




**TRINITY COUNTY**  
**COMMUNITY DEVELOPMENT SERVICES**  
BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH  
P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093  
PHONE (530) 623-1351 ♦ FAX (530) 623-1353

**Kim Hunter, Director**

**MEMORANDUM**

DATE: December 4, 2020

TO: Planning Commissioners and members of the public

FROM: Lisa Lozier, Deputy Director of Planning 

SUBJECT: Agenda Item 2 – Caccavo Conditional Use Permit and Variance (P-18-01 & CCV-20-46)

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The attached comments have been received from the California Department of Food & Agriculture (CDFA) and the California Department of Fish & Wildlife (CDFW) as Responsible Agencies for the California Environmental Quality Act (CEQA) regarding the project's Initial Study/Mitigated Negative Declaration (IS/MND). Due to the extensive nature of the comments received, staff is requesting that this item be continued to allow adequate time to review, modify and recirculate the IS/MND document if necessary.

Planning staff recommends that the Planning Commission:

1. Conduct a public hearing as noticed; and
2. Continue this item to the February 11, 2021, Planning Commission meeting.

Attachments (2)



November 13, 2020

Kim Hunter, Director of Planning  
Trinity County Department of Planning  
61 Airport Road  
Weaverville, CA 96093  
khunter@trinitycounty.org

**Subject:** Initial Study/Mitigated Negative Declaration (IS/MND) for Caccavo Cannabis Cultivation Conditional Use Permit and Variance Project; State Clearinghouse (SCH) No. 2020110041

Dear Ms. Hunter:

Thank you for providing the California Department of Food and Agriculture (CDFA) CalCannabis Cultivation Licensing Division (CalCannabis) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) (SCH#2020110041) prepared by Trinity County for the proposed Caccavo Cannabis Cultivation Conditional Use Permit and Variance Project (Proposed Project).

CDFA has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California. CDFA issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries and cannabis processor facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, §26012(a)(2).) All commercial cannabis cultivation within California requires a cultivation license from CDFA. For a complete list of all license requirements, including CalCannabis Licensing Program regulations, please visit: [https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text 0 1162019 Clean.pdf](https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text%201162019%20Clean.pdf).

CDFA expects to be a Responsible Agency for the Proposed Project because the project will need to obtain an annual cultivation license from CDFA. In order to ensure that the IS/MND is sufficient for CDFA's needs at that time, CDFA requests that a copy of the IS/MND, revised to respond to the comments provided in this letter, and a signed Notice of Determination (NOD) be provided to the applicant, so the applicant can include them with the application package it submits to CDFA. This should apply not





only to the Proposed Project, but to all future CEQA documents related to cannabis cultivation applications in the County of Trinity.

CDFA offers the following comments concerning the IS/MND.

## **General Comments (GC)**

### **GC 1: Project-Specific Plans and Supporting Documentation**

The IS/MND references several project-specific plans, such as the State Water Quality Control Board Site Management Plan, Water Resources Protection Plan, Hazardous Materials Business Plan, and Security Plan. In order to ensure that CDFA has supporting documentation for the IS/MND, CDFA requests that the County advise applicants to provide copies of all project-specific plans and supporting documentation with their state application package for annual cultivation license to CDFA.

### ***GC 2: Acknowledgement of CDFA Regulations***

The IS/MND states that CDFA is responsible for the licensing of cannabis cultivation and is responsible for the regulation of cannabis cultivation and enforcement, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and CDFA regulations related to cannabis cultivation (Bus. & Prof. Code, § 26103(a)). The IS/MND's analysis would also benefit from discussion of the protections for environmental resources provided by CDFA's regulations (Cal. Code Regs. tit.3, § 8000 et seq.). In particular, the impact analysis would be further supported by a discussion of the effects of state regulations on reducing the severity of impacts on the following resource topics:

- Aesthetics (See 3 California Code of Regulations § 8304(c); § 8304(g).)
- Air Quality and Greenhouse Gas Emissions (See § 8102(s); § 8304(e); § 8305; § 8306.)
- Biological Resources (See § 8102(w); § 8102(dd); § 8216; § 8304(a-c); § 8304(g).)
- Cultural Resources (See § 8304(d).)
- Hazards and Hazardous Materials (See § 8102(q); § 8106(a)(3); § 8304(f); § 8307.)
- Hydrology and Water Quality (See § 8102(p); § 8102(v); § 8102(w); § 8102(dd); § 8107(b); § 8216; § 8304(a and b); § 8307.)
- Noise (See § 8304(e); § 8306.)
- Utilities and Service Systems (See § 8102(s); § 8108; § 8308.)
- Energy (See § 8102(s); § 8305; § 8306.)
- Cumulative Impacts (related to the above topics).

## **Specific Comments and Recommendations**

In addition to the general comments provided above, CDFA provides the following specific comments regarding the analysis in the IS/MND.

<b>Comment No.</b>	<b>Section</b>	<b>Page No(s).</b>	<b>Resource Topic(s)</b>	<b>IS/MND Text</b>	<b>CDFR Comments and Recommendations</b>
1	Environmental Checklist Overview	ii	Question 10	Other Public Agencies Whose Approval is Required	The IS/MND would be improved if it included the types of permits or approvals required from each of the listed agencies.
2	I(d)	18	Aesthetics	N/A	The IS/MND would be improved if it referenced CDFR's requirement that all outdoor lighting for security purposes must be shielded and downward facing, and that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare (Cal. Code Regs., tit. 3 § 8304(c) and (g)).
3	III(a-b)	24	Air Quality	N/A	The IS/MND would be strengthened if it referenced CDFR's requirements regarding use of generators (Cal. Code Regs., tit. 3 § 8306).
4	X(b)	51	Hydrology and Water Quality	Water from the groundwater well is pumped from the well to tanks existing near the well. From there, water is pumped through a pipeline to the water tanks at Area 1. The water is then gravity fed through the pipeline down to the remaining	The IS/MND would be improved if it provided an estimate of water use for the Proposed Project, and a description of any water efficiency or conservation measures that would be implemented.

Comment No.	Section	Page No(s).	Resource Topic(s)	IS/MND Text	CDFA Comments and Recommendations
5	XVII(c)	63	Transportation	<p>water tanks at cultivation areas 2-4. From the water storage tanks at each cultivation area, water is applied to the plants through a drip irrigation system. With the expansion of the cultivation operation, additional water will be required for irrigation.</p> <p>The bridge on the project site access road will require replacement since it does not currently meet CDFW standards.</p>	<p>The document would be improved if it indicated whether this is a mitigation measure, a condition of approval, or whether it is unrelated to the Proposed Project. If it is a mitigation measure for either transportation or for Biological Resources, it should be specified as such, and the document should provide an analysis of how it will reduce impacts to less than significant levels.</p>
6	XIX(b)	67	Utilities and Service Systems	N/A	<p>The document would be improved if it provided an analysis of whether the Proposed Project would have sufficient water supplies available to serve the project and reasonably foreseeable future development</p>



Comment No.	Section	Page No(s).	Resource Topic(s)	IS/MND Text	CDFA Comments and Recommendations
7	XXI(b)	71	Mandatory Findings of Significance	N/A	<p>during normal, dry and multiple dry years.</p> <p>The IS/MND would be more informative if it identified whether any other cannabis growing operations exist or have been proposed in the vicinity of the Proposed Project, and whether the Proposed Project would make a considerable contribution to any cumulative impacts from these other projects.</p>

## Conclusion

CDFA appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist, at (916) 576-4161 or via e-mail at [Kevin.Ponce@cdfa.ca.gov](mailto:Kevin.Ponce@cdfa.ca.gov).

Sincerely,

**Lindsay Rains** Digitally signed by Lindsay Rains  
Date: 2020.11.16 09:35:16 -08'00'

Lindsay Rains,  
Licensing Program Manager





State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Northern Region  
601 Locust Street  
Redding, CA 96001  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



December 2, 2020

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

**Subject: Review of the Draft Initial Study/Proposed Mitigated Negative Declaration for the Caccavo Cannabis Cultivation Conditional Use Permit and Variance Project (CCUPT3-2018-001), State Clearinghouse Number 2020110041, Trinity County APN 015-030-01**

Dear Kim Hunter:

The California Department of Fish and Wildlife (Department) has reviewed the Draft Initial Study/ Proposed Mitigated Negative Declaration (MND) dated October 2020, 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 (FGC) 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 21000 et seq. The Department commented on this Project January 29, 2018 during the early consultation period. The Department appreciates the incorporation of our comments into the MND.

### **Project Description**

The Project as proposed *"includes the expansion of cannabis cultivation operations on the existing site. The applicant is currently licensed to cultivate up to 10,000 square feet of mature cannabis canopy and is applying for an expansion to allow up to one-acre of outdoor and/or mixed light mature cannabis canopy area. Cultivation would occur in outdoor raised beds and within greenhouses that would be developed on four previously or recently cleared portions of the project site that were historically used as log landings. The variance is required for the project since one of the proposed cultivation areas does not comply with the 500- foot property line setback requirement in Trinity County Ordinance 315-823. The mixed-light cultivation activity will not require artificial lighting or additional electricity use. It is proposed to occur with the use of blackout tarps to allow the applicant to have multiple harvests during the growing season."*

*Conserving California's Wildlife Since 1870*

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Trinity County Planning Department  
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## **Comments and Recommendations**

The Department has the following comments and recommendations:

### Proposed Irrigation

The Site Plan map included within the MND shows that cultivation will occur at four distinct locations distributed across the 640-acre parcel. A single 220-foot deep groundwater well will provide irrigation to all four sites by distributing water to thirteen (13) 2,500-gallon water storage tanks distributed at each cultivation site via an irrigation line crossing the majority of the parcel.

*“Water from the groundwater well is pumped from the well to tanks existing near the well. From there, water is pumped through a pipeline to the water tanks at Area 1. The water is then gravity fed through the pipeline down to the remaining water tanks at cultivation areas 2-4.”*

The Site Plan discloses that this irrigation line will cross at least two Class II or III streams as it bisects the parcel to reach each of the cultivation sites. Wildlife that occupies this forested environment commonly chew through irrigation lines in search of water, and broken water lines are left behind as litter. There is no discussion in the MND describing the size of this pipeline, how it will cross these stream channels, or if there will be monitoring and maintenance associated with the permanent water line to keep it in good working order.

In lieu of clustering the cultivation all in one discrete location on the property in order to avoid additional ground disturbance, the Department recommends that the Project, or irrigation specifically, is designed in a manner that precludes several thousand feet of irrigation line spanning the parcel and crossing several stream channels. If the irrigation line is buried beneath the ground surface, the impacts associated with trenching and burying should be discussed in the MND. Methods for crossing streams should also be described in the MND.

### Electricity

Throughout the document, electricity use is repeatedly described as being limited since the proposed project would use natural light for cultivation and allegedly use no artificial lighting. During site build out, energy from generators would be needed to provide “temporary power for lighting and electronic equipment.” Furthermore, once water is pumped to tanks at Area 1, water will be gravity fed to the other three locations, precluding the need for electricity to fill water storage tanks at each of the four cultivation areas. However, permanent generators are proposed to be located at each of these sites.



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The generators are described as 25-watt generators, although this is likely a typo, as this number seems too low to produce adequate electricity. They are described as stationary generators occupying 4-foot by 8-foot concrete basins with a fuel capacity of 55 gallons. A generator of that size likely produces more energy than 25-watts.

There is no discussion in the MND about how often the generators will run, how loud each will be, or how far sound will travel from the remote ridge-top cultivation sites. The use of four generators are determined to have a less than significant impact because of the Projects' distance to nearby sensitive receptors. The Department disagrees with this conclusion.

In the Noise section of the MND, the hours of operation of the generators are "typically limited" to daytime hours. If electricity use is needed for security lighting, limiting the use to daytime hours seems contradictory unless they are charging battery banks. The Department recommends a mitigation measure or an enforceable Use Permit condition that precludes running the generators from dusk until dawn.

Mitigation Measure Bio-1 includes a measure that states: "No loud noises including heavy machinery, hammering, discharge of firearms, or unmuffled generators are allowed during the breeding and nesting window to avoid impacts to Northern Spotted Owl (*Strix occidentalis*) and American Peregrine Falcon (*Falco peregrinus anatum*), which is generally February 1 to September 1."

This measure could be more effective if there were specific noise buffers around known nest or activity sites, as preventing "loud noises" across a 640-acre parcel is difficult to consistently enforce.

Since electricity demands appear limited to security lighting and occasional equipment use, the Department recommends generators be enclosed within a permanent structure which will muffle all noise. The use of portable on-demand generators for equipment needs and solar security lighting would likely prevent the need to build enclosures for large generators.

#### Foothill Yellow-Legged Frog

Mitigation Measure BIO-2 incorporates a comment from an incomplete letter for a previous Notification of Lake or Streambed Alteration, dated October 3, 2019, that stated "if foothill yellow-legged frogs (*Rana boylei*) are observed (during dewatering activities associated with bridge replacement), a CESA permit shall be obtained by the project applicant." At its December 2019 meeting, the California Fish and Game Commission took action regarding the proposed listing for foothill yellow-legged frog and decided that listing the North Coast clade is not warranted at this time. While it is still considered a Species of Special Concern, a CESA permit is not required should

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this species be present within the project footprint. The MND should reflect the current status and propose avoidance and minimization measures for this species.

#### Lake or Streambed Alteration Agreement

Annual licenses for commercial cannabis cultivation issued by the California Department of Food and Agriculture require the applicant to demonstrate compliance with Fish and Game Code section 1602. Compliance must be demonstrated with a Lake or Streambed Alteration (LSA) Agreement or written verification that an LSA Agreement is not required. The applicant submitted a Notification on September 3, 2019, however the Notification was closed due to lack of response on June 30, 2020. The Department requests the applicant begin the online notification process by utilizing the Environmental Permit Information Management System (EPIMS) available at <https://epims.wildlife.ca.gov/>. In addition to disclosed stream crossing upgrades, proposed water lines across streams may require notification pursuant to Fish and Game Code section 1602.

The Department's issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the local jurisdiction's (Lead Agency) CEQA document for the Project. To minimize additional avoidance, minimization and mitigation requirements by the Department pursuant to FGC section 1600 et seq. and/or under CEQA, the CEQA document should fully identify the potential impacts to lakes, streams and associated riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA Agreement.

If you have any questions, please contact Kate Blanchard, Senior Environmental Scientist (Specialist), at (530) 225-2239, or by e-mail at [katherine.blanchard@wildlife.ca.gov](mailto:katherine.blanchard@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
*Curt Babcock*  
974D273FEE784E2...

**Curt Babcock**  
Habitat Conservation Program Manager

cc: Kim Hunter, Planning Director  
Trinity County Planning Department  
[khunter@trinitycounty.org](mailto:khunter@trinitycounty.org)



Kim Hunter, Planning Director  
Trinity County Planning Department  
December 2, 2020  
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State Clearinghouse  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

Kate Blanchard  
California Department of Fish and Wildlife  
[katherine.blanchard@wildlife.ca.gov](mailto:katherine.blanchard@wildlife.ca.gov)