result in significant environmental effects if it occurs in the 100-year floodplain but provides no supporting evidence for this assertion. Agricultural activities in floodplain areas are common across California, being that agriculture is one of a few land uses that is allowable within floodplain areas. That growing medium, fertilizer, compost, pesticides and other material integral to agriculture may be transported by flood waters is common to all agricultural activities and cannot be singled out as a credible source of significant environmental impact.

Comment 1d- Site Expansion and Environmental Data The commenter says the [Cannabis] Policy requires that prior to commencing any cannabis land development or site expansion activities, the cultivator shall have a qualified biologist identify sensitive plants, wildlife species, or communities at the proposed development site. CEQA requires that information developed in negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB).

Response 1d- The applicant's consultants did not find the presence of any special status species and natural communities during any surveys conducted on site. Therefore, no reporting was required.

OTHER CONSIDERATIONS

A use permit may be granted based on findings made by the County that include, but are not limited to compatibility of the project with surrounding land uses and neighborhood compatibility, compliance with the General Plan, Community or Specific Plan, the Zoning Ordinance and other related plans and ordinances that may be in effect at the time of the use permit is granted.

Neighborhood and General Plan Compatibility

Zoning and Land Use Designations

Agricultural Zoning District (A10). The subject property has been zoned by the County as Agricultural (A10). The A10 zoning district permits all agricultural uses, including crops, livestock and farm animals without a permit unless specifically required by the County code. Other uses and accessory uses that are allowed with a use permit are related to agricultural uses and minor sales of agricultural products onsite, accessory buildings for farm labor, single family dwellings and other farm related buildings. The project parcel has a 10-acre minimum size limit restriction.

The proposed project's activities related to cannabis cultivation and distribution fit into the zoning designation of the A10 district, and are permitted under the County's cannabis use permit program. However, the project's proposal for the development of a cannabis manufacturing facility is not allowed within the A10 zoning, as is any other agricultural manufacturing process. The A10 zoning regulates the production of the agricultural products and provides specific guidance for those uses, but does not provide any allowance for manufacturing.

The Hayfork Community Plan designates the project property as Agriculture (denoted as "AG" as mapped and "A" as described in the community plan). Discussions regarding agricultural uses in the plan area are limited and do not provide any specific criteria for development or preservation of agricultural land. The Natural Resources section of the Community Plan makes the following findings and policies related to agricultural lands.

Relevant Findings:

- No. 4-"Agricultural lands are important to the economy and rural character of the Hayfork Valley".
- No. 5-"Larger parcel sizes are necessary to maintain the viability of many types of agricultural practices, especially ranching".

Policies:

- 1.1.c. "Agricultural lands within the Plan Area should be zoned to establish densities which encourage continued agricultural use."

Lands surrounding the project site have been developed for a variety of uses, including cannabis production, timber production, sand and gravel production, and rural-residential uses, all within the Community Plans Agricultural designation, and zoned as A10. Lands to the west of the project site are designated by the Community General Plan as Industrial, and have had historic use as a lumber mill and manufacturing area.

Flood Hazard Zoning District and Overlay Zone (FH). The project parcel is also located in an area that is subject to the Flood Hazard Zoning District or Flood Hazard Overlay Zone descriptions which designates possible flooding hazards for various lands within the County. Properties located within these zones have been identified as being prone to flooding and developments within these areas may be subject to additional restrictions, based on the type of development proposed. The proposed project is partially located within the Flood Hazard and Overlay Zone, and as such, development restrictions may apply to some of the proposed uses.

The uses permitted within the zone include agricultural uses (including construction of structures) that do not limit the flow of flood waters. Other uses permitted with a Floodplain Development Permit include substantial improvements to existing structures and development of new structures; these developments must follow the conditions outlined in the Flood Hazard zoning district ordinance (Ordinance 315-776A).

The project Applicant has had the property surveyed and a Flood Elevation Certificate developed by a California Professional Engineer that determined the development area in relation to the Base Flood Elevation for flooding along Hayfork Creek at the project site. From the actual survey completed, it was determined that the project site would not be within areas inundated by flooding, though they are depicted as such on the FEMA mapping for the County. These discrepancies are common, as the FEMA mapping is done at a larger scale and actual onsite flood elevation certificates often show that properties thought to be in the flood zone are actually not. This is the case with the proposed project, where the development is well outside of the actual flood zone, and is therefore not subject to specific requirements of the FH District.

Impact of Zoning Change From A10 to SUD

Rezoning the proposed parcel from A10 to SUD will reduce agricultural zoned lands in the Hayfork Valley by 30 acres and provide an area for the manufacturing of cannabis related products in an area with a significant cannabis cultivation industry. The rezoning of the property to SUD will not restrict the use of the property for agricultural uses, and the Applicant's current plan is to continue cannabis cultivation activities and expand them over time as County regulations and ordinances are revised to allow for expanded operations in the future. However, the Applicant's plans to continue agricultural activities at this time do not guarantee that agricultural activities would be continued in the future. Once rezoned, the property owner could discontinue agricultural operations and restructure the property for other uses in the future; this is true for other types of zoning, which do not 'require' that a use be continued in perpetuity.

Rezoning of the parcel to SUD would require that the Applicant prepare a Schematic Plan and Guidelines (as stipulated in Zoning Ordinance 315, Section 24) prior to consideration by the Planning Commission. For this project, the Schematic Plan is considered to be the Applicants proposed development plan as shown in the CEQA IS/MND (Figure 2-1 Site Plan) and the Guidelines are the proposed project as outlined by the CEQA IS/MND and as specifically allowed by the County's Cannabis Ordinances and State Regulations for the cultivation, manufacturing and distribution of cannabis. The Schematic Plan and Guidelines would be the permitted uses in the SUD and would be subject to the terms and conditions of a Use Permit.

Other Related Plans and Ordinances

The cultivation, manufacturing, distribution and sales of cannabis are highly regulated in California at the State and County level. Issuance of licenses and permits for the Applicants project is highly regulated by the California Bureau of Cannabis Control, who issues licenses and Trinity County who regulates land uses for cannabis activities by way of the County's Cannabis Ordinances through use permits. In addition to these

regulations, the State also regulates surface water quality and erosion control through regulatory permits and the County imposes additional regulatory requirements for other development activities (septic, water, roads, air quality, etc.), in addition to building and fire code requirements.

Planning Staff Recommendations

After review of the Applicants proposed project and evaluation of the surrounding land uses and existing zoning designations, it is Planning Staff's opinion that the continued and expanded cannabis cultivation and distribution activities on the site are compatible with the General Plan and neighborhood designations, historical uses of the properties and the expected intensities of anticipated future uses.

It is also Planning Staff's opinion that rezoning of the property from A10 to SUD, will not cause a material change to the uses on the property and will not have a negative impact to adjacent properties. Operations proposed for the SUD would be unnoticeable from A10 land uses as the project would continue to utilize the property for agricultural activities. Future projects on the parcel that are not identified now, or are significantly different from the Applicant's current proposal, would be required to be authorized under a new Use Permit at the time of the proposed use, which would allow future oversight by the Planning Commission and Board of Supervisors.

FINDINGS OF FACTS

As provided for by the Trinity County Zoning Ordinance 315, Section 32 Use Permits, Subsection A, "A use permit is granted at the discretion of the Planning Commission or the Planning Director and is not the automatic right of any applicant. In considering an application for a use permit, the following guidelines shall be observed, 1. Sound Principals of Land Use; A use permit shall be granted upon sound principals of land use. 2. Not Injurious; A use permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a public nuisance. 3. Plan Consistency; A use permit must comply with the objectives of the general or specific plan for the area in which it is located."

Based on the guidelines provided by the County Zoning Ordinance the following findings are made:

1. Sound Principles of Land Use. A use permit shall be granted upon sound principals of land use.

Finding: Evaluation of the project has determined that the development of the property for cannabis cultivation, nursery operations and distribution as proposed and conditioned, and with the implementation of the mitigation measures identified in the MMRP is consistent with historical uses in the project vicinity, is compatible with the General Plan land use designations, neighborhood character and the limited intensity uses of the surrounding area; is in compliance with CEQA; and would be consistent with the land use designations and goals of the County.

Also, evaluation of the project proposal for the manufacturing of cannabis products found that manufacturing is a non-compatible use within the existing A10 zoning, and that the rezoning of the property to SUD, as requested by the Applicant is appropriate for the specific property and would be compatible with surrounding land uses, based on the Applicant's current proposed uses; these uses are primarily agricultural in nature. It is recommended that the Planning Commission recommend to the Board of Supervisors that they approve the rezone request for the parcel.

2. Not Injurious. A use permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a public nuisance.

Finding: The project, as conditioned, will not cause detrimental effects to public health, safety, welfare or result in the creation of a public nuisance. The manufacturing facility is located in an area that is removed from residential uses and borders Industrial zoned lands, which would allow this type of use. There is no limited public access to the manufacturing site (controlled by the Applicant), and the manufacturing facility would not be located in close proximity to sensitive receptors. Access to the project parcel is well-developed and accessible by emergency vehicles.

3. Plan Consistency: A use permit must comply with the objectives of the general plan or specific plan for the area in which it is located.

Finding: The project, as proposed and conditioned, is consistent with the goals and objectives of the General Plan for cultivation, nursery activities and distribution of cannabis products, which allow these uses within the A10 zoning district. Manufacturing is not allowed in the A10 district but once the property is rezoned to SUD by the Board of Supervisors, cannabis manufacturing would be allowed, and the entire project would then be in compliance with the General Plan objectives.

RECOMMENDED CONDITIONS OF APPROVAL

The following Conditions of Approval shall be included in the Use Permit for the Hayfork Cannabis Manufacturing Project for the uses proposed by the Applicant (Daniel Davoudian) on the parcel designated as Trinity County Assessor Parcel Number (APN) 017-430-49. The Conditions of Approval cited below, presume that the operations conducted by the Permittee shall comply with the laws and regulations of the United States, State of California and Trinity County, as applicable to the uses of this permit.

1. The Permittee shall comply with all County Cannabis Regulations, as are applicable for the facilities of the Permittee's use under this permit. These regulations are provided in the Trinity County Board of Supervisors Ordinances 315-828 and 315-834, and as amended.
2. Outdoor lighting shall be limited to that necessary for safety and security. All new outdoor lighting for the property shall be downcast and shielded so as to reduce light emanating off-site or into the sky. Light shall not escape from indoor cannabis cultivation areas at a level that is visible from neighboring properties from sunset to sunrise.
3. The Permittee must be in compliance with all County building permit requirements, including, but not limited to structures, roads, electrical and water and sewer connections. Prior to issuance of building permits, a detailed and to scale site plan depicting the existing and proposed re-development of the site, including building envelopes or footprints, setbacks, parking and circulation shall be provided for review and approval by Trinity County. Adequate area for, parking and internal circulation, as well as protection of outdoor space for individual units shall be provided.
4. In the event that previously unidentified cultural or paleontological resources are encountered during construction, grading or other site disturbance activities, there shall be no further excavation or disturbance of that area. The construction crews shall stop work or avoid the materials and their context. The County Planning Department shall be notified immediately. A qualified archaeologist shall evaluate the find to determine its historical or archaeological significance. If the find is determined to be a significant historical, paleontological or archaeological resource, the archaeologist shall make recommendations for appropriate mitigation. Work in the area shall not resume until the mitigation measures recommended by the archaeologist have been implemented.
5. In the event that previously unidentified evidence of human burial or human remains are discovered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Trinity County Coroner must be informed and consulted, per State law. If the coroner determines the remains to be Native American, he or she shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent. The most likely descendent will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. when the commission is unable to identify a descendant or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. Work in the area shall not continue until the human

remains are dealt with according to the recommendations of the County Coroner, Native American Heritage Commission and/or the most likely descendent have been implemented.

6. The Permittee's site uses must be in compliance with State and County Fire Safe Regulations, and as directed by CALFIRE. Should CALFIRE determine that site conditions are not in compliance with the Fire Safe Regulations, the Permittee shall be required to come into compliance.
7. The Permittee is required to implement a 150-foot setback from Hayfork Creek for the development of the proposed activities for the protection of riparian vegetation.
8. Should generators be used at a future time by the Permittee, those uses would be required to be in compliance with the California Air Resources Board (CARB) requirements for the Portable Equipment Registration Program (PERP), should the generators qualify for coverage by this permitting program, or as may be required by the North Coast Unified Air Quality Management District (NCUAQMD).
9. The spray application of pesticides (e.g. neem oil, sulfur or other materials) shall occur no closer than 500 feet to an adjacent residence. Spraying shall not occur at wind speeds greater than 10 miles per hour (CCR, Title 3, Division 6, 6960(b)(3)). The operator shall measure the wind speed prior to and during spraying activities to ensure wind speeds are below 10 mph. Spraying activities shall cease if wind speeds are measured at greater than 10 mph.
10. The Permittee must comply with County regulations that govern the use and development of septic systems, as provided for by the Trinity County Environmental Health Department.
11. The Permittee is required to provide the County Fire Marshall, and other State agencies as may be required by other permits, a list and physical locations of storage and use of hazardous materials on the project site, and shall have the site inspected by the Fire Marshall (or their designated representative) prior to the start of cannabis manufacturing operations, and at future intervals as deemed appropriate by the Fire Marshall..
12. If the Permittee grades or disturbs one (1) acre or more of land for activities associated with this permit, the Permittee is required to be in compliance with the State of California Construction General Permit, (RWQCB Order No. 2009-0009-DWQ) or the equivalent at time of disturbance, prior to the disturbance occurring.
13. If the Permittee affects or grades an area and disturbs a volume of material greater than 800 cubic yards, or an area greater than 20,000 square feet, a County mass grading permit must be secured prior to the disturbance, as outlined in County's Mass Grading Ordinance (Ordinance No. 1347).
14. The Permittee is required to submit a security plan for approval to the County Board of Supervisors as a condition of this permit.
15. The Permittee shall secure all appropriate clearances for the various structures and their uses on the property from the Building Department and Environmental Health Division. This includes provision for handicapped accessibility and sanitation facilities, if warranted.

16. This Use Permit is subject to the Permittee securing of all necessary permits for the development and eventual use of the project site for cannabis distribution activities from County, State and Federal agencies having jurisdiction over the activities at the project site, and as applicable to the Permittees uses. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit. The County shall in no-way be considered responsible for issuance or oversight of State or Federal permits/authorizations that may apply to the uses by the Permittee under this use permit. The Permittee has the sole responsibility for compliance with all requirements and regulations.
17. This Use Permit shall become effective after all applicable appeal periods have expired or appeal processes exhausted. **Failure of the Permittee to make use of this use permit within one year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration/termination of this permit.**
18. The use and occupancy of the premises shall be established and maintained by the Permittee in conformance with the provisions of the Trinity County Code and County Zoning Ordinance, unless modified by conditions of the use permit. Additional time limits imposed on the use permit are provided for by the Zoning Ordinance No. 315, Section 32, Subsection E, Time Limits Imposed on Use Permits.
19. This Use Permit shall be subject to modification or revocation based on the conditions set forth in the County Zoning Ordinance No. 315, Section 32, Subsection G, and as amended.
20. The Use Permit Application, along with supplemental exhibits and related materials and reports, and the CEQA IS/MND and MMRP are considered elements of this Use Permit and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
21. The Permittee shall comply with applicable regulations and hazardous materials plans, that when implemented sufficiently minimizes potential exposure and risk from a spill of petroleum product.
22. Any proposed changes or modifications to the uses at the site by the Permittee will require review and approval by the Trinity County Planning Department, prior to those changes or modifications. Based on the proposed changes or modifications, the Planning Department may require additional reviews and approvals from other County/State/Federal departments or agencies as may be appropriate for the proposed changes or modifications.

END of CONDITIONS

Comments Received

The following comment letters were received in response to the CEQA document prepared for this project.

1. California Department of Fish and Wildlife

Geomagery

Donald W. Moore, Professional Geologist
16433 Tee Place
Weed, CA 96094
geomagery@cot.net

June 17, 2019

Charles Simpson
BaseCamp Environmental, Inc.
115 South School Street
Suite 14
Lodi, CA 95240

Subject: Groundwater Recharge Source for the Project Well at the Hayfork Cannabis Manufacturing Project, Hayfork, Trinity County, California

A State of California resources agency expressed concern that an existing groundwater well (project well) for the proposed Hayfork Cannabis Manufacturing Project may draw its recharge water from Hayfork Creek and thereby impact surface flows. The objective of this analysis is to use existing geologic and hydrologic data to interpret the potential impacts on surface waters in Hayfork Creek from the project well which is located 300 feet south of Hayfork Creek near the confluence with Big Creek (Attachments 1 and 2).

Publicly available documents were reviewed to estimate the potential impacts of the project well on the surface waters of Hayfork Creek:

- U.S. Geological Survey, Scientific Investigations, Map 3119, "Reconnaissance Geologic Map of the Hayfork 15' Quadrangle, Trinity County, California", 2010.
- U.S. Geological Survey, 7.5 Minute Hayfork, CA, Quadrangle Map, Provisional Edition, 1982.
- Water Well Completion Report Number 0950428, Project Groundwater Well, Drilled and Completed May 2011 (the project well).
- California Department of Water Resources, Water Well Completion Reports for Hayfork Valley, download June 2019.
- Aerial Orthophoto, 2016, Terrane Navigator Pro by MapTech.

Geologic mapping conducted by the U.S. Geological Survey (2010) indicates the project well is located within an area of unconsolidated alluvial deposits of Recent Age (Qal). These deposits are described as "unconsolidated sand and gravel in channels of modern streams and on associated low terraces; much has been reworked by placer mining for gold". Terrace deposits (QT), primarily along Big Creek north of the project well are associated with the alluvial deposits. The terrace deposits are described as "moderate to high-level terraces, generally, but not everywhere covered by a veneer of sand and gravel".

There are two formations underlying the alluvial deposits: the Miocene age Weaverville Formation is composed of fluvial and lacustrine “nonmarine, weakly consolidated mudstone, sandstone, and conglomerate, containing impervious dark-green clay and sparse interbeds of light-colored tuff”. Underlying the Weaverville Formation, the Triassic and Permian age Broken Formation is composed of mélange materials and is considered the bedrock formation underlying the Hayfork Valley. The alluvial deposits are exposed in Hayfork and Big Creeks and overlie the Weaverville Formation which is probably 120 to 150 feet thick.

Based on the geologic map (Attachment 1), the Broken Formation underlies the Weaverville Formation and is considered the bedrock unit underlying the Hayfork Valley. The contact between the Weaverville and Broken Formations is likely an ancient uneven erosional surface with “topographic” high points and low troughs. The variations in the surface of this formational contact tend to concentrate or channelize groundwater in lower areas, producing higher yield wells and the higher areas will produce lower yields.

Therefore, based on available water well logs, only the alluvial deposits and the Weaverville Formation produce sufficient water for wells. Most of the wells completed in the shallow alluvial formation produce less than 20 gallons per minute (gpm). The reports from the older, shallow wells indicate they often go dry in the late summer, probably an indication of a hydrologic connection with a seasonal surface water source.

High yield water wells completed in the Weaverville Formation, such as the project well, are probably completed in a trough on or near the contact between the Weaverville and Broken Formations. Data from other wells within the vicinity of the project well indicate that water wells completed at depths ranging from 180 to 220 feet can produce up to 100 gpm, while wells completed in the Broken Formation (bedrock) produce 5 gpm or less.

Project well log lithologic descriptions correlate closely with the published lithologic descriptions of the alluvial deposits and the underlying Weaverville Formation which is described in part as, “weakly consolidated mudstone, sandstone, and conglomerate, containing impervious dark-green clay and sparse interbeds of light-colored tuff”. The drillers log indicates layers of blue clay and gravel from 45 to 185 feet. This is a strong indicator that this zone acts as a retarding or leaky unit within the Weaverville Formation. The layers of blue clay and gravel indicate a low permeability layer that permits water to slowly flow through it. Therefore, the “leaky” nature of the Weaverville Formation allows a slow, but steady vertical flow to recharge the perched water on the Weaverville/Broken Formations contact where the project well is completed.

Groundwater recharge results from annual precipitation in the form of rain and snow and the surface area of the alluvium deposits within Hayfork and Big Creeks drainages are paramount to determine the source of recharge water. The surface area of the Big Creek/Duncan alluvial area is approximately 1,500 acres; the alluvial area of Hayfork Creek/Barker Creek is approximately 615 acres, or about 40 percent the surface area of the Big Creek alluvial recharge area. Therefore, the permeable recharge zone in the Big Creek drainage which trends directly into the project well area indicates a high likelihood that the project well receives 60 percent of its recharge from the Big Creek drainage.

Geologic and hydrologic literature and publically available well reports provide a strong indicator that the project well, at maximum production, will only draw minimal quantities of groundwater from the immediate area of Hayfork Creek. There is a very good possibility a significant amount of the project well's recharge comes from the Big Creek drainage.

The U.S. Geological Survey had a stream gauge at Hayfork from 1956 to 1976. The mean annual discharge for this location was 119 cubic feet per second (53,411 gpm) (1956–1965). The maximum peak flow was during the storms of December 1964 at 7,520 cubic feet per second (3,375,220 gpm). The minimum monthly average was 3 cubic feet per second (1,346 gpm) in August 1959.

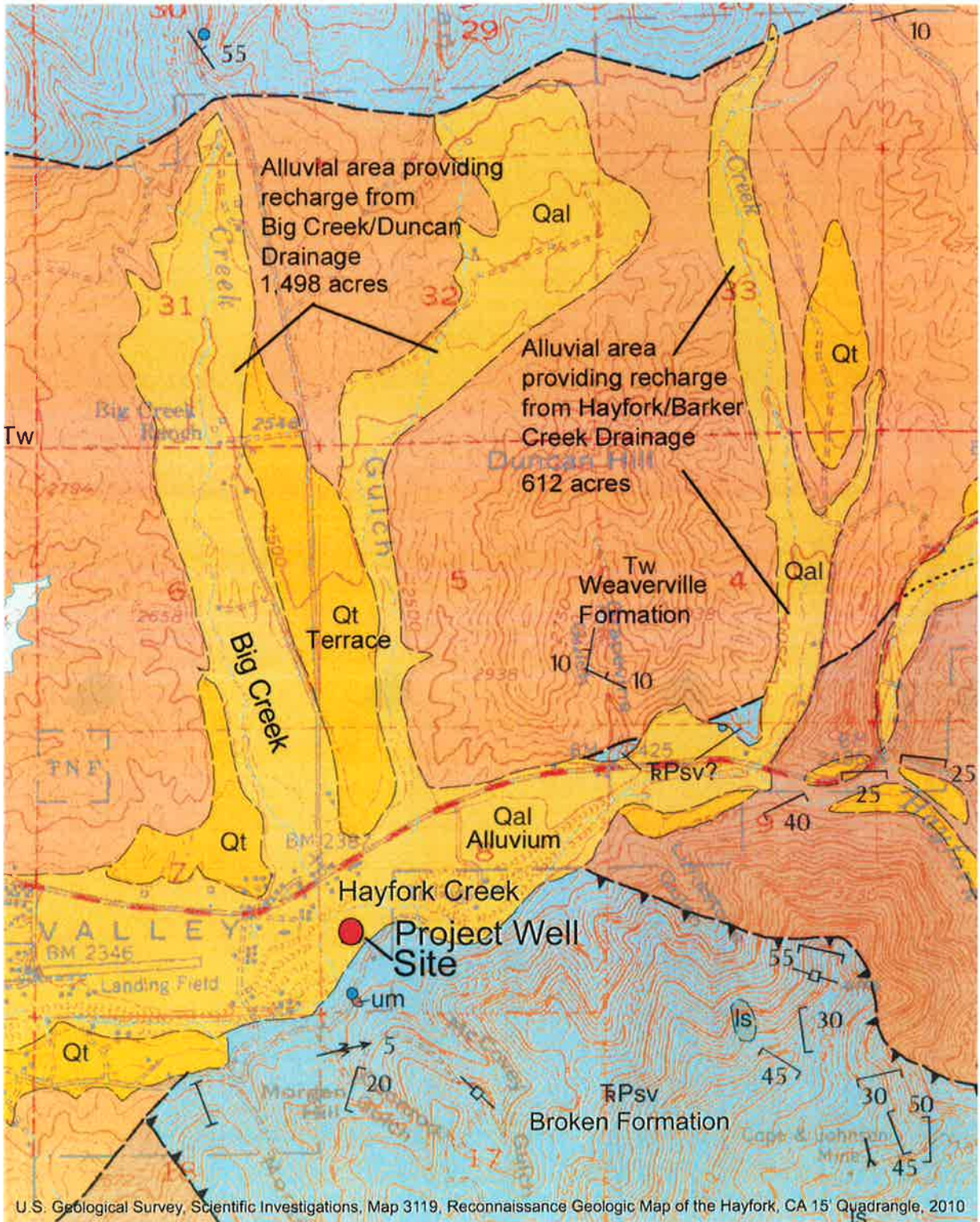
Hayfork Cannabis Manufacturing Project estimates a maximum use of 4.5 gpm from the project well. Big Creek likely supplies a significant amount of the recharge to the project well. Therefore, it is unlikely that the surface water impacts in Hayfork Creek at projected use rate will exceed 2.0 gpm. If flows in Hayfork Creek drop to 1 cubic foot per second (448 gpm) a 2 gpm withdrawal is a minimal and intermittently quantity, and therefore represents an insignificant impact to the surface water flows in Hayfork Creek.

Donald W. Moore

Donald W. Moore, PG 6076, CHG 461

June 17, 2019

Weed, California



Attachment 1

**Groundwater Recharge Source for the Project Well
at the Hayfork Cannabis Manufacturing Project,
Hayfork, Trinity County, California**



Attachment 2

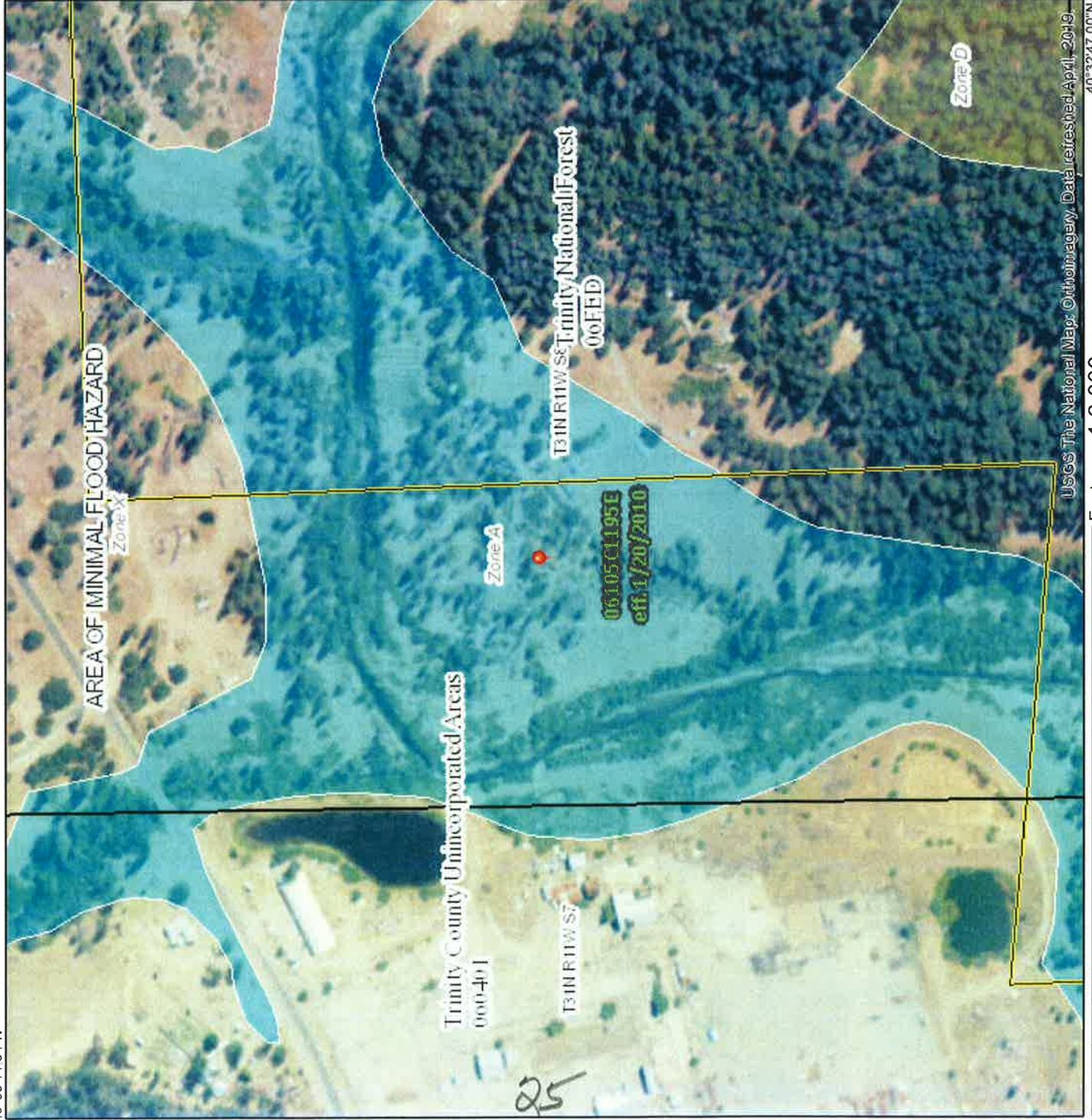
**Groundwater Recharge Source for the Project Well
at the Hayfork Cannabis Manufacturing Project,
Hayfork, Trinity County, California**

24

National Flood Hazard Layer FIRMette



40°33'14.34"N



USGS The National Map, Orthometry, Data refreshed April, 2019.

40°32'47.00"N



1:6,000

ATTACHMENT B

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone L

OTHER AREAS

- Area of Minimal Flood Hazard Zone X
- Effective LOMRS
- Area of Undetermined Flood Hazard Zone

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/12/2019 at 7:14:52 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

123°8'10.31"W



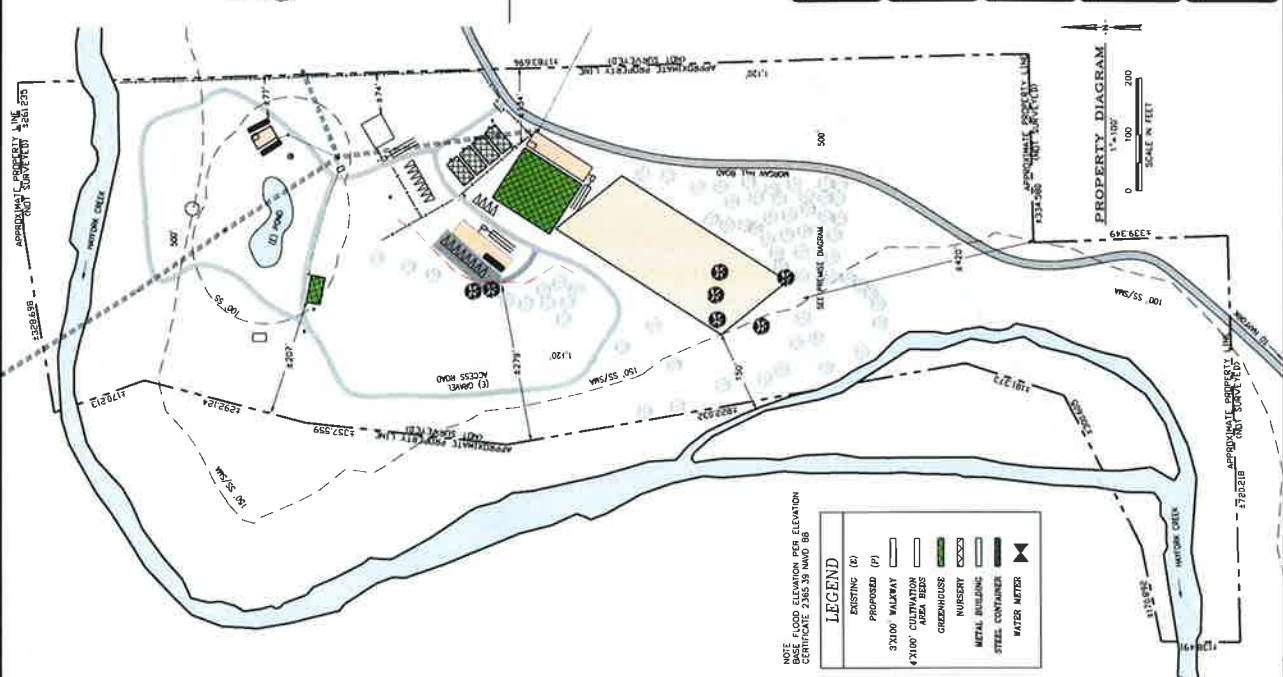
PROPERTY & PREMISE DIAGRAM

DAN DAVIDJIAN
 APN: 017-430-49
 3001 MORGAN HILL ROAD
 HAYFORK, CA 96041

| NO. | DATE | DESCRIPTION |
|-----|----------|--------------------|
| 1 | 12/17/18 | PRELIMINARY DESIGN |
| 2 | 1/28/19 | |
| 3 | 2/14/19 | |
| 4 | 3/14/19 | |
| 5 | 4/11/19 | |
| 6 | 5/15/19 | |
| 7 | 6/13/19 | |
| 8 | 7/10/19 | |
| 9 | 8/7/19 | |
| 10 | 9/4/19 | |
| 11 | 10/2/19 | |
| 12 | 11/0/19 | |
| 13 | 11/28/19 | |
| 14 | 12/18/19 | |
| 15 | 1/15/20 | |
| 16 | 2/12/20 | |
| 17 | 3/11/20 | |
| 18 | 4/8/20 | |
| 19 | 5/6/20 | |
| 20 | 6/3/20 | |
| 21 | 7/1/20 | |
| 22 | 7/29/20 | |
| 23 | 8/26/20 | |
| 24 | 9/23/20 | |
| 25 | 10/21/20 | |
| 26 | 11/18/20 | |
| 27 | 12/16/20 | |
| 28 | 1/13/21 | |
| 29 | 2/10/21 | |
| 30 | 3/10/21 | |
| 31 | 4/7/21 | |
| 32 | 5/5/21 | |
| 33 | 6/2/21 | |
| 34 | 6/30/21 | |
| 35 | 7/28/21 | |
| 36 | 8/25/21 | |
| 37 | 9/22/21 | |
| 38 | 10/20/21 | |
| 39 | 11/17/21 | |
| 40 | 12/15/21 | |
| 41 | 1/12/22 | |
| 42 | 2/9/22 | |
| 43 | 3/8/22 | |
| 44 | 4/5/22 | |
| 45 | 5/3/22 | |
| 46 | 6/1/22 | |
| 47 | 6/29/22 | |
| 48 | 7/27/22 | |
| 49 | 8/24/22 | |
| 50 | 9/21/22 | |
| 51 | 10/19/22 | |
| 52 | 11/16/22 | |
| 53 | 12/14/22 | |
| 54 | 1/11/23 | |
| 55 | 2/8/23 | |
| 56 | 3/7/23 | |
| 57 | 4/4/23 | |
| 58 | 5/2/23 | |
| 59 | 6/1/23 | |
| 60 | 6/29/23 | |
| 61 | 7/27/23 | |
| 62 | 8/24/23 | |
| 63 | 9/21/23 | |
| 64 | 10/19/23 | |
| 65 | 11/16/23 | |
| 66 | 12/14/23 | |
| 67 | 1/11/24 | |
| 68 | 2/8/24 | |
| 69 | 3/7/24 | |
| 70 | 4/4/24 | |
| 71 | 5/2/24 | |
| 72 | 6/1/24 | |
| 73 | 6/29/24 | |
| 74 | 7/27/24 | |
| 75 | 8/24/24 | |
| 76 | 9/21/24 | |
| 77 | 10/19/24 | |
| 78 | 11/16/24 | |
| 79 | 12/14/24 | |
| 80 | 1/11/25 | |
| 81 | 2/8/25 | |
| 82 | 3/7/25 | |
| 83 | 4/4/25 | |
| 84 | 5/2/25 | |
| 85 | 6/1/25 | |
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| 87 | 7/27/25 | |
| 88 | 8/24/25 | |
| 89 | 9/21/25 | |
| 90 | 10/19/25 | |
| 91 | 11/16/25 | |
| 92 | 12/14/25 | |
| 93 | 1/11/26 | |
| 94 | 2/8/26 | |
| 95 | 3/7/26 | |
| 96 | 4/4/26 | |
| 97 | 5/2/26 | |
| 98 | 6/1/26 | |
| 99 | 6/29/26 | |
| 100 | 7/27/26 | |

DAN DAVIDJIAN
 HAYFORK, CA 96041
 APN: 017-430-049
 HAYFORK, TRINITY COUNTY, CALIFORNIA

| | |
|--------------------|---------------|
| DATE AS SHOWN | DATE |
| PROJECT NO. | 017-430-49 |
| DRAWING NO. | 017-430-49-01 |
| DATE OF ISSUE | 12/17/18 |
| DATE OF REVISION | |
| DATE OF CLOSURE | |
| DATE OF COMPLETION | |
| DATE OF AS-BUILT | |
| DATE OF FINAL | |



| | |
|------------------------------|------------------|
| (E) 2,500 GAL WATER TANK - 1 | 2,500 GAL |
| (E) 1,500 GAL WATER TANK - 2 | 1,500 GAL |
| (E) 300 GAL WATER TANK - 3 | 300 GAL |
| TOTAL WATER STORAGE | 4,300 GAL |

| | |
|---------------------------------|------------------|
| (P) CULTIVATION AREA (TYPE 2B) | 30,000 SF |
| (E) GREENHOUSE 1 (TAL18-000484) | 1,152 SF |
| (E) GREENHOUSE 2 (TAL18-000484) | 12,000 SF |
| (P) NURSERY | 4,500 SF |
| TOTAL AREA | 48,252 SF |

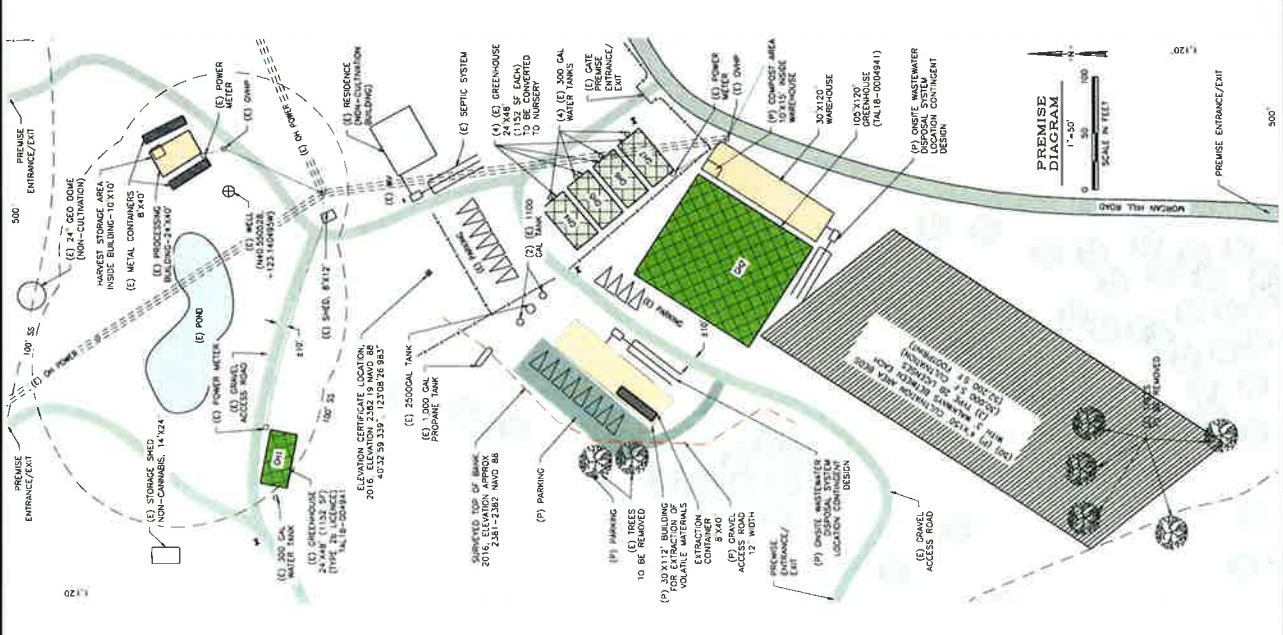
SECURITY NOTES
 SECURITY CAMERAS WILL BE EQUIP WITH MOTION SENSORS AND PROXIMITY SENSORS FOR VEHICLES OVER NIGHT SECURITY WILL BE PROVIDED BY A STAFFED WATCHMAN

IMPROVEMENT NOTES
 REFUSE SHALL BE STORED ON A CONCRETE SLAB AND UNDER ROOF COVER OR IN A PORTABLE/LOCKABLE DUMPSTER. REFUSE MUST BE HAULLED TO AN APPROVED WASTE DISPOSAL FACILITY. REFUSE SHALL BE STORED AND COMPOSTED ORGATE CANOASIS WASTE CANNOT EXCEED 50% OF THE GENERATED ORGANIC MATERIAL

SRA REQUIREMENTS
 PROVIDE ADEQUATE WATER STORAGE AND DELIVERY AS OUTLINED BY SRA
 PROVIDE ADEQUATE TURN AROUND AND PALLETS AS OUTLINED BY SRA
 ORDINANCE REQUIREMENTS AND CAPRE REQUIREMENTS

GENERAL NOTES
 WATER SPRINKLER WELL
 POWER, TRINITY AND
 PHONE, TRINITY AND
 HAYFORK CREEK
 FLOODPLAIN BASED ON ELEVATION CERTIFICATE
 FLOODPLAIN BASED ON ELEVATION CERTIFICATE
 SWANTY FACE DO NOT CONDUCT A PROPERTY SURVEY DIMENSIONS ARE FROM TRINITY CO. DIS

CONTRACTOR ALERT!
 CONTRACTORS MUST CONTACT USA DIS AT 800-272-2800 AT LEAST 72 HOURS BEFORE ANY EXISTING WORK OR ACTIVITIES THAT MAY IMPACT EXISTING UNDERGROUND UTILITIES. EXISTING UTILITY ALIGNMENTS BOTH HORIZONTALLY AND VERTICALLY MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION ACTIVITIES



26



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

June 3, 2019

Leslie Hubbard
Trinity County
P.O. Box 2819
Weaverville, CA 96093

Subject: Hayfork Cannabis Manufacturing Project
SCH#: 2019059003

Dear Leslie Hubbard:

The State Clearinghouse submitted the above named MND to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on 5/31/2019, and the comments from the responding agency (ies) is (are) available on the CEQA database for your retrieval and use. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

Check the CEQA database for submitted comments for use in preparing your final environmental document: <https://ceqanet.opr.ca.gov/2019059003/2>. Should you need more information or clarification of the comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Resources Agency



May 20, 2019

Leslie Hubbard
Trinity County Planning Department
P. O. Box 2819
Weaverville, CA 96093

Also sent via e-mail: lhubbard@trinitycounty.org

RE: SCH# 2019059003, Hayfork Cannabis Manufacturing Project, Community of Hayfork; Trinity County, California

Dear Ms. Hubbard:

The Native American Heritage Commission (NAHC) has reviewed the Mitigated Negative Declaration prepared for the above referenced project. The review included the Introduction and Project Description; Summary Table 1.1; Environmental Evaluation Checklist, section 3.5, Cultural Resources and section 3.18, Tribal Cultural Resources prepared by Basecamp Environmental, Inc. and Natural Investigations Company for the Trinity County Planning Department. We have the following concern(s):

1. Lack of contact with Tribes traditionally and culturally affiliated to the project area, or lack of documented resources, does not mean there are no potential impacts to Cultural Resources or Tribal Cultural Resources, and does not preclude inadvertent finds.
2. There are no mitigation measures specifically addressing Tribal Cultural Resources separately and distinctly from Archaeological Resources. Mitigation measures must take Tribal Cultural Resources into consideration as required under AB-52, **with or without consultation** occurring. Mitigation language for archaeological resources is not always appropriate for measures specifically for handling Tribal Cultural Resources. Sample mitigation measures for Tribal Cultural Resources can be found in the CEQA guidelines at http://opr.ca.gov/docs/Revised_AB_52_Technical_Advisory_March_2017.pdf

Agencies should be aware that AB 52 does not preclude them from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf, entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

If you have any questions, please contact me at my email address: gayle.totton@nahc.ca.gov.

Sincerely,


Gayle Totton, B.S., M.A., Ph. D
Associate Governmental Program Analyst

Attachment
cc: State Clearinghouse

The California Environmental Quality Act (CEQA)¹, specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.² If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.³ In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).⁴ **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for "tribal cultural resources"⁵, that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment."⁶ Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.⁷ Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code §65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966⁸ may also apply.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

Pertinent Statutory Information:

Under AB 52:

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.

A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.⁹ and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18)."¹⁰

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects.¹¹

1. The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.¹²

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10.** Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.¹³

If a project may have a significant impact on a tribal cultural resource, **the lead agency's environmental document shall discuss** both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.

¹ Pub. Resources Code § 21000 et seq.

² Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15084.5 (b); CEQA Guidelines Section 15084.5 (b)

³ Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15084 subd.(a)(1); CEQA Guidelines § 15084 (a)(1)

⁴ Government Code 65352.3

⁵ Pub. Resources Code § 21074

⁶ Pub. Resources Code § 21084.2

⁷ Pub. Resources Code § 21084.3 (a)

⁸ 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.

⁹ Pub. Resources Code § 21080.3.1, subds. (d) and (e)

¹⁰ Pub. Resources Code § 21080.3.1 (b)

¹¹ Pub. Resources Code § 21080.3.2 (a)

¹² Pub. Resources Code § 21080.3.2 (a)

¹³ Pub. Resources Code § 21082.3 (c)(1)

- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.¹⁴

Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.¹⁵

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program**, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.¹⁶

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code §21084.3 (b).¹⁷ An environmental impact report **may not be certified**, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days.¹⁸

This process should be documented in the Tribal Cultural Resources section of your environmental document.

Under SB 18:

Government Code §65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described §5097.9 and §5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code §65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Public Resources Code §5097.9 and §5097.993.

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf
- **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.**¹⁹
- **There is no Statutory Time Limit on Tribal Consultation under the law.**
- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,²⁰ the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction.²¹
- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
 - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.²²

NAHC Recommendations for Cultural Resources Assessments:

- Contact the NAHC for:

¹⁴ Pub. Resources Code § 21082.3 (b)

¹⁵ Pub. Resources Code § 21080.3.2 (b)

¹⁶ Pub. Resources Code § 21082.3 (a)

¹⁷ Pub. Resources Code § 21082.3 (e)

¹⁸ Pub. Resources Code § 21082.3 (d)

¹⁹ (Gov. Code § 65352.3 (a)(2)).

²⁰ pursuant to Gov. Code section 65040.2,

²¹ (Gov. Code § 65352.3 (b)).

²² (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

- o A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
- o A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
 - The request form can be found at <http://nahc.ca.gov/resources/forms/>.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - o If part or the entire APE has been previously surveyed for cultural resources.
 - o If any known cultural resources have been already recorded on or adjacent to the APE.
 - o If the probability is low, moderate, or high that cultural resources are located in the APE.
 - o If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - o The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - o The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- o Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- o Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
- o Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- o Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.²³
- o Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.²⁴

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- o Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.²⁵ In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- o Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- o Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code §5097.991, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

²³ (Civ. Code § 815.3 (c)).

²⁴ (Pub. Resources Code § 5097.991).

²⁵ per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



May 31, 2019

Leslie Hubbard, Deputy Planning Director
Trinity County Planning Department
Post Office Box 2819
Weaverville, CA 96093

Subject: Mitigated Negative Declaration for Hayfork Cannabis Manufacturing Conditional Use Permit and Rezoning Project; Assessor's Parcel Number 017-430-49, State Clearinghouse Number 2019059003, Trinity County

Dear Ms. Hubbard:

The California Department of Fish and Wildlife (Department) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the above-referenced project (Project). As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat. As a responsible agency, the Department administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. The Department offers the following comments and recommendations on this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code section 2100 et seq.

Project Description

The Project seeks approval for several County and State cannabis licenses, including manufacturing, distribution, commercial nursery, and up to one acre of cultivation of mature canopy. The operation proposes to establish a cannabis manufacturing business that would extract cannabidiol from cannabis plants using hydrocarbon extraction in a new steel container housed within a larger steel building on the parcel. This would require a Type 7 manufacturing license (for extraction using a volatile solvent) from the State Department of Public Health. A Conditional Use Permit and approval of a zone change from Agriculture District zoning to Specific Unit Development zoning will be required from the County. The distribution license is integral to the manufacturing portion, as the distribution will involve transportation of raw material to the facility from licensed cultivators and of wholesale and retail cannabis products to other licensed facilities. Distribution activities require a Type 11 license from the Bureau of Cannabis Control and a Conditional Use Permit from the County. The Project will also establish a commercial cannabis nursery in four existing greenhouses on the parcel, totaling 4,608 square feet. This requires a Type 4 license from the State and a Conditional Use Permit from the County. Finally, future development of the project may include expansion of the existing 10,000 square foot canopy of cultivation to allow up to 43,560 square-feet (one acre) of cannabis cultivation. This expansion would occur in outdoor planting beds in addition to the existing area

Conserving California's Wildlife Since 1870

occupied within a permitted 12,600 square foot greenhouse. The outdoor beds would later be replaced by greenhouses. The expanded cultivation operation would require a Conditional Use Permit from the County and 3 additional Type 2B licenses from the California Department of Food and Agriculture. The parcel already holds one 10,000 square foot Type 2B cultivation license from both the County and the State. Irrigation and domestic water is proposed to be serviced through an existing domestic well.

Comments and Recommendations

Riparian Setbacks

The narrative discussion in the Biological Resources section of the IS/MND states that the Project would not encroach upon the established 300-foot buffer along Hayfork Creek. This riparian buffer is not mapped on the site plan; however, the 100-foot sanitary setback is mapped. The proposed expanded cultivation area on the southwest side of the parcel appears to contact the 100-foot sanitary setback shown on Figure 2-1. This appears to contradict the "*established minimum 300-foot buffer to the nearest waterbody*" discussed in the IS/MND. New disturbed areas or expansions to the existing cultivation facilities should comply with the setbacks provided in the State Water Resources Control Board Cannabis Cultivation Policy (Policy) (Resolution No. 2017-0063), currently 150 feet from perennial watercourses, as outlined in Attachment A of the Policy. In order to comply with the more protective setbacks in the Policy, the proposed cultivation area and the established greenhouse near the pond should to be a minimum of 150 feet away from the perennial waterbodies, as measured from the bankfull stage. The Department recommends that this 150-foot riparian setback from both Hayfork Creek and the pond be delineated and demonstrated on parcel figures and site plans.

Surface and Groundwater Hydrology

Groundwater discharge may be a significant component of streamflow in Hayfork Creek, and it is important to understand the effects of groundwater pumping on rivers and streams. Alluvial aquifers are often interconnected to surface flow and, depending on geologic and morphologic constraints, can either augment or diminish that flow. Where the groundwater aquifer supplements streamflow, the influx of cold, clean water can be of critical importance to maintaining adequate water temperature and flow volume, especially during summer dry periods. Pumping from these aquifer-stream complexes can lower groundwater levels and interrupt the hyporheic flow between the aquifer and stream. When this happens, streamflow can recede, and water quality degrade to the point where juvenile steelhead and salmon are significantly adversely affected. Adequate site-specific analysis is necessary to avoid these impacts.

The narrative discussion in the Hydrology and Water Quality section of the IS/MND states that the producing strata is a gravel layer located more than 160 feet below the ground surface that the "*California Department of Fish and Wildlife found that the well yield is independent of Hayfork Creek surface flows*". There has been no such determination made by Department staff. The applicant submitted a Notification of Lake or Streambed Alteration (LSA) on December 29, 2017 requesting verification that a Streambed Alteration Agreement

was not required because “no Waters of the State or fisheries will be impacted”. At that time, the project included five 1,152 square-foot greenhouses, and one 8,600 square-foot greenhouse for a 10,000 square-foot cultivation license, as well as one residential dwelling. A letter was issued to Mr. Davoudian stating that the project as described in the LSA Notification was subject to the LSA Notification requirement, but that no LSA Agreement was needed. The Department is concerned that the well, with a 100-gallon per minute yield, situated on mine tailings adjacent to Hayfork Creek, may be hydrologically connected to the stream. Furthermore, the history of gold mining in this reach has severely altered the geomorphology and underlying geology of the area, and the well may be tapping into alluvial aquifers and impacting surface flows. Without further analysis by a qualified hydrogeologist, the conclusions that the well yield is independent of Hayfork Creek surface flows is not supported by evidence in the IS/MND.

Due to greatly expanded project description from the original LSA Notification, the Department recommends further analysis of proposed water use on stream flow and resources, including an assessment of cumulative effects of other withdrawals in the same watershed. This analysis is critical when cannabis development is proposed within watersheds such as Hayfork Creek and Big Creek, which are inhabited by special-status species such as steelhead trout (*Oncorhynchus mykiss*), Coho Salmon (*Oncorhynchus kisutch*) and foothill yellow-legged frogs (*Rana boylei*).

Flood Flows

The IS/MND states that “many of the proposed project structures are located within the 100-year floodplain as outlined in the approved FEMA map”. Flood maps were not included with the document, nor is there a discussion of which of the proposed structures are within that mapped floodplain. The e-mail included as Appendix D discusses the coordinates at the location of the greenhouses that have since been built, but does not include coordinates for the expanded cultivation area. The IS/MND should include an analysis of potentially significant impacts resulting from cannabis cultivation within the FEMA 100-year floodplain. The impacts of cannabis cultivation within the floodplain may include potential pollution sources including imported fertilizers, compost, pesticides, and components of potting soils, such as perlite, that could be transported into or captured by surface waters. The conclusion that one single coordinate indicates that the entire project would not impede or redirect flood flows in a manner than would threaten water quality or adjacent land uses is not supported. The Department encourages the County to prohibit cannabis activities within the floodway. If activities within the floodway are approved by the County, minimization measures, such as seasonal restrictions on activities within the floodway, or prohibiting storage or use of pollutants should be adopted to fully avoid the aforementioned pollution sources from entering waters of the state.

Site Expansion and Environmental Data

The Policy requires that prior to commencing any cannabis land development or site expansion activities, the cultivator shall have a qualified biologist identify sensitive plants, wildlife species, or communities at the proposed development site. CEQA requires that information developed in negative declarations be incorporated into a database which may

Leslie Hubbard, Deputy Planning Director
Trinity County Planning Department
May 31, 2019
Page 4

be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=25739>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by the Department. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

The Department appreciates the opportunity to comment on the IS/MND to assist the Trinity County Planning staff in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Senior Environmental Scientist Kate Blanchard at (530) 225-2239 or by e-mail at Katherine.Blanchard@wildlife.ca.gov.

Sincerely,



Curt Babcock
Habitat Conservation Program Manager

Attachment: Letter dated April 16, 2018

Ec: Page 5

Leslie Hubbard, Deputy Planning Director
Trinity County Planning Department
May 31, 2019
Page 5

cc: Leslie Hubbard
Trinity County Planning Department
lhubbard@trinitycounty.org

Cannabis Cultivation Regulatory Program
North Coast Regional Water Quality Control Board
NorthCoast.Cannabis@waterboards.ca.gov

State Clearinghouse
State.clearinghouse@opr.ca.gov

Adam McKannay, Kate Blanchard
California Department of Fish and Wildlife
Adam.McKannay@wildlife.ca.gov, Katherine.Blanchard@wildlife.ca.gov

References

State Water Resources Control Board General Order WA 2019-0001-DWQ, located at:
https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf

State Water Resources Control Board Cannabis Cultivation Policy, adopted February 5, 2019 located at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf

RE: Davoudian Cannabis Project Conditional Use Permit CCUP-2019-001

Dear Planning Commissioners,

The property owner/applicant for the Davoudian Cannabis Project CCUP-2019-001 (Daniel Davoudian) has recently made a presentation detailing the proposed project activities at 3001 Morgan Hill Road in Hayfork.

The plans and project details are for a well-designed agricultural facility that fits the character of the Hayfork Valley area. The fenced greenhouse facility will be constructed in the center of a 30 acre property, approximately 75 feet back from Morgan Hill Road. The manufacturing and distribution building is proposed to be set back over 200' from the road and the view will be obstructed by greenhouses. Landscaping will be installed where necessary and earth tone building colors will be used.

The proposed project scope includes a state of the art distribution and manufacturing facility with numerous fire, HAZMAT, and security failsafes built in to the manufacturing equipment, the Class 1 Division 1 booth, as well the building that the manufacturing and distribution operations will be housed in.

The proposed cultivation, manufacturing, and cultivation facility will provide local economic development benefit both through employment as well as providing a platform for the 200 plus registered Trinity County Commercial Cannabis program participants to access the statewide regulated market. The project site is consistent with Trinity County ordinances 315-823, 315-828, 315-826, and 315-828 and the owner/applicant has presented satisfactory mitigation measures for any concern related to the project.

As a business owner in the community and Hayfork resident I am recommending the Planning Commission approve the Davoudian Cannabis Project CCUP-2019-001

Thank you

Sincerely,



RECEIVED

MAY 16 2019

TRINITY COUNTY
PLANNING DEPARTMENT

RE: Davoudian Cannabis Project Conditional Use Permit CCUP-2019-001

Dear Planning Commissioners,

The property owner/applicant for the Davoudian Cannabis Project CCUP-2019-001 (Daniel Davoudian) has recently made a presentation detailing the proposed project activities at 3001 Morgan Hill Road in Hayfork.

The plans and project details are for a well-designed agricultural facility that fits the character of the Hayfork Valley area. The fenced greenhouse facility will be constructed in the center of a 30 acre property, approximately 75 feet back from Morgan Hill Road. The manufacturing and distribution building is proposed to be set back over 200' from the road and the view will be obstructed by greenhouses. Landscaping will be installed where necessary and earth tone building colors will be used.

The proposed project scope includes a state of the art distribution and manufacturing facility with numerous fire, HAZMAT, and security failsafes built in to the manufacturing equipment, the Class 1 Division 1 booth, as well the building that the manufacturing and distribution operations will be housed in.

The proposed cultivation, manufacturing, and cultivation facility will provide local economic development benefit both through employment as well as providing a platform for the 200 plus registered Trinity County Commercial Cannabis program participants to access the statewide regulated market. The project site is consistent with Trinity County ordinances 315-823, 315-828, 315-826, and 315-828 and the owner/applicant has presented satisfactory mitigation measures for any concern related to the project.

As a business owner in the community and Hayfork resident I am recommending the Planning Commission approve the Davoudian Cannabis Project CCUP-2019-001

Thank you

Sincerely,

Jeremiah Colorado


owner of The Family
Dairy Store

RECEIVED

MAR 16 2019

TRINITY COUNTY
PLANNING DEPARTMENT

RE: Davoudian Cannabis Project Conditional Use Permit CCUP-2019-001

Dear Planning Commissioners,

The property owner/applicant for the Davoudian Cannabis Project CCUP-2019-001 (Daniel Davoudian) has recently made a presentation detailing the proposed project activities at 3001 Morgan Hill Road in Hayfork.

The plans and project details are for a well-designed agricultural facility that fits the character of the Hayfork Valley area. The fenced greenhouse facility will be constructed in the center of a 30 acre property, approximately 75 feet back from Morgan Hill Road. The manufacturing and distribution building is proposed to be set back over 200' from the road and the view will be obstructed by greenhouses. Landscaping will be installed where necessary and earth tone building colors will be used.

The proposed project scope includes a state of the art distribution and manufacturing facility with numerous fire, HAZMAT, and security failsafes built in to the manufacturing equipment, the Class 1 Division 1 booth, as well the building that the manufacturing and distribution operations will be housed in.

The proposed cultivation, manufacturing, and cultivation facility will provide local economic development benefit both through employment as well as providing a platform for the 200 plus registered Trinity County Commercial Cannabis program participants to access the statewide regulated market. The project site is consistent with Trinity County ordinances 315-823, 315-828, 315-826, and 315-828 and the owner/applicant has presented satisfactory mitigation measures for any concern related to the project.

As a business owner in the community and Hayfork resident I am recommending the Planning Commission approve the Davoudian Cannabis Project CCUP-2019-001

Thank you

Sincerely,

Michael Ruth
Michael Ruth

owner of
property across
the street
3060 Morgan Hill Rd

RECEIVED

MAY 16 2019

TRINITY COUNTY
PLANNING DEPARTMENT

RE: Davoudian Cannabis Project Conditional Use Permit CCUP-2019-001

Dear Planning Commissioners,

The property owner/applicant for the Davoudian Cannabis Project CCUP-2019-001 (Daniel Davoudian) has recently made a presentation detailing the proposed project activities at 3001 Morgan Hill Road in Hayfork.

The plans and project details are for a well-designed agricultural facility that fits the character of the Hayfork Valley area. The fenced greenhouse facility will be constructed in the center of a 30 acre property, approximately 75 feet back from Morgan Hill Road. The manufacturing and distribution building is proposed to be set back over 200' from the road and the view will be obstructed by greenhouses. Landscaping will be installed where necessary and earth tone building colors will be used.

The proposed project scope includes a state of the art distribution and manufacturing facility with numerous fire, HAZMAT, and security failsafes built in to the manufacturing equipment, the Class 1 Division 1 booth, as well the building that the manufacturing and distribution operations will be housed in.

The proposed cultivation, manufacturing, and cultivation facility will provide local economic development benefit both through employment as well as providing a platform for the 200 plus registered Trinity County Commercial Cannabis program participants to access the statewide regulated market. The project site is consistent with Trinity County ordinances 315-823, 315-828, 315-826, and 315-828 and the owner/applicant has presented satisfactory mitigation measures for any concern related to the project.

As a business owner in the community and Hayfork resident I am recommending the Planning Commission approve the Davoudian Cannabis Project CCUP-2019-001

Thank you

Sincerely, *Tom Northrop* *Lucky Vista Farms*
[Signature] 5/17/19

RECEIVED
MAY 20 2019
TRINITY COUNTY
BUILDING DEPARTMENT

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Thank you

Sincerely,

A. Matthews

5/17/19

RECEIVED

MAY 20 2019

TRINITY COUNTY
BUILDING DEPARTMENT

Gina M. Rimson
410 Snow Ridge Road
Weaverville, CA 96093

RECEIVED

MAY 30 2019

TRINITY COUNTY
PLANNING DEPARTMENT

May 21, 2019

Trinity County Planning Department

RE: Davoudian Cannabis Project Conditional Use Permit CCUP-2019-001

Dear Planning Commissioners,

I'm supporting the above permit application.

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Sincerely,



Gina M. Rimson