



# 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

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### TRINITY COUNTY COMMERCIAL CANNABIS CULTIVATION PROGRAM 2020 CEQA GUIDELINES

#### Background and Purpose

Trinity County has an interest in ensuring that commercial Cannabis applicants and licensees receive their state licenses as efficiently as possible, while meeting statutory requirements set forth under the California Environmental Quality Act (CEQA). Pursuant to California Department of Food and Agriculture's (CDFA) regulations, applicants for an annual license from CDFA are required to provide evidence of exemption from, or compliance with, CEQA (Cal. Code Regs., tit. 3, § 8102.) This memorandum is intended to provide Trinity County applicants and licensees with information about CDFA's documentation needs for projects approved under categorical exemptions. CDFA provided the County with tools that may be helpful to applicants and licensees to ensure that the needed documentation is provided to support licensing efforts.

CDFA has determined that its action on each annual license application for cannabis cultivation is a discretionary decision. If CDFA receives an application for an annual license for a project where Trinity County has issued a local cultivation license with the determination that a project is categorically exempt from CEQA, CDFA will evaluate the documentation provided by the County or applicant to determine whether it supports CDFA's decision regarding the issuance of a state license for the project. This means that CDFA must have sufficient information to determine whether a categorical exemption is appropriate for a particular project.

The County and CDFA need supporting information sufficient to determine not only whether the project is eligible for an exemption, but also whether any relevant exceptions specified in the State CEQA Guidelines may apply, thus disqualifying the project from an otherwise applicable exemption (Cal. Code Regs., tit. 14, § 15300 et seq.). The County and CDFA can more efficiently process applications when applicants provide sufficient information to conduct an evaluation.

To assist the County, applicants and licensees, CDFA provided framework for the evaluation of Cannabis cultivation sites. This framework, "CEQA Practice Recommendations for Categorical Exemptions", includes template checklists and corresponding instructions for the most likely classes of Categorical Exemptions. In 2020, the County will use the checklists provided by CDFA to make CEQA determinations on Cannabis sites in the County's licensing program.

#### Most Likely Classes of Categorical Exemptions

CDFA expects that the following categorical exemptions are the most likely to be applicable to cannabis cultivation projects:

- Class 1: Existing Facilities (§ 15301)
- Class 2: Replacement or Reconstruction (§ 15302)
- Class 3: New Construction or Conversion of Small Structures (§ 15303)
- Class 4: Minor Alterations to Land (§ 15304)
- Class 11: Accessory Structures (§ 15311)

### **Information for the County’s and CDFPA’s Review of Exemption Applicability**

The County will consider the following information when it conducts review of applications for annual licenses that are potentially subject to one or more CEQA categorical exemptions. The evaluation completed by the County will then be provided to CDFPA to demonstrate compliance with CEQA and facilitate State licensing efforts.

**Project description.** When CDFPA receives a license application identifying a project as eligible for a categorical exemption, it must conduct an independent evaluation to determine whether the project qualifies for the categorical exemption class(es) identified by the County. CDFPA recognizes that the project description associated with categorical exemptions need not contain the detail required of other CEQA documents. However, CDFPA must have sufficient information to make an independent determination whether the project fits within the exemption and whether any of the exceptions to an exemption apply. CDFPA has prepared a separate memo, “CEQA Practice Recommendations from CDFPA for Cannabis Licenses – Project Description Information Requirements,” which discusses the requested contents of a project description adequate for CDFPA licensure decisions. To the extent that it is available, all of the information discussed in that memo is available for projects that may fit within categorical exemptions.

**Cumulative impact assessment.** Of particular importance when evaluating categorical exemption exceptions is that projects may not qualify for any class of categorical exemption if the project contributes, along with successive projects of the same type in the same place, over time, to a significant cumulative impact. (Cal. Code Regs., tit. 14, § 15300.2(b).) Thus, an analysis of cumulative impacts is needed to determine whether a categorical exemption applies. The cumulative impacts analysis required for categorical exemptions is more narrowly defined than that required for an Initial Study (IS) or Environmental Impact Report (EIR).

CDFPA has recognized that various circumstances exist for counties and cities throughout the State and has provided guidance regarding how best to evaluate sites for categorical exemptions in a variety of circumstances:

- 1) If the local jurisdiction has prepared and certified a CEQA document for its cannabis program (Final Programmatic Environmental Impact Report), information from that analysis may be used in the analysis for a subsequent categorical exemption. If a jurisdiction’s CEQA document identified significant and unavoidable impacts, applicants in that jurisdiction may need to provide evidence that the proposed project would not make a contribution to those impacts.
- 2) If a CEQA document has not been prepared for the local jurisdiction’s cannabis program, the local General Plan and its environmental analysis might provide the information necessary for the cumulative impacts’ analysis.
- 3) If no cumulative impacts analysis is available for a jurisdiction, information as to other existing or proposed cannabis cultivation sites in the vicinity of the proposed project should be provided. In addition, some evidence that the project would not contribute to cumulative significant

impacts is necessary to support a finding that a categorical exemption applies. Such evidence may include: information indicating that the circumstances of the project preclude a contribution to cumulative significant impacts; the absence of other existing or proposed cannabis cultivation sites in the vicinity of the proposed project; the inclusion of measures required by ordinance (e.g., noise or odor control) that reduce or minimize cumulative impacts; or measures adopted by the applicant that reduce or minimize cumulative impacts.

**Notice of Exemption (NOE).** CDFA recommends that local Lead Agencies complete a NOE when identifying one or more categorical exemptions for a project. They further recommend that, in addition to notice-filing requirements under Public Resources Code section 21152 and CEQA Guidelines section 15062, local lead agencies file a copy of a NOE with the State Clearinghouse. While CEQA does not require lead agencies to file a NOE, CDFA must have evidence either that CEQA review has been completed or that a project is exempt from CEQA. CDFA recommends local Lead Agencies provide a copy of the signed and dated NOE, and evidence of posting, if completed, to cultivation applicants so that applicants may provide this evidence to CDFA as part of their license application packages. While CDFA prefers that a copy of a NOE be provided with each license application, in the absence of a signed and dated copy of a NOE, a signed and dated local permitting decision document regarding the project, which references the permitting agency's reliance on a categorical exemption may be adequate to document the local jurisdiction's determination that a project is categorically exempt.

**Documentation of evaluation.** CEQA Guidelines define the types of projects and activities eligible for each class of categorical exemption. As noted above, the Guidelines also list exceptions that apply to all, or certain classes of, exemptions. Consequently, projects normally eligible for an exemption may not be eligible if certain circumstances exist or would exist. In order to ensure the most expedient processing of cultivation license applications, CDFA has prepared some tools to assist Trinity County in documenting our decisions regarding the applicability of categorical exemptions for a proposed project. For each of the five categorical exemptions classes listed above, CDFA has prepared two tools to assist the County, including a Categorical Exemption Evaluation Form to document the County's determination(s), and instructions for completing the Evaluation Form (Attachments A-E). As a best practice, the County intends to use these tools and provide County license applicants a completed Evaluation Form for each categorical exemption that may be applicable to the applicant's proposed project. These tools will be available on the County's website.

## **Conclusion**

Trinity County and CDFA are committed to streamlining the review process for annual cultivation license applications. If you have any questions, or require additional information, please contact Leslie Hubbard, Deputy Director of Planning, at (530) 623-1351 or via e-mail at [lhubbard@trinitycounty.org](mailto:lhubbard@trinitycounty.org)

## **Attachments**

- Attachment A Class 1: Existing Facilities
- Attachment B Class 2: Replacement or Reconstruction
- Attachment C Class 3: New Construction or Conversion of Small Structures
- Attachment D Class 4: Minor Alterations to Land
- Attachment E Class 11: Accessory Structures

# Instructions for Completing a Categorical Exemption Evaluation Form

## Class 1: Existing Facilities

### Attachment A

#### General Instructions

- Multiple categorical exemptions may be combined for a single project. The failure of a project to qualify for one exemption does not disqualify it from eligibility for a categorical exemption under another class. Complete an Evaluation Form for each class of categorical exemption claimed for a project.
- Provide details and/or list sources of information used to answer Questions 1 through 11 in the spaces provided for the answers to each question.
- Each question on the Evaluation Form also includes “Yes” and “No” check boxes on the right-hand side. The preparer should mark only one check box for each question. Where either the “Yes” or “No” check box has been marked red, that response indicates that either a specific project element or the entire project may be ineligible for the categorical exemption being evaluated. The red coloring is intended to assist the preparer in completing the Eligibility Conclusion section of the Evaluation Form. More detail about the meaning of each red box can be found below in the instructions for each individual question and on the accompanying flow chart.
- Refer to California Environmental Quality Act (CEQA) Guidelines Section 15301 for additional information regarding the Class 1 categorical exemption and Section 15300.2 for additional information regarding exceptions to the exemption.
- Other helpful information pertaining to categorical exemptions and project applicability can be found in the memorandum, “*CEQA Practice Recommendations from CDFG for Cannabis Cultivation – Categorical Exemptions.*”

#### Specific Instructions

**Lead Agency:** Enter the name of the CEQA Lead Agency.

**Applicant Entity/Business Name:** Enter name of person, business, or businesses listed on the application.

**License Type(s):** Enter the cultivation license type(s) being requested, as identified in the application.

**Date:** Enter date the Evaluation Form was completed.

**Project Description:** The preparer should provide a summary of the project that provides details of the proposed project, including: the project location; a description of the project site; required site improvements (e.g., construction); a description of project operations and

maintenance activities; and any environmental commitments proposed by the project applicant. The preparer should provide sufficient information to allow a determination as to whether the project fits within the Class 1 categorical exemption and whether any of the exceptions to an exemption apply. This information will also be needed by the California Department of Food and Agriculture (CDFA) when it makes an independent decision regarding licensing the project. For more details regarding project description information needed by CDFA for its licensing decisions, refer to the memorandum, “*CEQA Practice Recommendations from CDFA for Cannabis Cultivation – Categorical Exemptions.*”

Note: If the project description is exceptionally lengthy, or the applicant has prepared a separate detailed project description, the preparer can summarize the information in the space provided and attach the more detailed project description to the completed Evaluation Form.

- 1. Is the project site currently operating as a cannabis cultivation site or a similar use, or has it recently operated for this purpose?** This question is intended to determine whether the project fits within the description of actions qualifying for this exemption. A “similar use” means the proposed project site operates currently or has operated previously as a cannabis cultivation, processing, or nursery facility, or has operated previously as a commercial cultivation, processing, or nursery for other plants that use similar amounts of physical resources (e.g., water, energy, maintenance, staffing) as cannabis plants. A “similar use” might also include other uses if the operations used similar amounts of physical resources (e.g., water and energy). The key consideration is whether the project involves negligible or no expansion of an existing use.

The preparer should provide details regarding the prior operation at the project site. This description should include details regarding the physical resources (e.g., water, energy, maintenance, staffing) used for prior operations. The description should also indicate the time frame in which the prior operations took place.

When assessing a site that has operated previously for a similar use, the CEQA Guidelines do not provide a hard-and-fast rule for determining how recently that use must have been active. For example, one California court recently looked at the totality of the use history of a site and upheld application of the Class 1 exemption to a facility that had been used for a similar purpose in the past, although it had sat vacant for more than three years.<sup>1</sup> If the proposed project site is not an existing facility or has not been recently used for similar purposes, the project does not qualify for a Class 1 exemption. If the answer to Question 1 is “no,” the preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

- 2. Does the project involve an expansion of existing structures that would be considered only minor?** This question is intended to determine whether the project fits within the description of “minor alterations” to existing facilities in order to qualify for this exemption. Examples of minor expansions of existing structures that would typically be eligible for a Class 1 categorical exemption include: minor interior or exterior alterations, such as interior partitions, plumbing, and electrical conveyances; restoration of deteriorated or damaged structures and facilities; changes to mechanical equipment to meet current standards of public health and safety; minor increases in size (for minor site expansion

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<sup>1</sup> See *Coury v. Marin Cty.*, No. A150043, 2017 WL 5113056, at \*2 (Cal. Ct. App. Nov. 6, 2017).

criteria, refer to Question [3](#)); or maintenance of existing landscaping and/or water supply reservoirs.

Some possible cannabis cultivation examples of minor improvements include: an existing indoor cannabis cultivation facility, perhaps located in a warehouse or commercial building, that requires no (or only very minor) changes to the buildings and/or facilities, such as minor electric and plumbing upgrades; an existing outdoor cultivation operation that is not proposing significant changes to physical structures or facilities but may include a minor site expansion or repair to a driveway or private road; or an existing mixed-light cultivator converting an existing structure to be used for another activity, such as processing or storage, provided the conversion requires only minor alterations. This list is not meant to be exhaustive but provides examples of the types of activities that fit within this class.

The preparer should provide the details of any proposed expansion, including information regarding the size and nature of any upgrades, alterations, conversions, or expansions.

In many cases, proposed projects may not require any expansion of existing structures. For such cases, the answer to Question 2 is “no,” and the preparer may skip to Question [6](#).

If the proposed project includes some minor expansion of existing structures, the answer to Question 2 is “yes,” and the preparer may continue to Question [3](#).

### 3. Project Expansion:

**Size of expansion in square feet:** The preparer should indicate proposed size of expansion in square feet.

- a. If the expansion is less than or equal to 2,500 square feet or 50 percent of the floor area (whichever is less) of the structures before the addition, skip to Question [6](#).
- b. If the expansion is greater than 2,500 square feet or 50 percent of the floor area of the structures before the addition (whichever is less), but is less than or equal to 10,000 square feet, skip to Question [4](#).
- c. If the expansion is greater than 10,000 square feet, this portion of the project would not be eligible for a Class 1 exemption. If the answer to Question 3(c) is “yes,” the preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

### 4. Is the project site served by all public services sufficient to serve the project (e.g., water, sewer, electricity, and gas)?

The preparer should indicate which public services serve the site.

If the project site is not currently served by all public services necessary to serve the project, the project does not qualify for a Class 1 exemption. If the answer to Question 4 is “no,” the preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

### 5. Is there evidence that the project site is located in an environmentally sensitive area?

While a clear and comprehensive definition of what constitutes an environmentally sensitive area is not provided by the CEQA Guidelines, it may include: areas designated as containing important mineral resources; protected aquatic habitats, including wetlands;

environmentally sensitive wildlife habitat; or areas known to include cultural, paleontological, and/or historical resources.

The preparer should describe the environmentally sensitive area, if applicable, and cite the sources of information used. Such sources may include overlays on the parcel zoning or the general plan and general plan Environmental Impact Report (EIR) for the applicable local jurisdiction. If CDFW has prepared a Lake and Streambed Alteration Agreement (LSAA) for the project, it should be reviewed to determine if the project takes place in a sensitive area.

If there is no evidence in the application package that indicates the project is located in an environmentally sensitive area, the preparer is not obligated to seek out such evidence.

If there is evidence that the project site is located in an environmentally sensitive area, the project does not qualify for a Class 1 exemption. If the answer to Question 5 is “yes,” the preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

- 6. Does the project require a water right permit or another environmental permit that could result in physical changes to the environment?** The preparer should list the permits required for the project and any potential physical changes that could occur as a result of these permits.

This does not pertain to a Cannabis Cultivation General Order issued by the State Water Resources Control Board or a self-certified Cannabis Cultivation LSAA issued by the California Department of Fish and Wildlife. However, if the project is required to obtain other environmental permits (such as a water right permit or an individual LSAA), mitigation measures imposed on the project through those processes may result in physical changes to the environment. As an example, acquiring a new water right permit may result in requirements to construct a fish screen or a bypass facility that could themselves have physical impacts that would require preparation of an Initial Study (IS) or an EIR. The preparer should review LSAA's and other project permits provided to determine whether they contain any additional permit terms or mitigation measures not included in the Project Description that may themselves result in environmental impacts.

If the answer to Question 6 is “yes,” this may indicate a possibility of a significant impact due to unusual circumstances, as described in Question [11](#). Whether the answer to Question 6 is “yes” or “no,” the preparer may proceed to Question [7](#).

## EXCEPTIONS TO EXEMPTIONS

### 7. Scenic Highways

- a. Is the project visible from an official State Scenic Highway?** This applies only to officially designated State Scenic Highways. The preparer should list any State Scenic Highways from which the project is visible.

The location of State Scenic Highways may be found in the general plan for the jurisdiction issuing the permit, or in a local programmatic cannabis cultivation CEQA document (if available). In addition, a map of designated State Scenic Highways by county can be found at:

[www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm).

If the project is not visible from a State Scenic Highway, the project would have no potential to damage scenic resources. If the answer to Question 7(a) is “no,” the preparer may skip to Question [8](#).

- b. If “yes,” would the project result in damage to scenic resources? To trigger this exception to the exemption, the project not only has to be visible from a designated State Scenic Highway, but it must also result in damage to scenic resources. If the answers to both parts of Question 7 are “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

8. **Is the project located on a site included on any list compiled pursuant to Government Code § 65962.5 (Cortese List)?** The preparer may find this information by entering the project address in the public databases that can be found at: [calepa.ca.gov/sitecleanup/corteselist/](http://calepa.ca.gov/sitecleanup/corteselist/).

If the answer to Question 8 is “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

9. **Would the project result in a substantial adverse change in the significance of a historic resource?** The preparer should list any historic resources that are potentially affected and describe the potential effects, if applicable. “Historic resource” is defined in Public Resources Code Section 21084.1 to include all sites listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR). Sites officially designated as historically significant in a local register of historical resources are presumed to be historically or culturally significant. Sites that are not listed on a register but that have been determined to be significant or eligible for listing in accordance with an approved historical resources survey are also presumed to be significant. Additionally, a Lead Agency has discretion to find that a site that does not meet these criteria should nevertheless be treated as a historical resource for purposes of CEQA.

If there is any information that indicates the possibility that a structure (including residences) 45 years of age or older exists on the site, the preparer should conduct a search of the CRHR and the National Register of Historic Places (NRHP). The preparer may enlist the assistance of a cultural resources specialist in this process. Other sources of information about historic buildings include historic U.S. Geological Survey (USGS) topographic maps and County Assessor’s records, many of which are available on-line. Note that the absence of substantial evidence that a structure or area is historic may itself be sufficient to support a Lead Agency’s determination that it is not historic.

This question contains a two-part test to trigger this exception to the exemption: first, the project site has to contain a historic resource; second, it must also result in a substantial adverse change to this resource.

If the answer to Question 9 is “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

**10. Is there evidence of the potential for the project to contribute to a significant cumulative impact?** The requirements related to the consideration of cumulative impacts in assessing categorical exemptions are narrower than the requirements related to cumulative analyses in EIRs. The requirements for categorical exemptions, found in CEQA Guidelines Section 15300.2(b), refer to “the cumulative impact of successive projects of the same type in the same place, over time.”

A categorical exemption may not be used when the cumulative impact of successive projects of the same type in the same place, over time is significant. If an EIR was prepared for the local permitting agency’s cannabis ordinance, it should contain a cumulative impacts analysis. If an IS was prepared, it may contain a cumulative impacts analysis, though a detailed analysis is not required in such documents. If a cumulative impacts analysis was prepared for the ordinance as part of an EIR, the preparer should review this analysis to identify any cumulative impacts that were identified in the CEQA document to be “Significant and Unavoidable.” If any such impacts are identified, the preparer should evaluate the project’s site-specific contribution to these impacts and should determine whether the project would contribute substantially to these impacts.

The preparer should evaluate and describe the contribution of the project to these cumulative impacts based on several factors. These factors may include the location of the project relative to the other projects contributing to the impact; the magnitude of the project’s contribution to the impact; the timing of the project’s impacts compared to the impacts of other nearby projects (particularly if the impacts are related to project construction rather than ongoing operations); and whether any measures adopted by the project, either as required by ordinance or voluntarily by the applicant, would reduce the project’s contribution to the impact. If a jurisdiction has received applications for multiple cannabis cultivation projects in or around the same location (whether under the same ownership or not), each project should include an analysis of the cumulative impacts of licensing all of the projects at that location.

If the answer to Question 10 is “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining question and complete the [“Eligibility Conclusion”](#) section.

**11. Is there evidence of a reasonable possibility of a significant environmental impact due to unusual circumstances?** The preparer should describe the potential impacts, circumstances, and evidence, if applicable.

While a clear and comprehensive definition of what constitutes “unusual circumstances” is not provided by the CEQA Guidelines, the term generally refers to situations where the impacts of the project would normally be minor but where a particular aspect of the project site or its surroundings may lead to a more substantial impact. Examples of unusual circumstances may include adjacency to: unique or high-quality habitat, wildlife migration routes, unique recreational facilities or resources, or a stream or water body. Unusual circumstances may also include: use of a critically depleted groundwater basin or surface water resource, location in an area with important mineral resources, slopes of 10 percent or more, presence of highly erodible soils, officially mapped areas of severe geologic hazard, or the requirement for a water right permit or another type of environmental permit that may lead to a physical change to the environment.

The analysis of unusual circumstances has been defined by the California Supreme Court to consist of two steps. First, determine whether unusual circumstances exist on or near the project site; second, determine whether there is a reasonable possibility that a significant environmental effect would result from these unusual circumstances.

If the answer to Question 11 is “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may complete the “[Eligibility Conclusion](#)” section.

## Eligibility Conclusion

The preparer should document a conclusion about the eligibility of either the project or project element(s) for a Class 1 exemption.

- **Example language for an eligible project:** Based on information contained in the administrative record, as reflected in the answers provided to Questions 1-11 above, the project or project element(s) (Application **XXXXX**) is/are **eligible** for a Class 1 categorical exemption. The project or project element(s) fit(s) within the parameters included in CEQA Guidelines Section 15301, and none of the exceptions to this exemption defined in Section 15300.2 apply.
- **Example language for an ineligible project:** Based on information contained in the administrative record, as reflected in the answers provided to Questions 1-11 above, the project (Application **XXXXX**) is **not eligible** for a Class 1 categorical exemption. This conclusion is based on the following (use whichever statement applies):
  - The project does not fit within the parameters defined in CEQA Guidelines Section 15301; OR
  - The project fits within the parameters defined in CEQA Guidelines Section 15301, but one or more exceptions to the exemption apply, making the project ineligible for a Class 1 categorical exemption.

**Categorical Exemption Evaluation Form**  
**Class 1: Existing Facilities**  
Attachment A

Trinity County CCL:

Lead Agency: Trinity County Planning Department

Applicant Entity/Business Name:

License Type(s):

Date:

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**Project Description:**

*Insert project description information or reference where this information is located.*

1. **Is the project site currently operating as a cannabis cultivation site or a similar use, or has it recently operated for this purpose?** (If no, skip to Eligibility Conclusion.)  Yes  No  
*Provide details of prior operation, if needed. Cite source(s) of information.*
2. **Does the project involve an expansion of existing structures that would be considered only minor?** (If no, skip to Question 6)  Yes  No  
*Provide expansion details, if needed. Cite source(s) of information.*
3. **Project Expansion:**  
**Size of expansion in square feet:**  
*Cite source(s) of information.*
  - a. **Would the expansion be less than or equal to 2,500 square feet or 50% of the floor area before expansion?** (If yes, skip to Question 6.)  Yes  No  
*Cite source(s) of information.*
  - b. **Would the expansion be more than 2,500 square feet or 50 percent of the floor area before expansion?** (If yes, skip to Question 4.)  Yes  No  
*Cite source(s) of information.*
  - c. **Would the expansion be greater than 10,000 square feet?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*Cite source(s) of information.*
4. **Is the project site served by all public services sufficient to serve the project (e.g., water, sewer, electricity, gas)?** (If no, skip to Eligibility Conclusion.)  Yes  No  
*Describe which public services serve the project site. Cite source(s) of information.*

**5. Is there evidence that the project site is located in an environmentally sensitive area?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*Describe the environmentally sensitive area (if applicable). Cite source(s) of information, if available.*

**6. Does the project require a water right permit or another environmental permit that could result in physical changes to the environment?**  Yes  No  
(If yes, see instructions.)  
*List permits required and any potential physical changes that could occur. Cite source(s) of information.*

**EXCEPTIONS TO EXEMPTIONS:**

**7. Scenic Highways**

**a. Is the project visible from an official State Scenic Highway?** (If no, skip to Question 8.)  Yes  No  
*List State Scenic Highway(s) from which the project is visible (if applicable). Cite source(s) of information.*

**b. If yes, would the project result in damage to scenic resources?**  Yes  No  
(If yes, skip to Eligibility Conclusion.)  
*Describe scenic resources and potential damage (if applicable). Cite source(s) of information.*

**8. Is the project located on a site included on any list compiled pursuant to Government Code § 65962.5 (Cortese List)?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*Describe the type of hazardous site (if applicable). Cite source(s) of information.*

**9. Would the project result in a substantial adverse change in the significance of a historic resource?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*List the historic resource(s) potentially affected and describe the potential effects (if applicable). Cite source(s) of information.*

**10. Is there evidence of the potential for the project to contribute to a significant cumulative impact?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*Describe the potential cumulative impact(s) and evidence (if applicable). Cite source(s) of information.*

**11. Is there evidence of a reasonable possibility of a significant environmental impact due to unusual circumstances?**  Yes  No  
*Describe the potential impact(s), circumstances, and evidence (if applicable). Cite source(s) of information.*

**Class 1 Eligibility Conclusion:**  Yes  No  
*State conclusions regarding project/project element(s) eligibility and cite evidence from above that supports the conclusions. See example conclusions in attached instructions.*

# Instructions for Completing a Categorical Exemption Evaluation Form

## Class 2: Replacement or Reconstruction

### Attachment B

#### General Instructions

- Multiple categorical exemptions may be combined for a single project. Complete an Evaluation Form for each class of categorical exemption claimed for a project. Also, the failure of a project to qualify for one exemption does not disqualify it from eligibility for a categorical exemption under another class.
- Provide details and/or list sources of information used to answer Questions 1 through 8 in the spaces provided for the answers to each question.
- Each question on the Evaluation Form also includes “Yes” and “No” check boxes on the right-hand side. The preparer should mark only one check box for each question. Where either the “Yes” or “No” check box has been marked red, that response indicates that either a specific project element or the entire project may be ineligible for the categorical exemption being evaluated. The red coloring is intended to assist the preparer in completing the Eligibility Conclusion section of the Evaluation Form. More detail about the meaning of each red box can be found below in the instructions for each individual question and on the accompanying flow chart.
- Refer to California Environmental Quality Act (CEQA) Guidelines Section 15302 for additional information regarding the Class 2 categorical exemption and Section 15300.2 for additional information regarding exceptions to the exemption.
- Other helpful information pertaining to categorical exemptions and project applicability can be found in the memorandum, “*CEQA Practice Recommendations from CDFG for Cannabis Cultivation – Categorical Exemptions.*”

#### Specific Instructions

**Lead Agency:** Enter the name of the CEQA Lead Agency.

**Applicant Entity/Business Name:** Enter name of person, business, or businesses listed on the application.

**License Type(s):** Enter the cultivation license type(s) being requested, as identified in the application.

**Date:** Enter date the Evaluation Form was completed.

**Project Description:** The preparer should provide a summary of the project that provides details of the proposed project, including: the project location; a description of the project site;

required site improvements (e.g., construction); a description of project operations and maintenance activities; and any environmental commitments proposed by the project applicant. The preparer should provide sufficient information to allow a determination as to whether the project fits within the Class 2 categorical exemption and whether any of the exceptions to an exemption apply. This information will also be needed by the California Department of Food and Agriculture (CDFA) when it makes an independent decision regarding licensing the project. For more details regarding project description information needed by CDFA for its licensing decisions, refer to the memorandum, "*CEQA Practice Recommendations from CDFA for Cannabis Cultivation – Categorical Exemptions.*"

If the project description is exceptionally lengthy, or the applicant has prepared a separate detailed project description, the preparer can summarize the information in the space provided and attach the more detailed project description to the completed Evaluation Form.

- 1. Does the project involve the replacement or reconstruction of an existing structure on the same site as the structure being replaced or reconstructed?** This question is intended to determine whether any feature of the project fits within the description of actions qualifying for this exemption.

The preparer should provide details regarding the existing structure and the proposed replacement or reconstructed structure. This description should include the location of the structures.

If the answer to Question 1 is "no," the project does not qualify for a Class 2 exemption. The preparer may skip the remaining questions and complete the "[Eligibility Conclusion](#)" section.

- 2. Would the new structure have substantially the same purpose and capacity as the existing structure?** The preparer should indicate the purpose and capacity of both the existing and replacement or reconstructed structure(s) and disclose similarities and differences. This description should include information regarding the size and nature of any upgrades or alterations. A substantial difference between these specifications could disqualify this aspect of the project from a Class 2 exemption.

This question is intended to determine whether the project fits within the definition of "replacement or reconstruction" in order to qualify for this exemption. The replacement structure should have a similar purpose (e.g., both the existing and proposed structures address air filtration, or both are used to store cultivation equipment) and have a similar capacity (e.g., the same number of plants can be grown, or the same amount of power would be provided) as the existing structure being replaced. The CEQA Guidelines do not provide a hard rule as to what would be considered "substantially" the same capacity, but a key consideration should be the requirement of similar physical resources, such as plumbing and electrical conveyances, and similar outputs of service for operation and maintenance activities. Examples of common replacement and reconstruction projects may include: replacement of utility services, such as electrical services, wastewater services, or pipelines (perhaps to meet current building standards or improve the function of such utilities); replacement or reconstruction of water delivery systems or water pumps; or replacement of a storage shed or accessory structure. This list is not meant to be exhaustive, but provides examples of the types of activities that would fit within this class.

If the replacement structure is not of a similar purpose and capacity as the existing structure, then the replacement structure would be considered an expansion or an upgrade, and does not qualify for this categorical exemption.

If the answer to Question 2 is “no,” the project does not qualify for a Class 2 exemption. The preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

- 3. Does the project require a water right permit or another environmental permit that could result in physical changes to the environment?** The preparer should list the permits required for the project and any potential physical changes that could occur as a result of these permits.

This does not pertain to a Cannabis Cultivation General Order issued by the State Water Resources Control Board or a self-certified Cannabis Cultivation Lake or Streambed Alteration Agreement (LSAA) issued by the California Department of Fish and Wildlife. However, if the project is required to obtain other environmental permits (such as a water right permit or an individual LSAA), mitigation measures imposed on the project through those processes may result in physical changes to the environment. As an example, acquiring a new water right permit may result in requirements to construct a fish screen or a bypass facility that could themselves have physical impacts that would require preparation of an Initial Study (IS) or an Environmental Impact Report (EIR). The preparer should review LSAs and any other project permits provided to determine whether they contain any additional permit terms or mitigation measures not included in the Project Description, that may themselves result in environmental impacts.

If the answer to Question 3 is “yes,” this may indicate a possibility of a significant impact due to unusual circumstances, as described in Question [8](#). Whether the answer to Question 3 is “yes” or “no,” the preparer may proceed to Question [4](#).

## EXCEPTIONS TO EXEMPTIONS

### 4. Scenic Highways

- a. Is the project visible from an official State Scenic Highway?** This applies only to officially designated State Scenic Highways. The preparer should list any State Scenic Highways from which the project is visible.

The location of State Scenic Highways may be found in the general plan for the jurisdiction issuing the permit, or in a local programmatic cannabis cultivation CEQA document (if available). In addition, a map of designated State Scenic Highways by county can be found at:

[www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm).

If the project is not visible from a State Scenic Highway, the project would have no potential to damage scenic resources. If the answer to Question 4(a) is “no,” the preparer may skip to Question [5](#).

- b. If yes, would the project result in damage to scenic resources?** To trigger this exception to the exemption, the project not only has to be visible from a designated State Scenic Highway, but it must also result in damage to scenic resources.

If the answers to both parts of Question 4 are “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

- 5. Is the project located on a site included on any list compiled pursuant to Government Code § 65962.5 (Cortese List)?** The preparer may find this information by entering the project address in the public databases that can be found at: [calepa.ca.gov/sitecleanup/corteselist/](http://calepa.ca.gov/sitecleanup/corteselist/).

If the answer to Question 5 is “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

- 6. Would the project result in a substantial adverse change in the significance of a historic resource?** The preparer should list any historic resources that are potentially affected and describe the potential effects, if applicable. “Historical resource” is defined in Public Resources Code Section 21084.1 to include all sites listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR). Sites officially designated as historically significant in a local register of historical resources are presumed to be historically or culturally significant. Sites that are not listed on a register but that have been determined to be significant or eligible for listing in accordance with an approved historical resources survey are also presumed to be significant. Additionally, a Lead Agency has discretion to find that a site that does not meet these criteria should nevertheless be treated as a historical resource for purposes of CEQA.

If there is any information to indicate the possibility that a structure (including residences) 45 years of age or older exists on the site, the preparer should conduct a search of the CRHR and the National Register of Historic Places (NRHP). The preparer may enlist the assistance of a cultural resources specialist in this process. Other sources of information about historic buildings include historic U.S. Geological Survey (USGS) topographic maps and County Assessor’s records, many of which are available on-line. The absence of substantial evidence that a structure or area is historic may itself be sufficient to support a Lead Agency’s determination that it is not historic.

This question contains a two-part test to trigger this exception to the exemption: first, the project site has to contain a historic resource; second, it must also result in a substantial adverse change to this resource.

If the answer to Question 6 is “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

- 7. Is there evidence of the potential for the project to contribute to a significant cumulative impact?** The requirements related to the consideration of cumulative impacts in assessing categorical exemptions are narrower than the requirements related to cumulative analyses in EIRs. The requirements for categorical exemptions, found in CEQA Guidelines

Section 15300.2(b), refer to “the cumulative impact of successive projects of the same type in the same place, over time.”

A categorical exemption may not be used when the cumulative impact of successive projects of the same type in the same place, over time is significant. If an EIR was prepared for the local permitting agency’s cannabis ordinance, it should contain a cumulative impacts analysis. If an Initial Study (IS) was prepared, it may contain a cumulative impacts analysis, though a detailed analysis is not required in such documents. If a cumulative impacts analysis was prepared for the ordinance as part of an EIR, the preparer should review this analysis to identify any cumulative impacts that were identified in the CEQA document to be “Significant and Unavoidable.” If any such impacts are identified, the preparer should evaluate the project’s site-specific contribution to these impacts and should determine whether the project would contribute substantially to these impacts.

The preparer should evaluate and describe the contribution of the project to these cumulative impacts based on several factors. These factors may include: the location of the project relative to the other projects contributing to the impact; the magnitude of the project’s contribution to the impact; the timing of the project’s impacts compared to the impacts of other nearby projects (particularly if the impacts are related to project construction rather than ongoing operations); and whether any measures adopted by the project, either as required by ordinance or voluntarily by the applicant, would reduce the project’s contribution to the impact. If a jurisdiction has received applications for multiple cannabis cultivation projects in or around the same location (whether under the same ownership or not), each project should include an analysis of the cumulative impacts of licensing all of the projects at that location.

If the answer to Question 7 is “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining question and complete the “[Eligibility Conclusion](#)” section.

- 8. Is there evidence of a reasonable possibility of a significant environmental impact due to unusual circumstances?** The preparer should describe the potential impacts, circumstances, and evidence, if applicable.

While a clear and comprehensive definition of what constitutes “unusual circumstances” is not provided by the CEQA Guidelines, the term generally refers to situations where the impacts of the project would normally be minor but where a particular aspect of the project site or its surroundings may lead to a more substantial impact. Examples of unusual circumstances may include adjacency to: unique or high-quality habitat, wildlife migration routes, unique recreational facilities or resources, or a stream or water body. Unusual circumstances may also include: use of a critically depleted groundwater basin or surface water resource, location in an area with important mineral resources, slopes of 10 percent or more, presence of highly erodible soils, officially mapped areas of severe geologic hazard, or the requirement for a water right permit or another type of environmental permit that may lead to a physical change to the environment. The absence of evidence that a unusual circumstance exists is itself sufficient to support a Lead Agency’s determination that it does not. The analysis of unusual circumstances has been defined by the California Supreme Court to consist of two steps. First, determine whether unusual circumstances exist on or near the project site; second, determine whether there is a reasonable possibility that a significant environmental effect would result from these unusual circumstances.

If the answer to Question 8 is “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may complete the “[Eligibility Conclusion](#)” section.

## Eligibility Conclusion

The preparer should document a conclusion about the eligibility of either the project or project element(s) for a Class 2 exemption.

- **Example language for an eligible project:** Based on information contained in the administrative record, as reflected in the answers provided to Questions 1-8 above, the project or project element(s) (Application **XXXXXX**) is/are **eligible** for a Class 2 categorical exemption. The project or project element(s) fit(s) within the parameters included in CEQA Guidelines Section 15302, and none of the exceptions to this exemption defined in Section 15300.2 apply.
- **Example language for an ineligible project:** Based on information contained in the administrative record, as reflected in the answers provided to Questions 1-8 above, the project (Application **XXXXXX**) is **not eligible** for a Class 2 categorical exemption. This conclusion is based on the following (use whichever statement applies):
  - The project does not fit within the parameters defined in CEQA Guidelines Section 15302; OR
  - The project fits within the parameters defined in CEQA Guidelines Section 15302, but one or more exceptions to the exemption apply, making the project ineligible for a Class 2 categorical exemption.

**Categorical Exemption Evaluation Form**  
**Class 2: Replacement or Reconstruction**  
Attachment B

Trinity County CCL:

Lead Agency: Trinity County Planning Department

Applicant Entity/Business Name:

License Type(s):

Date:

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**Project Description:**

*Insert project description information or reference where this information is located.*

- 1. Does the project involve the replacement or reconstruction of an existing structure on the same site as the structure being replaced or reconstructed?** (If no, skip to Eligibility Conclusion.)  Yes  No

*Describe both the existing structure and replacement structure, including the location on the site. Cite source(s) of information.*
- 2. Would the new structure have substantially the same purpose and capacity as the existing structure?** (If no, skip to Eligibility Conclusion.)  Yes  No

*Provide information on the purpose of both the existing and replacement structures to ensure they are the same. Cite source(s) of information.*
- 3. Does the project require a water right permit or another environmental permit that could result in physical changes to the environment?** (If yes, see instructions.)  Yes  No

*List permits required and any potential physical changes that could occur. Cite source(s) of information.*

**EXCEPTIONS TO EXEMPTIONS:**

- 4. Scenic Highways**

  - a. Is the project visible from an official State Scenic Highway?** (If no, skip to Question 5.)  Yes  No

*List State Scenic Highway(s) from which the project is visible (if applicable). Cite source(s) of information.*
  - b. If yes, would the project result in damage to scenic resources?** (If yes, skip to Eligibility Conclusion.)  Yes  No

*Describe scenic resources and potential damage (if applicable). Cite source(s) of information.*

5. **Is the project located on a site included on any list compiled pursuant to Government Code § 65962.5 (Cortese List)?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*Describe the type of hazardous site (if applicable). Cite the source(s) of information.*
6. **Would the project result in a substantial adverse change in the significance of a historic resource?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*List the historic resource(s) potentially affected and describe the potential effects (if applicable). Cite source(s) of information.*
7. **Is there evidence of the potential for the project to contribute to a significant cumulative impact?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*Describe the potential cumulative impact(s) and evidence (if applicable). Cite source(s) of information.*
8. **Is there evidence of a reasonable possibility of a significant environmental impact due to unusual circumstances?**  Yes  No  
*Describe the potential impact(s), circumstances, and evidence (if applicable). Cite source(s) of information.*
- Class 2 Eligibility Conclusion:**  Yes  No  
*State conclusions regarding project/project element(s) eligibility and cite evidence from above that supports the conclusions. See example conclusions in attached instructions.*

# Instructions for Completing a Categorical Exemption Evaluation Form

## Class 3: New Construction or Conversion of Small Structures

### Attachment C

#### General Instructions

- Multiple categorical exemptions may be combined for a single project. Complete an Evaluation Form for each class of categorical exemption claimed for a project. Also, the failure of a project to qualify for one exemption does not disqualify it from eligibility for a categorical exemption under another class.
- Provide details and/or list sources of information used to answer Questions 1 through 17 in the spaces provided for the answers to each question.
- Each question on the Evaluation Form also includes “Yes” and “No” check boxes on the right-hand side. The preparer should mark only one check box for each question. Where either the “Yes” or “No” check box has been marked red, that response indicates that either a specific project element or the entire project may be ineligible for the categorical exemption being evaluated. The red coloring is intended to assist the preparer in completing the Eligibility Conclusion section of the Evaluation Form. More detail about the meaning of each red box can be found below in the instructions for each individual question and on the accompanying flow chart.
- Refer to California Environmental Quality Act (CEQA) Guidelines Section 15303 for additional information regarding the Class 3 categorical exemption and Section 15300.2 for additional information regarding exceptions to the exemption.
- Other helpful information pertaining to categorical exemptions and project applicability can be found in the memorandum, “*CEQA Practice Recommendations from CDFA for Cannabis Cultivation – Categorical Exemptions.*”

#### Specific Instructions

**Lead Agency:** Enter the name of the CEQA Lead Agency.

**Applicant Entity/Business Name:** Enter name of person, business, or businesses listed on the application.

**License Type(s):** Enter the cultivation license type(s) being requested, as identified in the application.

**Date:** Enter date the Evaluation Form was completed.

**Project Description:** The preparer should provide a summary of the project that provides details of the proposed project, including: the project location; a description of the project site; required site improvements (e.g., construction); a description of project operations and maintenance activities; and any environmental commitments proposed by the project applicant. The preparer should provide sufficient information to allow a determination as to whether the project fits within the Class 3 categorical exemption and whether any of the exceptions to an exemption apply. This information will also be needed by the California Department of Food and Agriculture (CDFA) when it makes an independent decision regarding licensing the project. For more details regarding project description information needed by CDFA for its licensing decisions, refer to the memorandum, “*CEQA Practice Recommendations from CDFA for Cannabis Cultivation – Categorical Exemptions.*”

If the project description is exceptionally lengthy, or the applicant has prepared a separate detailed project description, the preparer can summarize the information in the space provided and attach the more detailed project description to the completed Evaluation Form.

**1. Does the project involve the conversion of existing small structures where only minor modifications are made to the exterior of the structures, or the installation of small new equipment and facilities in small structures?**

A Class 3 exemption allows for both the conversion of existing small structures and the construction of new structures. Question 1 is intended to determine categorical exemption eligibility for projects involving the conversion of existing structures or the installation of small new equipment; Question 2 is intended to determine categorical exemption eligibility for projects involving the construction of new structures.

In order to qualify for the “conversion” portion of the Class 3 exemption, the project or project element(s) must either involve the conversion of existing small structures, including only minor modifications to the exterior of the structures, or the installation of small new equipment and facilities in small structures. The preparer should provide details regarding the size and purpose of the existing structure as well as the nature and scope of proposed modifications or equipment installation. More information about structure conversion and equipment installation is provided below.

**Conversion of Existing Small Structures Where Only Minor Modifications Are Made to the Exterior of the Structures**

If the conversion of existing small structures from one use to another involves modifications to the exterior of an existing structure, such exterior modifications must be minor for a Class 3 exemption to apply (modifications to the interior of the structure may be more than minor). The CEQA Guidelines do not specify a hard rule as to what would be considered a minor exterior modification, but such modifications may include: the installation of plumbing and electrical conveyances, the restoration of deteriorated or damaged walls, or changes to mechanical equipment to meet current standards of public health and safety. Some possible cannabis cultivation examples of conversion of small structures may include conversion of an existing shed, garage, or small barn for use as a processing or nursery facility.

**Installation of Small New Equipment and Facilities in Small Structures**

The Class 3 exemption also allows for the installation of equipment and facilities in small structures. For example, this may be appropriate for a cultivator proposing to install a

backup generator in an existing shed or a battery bank inside a garage or on a garage wall. It may also pertain to the installation of a pump station or electrical equipment in an existing small structure.

Whether the answer to Question 1 is “yes” or “no,” the preparer may continue to Question 2.

## 2. Does the project involve the construction of new small structures?

The preparer should provide information regarding the size and purpose of any proposed new small structures. A Class 3 categorical exemption allows the construction of limited numbers of new small structures. If such new structures are for the primary (or intended) use of the parcel (e.g., a new greenhouse structure primarily used for cannabis cultivation), the CEQA Guidelines provide specific limits on the number of such new structures and the total amount of square footage allowed to be added to each legal parcel. Questions 3 through 10 pertain to such structures.

Class 3 exemptions may also be used for the construction of small accessory (appurtenant) structures, such as small parking areas, garages, small utility structures, standard perimeter fencing, and/or new wells. The CEQA Guidelines requirements for Class 3 exemptions impose no limitations on the number of such structures that can be built.

The answers to both Questions 1 and 2 will determine what to do next:

- If neither the conversion of existing small structures nor the construction of new small structures is proposed (i.e., the answers to Questions 1 and 2 are both “no”), the project does not qualify for a Class 3 exemption; the preparer may skip the remaining questions and complete the [“Eligibility Conclusion.”](#)
- If both the conversion of existing small structures and the construction of new small structures are proposed (i.e., the answers to Questions 1 and 2 are both “yes”), the preparer may proceed to Question 3.
- If only the conversion of existing small structures is proposed (i.e., the answer to Question 1 is “yes”; the answer to Question 2 is “no”), the preparer may proceed to Question [11](#).
- If only the construction of new structures is proposed (i.e., the answer to Question 1 is “no”; the answer to Question 2 is “yes”), the preparer may proceed to Question [3](#).

## 3. Is the project within an urbanized area?

Class 3 exemption guidelines specify limits on the size and number of new primary structures that can be added, depending on whether the project is located in an urbanized area. If this information is not readily available, the preparer may find the information in the general plan for the jurisdiction issuing the permit, or in a programmatic cannabis cultivation CEQA document (if available), and/or accessed through review of the site address on Google Earth.

If the answer to Question 3 is “no,” the preparer may skip to Question [9](#); if the answer to Question 3 is “yes,” the preparer should answer Questions [4](#) through [8](#).

#### FOR SITES IN URBANIZED AREAS

**4. Does the project involve the construction of four or fewer structures totaling 10,000 square feet or less?**

The preparer should provide information regarding the number and size of new structures serving the primary purpose of the application. If the project involves the construction of more than four new structures or more than 10,000 square feet on a single parcel, the construction of new structures does not qualify for a Class 3 exemption.

If the answer to Question 4 is “no,” the preparer should skip to Question [11](#) to evaluate other project elements. If the answer to Question 4 is “yes,” the preparer should continue to Question [5](#).

**5. Is the parcel zoned for the proposed use?**

The preparer should describe whether the proposed use fits within the existing zoning designation for the parcel(s) within which the project is located.

If the project site is not zoned for uses that include cannabis cultivation, construction of the project does not qualify for a Class 3 exemption. If the answer to Question 5 is “no,” the preparer should skip to Question 11 to evaluate other project elements. If the answer to Question 5 is “yes,” the preparer should continue to Question [6](#).

**6. Does the proposed use of the proposed new structures involve the use of significant amounts of hazardous substances?**

The preparer should indicate any available information about the types and quantities of hazardous substances proposed for use (e.g., amount used and/or frequency applied), if applicable. If there is no evidence that indicates the project requires the use of significant amounts of hazardous substances, the preparer is not obligated to seek out such evidence.

If the use of the proposed new structures involves the use of significant amounts of hazardous substances, construction of the new structures does not qualify for a Class 3 exemption. If the answer to Question 6 is “yes,” the preparer should skip to Question [11](#) to evaluate other project elements. If the answer to Question 6 is “no,” the preparer should continue to Question [7](#).

**7. Are all necessary public services and facilities available for the proposed new structures?**

The preparer should provide information about whether the project is served by the public services typically required for cannabis cultivation (e.g., water, sewer, electricity, and gas), as well as public facilities such as roadways.

If the project site is not able to be served by all public services necessary to serve the use of the proposed new structures, construction of the new structures does not qualify for a Class

3 exemption. If the answer to Question 7 is “no,” the preparer should skip to Question [11](#) to evaluate other project elements. If the answer to Question 7 is “yes,” the preparer should continue to Question [8](#).

**8. Do either the project site or the surrounding lands contain a sensitive environmental area?**

While a clear and comprehensive definition of what constitutes an environmentally sensitive area is not provided by the CEQA Guidelines, it may include: areas designated as containing important mineral resources; protected aquatic habitats, including wetlands; environmentally sensitive wildlife habitat; or areas known to include cultural, paleontological, and/or historical resources.

The preparer should describe the environmentally sensitive area, if applicable, and cite the sources of information used. Such sources may include overlays on the parcel zoning, and the general plan and general plan Environmental Impact Report (EIR) for the applicable local jurisdiction. If CDFW has prepared a Lake and Streambed Alteration Agreement (LSAA) for the project, it should be reviewed to determine if the project takes place in a sensitive area.

If there is evidence that the project site is located in an environmentally sensitive area, construction of the new structures does not qualify for a Class 3 exemption. If the answer to Question 8 is “yes,” the preparer should skip to Question [11](#) to evaluate other project elements. If the answer to Question 8 is “no,” the preparer should continue to Question [11](#).

**FOR SITES NOT IN URBANIZED AREAS**

**9. Does the project involve the construction of a single structure totaling 2,500 square feet or less?**

The preparer should provide information regarding the number and size of new structures serving the primary purpose of the application. If the project is not located in an urbanized area and involves the construction of more than one new structure or more than 2,500 square feet on a single parcel, construction of the new structure does not qualify for a Class 3 exemption.

If the answer to Question 9 is “no,” the preparer should skip to Question 11 to evaluate other project elements. If the answer to Question 9 is “yes,” the preparer should continue to Question [10](#).

**10. Does the project involve the use of significant amounts of hazardous substances?**

The preparer should indicate any available information about the types and quantities of hazardous substances proposed for use (e.g., amount used and/or frequency applied), if applicable.

If the proposed activities associated with the new structure involve the use of significant amounts of hazardous substances, construction of the new structure does not qualify for a Class 3 exemption, though other elements of the project may still be eligible; the preparer should proceed to Question [11](#).

## FOR ALL SITES

- 11. Does the project require a water right permit or another environmental permit that could result in physical changes to the environment?** The preparer should list the permits required for the project and any potential physical changes that could occur as a result of these permits.

This does not pertain to a Cannabis Cultivation General Order issued by the State Water Resources Control Board or a self-certified Cannabis Cultivation LSAA issued by the California Department of Fish and Wildlife. However, if the project is required to obtain other environmental permits (such as a water right permit or an individual LSAA), mitigation measures imposed on the project through those processes may result in physical changes to the environment. As an example, acquiring a new water right permit may result in requirements to construct a fish screen or a bypass facility that could themselves have physical impacts that would require preparation of an Initial Study (IS) or an EIR. The preparer should review LSAAs and other project permits provided to determine whether they contain any additional permit terms or mitigation measures not included in the Project Description that may themselves result in environmental impacts.

If the answer to Question 11 is “yes,” this may indicate a possibility of a significant impact due to unusual circumstances, as described in Question [16](#). Whether the answer to Question 11 is “yes” or “no,” the preparer may proceed to Question [12](#).

## **EXCEPTIONS TO EXEMPTIONS**

### **12. Scenic Highways**

- a. **Is the project visible from an official State Scenic Highway?** This applies only to officially designated State Scenic Highways. The preparer should list any State Scenic Highways from which the project is visible.

The location of State Scenic Highways may be found in the general plan for the jurisdiction issuing the permit, or in a local programmatic cannabis cultivation CEQA document (if available). In addition, a map of designated State Scenic Highways by county can be found at:

[www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm).

If the project is not visible from a State Scenic Highway, the project would have no potential to damage scenic resources. If the answer to Question 12(a) is “no,” the preparer may skip to Question [13](#).

- b. **If “yes,” would the project result in damage to scenic resources?** To trigger this exception to the exemption, the project not only has to be visible from a designated State Scenic Highway, but it must also result in damage to scenic resources.

If the answers to both parts of Question 12 are “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

- 13. Is the project located on a site included on any list compiled pursuant to Government Code § 65962.5 (Cortese List)?** The preparer may find this information by entering the project address in the public databases that can be found at: [calepa.ca.gov/sitecleanup/corteselist/](http://calepa.ca.gov/sitecleanup/corteselist/).

If the answer to Question 13 is “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

- 14. Would the project result in a substantial adverse change in the significance of a historic resource?** The preparer should list any historic resources that are potentially affected and describe the potential effects, if applicable. “Historical resource” is defined in Public Resources Code Section 21084.1 to include all sites listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR). Sites officially designated as historically significant in a local register of historical resources are presumed to be historically or culturally significant. Sites that are not listed on a register but that have been determined to be significant or eligible for listing in accordance with an approved historical resources survey are also presumed to be significant. Additionally, a Lead Agency has discretion to find that a site that does not meet these criteria should nevertheless be treated as a historical resource for purposes of CEQA.

If there is any information that indicates the possibility that a structure (including residences) 45 years of age or older exists on the site, the preparer should conduct a search of the CRHR and the National Register of Historic Places (NRHP). The preparer may enlist the assistance of a cultural resources specialist in this process. Other sources of information about historic buildings include historic U.S. Geological Survey (USGS) topographic maps and County Assessor’s records, many of which are available on-line. The absence of substantial evidence that a structure or area is historic may itself be sufficient to support a Lead Agency’s determination that it is not historic.

This question contains a two-part test to trigger this exception to the exemption: first, the project site has to contain a historic resource; second, it must also result in a substantial adverse change to this resource.

If the answer to Question 14 is “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

- 15. Is there evidence of the potential for the project to contribute to a significant cumulative impact?** The requirements related to the consideration of cumulative impacts in assessing categorical exemptions are narrower than the requirements related to cumulative analyses in EIRs. The requirements for categorical exemptions, found in CEQA Guidelines Section 15300.2(b), refer to “the cumulative impact of successive projects of the same type in the same place, over time.”

A categorical exemption may not be used when the cumulative impact of successive projects of the same type in the same place, over time is significant. If an EIR was prepared for the local permitting agency’s cannabis ordinance, it should contain a cumulative impacts analysis. If an IS was prepared, it may contain a cumulative impacts analysis, though a detailed analysis is not required in such documents. If a cumulative impacts analysis was

prepared for the ordinance as part of an EIR, the preparer should review this analysis to identify any cumulative impacts that were identified in the CEQA document to be “Significant and Unavoidable.” If any such impacts are identified, the preparer should evaluate the project’s site-specific contribution to these impacts and should determine whether the project would contribute substantially to these impacts.

The preparer should evaluate and describe the contribution of the project to these cumulative impacts based on several factors. These factors may include the location of the project relative to the other projects contributing to the impact; the magnitude of the project’s contribution to the impact; the timing of the project’s impacts compared to the impacts of other nearby projects (particularly if the impacts are related to project construction rather than ongoing operations); and whether any measures adopted by the project, either as required by ordinance or voluntarily by the applicant, would reduce the project’s contribution to the impact. If a jurisdiction has received applications for multiple cannabis cultivation projects in or around the same location (whether under the same ownership or not), each project should include an analysis of the cumulative impacts of licensing all of the projects at that location. If the answer to Question 15 is “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining questions and complete the [“Eligibility Conclusion”](#) section.

**16. Is there evidence of a reasonable possibility of a significant environmental impact due to unusual circumstances?** The preparer should describe the potential impacts, circumstances, and evidence, if applicable.

While a clear and comprehensive definition of what constitutes “unusual circumstances” is not provided by the CEQA Guidelines, the term generally refers to situations where the impacts of the project would normally be minor but where a particular aspect of the project site or its surroundings may lead to a more substantial impact. Examples of unusual circumstances may include adjacency to: unique or high-quality habitat, wildlife migration routes, unique recreational facilities or resources, or a stream or water body. Unusual circumstances may also include: use of a critically depleted groundwater basin or surface water resource, location in an area with important mineral resources, slopes of 10 percent or more, presence of highly erodible soils, officially mapped areas of severe geologic hazard, or the requirement for a water right permit or another type of environmental permit that may lead to a physical change to the environment. The absence of evidence that a unusual circumstance exists is itself sufficient to support a Lead Agency’s determination that it does not.

The analysis of unusual circumstances has been defined by the California Supreme Court to consist of two steps. First, determine whether unusual circumstances exist on or near the project site; second, determine whether there is a reasonable possibility that a significant environmental effect would result from these unusual circumstances.

If the answer to Question 16 is “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining question and complete the [“Eligibility Conclusion”](#) section.

**17. Would the project impact an environmental resource of hazardous or critical concern?** CEQA Guidelines Section 15300.2(a) states that, while a project may be eligible for a Class 3 categorical exemption under ordinary circumstances, the project’s location “in a

particularly sensitive environment” may result in the project creating a significant impact. A “particularly sensitive environment” is one containing “an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.” The term “environmental resource of hazardous or critical concern” is not defined, but the courts have implied that a specific designation by a government agency is required.

Several resources that may fit the definition of an environmental resource of hazardous or critical concern are addressed by earlier questions and need not be addressed in detail here; instead, the preparer should refer to the answers to these other questions for the following resources:

- hazardous waste sites (addressed under Question [13](#)); and
- historic buildings (addressed under Question [14](#)).

An environmental resource of hazardous or critical concern may also include:

- areas posing significant risk of landslides;
- wetlands;
- seismic hazard areas;
- the documented presence of species or habitats protected by federal, state, or local law;
- the location of the project site within designated critical habitat for a protected species;
- OR
- archaeological or paleontological resources listed on the NRHP or the CRHR.

The presence of an environmental resource of hazardous or critical concern on or near the project site may be sufficient to make the project ineligible for a Class 3 exemption, regardless of whether the project would result in a significant impact to the resource.

If the answer to Question 17 is “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer should complete the “[Eligibility Conclusion](#)” section.

## Eligibility Conclusion

The preparer should document a conclusion about the eligibility of either the project or project element(s) for a Class 3 exemption.

- **Example language for an eligible project:** Based on information contained in the administrative record, as reflected in the answers provided to Questions 1-17 above, the project or project element(s) (Application **XXXXX**) is/are **eligible** for a Class 3 categorical exemption. The project or project element(s) fit(s) within the parameters included in CEQA Guidelines Section 15303, and none of the exceptions to this exemption defined in Section 15300.2 apply.
- **Example language for an ineligible project:** Based on information contained in the administrative record, as reflected in the answers provided to Questions 1-17 above, the project (Application **XXXXX**) is **not eligible** for a Class 3 categorical exemption. This conclusion is based on the following (use whichever statement applies):

- The project does not fit within the parameters defined in CEQA Guidelines Section 15303; OR
- The project fits within the parameters defined in CEQA Guidelines Section 15303, but one or more exceptions to the exemption apply, making the project ineligible for a Class 3 categorical exemption.

# Categorical Exemption Evaluation Form

## Class 3: New Construction or Conversion of Small Structures

### Attachment C

Lead Agency: Trinity County Planning Department

Applicant Entity/Business Name:

License Type(s):

Date:

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#### Project Description:

*Insert project description information or reference where this information is located.*

- 1. Does the project involve the conversion of existing small structures including only minor modifications, or the installation of small equipment and facilities in small structures?**  Yes  No  
*Provide information regarding the nature of modifications to existing small structures, if applicable. Cite source(s) of information.*
- 2. Does the project involve the construction of new small structures?**  Yes  No  
*Provide information regarding the size and purpose of the proposed new structures, if applicable. Cite source(s) of information.*

***Please check instructions for directions on how to proceed, based on answers to Questions 1 and 2.***

- 3. Is the project within an urbanized area? (If no, skip to Question 9.)**  Yes  No  
*Cite source(s) of information.*

#### **FOR SITES IN URBANIZED AREAS**

- 4. Does the project involve the construction of four or fewer structures totaling 10,000 square feet or less?**  Yes  No  
*Provide information regarding size of new structure(s), if applicable. Cite source(s) of information.*
- 5. Is the parcel zoned for the proposed use?**  Yes  No  
*Cite source(s) of information.*
- 6. Does the project involve the use of significant amounts of hazardous substances?**  Yes  No  
*Provide details of any hazardous substances used including amount of product(s), if applicable. Cite source(s) of information.*

7. **Are all necessary public services and facilities available to the project?**  Yes  No  
*List all services and facilities provided. Cite source(s) of information.*
8. **Do either the project site or the surrounding lands contain a sensitive environmental area?** (If no, skip to Question 11.)  Yes  No  
*Provide information on the nature of any sensitive environmental areas. Cite source(s) of information, if available.*

**FOR SITES NOT IN URBANIZED AREAS**

9. **Does the project involve the construction of a single structure totaling 2,500 square feet or less?**  Yes  No  
*Provide information regarding size of new structure, if applicable. Cite source(s) of information.*
10. **Does the project involve the use of significant amounts of hazardous substances?**  Yes  No  
*Provide list of any hazardous substances used, including amount of product(s), if applicable and available. Cite source(s) of information.*

**FOR ALL SITES**

11. **Does the project require a water right permit or another environmental permit that could result in physical changes to the environment?** (If yes, see instructions.)  Yes  No  
*List permits required and any potential physical changes that could occur. Cite source(s) of information.*

**EXCEPTIONS TO EXEMPTIONS:**

12. **Scenic Highways**
- a. **Is the project visible from an official State Scenic Highway?** (If no, skip to Question 13.)  Yes  No  
*List State Scenic Highway(s) from which the project is visible (if applicable). Cite source(s) of information.*
- b. **If yes, would the project result in damage to scenic resources?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*Describe scenic resources and potential damage (if applicable). Cite source(s) of information.*
13. **Is the project located on a site included on any list compiled pursuant to Government Code § 65962.5 (Cortese List)?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*Describe the type of hazardous site (if applicable). Cite the source(s) of information.*
14. **Would the project result in a substantial adverse change in the significance of a historic resource?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*List the historic resource(s) potentially affected and describe the potential effects (if applicable). Cite source(s) of information.*

**15. Is there evidence of the potential for the project to contribute to a significant cumulative impact?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*Describe the potential cumulative impact(s) and evidence (if applicable). Cite source(s) of information.*

**16. Is there evidence of a reasonable possibility of a significant environmental impact due to unusual circumstances?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*Describe the potential impact(s), circumstances, and evidence (if applicable). Cite source(s) of information.*

**17. Would the project impact an environmental resource of hazardous or critical concern?**  Yes  No  
*Provide details, if needed. Cite source(s) of information.*

**Class 3 Eligibility Conclusion:**  Yes  No  
*State conclusions regarding project/project element(s) eligibility and cite evidence from above that supports the conclusions. See example conclusions in attached instructions.*

# Instructions for Completing a Categorical Exemption Evaluation Form

## Class 4: Minor Alterations to Land

### Attachment D

#### General Instructions

- Multiple categorical exemptions may be combined for a single project. Complete an Evaluation Form for each class of categorical exemption claimed for a project. Also, the failure of a project to qualify for one exemption does not disqualify it from eligibility for a categorical exemption under another class.
- Provide details and/or list sources of information used to answer Questions 1 through 12 in the spaces provided for the answers to each question.
- Each question on the Evaluation Form also includes “Yes” and “No” check boxes on the right-hand side. The preparer should mark only one check box for each question. Where either the “Yes” or “No” check box has been marked red, that response indicates that either a specific project element or the entire project may be ineligible for the categorical exemption being evaluated. The red coloring is intended to assist the preparer in completing the Eligibility Conclusion section of the Evaluation Form. More detail about the meaning of each red box can be found below in the instructions for each individual question and on the accompanying flow chart.
- Refer to California Environmental Quality Act (CEQA) Guidelines Section 15304 for additional information regarding the Class 4 categorical exemption and Section 15300.2 for additional information regarding exceptions to the exemption.
- Other helpful information pertaining to categorical exemptions and project applicability can be found in the memorandum, “*CEQA Practice Recommendations from CDFA for Cannabis Cultivation – Categorical Exemptions.*”

#### Specific Instructions

**Lead Agency:** Enter the name of the CEQA Lead Agency.

**Applicant Entity/Business Name:** Enter name of person, business, or businesses listed on the application.

**License Type(s):** Enter the cultivation license type(s) being requested, as identified in the application.

**Date:** Enter date the Evaluation Form was completed.

**Project Description:** The preparer should provide a summary of the project that provides details of the proposed project, including: the project location; a description of the project site; required site improvements (e.g., construction); a description of project operations and

maintenance activities; and any environmental commitments proposed by the project applicant. The preparer should provide sufficient information to allow a determination as to whether the project fits within the Class 4 categorical exemption and whether any of the exceptions to an exemption apply. This information will also be needed by the California Department of Food and Agriculture (CDFA) when it makes an independent decision regarding licensing the project. For more details regarding the project description information needed by CDFA for its licensing decisions, refer to the memorandum, “*CEQA Practice Recommendations from CDFA for Cannabis Cultivation – Categorical Exemptions.*”

If the project description is exceptionally lengthy, or the applicant has prepared a separate detailed project description, the preparer can summarize the information in the space provided and attach the more detailed project description to the completed Evaluation Form.

- 1. Does the project involve alterations to land, water, or vegetation that would be considered minor?** This question is intended to determine whether the project fits within the description of actions qualifying for a Class 4 exemption. Alterations that would typically fit into this class of exemption include: minor grading, landscaping for screening the project site from being visible from public spaces, or fuels management activities (vegetation clearing) within 30 feet of structures. This list of alterations is not meant to be exhaustive, but to provide examples of the types of activities that fit within this exemption.

The preparer should describe alterations to land, water, or vegetation associated with the proposed project, including the nature and scope of those alterations.

If the proposed alterations are more than “minor,” perhaps due to the intensity or geographic extent of the alterations, the project does not qualify for a Class 4 exemption. If the answer to Question 1 is “no,” the preparer may skip the remaining questions and complete “[Eligibility Conclusion](#)” section.

- 2. Would the alterations consist of grading on lands of 10 percent slope or steeper?** If the project includes grading, provide the slope of lands to be graded, including the portion of land with the steepest slope. Current and historic U.S. Geological Survey (USGS) topographic maps of various scales are available at: [ngmdb.usgs.gov/topoview/](http://ngmdb.usgs.gov/topoview/). Slope information is available by turning on the slope layer at: [viewer.nationalmap.gov/advanced-viewer/](http://viewer.nationalmap.gov/advanced-viewer/). Also, most cities and counties have on-line GIS resources that have a topographic layer and, less frequently, a slope layer. An advantage of the local resources is that often slope or topographic layers may be overlaid over a parcel layer.

Any project element that includes grading on lands of 10 percent slope or greater does not qualify for a Class 4 exemption. This is true even if only a portion of the grading is on lands at or above 10 percent in slope. If the answer to Question 2 is “yes,” the preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

- 3. Would the alterations consist of grading in an area determined to be a wetland?** The preparer should indicate if alterations would include grading in a wetland. Information related to the presence of wetlands may be included in the application package, particularly if required by the permitting jurisdiction. If information regarding the presence of wetlands is

not included in the application package, the preparer may check the U.S. Fish and Wildlife Service Wetlands Mapper, available at: [www.fws.gov/wetlands/data/mapper.html](http://www.fws.gov/wetlands/data/mapper.html).

Any project element that includes grading within areas determined to be wetlands does not qualify for a Class 4 exemption. If the answer to Question 3 is “yes,” the preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

- 4. Would the alterations consist of grading in a scenic area officially designated by a federal, state, or local agency?** The preparer should describe locations proposed for grading and whether these locations are officially designated scenic areas. Officially designated scenic areas may be identified in the general plan for the jurisdiction issuing the permit, or in a local programmatic cannabis cultivation CEQA document (if available).

Any project element that requires grading within an officially designated scenic area does not qualify for a Class 4 exemption. If the answer to Question 4 is “yes,” the preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

- 5. Would the alterations consist of grading in an officially mapped area of severe geologic hazard, such as an Alquist-Priolo Earthquake Fault Zone, or within an official Seismic Hazard Zone designated by the State Geologist?** The preparer should describe locations proposed for grading and whether these locations would be within an area officially mapped as a geologic hazard or within an official Seismic Hazard Zone designated by the State Geologist. Information pertaining to officially designated geologic hazards may be found in the general plan for the jurisdiction issuing the permit, or in a local programmatic cannabis cultivation CEQA document (if available). Jurisdictional maps are available from the California Geological Survey at: [maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps](http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps).

Any project element that requires grading within an Alquist-Priolo Earthquake Fault Zone or Seismic Hazard Zone does not qualify for a Class 4 exemption. If the answer to Question 5 is “yes,” the preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

- 6. Does the project require a water right permit or another environmental permit that could result in physical changes to the environment?** The preparer should list the permits required for the project and any potential physical changes that could occur as a result of these permits.

This does not pertain to a Cannabis Cultivation General Order issued by the State Water Resources Control Board or a self-certified Cannabis Cultivation Lake or Streambed Alteration Agreement (LSAA) issued by the California Department of Fish and Wildlife. However, if the project is required to obtain other environmental permits (such as a water right permit or an individual LSAA), mitigation measures imposed on the project through those processes may result in physical changes to the environment. As an example, acquiring a new water right permit may result in requirements to construct a fish screen or a bypass facility that could themselves have physical impacts that would require preparation of an Initial Study (IS) or an Environmental Impact Report (EIR). The preparer should review LSAs and other project permits provided to determine whether they contain any additional

permit terms or mitigation measures not included in the Project Description, that may themselves result in environmental impacts.

If the answer to Question 6 is “yes,” this may indicate a possibility of a significant impact due to unusual circumstances, as described in Question [11](#). Whether the answer to Question 6 is “yes” or “no,” the preparer may proceed to Question [7](#).

## 7. Scenic Highways

- a. Is the project visible from an official State Scenic Highway?** This applies only to officially designated State Scenic Highways. The preparer should list any State Scenic Highways from which the project is visible.

The location of State Scenic Highways may be found in the general plan for the jurisdiction issuing the permit, or in a local programmatic cannabis cultivation CEQA document (if available). In addition, a map of designated State Scenic Highways by county can be found at:

[www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm).

If the project is not visible from a State Scenic Highway, the project would have no potential to damage scenic resources. If the answer to Question 7(a) is “no,” the preparer may skip to Question [8](#).

- b. If “yes,” would the project result in damage to scenic resources?** To trigger this exception to the exemption, the project not only has to be visible from a designated State Scenic Highway, but it must also result in damage to scenic resources.

Note that Question 4 and Question 7 both address scenic resources. Question 4 asks only if the project includes grading in a scenic area designated by a federal, state, or local agency. The presence of grading in an officially designated scenic area is sufficient to disqualify the project from use of a Class 4 categorical exemption. However, Question 7 uses a two-part test to trigger this exception to the exemption: the project not only has to be visible from a designated Scenic Highway, but it must also result in damage to scenic resources.

If the answers to both parts of Question 7 are “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

- 8. Is the project located on a site included on any list compiled pursuant to Government Code § 65962.5 (Cortese List)?** The preparer may find this information by entering the project address in the public databases that can be found at: [calepa.ca.gov/sitecleanup/corteselist/](http://calepa.ca.gov/sitecleanup/corteselist/).

If the answer to Question 8 is “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

- 9. Would the project result in a substantial adverse change in the significance of a historic resource?** The preparer should list any historic resources that are potentially

affected and describe the potential effects, if applicable. “Historical resource” is defined in Public Resources Code Section 21084.1 to include all sites listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR). Sites officially designated as historically significant in a local register of historical resources are presumed to be historically or culturally significant. Sites that are not listed on a register but that have been determined to be significant or eligible for listing in accordance with an approved historical resources survey are also presumed to be significant. Additionally, a Lead Agency has discretion to find that a site that does not meet these criteria should nevertheless be treated as a historical resource for purposes of CEQA.

If there is any information that indicates the possibility that a structure (including residences) 45 years of age or older exists on the site, the preparer should conduct a search of the CRHR and the National Register of Historic Places (NRHP). The preparer may enlist the assistance of a cultural resources specialist in this process. Other sources of information about historic buildings include historic U.S. Geological Survey (USGS) topographic maps and County Assessor’s records, many of which are available on-line. The absence of substantial evidence that a structure or area is historic may itself be sufficient to support a Lead Agency’s determination that it is not historic.

This question contains a two-part test to trigger this exception to the exemption: first, the project site has to contain a historic resource; second, it must also result in a substantial adverse change to this resource.

If the answer to Question 9 is “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

**10. Is there evidence of the potential for the project to contribute to a significant cumulative impact?** The requirements related to the consideration of cumulative impacts in assessing categorical exemptions are narrower than the requirements related to cumulative analyses in EIRs. The requirements for categorical exemptions, found in CEQA Guidelines Section 15300.2(b), refer to “the cumulative impact of successive projects of the same type in the same place, over time.”

A categorical exemption may not be used when the cumulative impact of successive projects of the same type in the same place, over time is significant. If an EIR was prepared for the local permitting agency’s cannabis ordinance, it should contain a cumulative impacts analysis. If an IS was prepared, it may contain a cumulative impacts analysis, though a detailed analysis is not required in such documents. If a cumulative impacts analysis was prepared for the ordinance as part of an EIR, the preparer should review this analysis to identify any cumulative impacts that were identified in the CEQA document to be “Significant and Unavoidable.” If any such impacts are identified, the preparer should evaluate the project’s site-specific contribution to these impacts and should determine whether the project would contribute substantially to these impacts.

The preparer should evaluate and describe the contribution of the project to these cumulative impacts based on several factors. These factors may include: the location of the project relative to the other projects contributing to the impact; the magnitude of the project’s contribution to the impact; the timing of the project’s impacts compared to the impacts of other nearby projects (particularly if the impacts are related to project construction rather

than ongoing operations); and whether any measures adopted by the project, either as required by ordinance or voluntarily by the applicant, would reduce the project's contribution to the impact. If a jurisdiction has received applications for multiple cannabis cultivation projects in or around the same location (whether under the same ownership or not), each project should include an analysis of the cumulative impacts of licensing all of the projects at that location.

If the answer to Question 10 is "yes," the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining questions and complete the "[Eligibility Conclusion](#)" section.

**11. Is there evidence of a reasonable possibility of a significant environmental impact due to unusual circumstances?** The preparer should describe the potential impacts, circumstances, and evidence, if applicable.

While a clear and comprehensive definition of what constitutes "unusual circumstances" is not provided by the CEQA Guidelines, the term generally refers to situations where the impacts of the project would normally be minor but where a particular aspect of the project site or its surroundings may lead to a more substantial impact. Examples of unusual circumstances may include adjacency to: unique or high-quality habitat, wildlife migration routes, unique recreational facilities or resources, or a stream or water body. Unusual circumstances may also include: use of a critically depleted groundwater basin or surface water resource, location in an area with important mineral resources, slopes of 10 percent or more, presence of highly erodible soils, officially mapped areas of severe geologic hazard, or the requirement for a water right permit or another type of environmental permit that may lead to a physical change to the environment. The absence of evidence that a unusual circumstance exists is itself sufficient to support a Lead Agency's determination that it does not.

The analysis of unusual circumstances has been defined by the California Supreme Court to consist of two steps. First, determine whether unusual circumstances exist on or near the project site; second, determine whether there is a reasonable possibility that a significant environmental effect would result from these unusual circumstances.

If the answer to Question 11 is "yes," the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining question and complete the "[Eligibility Conclusion](#)" section.

**12. Would the project impact an environmental resource of hazardous or critical concern?** CEQA Guidelines Section 15300.2(a) states that, while a project may be eligible for a Class 4 categorical exemption under ordinary circumstances, the project's location "in a particularly sensitive environment" may result in the project creating a significant impact. A "particularly sensitive environment" is one containing "an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies." The term "environmental resource of hazardous or critical concern" is not defined, but the courts have implied that a specific designation by a government agency is required.

Several resources that may fit the definition of an environmental resource of hazardous or critical concern are addressed by earlier questions and, therefore, need not be addressed

again in detail here; instead, the preparer may refer to the answers to these other questions for the following resources:

- areas posing significant risk of landslides (partially addressed under Question [2](#));
- wetlands (addressed under Question [3](#));
- seismic hazard areas (addressed under Question [5](#));
- hazardous waste sites (addressed under Question [8](#)); and
- historic buildings (addressed under Question [9](#)).

An environmental resource of critical concern may also include:

- the documented presence of species or habitats protected by federal, state, or local law;
- the location of the project site within designated critical habitat for a protected species; OR
- archaeological or paleontological resources listed on the NRHP or the CRHR.

The presence of an environmental resource of hazardous or critical concern on or near the project site may be sufficient to make the project ineligible for a Class 4 exemption, regardless of whether the project would result in a significant impact to the resource.

If the answer to Question 12 is “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may complete the “[Eligibility Conclusion](#)” section.

## Eligibility Conclusion

The preparer should document a conclusion about the eligibility of either the project or project element(s) for a Class 4 exemption.

- **Example language for an eligible project:** Based on information contained in the administrative record, as reflected in the answers provided to Questions 1-12 above, the project or project element(s) (Application **XXXXXX**) is/are **eligible** for a Class 4 categorical exemption. The project or project element(s) fit(s) within the parameters included in CEQA Guidelines Section 15304, and none of the exceptions to this exemption defined in Section 15300.2 apply.
- **Example language for an ineligible project:** Based on information contained in the administrative record, as reflected in the answers provided to Questions 1-12 above, the project (Application **XXXXXX**) is **not eligible** for a Class 4 categorical exemption. This conclusion is based on the following (use whichever statement applies):
  - The project does not fit within the parameters defined in CEQA Guidelines Section 15304; OR
  - The project fits within the parameters defined in CEQA Guidelines Section 15304, but one or more exceptions to the exemption apply, making the project ineligible for a Class 4 categorical exemption.

# Categorical Exemption Evaluation Form

## Class 4: Minor Alterations to Land

### Attachment D

Trinity County CCL:

Lead Agency: Trinity County Planning Department

Applicant Entity/Business Name:

License Type(s):

Date:

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#### Project Description:

*Insert project description information or reference where this information is located.*

1. **Does the project involve alterations to land, water, or vegetation that would be considered minor?** (If no, skip to Eligibility Conclusion.)  Yes  No  
*Provide details, if needed. Cite source(s) of information.*
2. **Would the alterations consist of grading on lands of 10 percent slope or steeper?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*Provide details, if needed. Cite source(s) of information.*
3. **Would the alterations consist of grading in an area determined to be a wetland?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*Cite source(s) of information.*
4. **Would the alterations consist of grading in a scenic area officially designated by a federal, state, or local agency?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*Provide name of scenic area (if applicable). Cite source(s) of information.*
5. **Would the alterations consist of grading in an officially mapped area of severe geologic hazard, such as an Alquist-Priolo Earthquake Fault Zone, or within an official Seismic Hazard Zone designated by the State Geologist?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*Provide the name of the zone (if applicable). Cite source(s) of information.*
6. **Does the project require a water right permit or another environmental permit that could result in physical changes to the environment? (If yes, see instructions.)**  Yes  No  
*List permits required and any potential physical changes that could occur. Cite source(s) of information.*

**EXCEPTIONS TO EXEMPTIONS:**

**7. Scenic Highways**

**a. Is the project visible from an official State Scenic Highway? (If no, skip to Question 8.)**  Yes  No

*List State Scenic Highway(s) from which the project is visible (if applicable). Cite source(s) of information.*

**b. If yes, would the project result in damage to scenic resources? (If yes, skip to Eligibility Conclusion.)**  Yes  No

*Describe scenic resources and potential damage (if applicable). Cite source(s) of information.*

**8. Is the project located on a site included on any list compiled pursuant to Government Code § 65962.5 (Cortese List)? If yes, skip to Eligibility Conclusion.)**  Yes  No

*Describe the type of hazardous site (if applicable). Cite the source(s) of information.*

**9. Would the project result in a substantial adverse change in the significance of a historic resource? (If yes, skip to Eligibility Conclusion.)**  Yes  No

*List the historic resource(s) potentially affected and describe the potential effects (if applicable). Cite source(s) of information.*

**10. Is there evidence of the potential for the project to contribute to a significant cumulative impact? (If yes, skip to Eligibility Conclusion.)**  Yes  No

*Describe the potential cumulative impact(s) and evidence (if applicable). Cite source(s) of information.*

**11. Is there evidence of a reasonable possibility of a significant environmental impact due to unusual circumstances? (If yes, skip to Eligibility Conclusion.)**  Yes  No

*Describe the potential impact(s), circumstances, and evidence (if applicable). Cite source(s) of information.*

**12. Would the project impact an environmental resource of hazardous or critical concern?**  Yes  No

*Provide details, if needed. Cite source(s) of information.*

**Class 4 Eligibility Conclusion:**  Yes  No

*State conclusions regarding project/project element(s) eligibility and cite evidence from above that supports the conclusions. See example conclusions in attached instructions.*

# Instructions for Completing a Categorical Exemption Evaluation Form

## Class 11: Accessory Structures

### Attachment E

#### General Instructions

- Multiple categorical exemptions may be combined for a single project. Complete an Evaluation Form for each class of categorical exemption claimed for a project. Also, the failure of a project to qualify for one exemption does not disqualify it from eligibility for a categorical exemption under another class.
- Provide details and/or list sources of information used to answer Questions 1 through 11 in the spaces provided for the answers to each question.
- Each question on the Evaluation Form also includes “Yes” and “No” check boxes on the right-hand side. The preparer should mark only one check box for each question. Where either the “Yes” or “No” check box has been marked red, that response indicates that either a specific project element or the entire project may be ineligible for the categorical exemption being evaluated. The red coloring is intended to assist the preparer in completing the Eligibility Conclusion section of the Evaluation Form. More detail about the meaning of each red box can be found below in the instructions for each individual question and on the accompanying flow chart.
- Refer to California Environmental Quality Act (CEQA) Guidelines Section 15311 for additional information regarding the Class 11 categorical exemption and Section 15300.2 for additional information regarding exceptions to the exemption.
- Other helpful information pertaining to categorical exemptions and project applicability can be found in the memorandum, “*CEQA Practice Recommendations from CDFG for Cannabis Cultivators – Categorical Exemptions.*”

#### Specific Instructions

**Lead Agency:** Enter name of city or county issuing permit for project.

**Applicant Entity/Business Name:** Enter name of person, business, or businesses listed on the application.

**License Type(s):** Enter the cultivation license type(s) being requested, as identified in the application.

**Date:** Enter date the Evaluation Form was completed.

**Project Description:** The preparer should provide a summary of the project that provides details of the proposed project, including: the project location; a description of the project site;

required site improvements (e.g., construction); a description of project operations and maintenance activities; and any environmental commitments proposed by the project applicant. The preparer should provide sufficient information to allow a determination as to whether the project fits within the Class 11 categorical exemption and whether any of the exceptions to an exemption apply. This information will also be needed by the California Department of Food and Agriculture (CDFA) when it makes an independent decision regarding licensing the project. For more details regarding project description information needed by CDFA for its licensing decisions, refer to the memorandum, “*CEQA Practice Recommendations from CDFA for Cannabis Cultivators – Categorical Exemptions.*”

Note: If the project description is exceptionally lengthy, or the applicant has prepared a separate detailed project description, the preparer can summarize the information in the space provided and attach the more detailed project description to the completed Evaluation Form.

**1. Does the project involve the construction or placement of accessory structures?** This question is intended to determine whether the project fits within the description of actions qualifying for this exemption. Accessory structures are structures appurtenant to existing facilities that may improve the quality of the operation but would not change the operational capacity of the cultivation facility and/or otherwise substantially change the physical resources required to operate the facility (such as plumbing or electrical conveyances). Typical examples of accessory structures required for cultivation operations may include: storage tanks, storage bins, property signage, lighting, small parking lots, and/or small storage sheds. This list of accessory structures is not meant to be exhaustive but provides examples of the types of structures that fit within this exemption.<sup>1</sup>

The preparer should describe proposed new structures in sufficient detail to adequately determine whether the new structures qualify as “accessory.” If the proposed new structures do not qualify as “accessory” (e.g., due to the size, capacity increase, or extent of the structures), this feature of the project does not qualify for a Class 11 exemption. Also, if the project does not include the construction or placement of accessory structures at all, it also does not qualify for a Class 11 exemption. In such cases, the preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

If the project involves the construction or placement of accessory structures, the preparer may proceed to Question 2. Also, if the project includes other features (i.e., other than the accessory structures), please note that those other features must be covered by another exemption class in order for the whole project to be exempt.

**2. Does the project require a water right permit or another environmental permit that could result in physical changes to the environment?** The preparer should list the permits required for the project and any potential physical changes that could occur as a result of these permits.

This does not pertain to a Cannabis Cultivation General Order issued by the State Water Resources Control Board or a self-certified Cannabis Cultivation Lake or Streambed

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<sup>1</sup> Note that, regarding size of an accessory structure, one court upheld an exemption for a proposal to construct an accessory building with a footprint of approximately 1,500 square feet. *Simons v. City of Los Angeles*, 72 Cal. App. 3d 924 (1977). In that case, the accessory building did not result in additional direct impacts and did not increase attendance at the existing facility.

Alteration Agreement (LSAA) issued by the California Department of Fish and Wildlife. However, if the project is required to obtain other environmental permits (such as a water right permit or an individual LSAA), mitigation measures imposed on the project through those processes may result in physical changes to the environment. As an example, acquiring a new water right permit may result in requirements to construct a fish screen or a bypass facility that could themselves have physical impacts that would require preparation of an Initial Study (IS) or an Environmental Impact Report (EIR). The preparer should review LSAs and other project permits provided to determine whether they contain any additional permit terms or mitigation measures not included in the Project Description, that may themselves result in environmental impacts.

If the answer to Question 2 is “yes,” this may indicate a possibility of a significant impact due to unusual circumstances, as described in Question [7](#). Whether the answer to Question 2 is “yes” or “no,” the preparer may proceed to Question [3](#).

## EXCEPTIONS TO EXEMPTIONS

### 3. Scenic Highways

- a. Is the project visible from an official State Scenic Highway?** This applies only to officially designated State Scenic Highways. The preparer should list any State Scenic Highways from which the project is visible.

The location of State Scenic Highways may be found in the general plan for the jurisdiction issuing the permit, or in a local programmatic cannabis cultivation CEQA document (if available). In addition, a map of designated State Scenic Highways by county can be found at:

[www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm).

If the project is not visible from a State Scenic Highway, the project would have no potential to damage scenic resources. If the answer to Question 3(a) is “no,” the preparer may skip to Question [4](#).

- b. If yes, would the project result in damage to scenic resources?** To trigger this exception to the exemption, the project not only has to be visible from a designated State Scenic Highway, but it must also result in damage to scenic resources.

If the answers to both parts of Question 3 are “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

- 4. Is the project located on a site included on any list compiled pursuant to Government Code § 65962.5 (Cortese List)?** The preparer may find this information by entering the project address in the public databases that can be found at: [calepa.ca.gov/sitecleanup/corteselist/](http://calepa.ca.gov/sitecleanup/corteselist/).

If the answer to Question 4 is “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

- 5. Would the project result in a substantial adverse change in the significance of a historic resource?** The preparer should list any historic resources that are potentially affected and describe the potential effects, if applicable. “Historical resource” is defined in Public Resources Code Section 21084.1 to include all sites listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR). Sites officially designated as historically significant in a local register of historical resources are presumed to be historically or culturally significant. Sites that are not listed on a register but that have been determined to be significant or eligible for listing in accordance with an approved historical resources survey are also presumed to be significant. Additionally, a Lead Agency has discretion to find that a site that does not meet these criteria should nevertheless be treated as a historical resource for purposes of CEQA.

If there is any information that indicates the possibility that a structure (including residences) 45 years of age or older exists on the site, the preparer may choose to conduct a search of the CRHR and the National Register of Historic Places (NRHP). The preparer may enlist the assistance of a cultural resources specialist in this process. Other sources of information about historic buildings include historic U.S. Geological Survey (USGS) topographic maps, and County Assessor’s records, many of which are available on-line. The absence of substantial evidence that a structure or area is historic may itself be sufficient to support a Lead Agency’s determination that it is not historic.

This question contains a two-part test to trigger this exception to the exemption: first, the project site has to contain a historic resource; second, it must also result in a substantial adverse change to this resource.

If the answer to Question 5 is “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining questions and complete the “[Eligibility Conclusion](#)” section.

- 6. Is there evidence of the potential for the project to contribute to a significant cumulative impact?** The requirements related to the consideration of cumulative impacts in assessing categorical exemptions are narrower than the requirements related to cumulative analyses in EIRs. The requirements for categorical exemptions, found in CEQA Guidelines Section 15300.2(b), refer to “the cumulative impact of successive projects of the same type in the same place, over time.”

A categorical exemption may not be used when the cumulative impact of successive projects of the same type in the same place over time is significant. If an EIR was prepared for the local permitting agency’s cannabis ordinance, it should contain a cumulative impacts analysis. If an IS was prepared, it may contain a cumulative impacts analysis, though a detailed analysis is not required in such documents. If a cumulative impacts analysis was prepared for the ordinance as part of an EIR, the preparer should review this analysis to identify any cumulative impacts that were identified in the CEQA document to be “Significant and Unavoidable.” If any such impacts are identified, the preparer should evaluate the project’s site-specific contribution to these impacts and should determine whether the project would contribute substantially to these impacts.

The preparer should evaluate and describe the contribution of the project to these cumulative impacts based on several factors. These factors may include: the location of the project relative to the other projects contributing to the impact; the magnitude of the project’s

contribution to the impact; the timing of the project's impacts compared to the impacts of other nearby projects (particularly if the impacts are related to project construction rather than ongoing operations); and whether any measures adopted by the project, either as required by ordinance or voluntarily by the applicant, would reduce the project's contribution to the impact. If a jurisdiction has received applications for multiple cannabis cultivation projects in or around the same location (whether under the same ownership or not), each project should include an analysis of the cumulative impacts of licensing all of the projects at that location.

If the answer to Question 6 is "yes," the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining questions and complete the "[Eligibility Conclusion](#)" section.

- 7. Is there evidence of a reasonable possibility of a significant environmental impact due to unusual circumstances?** The preparer should describe the potential impacts, circumstances, and evidence, if applicable.

While a clear and comprehensive definition of what constitutes "unusual circumstances" is not provided by the CEQA Guidelines, the term generally refers to situations where the impacts of the project would normally be minor but where a particular aspect of the project site or its surroundings may lead to a more substantial impact. Examples of unusual circumstances may include adjacency to: unique or high-quality habitat, wildlife migration routes, unique recreational facilities or resources, or a stream or water body. Unusual circumstances may also include: use of a critically depleted groundwater basin or surface water resource, location in an area with important mineral resources, slopes of 10 percent or more, presence of highly erodible soils, officially mapped areas of severe geologic hazard, or the requirement for a water right permit or another type of environmental permit that may lead to a physical change to the environment. The absence of evidence that an unusual circumstance exists is itself sufficient to support a Lead Agency's determination that it does not.

The analysis of unusual circumstances has been defined by the California Supreme Court to consist of two steps. First, determine whether unusual circumstances exist on or near the project site; second, determine whether there is a reasonable possibility that a significant environmental effect would result from these unusual circumstances.

If the answer to Question 7 is "yes," the project does not qualify for a categorical exemption under CEQA. The preparer may skip the remaining question and complete the "[Eligibility Conclusion](#)" section.

- 8. Would the project impact an environmental resource of hazardous or critical concern?** CEQA Guidelines Section 15300.2(a) states that while a project may be eligible for a Class 11 categorical exemption under ordinary circumstances, the project's location "in a particularly sensitive environment" may result in the project creating a significant impact. A "particularly sensitive environment" is one containing "an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies." The term "environmental resource of

hazardous or critical concern” is not defined, but the courts have implied that a specific designation by a government agency is required.

Several resources that may fit the definition of an environmental resource of hazardous or critical concern are addressed by earlier questions and, therefore, need not be addressed again in detail here; instead, the preparer may refer to the answers to these other questions for the following resources:

- hazardous waste sites (addressed under Question [4](#)); and
- historic buildings (addressed under Question [5](#)).

An environmental resource of hazardous or critical concern may also include:

- areas posing significant risk of landslides;
- wetlands;
- seismic hazard areas;
- the documented presence of species or habitats protected by federal, state, or local law;
- the location of the project site within designated critical habitat for a protected species; OR
- archaeological or paleontological resources listed on the NRHP or the CRHR.

The presence of an environmental resource of hazardous or critical concern on or near the project site may be sufficient to make the project ineligible for a Class 11 exemption, regardless of whether the project would result in a significant impact to the resource.

If the answer to Question 8 is “yes,” the project does not qualify for a categorical exemption under CEQA. The preparer may complete the “[Eligibility Conclusion](#)” section.

## Eligibility Conclusion

The preparer should document a conclusion about the eligibility of either the project or project element(s) for a Class 11 exemption.

- **Example language for an eligible project:** Based on information contained in the administrative record, as reflected in the answers provided to Questions 1-8 above, the project or project element(s) (Application **XXXXXX**) is/are **eligible** for a Class 11 categorical exemption. The project or project element(s) fit(s) within the parameters included in CEQA Guidelines Section 15311, and none of the exceptions to this exemption defined in Section 15300.2 apply.
- **Example language for an ineligible project:** Based on information contained in the administrative record, as reflected in the answers provided to Questions 1-8 above, the project (Application **XXXXXX**) is **not eligible** for a Class 11 categorical exemption. This conclusion is based on the following (use whichever statement applies):
  - The project does not fit within the parameters defined in CEQA Guidelines Section 15311; OR

- The project fits within the parameters defined in CEQA Guidelines Section 15311, but one or more exceptions to the exemption apply, making the project ineligible for a Class 11 categorical exemption.

# Categorical Exemption Evaluation Form

## Class 11: Accessory Structures

### Attachment E

Trinity County CCL:

Lead Agency: Trinity County Planning Department

Applicant Entity/Business Name:

License Type(s):

Date:

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#### Project Description:

*Insert project description information or reference where this information is located.*

1. Does the project include the construction or placement of accessory structures? (If no, skip to Eligibility Conclusion.)

Yes  No

*Describe new and/or replacement accessory structures. Cite source(s) of information.*

2. Does the project require a water right permit or another environmental permit that could result in physical changes to the environment? (If yes, see instructions.)

Yes  No

*List permits required and any potential physical changes that could occur. Cite source(s) of information.*

#### EXCEPTIONS TO EXEMPTIONS:

#### 3. Scenic Highways

- a. Is the project visible from an official State Scenic Highway?

(If no, skip to Question 4.)

Yes  No

*List State Scenic Highway(s) from which the project is visible (if applicable). Cite source(s) of information.*

- b. If yes, would the project result in damage to scenic resources? (If yes, skip to Eligibility Conclusion.)

Yes  No

*Describe scenic resources and potential damage (if applicable). Cite source(s) of information.*

4. Is the project located on a site included on any list compiled pursuant to Government Code § 65962.5 (Cortese List)? (If yes, skip to Eligibility Conclusion.)

Yes  No

*Describe the type of hazardous site (if applicable). Cite the source(s) of information.*

- 5. Would the project result in a substantial adverse change in the significance of a historic resource?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*List the historic resource(s) potentially affected and describe the potential effects (if applicable). Cite source(s) of information.*
- 6. Is there evidence of the potential for the project to contribute to a significant cumulative impact?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*Describe the potential cumulative impact(s) and evidence (if applicable). Cite source(s) of information.*
- 7. Is there evidence of a reasonable possibility of a significant environmental impact due to unusual circumstances?** (If yes, skip to Eligibility Conclusion.)  Yes  No  
*Describe the potential impact(s), circumstances, and evidence (if applicable). Cite source(s) of information.*
- 8. Would the project impact an environmental resource of hazardous or critical concern?**  Yes  No  
*Provide details, if needed. Cite source(s) of information.*
- Class 11 Eligibility Conclusion:**  Yes  No  
*State conclusions regarding project/project element(s) eligibility and cite evidence from above that supports the conclusions. See example conclusions in attached instructions.*