

# Appendix C

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## Cannabis Program Environmental Checklist

# HOW TO USE THIS TEMPLATE

1. This template includes all mitigation measures that were adopted with the approval of the Trinity County Cannabis Program (Cannabis Program). As noted in item (3) below, not all mitigation measures will apply to all later applications or activities under the Cannabis Program.
2. Reports and technical studies may be provided by the applicant, depending on project-specific requirements. Below is a listing of the technical analysis/document requirements of the state cannabis regulations associated with licensing and operation.
  - a. California Department of Food and Agriculture: cannabis cultivation (known as CalCannabis Cultivation Licensing) and management of the track and trace program to record the inventory and movement of cannabis and cannabis products through the commercial cannabis supply chain (California Code of Regulations [CCR] Title 3, Division 8 [Cannabis Cultivation])
  - b. California Bureau of Cannabis Control (BCC): permitting of distributors, retailers, testing laboratories, and microbusinesses (CCR Title 42)
  - c. California Department of Public Health, Manufactured Cannabis Safety Branch: permitting of manufacturers of cannabis products (CCR Title 17, Chapter 13)
  - d. State Water Resources Control Board (SWRCB): water quality controls and instream flow requirements for cannabis cultivation (SWRCB Order WQ 2019-0001-DWQ)
3. This template assumes that the project would be consistent with the Cannabis Program. If the project provides greater intensities or different types of land uses than were anticipated in the Cannabis Program, additional analysis may be needed to confirm whether the findings of the EIR are still valid.
4. Please confirm that the circumstances have not changed. If the circumstances have changed since the Cannabis Program EIR was certified, describe the change in circumstances, and how the change in circumstances does/does not result in a new significant impact or substantially more severe impact than addressed in the EIR. This template includes changes in circumstances which were described and found not to result in a new or more substantially more severe impact. These are good examples of change in circumstances or new analysis that has been completed. If there are additional regulations, new project-level analysis, or other information, it should be summarized and analyzed to ensure that these would not present a significant changed condition.
5. There is text **highlighted in yellow** where project-specific analysis is required. The text provided is an example of how the analysis should be completed.
6. Instructions regarding what a section should include are **bolded, underlined, and highlighted in green.** Where it makes sense, a comment bubble containing specific instructions may also be included.
7. In general, if text is not highlighted, it means that this text may not need to be updated. However, if circumstances have changed since the EIR was certified, additional analysis may need to be added to describe the change in circumstances and confirm that the findings of the EIR are still valid.



**Title of Project**

**Environmental Checklist**

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**Month Year**



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## LIST OF ABBREVIATIONS

°C	degrees Celsius
°F	degrees Fahrenheit
AB 32	California Global Warming Solutions Act of 2006
APE	Area of Potential Effects
ATCMs	air toxic control measures
BMPs	best management practices
CAA	federal Clean Air Act
CAAQS	California Ambient Air Quality Standard
CARB	California Air Resources Board
CDFA	California Department of Food and Agriculture
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CH <sub>4</sub>	methane
CNELs	community noise equivalent levels
CNG	compressed natural gas
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
CO <sub>2</sub> e	CO <sub>2</sub> -equivalent
dB	decibels
diesel PM	diesel particulate matter
EIR	Environmental Impact Report
EPA	U.S. Environmental Protection Agency
GHG	greenhouse gas
GWP	global warming potential
HFCs	hydrofluorocarbons
HVAC	heating, ventilation, and air conditioning
IPCC	Intergovernmental Panel on Climate Change
L <sub>dn</sub>	day-night average noise level
MMT	million metric tons
N <sub>2</sub> O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NHTSA	National Highway Traffic Safety Administration
NOA	naturally occurring asbestos



NO <sub>x</sub>	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRC	National Research Council
PFCs	perfluorocarbons
PHPS	Preliminary Historic Properties Synthesis
PM <sub>10</sub>	particulate matter with an aerodynamic diameter of 10 micrometers or less
PM <sub>2.5</sub>	particulate matter with an aerodynamic diameter of 2.5 micrometers or less
PPV	peak particle velocity
RECs	recognized environmental conditions
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SENL	single event noise level
SF <sub>6</sub>	sulfur hexafluoride
SHPO	State Historic Preservation Officer
SWPPP	storm water pollution prevention plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
TCE	trichloroethene
TRUs	transport refrigeration units
VdB	vibration decibels
VOC	volatile organic compound

# 1 INTRODUCTION AND PROJECT HISTORY

In 2020, the Trinity County Board of Supervisors approved the Trinity County Cannabis Program (Cannabis Program) to regulate commercial cannabis operations in the unincorporated area of the county. The County prepared an Environmental Impact Report (EIR) (State Clearinghouse No. 2018122049) for the Cannabis Program that evaluated the environmental impacts associated with commercial cannabis operations based on the assumptions in the Cannabis Program.

**Include a short summary of the project which includes the general location of the project site in relation to the Cannabis Program and the actions that would be taken as part of the project. See below for an example.**

The proposed New Cultivation Project (project) is located in the unincorporated portion of Trinity County. The project site is zoned as Agricultural. The project would develop 10,000 square feet (sf) of new outdoor cannabis cultivation and construction of associated support buildings totaling XXX sf. Water for the project would be provided from an onsite well. An onsite septic system would serve the project's wastewater needs. Access to the project site would be via a private road.

The EIR was prepared at the program "first-tier" level of environmental review consistent with the requirements of California Environmental Quality Act (CEQA) Sections 15152 and 15168. The program-level analysis considered the broad environmental impacts of the overall Cannabis Program. The EIR acknowledged that subsequent projects/actions under the Cannabis Program would occur in multiple years and locations. As those projects/actions are proposed, such as the project, they are being evaluated to determine whether the entitlements/actions proposed fall within the scope of the approved EIR and incorporate all applicable performance standards and mitigation measures identified therein. Should the subsequent projects/actions not be consistent with the approved Cannabis Program, additional environmental review through the subsequent review provisions of CEQA for changes to previously-reviewed and approved projects may be warranted (CEQA Guidelines Sections 15162 through 15164).

Consistent with the process described, the County is evaluating the project application to determine what type of additional environmental review would be required. This environmental checklist has been prepared to determine whether the environmental impacts of the project are within the scope of the Cannabis Program EIR, or if changed environmental conditions that are of sufficient magnitude result in new or substantially more severe environmental impacts, as compared to those considered in the Cannabis Program EIR. This analysis also considers whether there is new information of substantial importance showing that new or substantially more severe environmental impacts would occur compared to that evaluated in the Cannabis Program EIR.

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## 2 PROJECT DESCRIPTION

### 2.1 PROJECT OVERVIEW

**Include a short description of the project. You may use the same text as in the "Introduction and Project History"**

The project would ...

The project is consistent with the Cannabis Program. The project would require [ENTITLEMENT] approval by the Trinity County [Planning Commission or Board of Supervisors]. Please confirm that this is true for your project. If this remains true, then no additional changes to this text are needed.

### 2.2 PROJECT LOCATION

The project site is located..

### 2.3 EXISTING SETTING

**Describe the setting, including parcel size, zoning, existing site conditions, surrounding land uses, etc.**

### 2.4 PROJECT OBJECTIVES

The objectives of the Cannabis Program, based on County Resolution No. 2016-077, "A Resolution of the Board of Supervisors of the County of Trinity Adopting Four Principles on Local Regulation of Cannabis," are to:

- ▶ regulate cannabis operations in a manner that ensures that the county is a safe place for all residents to live and work,
- ▶ protect the county's quality of life and natural environment,
- ▶ ensure that cannabis operations avoid environmental damage and detrimental impacts on communities and neighborhoods,
- ▶ regulate cannabis operations to protect the county's reputation as a tourist destination, and
- ▶ align the County's commercial cannabis regulations with state requirements.

### 2.5 PROJECT ELEMENTS

The project includes ...

### 2.6 REQUIRED ACTIONS

**Please confirm the actions that would be needed. If other agency approvals are needed, please list them here as well. Example below:**

The project would require the following actions by the County. No other agency actions would be required.

- ▶ Use Permit approval by Planning Commission
- ▶ Improvement plan approval
- ▶ Issuance of building permits



# 3 ENVIRONMENTAL CHECKLIST FOR SUPPLEMENTAL ENVIRONMENTAL REVIEW

## 3.1 EXPLANATION OF CHECKLIST EVALUATION CATEGORIES

The purpose of this checklist is to evaluate the categories in terms of any “changed condition” (i.e., changed circumstances, project changes, or new information of substantial importance) that may result in environmental impact significance conclusions different from those found in the Cannabis Program EIR. The row titles of the checklist include the full range of environmental topics, as presented in Appendix G of the State CEQA Guidelines. The column titles of the checklist have been modified from the Appendix G presentation to help answer the questions to be addressed pursuant to CEQA Section 21166 and State CEQA Guidelines Section 15162. A “no” answer does not necessarily mean that there are no potential impacts relative to the environmental category, but that there is no change in the condition or status of the impact because it was analyzed and addressed with mitigation measures in the Cannabis Program EIR. For instance, the environmental categories might be answered with a “no” in the checklist because the impacts associated with the project were adequately addressed in the Cannabis Program EIR, and the environmental impact significance conclusions of the Cannabis Program EIR remain applicable. The purpose of each column of the checklist is described below.

### Where Impact Was Analyzed

This column provides a cross-reference to the pages of the Cannabis Program Draft and Final EIR where information and analysis may be found relative to the environmental issue listed under each topic.

### Do Proposed Changes Involve New Significant Impacts?

The significance of the environmental impacts of the project-specific features not considered in the Cannabis Program and its EIR (i.e., off-site intersection improvement), is indicated in the columns to the right of the environmental issues.

### Any New Circumstances Involving New or Substantially More Severe Significant Impacts?

Pursuant to Section 15162(a)(2) of the CEQA Guidelines, this column indicates whether there have been changes to the project site or the vicinity (circumstances under which the project is undertaken) that have occurred subsequent to the prior environmental documents, which would result in the current project having new significant environmental impacts that were not considered in the prior environmental documents or having substantial increases in the severity of previously identified significant impacts.

### Any New Information Requiring New Analysis or Verification?

Pursuant to Section 15162(a)(3)(A-D) of the CEQA Guidelines, this column indicates whether new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental documents were certified as complete is available, requiring an update to the analysis of the previous environmental documents to verify that the environmental conclusions and mitigation measures remain valid. If the new information shows that: (A) the project will have one or more significant effects not discussed in the prior environmental documents; or (B) that significant effects previously examined will be substantially more severe than shown in the prior environmental documents; or (C) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects or the project, but the project proponents decline to adopt the Mitigation Measure or alternative; or (D) that mitigation measures or alternatives which are considerably different from those analyzed in the prior environmental documents would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the Mitigation Measure or alternative, the question would be answered “yes” requiring the preparation of a subsequent EIR or supplement to the EIR. However, if the additional analysis completed as part of this Environmental Checklist Review finds that the conclusions of the prior environmental documents remain the same and no new significant

impacts are identified, or identified significant environmental impacts are not found to be substantially more severe, the question would be answered “no” and no additional EIR documentation (supplement to the EIR or subsequent EIR) would be required.

Notably, where the only basis for preparing a subsequent EIR or a supplement to an EIR is a new significant impact or a substantial increase in the severity of a previously identified impact, the need for the new EIR can be avoided if the project applicant agrees to one or more mitigation measures that can reduce the significant effect(s) at issue to less than significant levels. (See *River Valley Preservation Project v. Metropolitan Transit Development Board* (1995) 37 Cal.App.4th 154, 168.)

### **Do Prior Environmental Documents Mitigations Address/Resolve Impacts?**

This column indicates whether the prior environmental documents and adopted CEQA Findings provide mitigation measures to address effects in the related impact category. In some cases, the mitigation measures have already been implemented. A “yes” response will be provided in either instance. If “NA” is indicated, this Environmental Checklist Review concludes that there was no impact, or the impact was less-than-significant and, therefore, no mitigation measures are needed.

## **3.2 DISCUSSION AND MITIGATION SECTIONS**

### **Discussion**

A discussion of the elements of the checklist is provided under each environmental category to clarify the answers. The discussion provides information about the particular environmental issue, how the project relates to the issue, and the status of any mitigation that may be required or that has already been implemented.

### **Mitigation Measures**

Applicable mitigation measures from the prior environmental review that would apply to the project are listed under each environmental category. New mitigation measures are included, if needed.

### **Conclusions**

A discussion of the conclusion relating to the need for additional environmental documentation is contained in each section.

### **Acronyms Used in Checklist Tables**

Acronyms used in the Environmental Checklist tables and discussions include:

EIR	Environmental Impact Report
MM	Mitigation Measure
NA	not applicable

# 4 ENVIRONMENTAL CHECKLIST

## 4.1 AESTHETICS

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Do Any New Circumstances Involve New or Substantially More Severe Significant Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>1. Aesthetics. Would the project:</b>				
a. Have a substantial adverse effect on a scenic vista?	Draft EIR Setting pp. 3.1-1 to 3.1-6 Impact 3.1-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Draft EIR Setting pp. 3.1-1 to 3.1-6 Impact 3.1-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Draft EIR Setting pp. 3.1-1 to 3.1-6 Impact 3.1-2	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Draft EIR Setting pp. 3.1-1 to 3.1-6 Impact 3.1-3	No	No	NA, impact remains less than significant

### 4.1.1 Discussion

No substantial change in the environmental and regulatory settings related to aesthetics, described in the Cannabis Program Draft EIR Section 3.1, "Aesthetics," has occurred since certification of the EIR.

#### a) Have a substantial adverse effect on a scenic vista?

As identified in Impact 3.1-1 of the Cannabis Program EIR, scenic vistas and resources in Trinity County include public views of mountains, natural forests, and rivers and other waterways. Potential visual effects associated with commercial cannabis operations under the Cannabis Program would generally include those related to the establishment of cultivation areas, structures used for processing/drying and storing cannabis, and on-site nurseries, as well as construction of solid fencing around the perimeter of the cultivation areas. Noncultivation cannabis operations (e.g., manufacturing, distribution, non-storefront retail, and microbusiness) include construction of new structures or reuse of existing structures within existing rural communities. Buildings associated with new noncultivation cannabis operations would appear visually similar to those associated with existing noncultivation



cannabis operations. Although the visual quality of cannabis cultivation is not substantially different from that of other row crops or greenhouse cultivation of vegetables when located in areas of existing agricultural operation, cultivation that occurs in forested areas and livestock grazing areas is more visually prominent because the operation is visually dissimilar and it often alters the character of the view.

The Draft EIR acknowledged that there are approximately 113 acres of existing licensed cultivation site development (defined as "Designated Area" under the Cannabis Program) and 10 distribution facilities in the county. These sites are required to renew their licenses annually under the Cannabis Program. Some existing licensed cultivation sites are located along SR 3 and SR 299. Field review as part of the Draft EIR identified that some existing cultivation sites are visible from these highways. Cultivation sites within the forested portion of SR 3 were highly visible because the clearing of the site, planting of cannabis, structures, water storage facilities, and debris piles contrasted with the surrounding forested condition. Other cultivation sites were visible because of the use of black tarp as part of the perimeter fencing, which is visually disharmonious with the surrounding natural or rural visual character. Although these sites are part of the existing visual conditions along these scenic corridors, continued operation of these cultivation sites may further affect public scenic views from expansion of operations through the proposed amendment to expand the Designated Area for cultivation activities (land clearing, storage facilities, nurseries, extension of electrical facilities, and other related uses) from 200 percent of the licensed cannabis canopy area to 250 percent.

New cannabis cultivation operations could be located in areas similar to existing licensed sites, further altering scenic resources and viewsheds in the county through site clearing; construction of structures, fencing, roadways, water storage facilities, and infrastructure improvements for electricity and drainage; and other activities. This impact would be most prominent for forested cultivation sites visible from SR 3 and SR 299. This could also occur along other County-designated scenic roadways. New licensed cultivation would reduce visual impacts on county waterways through compliance with setback and avoidance requirements of the State Water Resources Control Board. The reader is referred to Section 3.10, "Hydrology and Water Quality," for further information on these requirements.

The impacts related to cannabis cultivation are potentially significant impact, but would be mitigated through implementation of adopted Mitigation Measures 3.1-1a, 3.1-1b, and 3.1-1c that were incorporated into the Cannabis Program. Implementation of adopted Mitigation Measure 3.1-1a would address impacts on scenic views and scenic resources by requiring the screening of new cultivation sites and the establishment of screening features at existing cultivation sites, ensuring that these features do not dominate the scenic view. Adopted Mitigation Measure 3.1-1b and 3.1-1c would require that the cultivation parcel site conditions be maintained clean of trash and debris piles and that fencing blend with the surrounding conditions of the parcel. Therefore, the impact related to cannabis cultivation would be less than significant.

Implementation of the Cannabis Program would provide for noncultivation operations that would consist of manufacturing, microbusiness, non-storefront retail, testing, and distribution. These uses, which would be located in buildings ranging in size from 1,000 square feet to 2,800 square feet, are anticipated to be located in the communities of Douglas City, Hayfork, Junction City, and Weaverville. This development would be similar in scale and appearance to existing development in these communities and would be required to meet design policies and standards set forth in the Trinity County General Plan, Hayfork Community Plan, and County Code of Ordinances. Thus, the impact from noncultivation cannabis operations would be less than significant.

The project is subject to compliance with adopted Mitigation Measures 3.1-1a, 3.1-1b, and 3.1-1c. No changes to the scenic resources of the site has occurred since approval of the Cannabis Program. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

See discussion under item a) above.

**c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

Impact 3.1-2 of the Cannabis Program EIR describes the scenic resources in Trinity County, including mountains, forests and wilderness areas, rivers and other waterways, rural communities, and designated scenic roadways that create unique visual character conditions in each region and community of the county. Potential visual effects associated with commercial cannabis operations under the Cannabis Program would generally include those related to the establishment of cultivation areas, structures used for processing/drying and storing cannabis, and on-site nurseries, as well as construction of solid fencing around the perimeter of the cultivation areas. Noncultivation cannabis operations (e.g., manufacturing, distribution, non-storefront retail, and microbusiness) include construction of new structures or reuse of existing structures within rural communities. These features have the potential to alter the local visual character of a region or community in the county.

The Draft EIR identified existing licensed cultivation sites located along the state highway corridors and within or near the county's rural communities. In some unforested portions of the county, the visual character of cannabis cultivation is not substantially different from that of other existing agricultural operations. However, cultivation that occurs in forested areas, in livestock grazing areas, and near rural communities is more visually prominent and often conflicts with the visual character of the surrounding area. This is typically a result of clearing on-site trees and vegetation, establishment of cannabis planters or hoop houses for mixed-light cultivation, grading to establish benches for cultivation sites, construction of solid perimeter fencing, and the establishment of trash and debris piles. Implementation of the Cannabis Program could further expand this existing visual condition through the proposed amendment to expand the Designated Area for cultivation activities (land clearing, storage facilities, nurseries, and other related uses) from 200 percent of the licensed cannabis canopy area to 250 percent.

Implementation of the Cannabis Program would allow the construction and operation of new cannabis cultivation development activity in the county, which could expand the visual character impacts identified above for existing licensed commercial cannabis operations. These visual character impacts would occur through site clearing; construction of structures, fencing, roadways, water storage facilities, and infrastructure improvements for electricity and drainage; and other activities. Therefore, the impact associated with implementation of the Cannabis Program related to new cannabis cultivation would be potentially significant.

Implementation of adopted Mitigation Measure 3.1-1a, as required by Mitigation Measure 3.1-2, would address visual character impacts by requiring the screening of new cultivation sites and the establishment of screening features at existing cultivation sites to ensure that these features do not dominate the scenic view. Screening features would be consistent with surrounding natural features to avoid the appearance of excessive land clearing. Adopted Mitigation Measures 3.1-1b and 3.1-1c, as required by adopted Mitigation Measure 3.1-2, would require that the cultivation parcel site conditions be maintained clean of trash and debris piles and that fencing blend with the surrounding conditions of the parcel. This would address new cultivation visual character impacts as well improve existing visual character conditions. Therefore, the impact would be less than significant.

As discussed for Impact 3.1-1, implementation of the Cannabis Program would also provide for noncultivation operations that would consist of manufacturing, microbusiness, non-storefront retail, testing, and distribution. These uses are anticipated to be located in the communities of Douglas City, Hayfork, Junction City, and Weaverville. This development would be similar in scale and appearance to existing development in these communities and would be required to meet design policies and standards set forth in the Trinity County General Plan, Hayfork Community Plan, and County Code of Ordinances. Thus, the impact from noncultivation cannabis operations would be less than significant.

As noted above, the project would be consistent with the Cannabis Program. The project's land uses are consistent with the Cannabis Program standards for the proposed use and the project is subject to Cannabis Program policies and guidelines for design. Project buildings and structures would be below the maximum allowed height for the

zone. No changes to the visual character of the site or surrounding areas have occurred since approval of the Cannabis Program and certification of its EIR. The proposed project would be consistent with zoning and design requirements for the site, as well as the requirements of adopted Mitigation Measures 3.1-1a, 3.1-1b, and 3.1-1c. Therefore, no new significant impacts or substantially more severe impacts would occur, and the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

As identified in Impact 3.1-3, cannabis operations and cultivation are known to use light sources for cultivation of the cannabis plant (nurseries, mixed-light cultivation, and indoor cultivation) in addition to nighttime lighting associated with security. If not adequately controlled, these light sources can create substantial light and glare impacts, adversely affecting neighboring land uses and wildlife.

Mixed-light and indoor cultivation operations use lighting to extend the photoperiod for the cannabis plants. Such lighting may create a nuisance to adjacent and nearby properties, residences, and/or motorists traveling on nearby roadways. Artificial night lighting used for cannabis cultivation operations could result in adverse ecological effects on terrestrial and aquatic resources. Security lighting could affect nighttime views or disturb neighboring residents. The degree to which such lighting would have adverse impacts on sensitive receptors would vary among proposed cultivation sites. Lighting used for cultivation purposes could create additional ambient lighting within the area and be intrusive to neighboring residents. Depending on the location of lighting for outdoor and/or mixed-light cultivation, spillover of lighting could occur to varying degrees and result in additional light and glare at off-site locations, including nearby residences.

Some mixed-light cultivation operations use hoop houses, or nonpermanent structures supported with PVC pipes draped with opaque plastic sheeting. Nurseries may also use nighttime lighting to manipulate growth. At night, for mixed-light cultivation to take place, lights are placed over the plants to trigger plant flowering and produce more harvests. With lights on in the hoop houses at night, the structures emit a glow of light and are illuminated. The hoop houses and associated light have the potential to be visible from roadways, hillsides, and neighboring residences and be viewed as out of character with the rural uses in the area.

The Cannabis Program includes the following requirements that ensure nighttime lighting and glare impacts are avoided:

- ▶ All lighting associated with the operation shall be downcast, shielded and/or screened to keep light from emanating off-site or into the sky (Section 315-843[6][l]).
- ▶ Those cultivations using artificial lighting from mixed-light cultivations shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise (Section 315-843[6][m]).

These performance standards are consistent with CCR Sections 8304(c) and 8304(g) regarding state licensing requirements for cultivation. Implementation of these performance standards would ensure that potential light and glare impacts are reduced to a level that would be less than significant for the Cannabis Program under project and cumulative conditions.

No changes in the proposed nighttime lighting conditions for the project site have occurred since approval of the Cannabis Program. Therefore, no new significant impacts or substantially more severe impacts would occur. The project would be consistent with the nighttime lighting and glare performance standards identified above and would not be a substantial new source of lighting. The findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**Mitigation Measures**

The following mitigation measures were referenced in the Cannabis Program EIR analysis and would be implemented if the project were approved. **Note, not all mitigation measures may apply to each project.**

▶ Mitigation Measure 3.1-1a: Screen Cultivation Sites from County Scenic Roadways

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

- License applications for new cultivation sites and requests for license renewal for sites located within 0.5 mile of a County-designated scenic roadway will provide details on methods to screen the cultivation site from public views along the scenic roadway so that the developed site conditions blends with the existing visual character of the viewshed and does not dominate the view. Screening may be accomplished through retention of perimeter trees and other vegetation, revegetation with locally appropriate native vegetation as part of site modification or closure, or other methods determined acceptable to the County. This requirement will not apply to cultivation sites that demonstrate the site is not visible from the scenic roadway. Due to the topography of specific sites, a fence may not be adequate to screen a cultivation site from the roadway. For these sites, perimeter trees and other vegetation shall be used.

▶ Mitigation Measure 3.1-1b: Maintain Cultivation Parcel

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

- License applications for new cultivation sites and requests for license renewal will maintain the parcel clear of trash and debris piles. No trash or debris, including abandoned cars, various woody materials, plastic tarps, cannabis waste, or household appliances, will be allowed to accumulate on the parcel for a period greater than two weeks for the life of the license. The County will inspect compliance with this measure prior to license renewal.

▶ Mitigation Measure 3.1-1c: Fence Cultivation Site

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

- Covered and solid fencing shall be designed to blend with the surrounding rural or natural conditions of the parcel and will be maintained in good working condition. If topography prevents fencing from being adequate screening, a vegetative fence will be maintained in good condition to comply with screening requirements. The County will inspect compliance with this measure prior to license renewal.

▶ Mitigation Measure 3.1.2: Implement Mitigation Measures 3.1-1a, 3.1-b, and 3.1-1c

## CONCLUSION

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Therefore, the conclusions of the Cannabis Program EIR remain valid and approval of the project would not result in new or substantially more severe significant impacts to aesthetics.

## 4.2 AGRICULTURE AND FORESTRY RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>2. Agriculture and Forestry Resources. Would the project:</b>				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	Draft EIR Setting pp. 3.2-1 to 3.2-8 Impact 3.2-1	No	No	NA, remains no impact
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	Draft EIR Setting pp. 3.2-1 to 3.2-8 Impact 3.2-1	No	No	NA, remains no impact
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	Draft EIR Setting pp. 3.2-1 to 3.2-8 Impact 3.2-2	No	No	NA, remains less than significant
d. Result in the loss of forest land or conversion of forest land to non-forest land?	Draft EIR Setting pp. 3.2-1 to 3.2-8 Impact 3.2-2	No	No	NA, remains less than significant
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	Draft EIR Setting pp. 3.2-1 to 3.2-8 Impacts 3.2-1 and 3.2-2	No	No	NA, remains no impact

### 4.2.1 Discussion and Conclusion

No substantial change in the environmental and regulatory settings related to agriculture and forestry resources, described in the Cannabis Program Draft EIR Section 3.2, "Agriculture and Forestry Resources," has occurred since certification of the EIR.

**a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

Impact 3.2-1 of the Cannabis Program EIR noted that Farmland (Prime Farmland, Unique Farmland, and Farmland of Statewide Importance) has not been mapped by the state for Trinity County. Cannabis is defined by the state (Health and Safety Code Section 11362.777[a] and Business and Professions Code Section 26067[a]) as an agricultural product; therefore, cultivation activities in agricultural areas would not result in conversion to a nonagricultural use.

The project is not located on Farmland as identified in maps prepared pursuant to the Farmland Mapping and Monitoring Program. No conversion of Farmland would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

See discussion under item a) above.

**c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

Impact 3.2-2 of the Cannabis Program EIR noted that forest land represents approximately 83 percent of the county (1.7 million acres). Implementation of the Cannabis Program would result in new or expanded commercial cannabis cultivation activities throughout the unincorporated county. Licensed commercial cannabis operations under the Cannabis Program would be generally excluded from lands zoned TPZ (326,168 acres), as well as public lands, including the Shasta-Trinity, Six Rivers, and Mendocino National Forests and four wilderness areas (Yolla Bolly-Middle Eel, Trinity Alps, Chancelulla, and North Fork) that encompass 2,051,988 acres for a grand total of 2,378,156 acres of the county's total land area. These protected areas make up most of the forest conditions in the county.

CAL FIRE provides exemptions for timberland conversions for conversions of 3 acres or less of timberland for cultivation sites. Applicants are required to comply with these regulations and show the County the application for exemption with CAL FIRE. If the CAL FIRE 3-acre-or-less exemption is accepted, the County would not allow for clearing land greater than the designated area if the intent of the clearing is to cultivate cannabis. If a cannabis cultivation applicant requests County approval on a less than 3-Acre conversion exemption, the County requests documentation from the applicant demonstrating that the conversion from timber land is to another legal use and is subject to the following:

- ▶ The applicant must be enrolled in the County's commercial cannabis program.
- ▶ The applicant must submit a site plan that indicates the square footage that will be converted to commercial cannabis use and the additional acreage that will be converted for any other bona fide intent.
- ▶ The site plan for the proposed conversion must reflect the information provided on the site plan submitted for the commercial cannabis cultivation license.
- ▶ The County will not approve any conversion to commercial cannabis that is greater than the Designated Area associated with the approved commercial cannabis license issued for the subject site.
- ▶ The County will not approve any conversion including a stated bone fide intent for cannabis cultivation without receiving verification from the State Water Resources Control Board that the applicant is enrolled, and in compliance with, the State Water Resources Control Board Cannabis Cultivation General Order
- ▶ County site inspectors will do a post-harvest inspection to verify that the area converted to commercial cannabis cultivation use is consistent with the site plan submitted with the less than 3-acre conversion exemption and what is currently on file with the commercial cannabis license. Site development must reflect the same information as what is provided on the site plan for the approved commercial cannabis cultivation license.
- ▶ In the case that Trinity County Planning Department inspectors or staff determine that the post-harvest area converted to commercial cannabis cultivation does not match the site plan or the bona fide intention listed on the exemption does not match on-the-ground conditions, the applicant's enrollment in the commercial cannabis program will be suspended and remediation of any areas harvested in excess of what was originally identified for conversion will be remediated.
- ▶ Unless identified in a less than 3-acre conversion exemption with the bona fide intent of commercial cannabis, areas converted under a less than 3-acre conversion exemption for any other bona fide intent are ineligible for commercial cannabis cultivation for 2 years from completion of the conversion

Several existing licensed commercial cannabis cultivation operations have already cleared on-site forest conditions as part of site preparation and are part of the baseline conditions of the county. However, the proposed amendment to Section 315-843(1)(i) provisions to increase the Designated Area (land area used to support the cultivation operation)

from 200 percent to 250 percent of the licensed cannabis canopy area would allow existing cultivation sites to expand and clear additional forest on-site. This would further fragment forest conditions in areas where cannabis cultivation occurs. Biological resource impacts related to the loss of forest habitat are addressed in Section 3.4, "Biological Resources." As noted above, the majority of forest conditions in the county are protected from licensed cannabis activities under the Cannabis Program.

New licensed commercial cannabis operations could result in additional loss of forest lands. As identified in Cannabis Program Draft EIR Table 2-3, the Designated Areas of all new licensed cannabis cultivation operations could remove up to 246.16 acres of forest land (assuming it is all located on forested sites) within the same areas of the county where cultivation currently occurs. This would result in loss of 0.014 percent of the county's total forest land acreage and is therefore not considered a substantial loss by the County. As noted above, the majority of forestland areas in the county are protected from licensed cannabis activities under the Cannabis Program because they consist of public lands and areas zoned TPZ where new cannabis uses are prohibited. Thus, this impact would be less than significant.

The project is not located on forest lands and would not result in the conversion of forest land to non-forest uses. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**d) Result in the loss of forest land or conversion of forest land to non-forest land?**

See discussion under item c) above.

**e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

See discussions under items a) and c) above.

**Mitigation Measures**

No mitigation is required.

**CONCLUSION**

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Therefore, the conclusions of the Cannabis Program EIR remain valid and approval of the project would not result in new or substantially more severe significant impacts to agriculture or forestry resources.

### 4.3 AIR QUALITY

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>3. Air Quality. Would the project:</b>				
Are significance criteria established by the applicable air district available to rely on for significance determinations? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>				
a. Conflict with or obstruct implementation of the applicable air quality plan?	Draft EIR Setting pp. 3.3-1 to 3.3-11 Impacts 3.3-1 and 3.3-2	No.	No	Yes, but impact remains significant and unavoidable
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	Draft EIR Setting pp. 3.3-1 to 3.3-11 Impacts 3.3-1 and 3.3-2	No.	No	Yes, but impact remains significant and unavoidable
c. Expose sensitive receptors to substantial pollutant concentrations?	Draft EIR Setting pp. 3.3-1 to 3.3-11	No.	No	NA, remains no impact
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Draft EIR Setting pp. 3.3-1 to 3.3-11 Impacts 3.3-3	No.	Yes	Yes, but impact remains significant and unavoidable

#### 4.3.1 Discussion

No substantial change in the environmental and regulatory settings related to Air Quality, described in Cannabis Program Draft EIR Section 3.3, "Air Quality," has occurred since certification of the EIR.

##### a) Conflict with or obstruct implementation of the applicable air quality plan?

As noted on Cannabis Program Draft EIR page 3.3-5, the North Coast Unified Air Quality Management District (NCUAQMD) is the primary agency responsible for planning to meet the national ambient air quality standards (NAAQS) and California ambient air quality standards (CAAQS) in Humboldt, Del Norte, and Trinity Counties' portions of the North Coast Air Basin (NCAB). NCUAQMD works to maintain the NAAQS and CAAQS for all criteria air pollutants. NCUAQMD attains and maintains air quality conditions in its jurisdiction through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean air strategy of the NCUAQMD includes preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, and issuing permits for stationary sources of air pollution.

Impact 3.3-1 of the Cannabis Program Draft EIR evaluated construction-generated emissions of criteria air pollutants and precursors and noted that construction-generated emissions from later projects under the Cannabis Program could exceed NCUAQMD-recommended maximum daily emission threshold for NO<sub>x</sub> and annual mass emission threshold for PM<sub>10</sub>. Because the NCAB is in nonattainment for PM<sub>10</sub>, construction of new facilities licensed under the Cannabis Program would contribute substantially to an existing or projected air quality violation, could expose sensitive receptors to substantial pollutant concentrations, and could conflict with air quality planning efforts in Trinity County and the NCAB. This impact would be significant.



Implementation of adopted Mitigation Measures 3.3-1a, 3.3-1b, and 3.3-1c would reduce construction-generated emissions by requiring performance standards prohibiting the burning of vegetation, requiring construction equipment to meet EPA standards, requiring dust control measures, and the use of renewable diesel fuel in construction equipment. Implementation of adopted Mitigation Measure 3.3-1a would reduce PM emissions associated with burning vegetation. Although implementation of adopted Mitigation Measures 3.3-1a, 3.3-1b, and 3.3-1c would reduce NO<sub>x</sub> and PM<sub>10</sub> emissions associated with construction activities, it would not reduce the Cannabis Program's PM<sub>10</sub> emissions below the NCUAQMD threshold. Daily NO<sub>x</sub> and annual PM<sub>10</sub> emissions would remain above the respective thresholds. Because there is no other feasible mitigation available, this impact would be significant and unavoidable.

Impact 3.3-2 of the Cannabis Program Draft EIR evaluated long-term operational emissions and noted that Operation of existing licensed commercial cannabis cultivation and distribution uses in Trinity County generates daily emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> and annual emissions of PM<sub>10</sub> that exceed applicable NCUAQMD mass emission thresholds. Operation of new commercial cannabis cultivation and noncultivation operations would generate emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> that exceed applicable daily and annual mass emission thresholds established by NCUAQMD. Thus, operational emissions of ozone precursors (i.e., ROG and NO<sub>x</sub>) and of PM<sub>2.5</sub> could conflict with NCUAQMD's efforts to maintain the CAAQS and NAAQS for ozone and PM<sub>2.5</sub>. Given that the NCAB is designated as nonattainment with respect to the CAAQS for PM<sub>10</sub>, implementation of the Cannabis Program could contribute to an existing or projected air quality violation. This impact would be significant.

Implementation of adopted Mitigation Measures 3.3-2a and 3.3-2b would reduce operational emissions by limiting the use of fossil fuel-powered equipment and requiring the use of low emission diesel back-up generators. Implementation of Mitigation Measure 3.3-2a would result in the reduction of criteria air pollutants and precursors associated with the use of an on-site utility vehicle by replacing a fossil fuel-powered vehicle with one that is electric at outdoor and mixed-light cultivation sites and all noncultivation sites. Implementation of these measures would result in the reduction of emissions associated with new and existing licensed cultivation and noncultivation sites and back-up diesel generators at mixed-light cultivation sites. However, the County considered but rejected as infeasible measures to reduce air pollutant emissions. Therefore, this impact would be significant and unavoidable.

**b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?**

The NCAB is designated nonattainment with respect to the CAAQS for PM<sub>10</sub> and is designated as attainment for all other CAAQS and NAAQS for criteria air pollutants (NCUAQMD n.d.). However, as noted on Cannabis Program Draft EIR page 3.3-14, Trinity County's portion of the NCAB is in attainment for all criteria air pollutants and precursors. Individual cultivation sites may include back-up diesel generators but would not include new stationary sources that could potentially exceed established emissions limits for ROG, NO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, CO, and SO<sub>2</sub>. As discussed under item a) above, the NCAB is designated as nonattainment with respect to the CAAQS for PM<sub>10</sub> and implementation of the Cannabis Program could contribute to an existing or projected air quality violation. While implementation of adopted Mitigation Measures 3.3-1a, 3.3-1b, 3.3-1c, 3.3-2a, and 3.3-2b would reduce emissions, the impact would remain significant and unavoidable.

As discussed under item (a), above, the project would not exceed NCUAQMD CEQA thresholds for construction or operational emissions. The project's land use and development intensities are consistent with the Cannabis Program and what was assumed in the Cannabis Program Draft EIR air quality analysis in Section 3.3, "Air Quality." Therefore, no new significant impacts or substantially more severe impacts would occur. Construction of the proposed project would generate minor emissions and would not substantially contribute to new emissions. Conditions of approval for the project will require compliance with adopted mitigation measures and NCUAQMD requirements that include restrictions on construction equipment idling time, proper maintenance of construction equipment, and use of low/zero emission construction equipment. The findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

### c) Expose sensitive receptors to substantial pollutant concentrations?

As discussed on pages 3.3-13 and 3.3-14 of the Cannabis Program Draft EIR, issues related to potential CO hot spots and substantial pollutant concentrations was not included in the analysis for the reasons discussed below.

Regarding the potential for CO “hot spots” at local intersections, these types of effects only have the potential to occur at intersections experiencing extremely high volumes of traffic. For instance, the Sacramento Metropolitan Air Quality Management District determined that CO hot spots only have the potential to occur at intersections that experience a traffic volume greater than 31,600 vehicles per hour (SMAQMD 2016:4-8). Operational activities at individual facilities are not anticipated to generate more than 32 trips per day during the peak harvest period, as explained in Section 3.14, “Transportation/Traffic.” Moreover, the commercial cannabis operations would be generally spread throughout the county. Thus, it is not anticipated that vehicle trips generated by cultivation operations would result in congestion at any intersection that experiences high volumes of vehicles or long wait times. For these reasons, it is not anticipated that the additional trips associated with new cannabis operations would contribute substantially to traffic congestion at affected intersections such that local CO “hot spots” would occur that exceed the CAAQS or NAAQS for CO.

Construction and operation of the permitted cultivation and noncultivation operations may involve the use of diesel-powered equipment that emit diesel PM. However, the amount of construction activity at any single location would not be intensive (i.e., approximately one piece of off-road equipment being used at a time) would be temporary and would not take place at the same site for longer than a few months. Operational activities would not include any major sources of TACs and all operations would be subject to comply with setback distances specified in the Cannabis Program (i.e., a minimum 350-foot buffer between operations and existing residential land uses). Given the minimal construction activities, the lack of major sources of TACs, and the setback requirements, the construction and operation of new cannabis facilities would not expose existing receptors to substantial TAC concentrations and there would be no impact.

No new significant impacts or substantially more severe impacts would occur. The proposed project would not generate a localized CO hazard. Conditions of approval for the project will require compliance with adopted mitigation measures and NCUAQMD requirements. The findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

### d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Impact 3.3-3 of the Cannabis Program Draft EIR evaluated the potential for people to be exposed to objectionable odors from new commercial cultivation and noncultivation sites, as well as existing cultivation. The cultivation and processing of cannabis generates odors associated with the plant itself, which during maturation can produce substantial odors. Setbacks are required under the Cannabis Program; however, they do not preclude the generation of odorous emissions in such quantities as to cause detriment, nuisance, or annoyance to a substantial number of people.

Generally, the larger the size of the canopy area, the greater the potential for odor to be evident to off-site receptors. Many of the potential applicants seeking coverage under the Cannabis Program are seeking to operate outdoor cultivation sites or mixed-light cultivation facilities. Mixed-light cultivation sites could include structures that contain odors associated with cultivation. All cultivation operations would be required to be setback a minimum of 350 feet from adjacent residences such that attendant odors would less likely be detectable by people off-site.

Odors emitted by indoor cultivation and processing activities can be controlled through the use of active carbon filters, biofilters, plasma ion technology, air filters, and other manufactured odor control/masking substances (e.g., gels and sprays designed to mask odors). However, under the Cannabis Program, these types of controls are not required. While the Cannabis Program requires a minimum setback for cultivation sites of 350 feet from adjacent residences; a minimum setback for Type 3 cultivation operations (i.e., greater than 50 acres) of 500 feet from an adjacent property line; 500 feet of an authorized school bus stop; and 1,000 feet from a youth-oriented facility, a school, any church, residential treatment facility; it does not preclude the potential for off-site residential receptors to

be exposed to odors emitted by mature cannabis plants that they find objectionable. As a result, this impact would be significant.

Implementation of adopted Mitigation Measure 3.3-3 would reduce the potential for odor impacts by requiring cannabis sites to develop and implement an odor control plan and including corrective actions for cultivation sites that routinely generate nuisance odor impacts. However, it is possible that nuisance odor impacts would occur occasionally before abatement for outdoor cultivation sites, especially in areas where outdoor cultivation sites are concentrated. There are no feasible mitigation measures for completely avoiding the potential for occasional odor nuisance impacts because there is no reliable method to contain odors on-site under all atmospheric conditions during harvest season. There are no effective mitigation measures to ensure to elimination of cannabis odors at harvest for outdoor cultivation operations in all circumstances. This impact would be significant and unavoidable.

No new significant impacts or substantially more severe impacts would occur. The project involves a new outdoor cultivation. Conditions of approval for the project will require compliance with adopted mitigation measures. The findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

### Mitigation Measures

The following mitigation measures were referenced in the Cannabis Program EIR analysis and would be implemented if the project were approved. **Note, not all mitigation measures may be applicable to each project.**

▶ Mitigation Measure 3.3-1a: Prohibit Burning Vegetation

The following shall be included as a new performance standard in Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis):

- Prohibit the burning of vegetation that has been cleared for cultivation purposes. It should also be noted that Cdfa regulations prohibit the burning of cannabis waste under CCR, Title 3, Division 8, Chapter 1, Section 8308.

▶ Mitigation Measure 3.3-1b: Implement Diesel Engine Exhaust Control Measures and Dust Control

The following shall be included as a new performance standard in Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis); Section 315-842(6) (Required Conditions); Section 315-838(6) (Required Conditions); Section 315-837(3) (Required Conditions); Section 315-835(2) (Regulations); Section 315-824(5) (Required Conditions); Section 315-827(4) (Required Conditions of Use Permit Approval); and Section 315-828(5) (Required Conditions):

- All diesel-powered off-road equipment used in construction shall meet EPA's Tier 4 emission standards as defined in 40 CFR 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models or best available construction equipment can be used if a Tier 4 version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors.
- Construction activities will implement measures to control dust such as:
  - Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
  - Cover all haul trucks transporting soil, sand, or other loose material off-site.
  - Remove all visible mud or dirt track-out onto adjacent roads.
  - Limit all construction vehicle speeds on unpaved roads to 15 miles per hour.

▶ Mitigation Measure 3.3-1c: Use Alternative Fuels

The following shall be included as a new performance standard in Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis); Section 315-842(6) (Required Conditions); Section 315-838(6)

(Required Conditions); Section 315-837(3) (Required Conditions); Section 315-835(2) (Regulations); Section 315-824(5) (Required Conditions); Section 315-827(4) (Required Conditions of Use Permit Approval); and Section 315-828(5) (Required Conditions):

- Renewable diesel (RD) fuel shall be used in diesel-powered construction equipment if commercially available in reasonable proximity. RD fuel must meet the following criteria:
  - meet California’s Low Carbon Fuel Standards and be certified by CARB Executive Officer;
  - be hydrogenation-derived (reaction with hydrogen at high temperatures) from 100 percent biomass material (i.e., non-petroleum sources), such as animal fats and vegetables;
  - contain no fatty acids or functionalized fatty acid esters; and
  - have a chemical structure that is identical to petroleum-based diesel and complies with American Society for Testing and Materials D975 requirements for diesel fuels to ensure compatibility with all existing diesel engines.

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

- ▶ Mitigation Measure 3.3-2a: Limit the Use of Fossil Fuel–Powered Outdoor Power Equipment at All Commercial Cannabis Cultivation and Noncultivation Sites

The following shall be included as a new performance standard in Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis); Section 315-842(6) (Required Conditions); Section 315-838(6) (Required Conditions); Section 315-837(3) (Required Conditions); Section 315-835(2) (Regulations); Section 315-824(5) (Required Conditions); Section 315-827(4) (Required Conditions of Use Permit Approval); and Section 315-828(5) (Required Conditions):

- Limit the use of off-road equipment that is powered by gasoline, diesel, or other fossil fuels where available. This requirement does not apply to generators.
- ▶ Mitigation Measure 3.3-2b: Require Use of Low Emission Diesel Back-Up Generators at All Commercial Cannabis Cultivation and Noncultivation Sites

The following shall be included as a new performance standard in Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis); Section 315-842(6) (Required Conditions); Section 315-838(6) (Required Conditions); Section 315-837(3) (Required Conditions); Section 315-835(2) (Regulations); Section 315-824(5) (Required Conditions); Section 315-827(4) (Required Conditions of Use Permit Approval); and Section 315-828(5) (Required Conditions):

- All generators shall meet EPA’s Tier 4 emission standards as defined in 40 CFR 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models or best available model can be used if a Tier 4 version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors.
- ▶ Mitigation Measure 3.3-3: Implement Odor Control Plan for the Growing, Cultivating, Processing, Handling of Cannabis

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):

- Cannabis sites shall develop and implement an odor control plan that contains the following requirements as appropriate for each cannabis use:
  - Identify and describe odor-emitting activities and the nature and characteristics of the emissions.

- Location and distance of sensitive receptors (e.g., residents, youth-oriented facilities, schools, churches, residential treatment centers) from the site.
- Demonstrate that the cannabis site's distance to receptors, wind direction, and local topographic conditions would not result in detection of cannabis odors by off-site sensitive receptors that would create a nuisance.
- If off-site odor nuisance impacts cannot be avoided without odor controls, identify procedures and controls for reducing/controlling odors on-site, including the following as applicable to the cannabis use and license type (outdoor, mixed-light, and indoor):. The operator may propose a numeric odor detection threshold for on-site operations (such as dilution-to-threshold standard that is verified by persons of normal odor sensitivity as defined by European Standard EN 13725) subject to County review and approval.<sup>1</sup>
  - All fully enclosed and secure structures that contain cannabis plants or products that generate odors will employ mechanical ventilation controls, carbon filtration, or other equivalent or superior method(s) to eliminate the detection of cannabis off the parcel. This will include all drying and processing of cannabis plant material recently harvested.
  - Outdoor operations may include different plant strains and smaller grow areas or relocation of outdoor activities indoors or, in a mixed-light facility contained within an enclosed structure, use of site design or other technology and/or use of odor easements to address odor impacts.
  - Corrective actions to address County-verified off-site odor complaints will be identified. This may include immediate and complete harvest of the cannabis plants or identification of other methods to be applied as part of the current harvest or the next harvest to minimize off-site odor impacts so that they would not conflict with other applicable standards of the County's Cannabis Program or State license requirements.

## CONCLUSION

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Therefore, the conclusions of the Cannabis Program EIR remain valid and approval of the project would not result in new or substantially more severe significant impacts to air quality.

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<sup>1</sup> The use of a dilution-to-threshold (D/T) standard is based on scientific publications on odor pollution control that have identified that odors above 7 D/T will often result in complaints (i.e., objectionable), with 15 D/T often described as a nuisance, and odors above 30 D/T described as a serious nuisance (i.e., nauseating) (McGinley 2000; Huey et al. 1960).

## 4.4 BIOLOGICAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>4. Biological Resources. Would the project:</b>				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Draft EIR Setting pp. 3.4-1 to 3.4-41 Impacts 3.4-1, 3.4-2, and 3.4-3	No	No	Yes, impacts would remain less than significant with application of adopted mitigation measures.
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	Draft EIR Setting pp. 3.4-1 to 3.4-41 Impact 3.4-4	No	No	Yes, impacts would remain less than significant with application of adopted mitigation measures.
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Draft EIR Setting pp. 3.4-1 to 3.4-41 Impact 3.4-5	No	No	Yes, impacts would remain less than significant with application of adopted mitigation measures.
d. Interfere substantially with the movement of any native resident or migratory fish and wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Draft EIR Setting pp. 3.4-1 to 3.4-41 Impact 3.4-6	No	No	Yes, impacts would remain less than significant with application of adopted mitigation measures.
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	Draft EIR Setting pp. 3.4-1 to 3.4-41 Impacts 3.4-1, 3.4-2, 3.4-3, 3.4-5, and 3.4-6	No	No	Yes, impacts would remain less than significant with application of adopted mitigation measures.
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	Draft EIR Setting pp. 3.4-1 to 3.4-41	No	No	NA, activities under the County Cannabis Program would not be permitted within the implementation areas of HCPs

## 4.4.1 Discussion

No substantial change in the environmental and regulatory settings related to Biological Resources, described in Cannabis Program Draft EIR Section 3.4, "Biological Resources," has occurred since certification of the EIR.

**a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?**

Impact 3.4-1 of the Cannabis Program Draft EIR evaluated the potential for disturbance to or loss of special-status plant species and habitat. Potential land use conversion and development as part of the implementation of the Cannabis Program could result in disturbance to or loss of several special-status plant species, if they are present. Additionally, development under the Cannabis Program could result in introduction or spread of invasive plants during vegetation removal, ground disturbance, or introduction of off-site soils, which could result in exclusion of special-status plants. Because the loss of special-status plants could substantially affect the abundance, distribution, and viability of local and regional populations of these species, this would be a potentially significant impact.

A total of 103 special-status plants were identified as having potential to occur within Trinity County. Cannabis-related activities may include ground disturbance, vegetation removal, roadway construction, construction of water storage facilities, infrastructure improvements, extension of electrical facilities, and grading, which could result in the direct loss of special-status plants or their habitat if they are present.

Implementation of adopted Mitigation Measures 3.4-1a, 3.4-1b, and 3.4-1c would reduce potential impacts to special-status plant species and their habitat by requiring preapproval biological reconnaissance surveys; conduct special-status plant surveys and implement avoidance measures and mitigation; and Implement measures to avoid introduction or spread of invasive plant species. Implementation of Mitigation Measure 3.4-1a, 3.4-1b, and 3.4-1c would reduce significant impacts on special-status plants to a less-than-significant level because it would require applicants to identify and avoid special-status plants and would prevent the spread of invasive weeds by removal of existing populations on-site and inspecting machinery.

Impact 3.4-2 of the Cannabis Program Draft EIR evaluated the potential for disturbance to or loss of special-status wildlife species and habitat. Potential land use conversion and development that may occur from implementation of the Cannabis Program could adversely affect several special-status wildlife species. Project implementation may include ground disturbance, vegetation removal, and overall conversion of wildlife habitat, which could result in the disturbance to or loss of individuals and reduced breeding productivity of these species. Special-status wildlife species are protected under the ESA, CESA, California Fish and Game Code, CEQA, and other regulations. The loss of special-status wildlife species and their habitat would be a significant impact.

A total of 41 special-status wildlife species were identified as having potential to occur in Trinity County, including reptiles, amphibians, nesting birds, and mammals. Conversion of wildlife habitat, ground disturbance, and vegetation removal as part of expansion of existing licensed cultivation sites from the proposed amendment of the size limitations on the Designated Area and construction and operation of new commercial cannabis uses under the Cannabis Program could result in the disturbance or loss of special-status wildlife, if present.

Implementation of adopted Mitigation Measures 3.4-2a through 3.4-2o would reduce potential impacts to special-status wildlife species and their habitat by requiring surveys and prescribing steps to be taken to minimize potential impacts on special status wildlife species.

Impact 3.4-2 of the Cannabis Program Draft EIR also evaluated the effects of artificial nighttime light and generator noise on special status wildlife species. The Cannabis Program includes requirements that ensure nighttime lighting and glare impacts from cultivation are avoided, consistent with CCR Sections 8304(c) and 8304(g) regarding state licensing requirements for cultivation and nurseries, and no mitigation is required.

While the effects of anthropogenic noise on wildlife species is an issue that is complex and poorly understood, anthropogenic noise can result in elevated stress levels in wildlife species and this impact was potentially significant.

Implementation of adopted Mitigation Measure 3.4-2n would reduce impacts to a less-than-significant level through limitations on noise levels.

Impact 3.4-3 of the Cannabis Program Draft EIR evaluated potential disturbance to or loss of special-status fisheries. Surface water diversions for commercial cannabis uses that may occur under the County Cannabis Program could adversely affect several special-status fish species. Four special-status fish species are known to occur in the county, including chinook salmon (upper Klamath and Trinity Rivers evolutionarily significant unit [ESU]), coho salmon (southern Oregon/northern California ESU), Pacific lamprey, and summer-run steelhead trout. Critical habitat for Chinook salmon and steelhead trout is present within the county. Cannabis cultivation water demands would make up over 90 percent of the total water demands of the Cannabis Program and could result in surface water flow impacts if surface water diversions are used. Special-status fish species are protected under ESA, CESA, and other regulations. The alteration of surface water conditions that support special-status fish species would be a potentially significant impact.

Implementation of adopted Mitigation Measure 3.4-3, which requires implementation of adopted Mitigation Measures 3.10-1a and 3.10-1b. Adopted Mitigation Measure 3.10-1a would amend the Cannabis Program to require compliance with the requirements of SWRCB Order WQ 2019-0001-DWQ, or any subsequent water quality standards to apply to all new commercial cannabis cultivation operations. Adopted Mitigation Measure 3.10-3b would require the County to deny any application for cultivation that is located within a watershed that has a moratorium for state licenses in place pursuant to CCR Section 8216. These mitigation measures would be consistent with the General Plan Conservation Element recommendations. Compliance with the SWRCB numeric and narrative instream flow requirements and implementation of Mitigation Measures 3.10-1a and 3.10-3b would ensure that surface water flows are protected and would reduce this impact to less than significant.

The project is required to comply with adopted Mitigation Measures 3.4-1a through 3.4-1c, 3.4-2a through 3.4-2o, and 3.4-3, which would reduce impacts on special status species and their habitat. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?**

Impact 3.4-4 of the Cannabis Program Draft EIR evaluated the potential for disturbance to or loss of riparian habitat, old-growth habitat, or other sensitive natural communities. Potential land use conversion and development that may occur from implementation of the County Cannabis Program could adversely affect riparian habitat, old-growth habitat, and other sensitive natural communities if they are present on the site. Construction-related activities, including ground disturbance, old-growth habitat removal, removal of riparian vegetation, or disturbance of stream and river habitat would be a potentially significant impact.

Riparian habitat within the county can be found adjacent to aquatic habitat such as streams and rivers. A total of four sensitive natural communities are also present, including fish stream habitat (Klamath/North Coast summer steelhead stream and Klamath/North Coast rainbow trout stream), and two terrestrial plant communities (Darlingtonia seep and upland Douglas fir forest). Large portions of this habitat occurs on public lands managed by U.S. Forest Service where new commercial cannabis operations would be prohibited under the Cannabis Program. Riparian habitat areas also occur near the Eel, Mad, and Trinity Rivers, and their tributaries. Streams supporting riparian and wetland vegetation are regulated by CDFW under Sections 1600-1616 of the California Fish and Game Code, which provides for the protection of fish, wildlife, and native plant resources.

Old-growth forest habitat, predominately Douglas fir, occurs throughout the county. Old-growth and late-successional forests include features such as very large trees, large snags, complex canopy structure (i.e., understory, midstory, overstory), and coarse woody debris (e.g., large logs) on the forest floor; all features that provide unique habitat for many wildlife species. Many special-status wildlife species, including fisher, marten, and Sonoma tree vole use old-growth forest habitat for nesting and movement corridors.



Approximately 168 acres of blue oak and valley oak woodland occurs within the county. Oak woodlands are considered under the state Oak Woodlands Conservation Act, which requires the County to determine whether proposed development would result in conversion of oak woodlands that would have a significant adverse effect on the environment.

Implementation of adopted Mitigation Measures 3.4-4a would reduce potential impacts to sensitive natural communities, riparian habitat, and wetland vegetation by requiring surveys for these sensitive resources and steps that must be taken to protect or compensate for any losses. Implementation of adopted Mitigation Measure 3.4-4b requires restoration of abandoned cultivation or nursery sites. Mitigation Measures 3.4-4a and 3.4-4b would reduce significant impacts to sensitive natural communities and riparian habitat to less-than-significant levels because it would require applicants to identify and avoid sensitive resources or provide compensation for the loss of riparian habitat through enhancement of existing populations, creation and management of off-site populations, conservation easements, or other appropriate measures and to restore cultivation and nursery sites upon revocation of a use permit or abandonment.

The biological resources report submitted for the project identified that the project site does not include any sensitive natural communities, riparian habitat, or wetland vegetation.

**c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Impact 3.4-5 of the Cannabis Program Draft EIR evaluated the potential to result in disturbance to or loss of waters of the United States, such as streams, rivers, lakes, and wetlands. The county contains approximately 20,761 acres of aquatic habitat, including major rivers (e.g., Trinity, Mad, Van Duzen, Eel) and their tributaries, and lakes, as well as associated wetland habitat. All commercial cannabis cultivation would be required to meet the requirements of Attachment A (General Requirements and Prohibitions) SWRCB Order WQ 2019-0001-DWQ regarding setbacks and other protection measures for all water features.

Although existing cultivation sites are part of the existing conditions, continued operation of these cultivation sites may result in new loss of waters of the United States from expansion of operations through the proposed amendment to expand the Designated Area for cultivation activities (land clearing, storage facilities, water storage, extension of electrical facilities, nurseries, and other related uses) from 200 percent of the licensed cannabis canopy area to 250 percent. Development of new cultivation sites, which could include vegetation removal and other ground disturbance, could result in the loss or degradation wetlands or other waters of the United States through fill or other disturbances. This would be a potentially significant impact.

Implementation of Mitigation Measure 3.4-5 would reduce potential impacts to waters of the United States by requiring a survey be performed to evaluate the potential for any protected waters to be located on the project site. Additionally, projects are required to provide compliance documentation to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of waters of the United States from new development related to cannabis activities. Mitigation Measure 3.4-5 would reduce impacts to wetlands and other waters of the United States to a less-than-significant level because it would require the proposed projects to avoid any wetlands or waters of the United States.

**d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Impact 3.4-6 of the Cannabis Program Draft EIR evaluated the potential for activities under the Cannabis Program to interference with resident or migratory wildlife corridors or native wildlife nursery sites. Potential land use conversion and development under the Cannabis Program could adversely affect resident or migratory wildlife corridors through habitat fragmentation, degradation of aquatic habitat (e.g., streams and rivers), or blockage of important wildlife

migration paths. Impacts to movement corridors and habitat connectivity for these species would be potentially significant.

Implementation of adopted Mitigation Measure 3.4-6a, would reduce impacts to aquatic corridors to a less-than-significant level because it would require approval and permits from CDFW and RWQCB and result in no net loss of functions and acreage of wetlands, including aquatic corridors through avoidance of these features. Implementation of adopted Mitigation Measure 3.4-6b would reduce impacts to terrestrial wildlife movement corridors to a less-than-significant level because it would prohibit removal of old-growth habitat and would retain features important for habitat connectivity for the fisher and Humboldt marten. Implementation of adopted Mitigation Measure 3.4-6c, which requires implementation of adopted Mitigation Measure 3.1-1b, would also mitigate wildlife movement impacts by requiring that sites remain clear of trash and debris piles.

**e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

See discussions under items a) through d) above.

**f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

As noted on Cannabis Program Draft EIR page 3.4-42, cannabis operations under the Cannabis Program do not qualify as covered activities under the habitat conservation plans (HCPs) within Trinity County. Additionally, activities under the Cannabis Program would not be permitted within the implementation areas of these HCPs (private land designated for timber harvest and aquatic habitat), and thus would not affect the successful implementation of the HCPs.

### Mitigation Measures

The following mitigation measures were referenced in the Cannabis Program EIR analysis and would be implemented if the project were approved.

▶ Mitigation Measure 3.4-1a: Conduct Preapproval Biological Reconnaissance Surveys

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). This mitigation measure will determine whether there is potential for 103 special-status plants, 38 special-status wildlife, or sensitive habitats identified in the Cannabis Program, EIR to be present within a proposed commercial cannabis operation seeking a permit or licensed from the County:

- Prior to approval of any application for commercial cannabis operations or renewal of an existing licensed cultivation site that is planning to expand its Designated Area, a biological reconnaissance survey shall be conducted by a qualified biologist approved by the County. The survey area shall include the proposed development area, including areas of anticipated construction and ground disturbance, as well as staging areas, areas of anticipated light or noise impact, ingress and egress routes, and utility routes. The survey area shall be large enough to encompass areas subject to both direct and indirect impacts. The qualified biologist shall assess the habitat suitability of the proposed development area for all special-status plant, wildlife species, and sensitive habitats identified as having potential to occur in the county. The biologist shall provide a letter report to the project applicant and the County with evidence to support a conclusion as to whether special-status species and sensitive habitats are present or are likely to occur within the proposed development area. At a minimum, the letter report shall include:
  - date, time, and weather conditions during the survey;

- a description and explanation of whether the site conditions during the survey are considered typical or atypical;
  - a map depicting the proposed development area and the unique, rare, and special-status species, sensitive habitats, or sensitive natural communities found;
  - a vegetation map of the proposed development area using the National Vegetation Classification System (e.g., A Manual of California Vegetation) and an associated table, including acreage of vegetation types that could be adversely affected by project implementation;
  - a special-status species table generated from review of the CNDDDB, the California Native Plant Society Inventory of Rare and Endangered Plants, lists maintained by USFWS, and the most recent, best-available range information for special-status species;
  - a description of survey methods and any protocols utilized during the survey; and
  - a list of common and special-status species and habitats observed in the proposed development area.
- If the reconnaissance survey identifies no potential for special-status plant, wildlife species, or sensitive habitats to occur, the applicant will not be subject any additional biological resource protection measures identified in the ordinance.
  - If special-status species or sensitive habitats are present, the letter report will include a discussion of potential direct and indirect impacts on these resources, and the appropriate biological resource protection measures identified in Mitigation Measures 3.4-1b, 3.4-2a through 3.4-2o, 3.4-4a, 3.4-4b, 3.4-5, and 3.4-6b will be included in the letter report and shall be implemented.

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

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ:

- Prior to commencement of new development related to cannabis activities or the expansion of the Designated Area for existing licensed cultivation sites and during the blooming period for the special-status plant species with potential to occur on the site, a qualified botanist approved by the County shall conduct protocol-level surveys for special-status plants in all proposed disturbance areas following survey methods from CDFW’s Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018a).
- If special-status plants are not found, the botanist shall document the findings in a letter report to CDFW and the applicant, and no further mitigation will be required. Reports shall be submitted to CDFW via email at R1LSARredding@wildlife.ca.gov and shall include the project applicant’s name, address, and Assessor’s Parcel Number in the subject line.
- If special-status plant species are found, the qualified botanist shall consult with CDFW to designate a no-disturbance buffer that will be reflected in the application to the County. If the special-status plant species cannot be avoided, the application will be denied.

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

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be

provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ to avoid the introduction or spread of plants classified as invasive plant species by the California Invasive Plant Council:

- The application will include identification of invasive plant species that occur on the site to the extent practicable and where they are located, including noxious weed species prioritized by the Trinity County Weed Management Association. The application will identify specific measures to be employed for the removal of invasive species and on-site management practices.
  - All invasive plant species shall be removed from the site using measures appropriate to the species. For example, species that cannot easily reroot, resprout, or disperse seeds may be left on site in a debris pile. Species that resprout readily (e.g., English ivy) or disperse seeds (e.g., Pampas grass) should be hauled off-site and disposed of appropriately at a landfill site.
  - Applicants shall monitor annually to ensure successful removal and prevention of new infestations of invasive species.
  - Heavy equipment and other machinery shall be inspected for the presence of invasive species before on-site use, and shall be cleaned before entering the site, to reduce the risk of introducing invasive plant species.
  - Only weed-free erosion control materials and mulch shall be used on-site.
- ▶ Mitigation Measure 3.4-2a: Conduct Preconstruction Surveys for Special-Status Amphibians

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of special-status amphibian species from new development related to cannabis activities.

- If special-status amphibians are detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) or are determined to be likely to occur based on the presence of suitable habitat, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual animals, or installation of exclusionary fencing, will be necessary and appropriate.
- Regardless of detection during the initial biological reconnaissance survey, if suitable habitat for special-status amphibians is present within the proposed development area, a qualified biologist approved by the County and familiar with the life cycle of Cascades frog, foothill yellow-legged frog, Pacific tailed-frog, southern long-toed salamander, and southern torrent salamander shall conduct preconstruction surveys of proposed new development activities 24 hours before new development activities. Preconstruction surveys for special-status amphibians shall follow widely used and accepted standardized protocols that control for habitat type, seasonality, and environmental conditions, including the methods described in *Considerations for Conserving Foothill Yellow-Legged Frog* (CDFW 2018b), and *Visual Encounter Survey Protocol for Rana Boylei in Lotic Environments* (UC Davis 2017). Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and at least a 400-foot buffer around the proposed development area. Surveys shall consist of “visual encounter” as well as “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for salamanders, and visual searches for frogs. Preconstruction surveys shall be conducted within the appropriate season to maximize potential for observation for each species, and appropriate surveys will be conducted for the applicable life stages (i.e., eggs, larvae, adults).
- If special-status amphibians are not detected during the preconstruction survey, then further mitigation is not required.

- If special-status amphibians are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status amphibians will be avoided by modifying project design, relocating the cultivation site, or relocating individual animals. If impacts to Cascades frog or foothill yellow-legged frog (both listed under CESA) are unavoidable, then the applicant will submit an incidental take permit (ITP) application to CDFW and receive take authorization before commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual Cascades frogs or foothill yellow-legged frogs, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank.

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

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of western pond turtle from new development related to cannabis activities:

- If pond turtles are detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a), preconstruction surveys, or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether additional measures, such as project design modifications, relocation of the site, relocation of individual animals by a qualified biologist with a valid CDFW Scientific Collecting Permit, or installation of exclusionary fencing, will be necessary and appropriate.
- Regardless of detection during the initial biological reconnaissance survey, if suitable aquatic habitat for western pond turtle is present within the proposed development area, a qualified biologist approved by the County and familiar with the life history of western pond turtle shall conduct preconstruction surveys of proposed new development activities within 200 feet of any aquatic habitat 24 hours before such development activities.
- If pond turtles are not detected during the preconstruction survey, then further mitigation is not required.
- If pond turtles are detected during the preconstruction survey, then consultation with CDFW shall be initiated as described above. Injury or mortality of western pond turtle will be avoided through project design modification, cultivation site relocation, or relocation of the turtle by a qualified biologist with a valid CDFW Scientific Collecting Permit. If relocation of western pond turtles is determined to be necessary, turtles shall be relocated to similar nearby habitat free of predators (e.g., racoon, coyote, raptors, bullfrog, nonnative turtles, other western pond turtles) as determined by the qualified biologist. If western pond turtles are relocated, a report shall be submitted electronically to CDFW within 15 days of the relocation. The report shall include the location, date, time, and duration of collection and release; the number of individuals relocated; and identification of the qualified biologist.

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

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of nesting raptors from new development related to cannabis activities:

- To minimize the potential for loss of nesting raptors, tree removal activities shall occur only during the nonbreeding season (September 1–January 31).

- Prior to removal of any trees or ground-disturbing activities between February 1 and August 31, a qualified biologist approved by the County shall conduct preconstruction surveys for nesting raptors and shall identify active nests within 500 feet of the proposed development area. The surveys shall be conducted between February 1 and August 31.
  - Impacts to nesting raptors, including direct impacts and indirect impacts (e.g., noise, presence of construction crews) shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. Factors to be considered for determining buffer size will include the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; and baseline levels of noise and human activity. Buffer size if the qualified biologist and the applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. The buffer areas shall be protected with construction fencing, and no activity shall occur within the buffer areas until the qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. Monitoring of the nest by a qualified biologist approved by the County during and after construction activities (e.g., ground disturbance, vegetation removal, installation cultivation sites) will be required if the activity has potential to adversely affect the nest.
  - Removal of bald and golden eagle nests is prohibited regardless of the occupancy status under the federal Bald and Golden Eagle Protection Act. If bald or golden eagle nests are found during preconstruction surveys, then the nest tree shall not be removed.
  - Trees shall not be removed during the breeding season for nesting raptors unless a survey by the qualified biologist verifies that there is not an active nest in the tree.
- ▶ Mitigation Measure 3.4-2d: Conduct Northern Spotted Owl Preconstruction Habitat Suitability Surveys and Determine Presence or Absence of the Species

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of northern spotted owl from new development related to cannabis activities:

- To avoid the potential for loss of northern spotted owl and their nests, or loss or fragmentation of occupied or suitable habitat for northern spotted owl, removal of old-growth habitat shall be prohibited, as outlined in Mitigation Measure 3.4-4a.
- If the area of proposed new development activities (e.g., any application for commercial cannabis operations or renewal of an existing licensed cultivation site that is planning to expand its Designated Area) is within suitable habitat for northern spotted owl (e.g., coniferous forest), and is within 1.3 miles (average species home range) of a known occurrence of northern spotted owl, as determined by a qualified biologist familiar with the species and protocol, and approved by the County, the following measures shall be followed:
  - Prior to removal of any trees, or ground-disturbing activities adjacent or within suitable nesting, roosting, or foraging habitat (e.g., forest clearings) for spotted owl, a qualified biologist approved by the County and familiar with the life history of the northern spotted owl shall conduct preconstruction surveys for nests within a 1.3-mile buffer around the site as described in Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls (USFWS 2012). Surveys shall take place between March 1 and August 31. Three complete surveys spaced at least 7 days apart must be completed by June 30. Six complete surveys over the course of 2 years must be completed to determine presence or absence of northern spotted owl.

- If northern spotted owls are determined to be absent 1.3 miles from the site, then further mitigation is not required.
- If northern spotted owls are determined to be present within 1.3 miles of the site, then it is presumed that habitat removal could cause harm to northern spotted owl populations in the area and could result in direct take of northern spotted owls. If northern spotted owls are determined to be present within 1.3 miles of the site, proposed cultivation activities, including expansion of an existing Designated Area, will not be permitted.

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

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of little willow flycatcher, olive-sided flycatcher, yellow warbler, yellow-breasted chat, or other bird nests from new development related to cannabis activities:

- To minimize the potential for disturbance to or loss of little willow flycatcher, olive-sided flycatcher, yellow warbler, yellow-breasted chat, or other bird nests, vegetation removal activities shall occur only during the nonbreeding season (September 1-January 31).
- If little willow flycatcher is detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) or is determined to be likely to occur based on the presence of suitable habitat, a protocol-level survey shall be conducted by a qualified biologist familiar with the species and the protocol prior to removal of any vegetation or any ground disturbance. The protocol-level survey shall utilize methods outlined in *A Willow Flycatcher Survey Protocol for California* (Bombay et al. 2003).
- If little willow flycatcher is determined to be present during the protocol-level survey, no development activity shall occur during the breeding season (May 1 through August 31) in and within 300 feet of the little willow flycatcher habitat. Development activities within or adjacent to identified little willow flycatcher habitat shall not damage or destroy willows or other riparian shrubs unless agreed upon through consultation with CDFW.
- If olive-sided flycatcher, yellow warbler, yellow-breasted chat, or other bird nests are detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) or are determined to be likely to occur based on the presence of suitable habitat, prior to removal of any vegetation or any ground disturbance between February 1 and August 31, a qualified biologist approved by the County shall conduct preconstruction surveys for nests on any structure or vegetation planned for removal. The surveys shall be conducted no more than 7 days before construction commences. If no active nests are found during focused surveys, no further action under this measure will be required. If active nests are located during the preconstruction surveys, the biologist shall notify the Planning Director and CDFW. If deemed necessary by the Planning Director in consultation with CDFW, modifications to the project design to avoid removal of occupied habitat while still achieving project objectives may be required. If the County determines in consultation with CDFW that avoidance is not feasible or conflicts with project objectives, construction shall be prohibited within a minimum of 100 feet of the nest to avoid disturbance until the nest is no longer active.

► Mitigation Measure 3.4-2f: Conduct Preconstruction Surveys for Trinity Bristle Snail

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with

SWRCB Order WQ 2019-0001-DWQ for the protection of the Trinity bristle snail from new development related to cannabis activities:

- If Trinity bristle snail is detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) or are determined to be likely to occur due to the presence of suitable habitat, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications or relocation of the site, will be necessary and appropriate.
  - Regardless of detection during the initial biological reconnaissance survey, if suitable habitat for Trinity bristle snail is present within the proposed development area, a qualified biologist approved by the County and familiar with the species shall conduct preconstruction surveys of proposed new development activities within the period when the species is the most active (between May and October and between dusk and dawn) prior to new development activities. Preconstruction surveys shall be conducted using a widely used and accepted standardized protocol that controls for seasonality and environmental conditions, such as the *Survey Protocol for Survey and Manage Terrestrial Mollusk Species from the Northwest Forest Plan* (BLM 2003). Surveys shall be conducted throughout the proposed construction area and an appropriate buffer around the proposed development area as determined by the qualified biologist familiar with the species and survey protocols.
  - If Trinity bristle snail or its habitat is not detected during the preconstruction survey, then further mitigation is not required.
  - If Trinity bristle snail is detected during the preconstruction survey, then consultation with CDFW shall be initiated as described above. Injury or mortality of this species will be avoided through project design modification or cultivation site relocation.
  - If impacts to Trinity bristle snail are unavoidable, then the applicant will submit an ITP application to CDFW and receive authorization prior to commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual Trinity bristle snails, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank.
- ▶ Mitigation Measure 3.4-2g: Implement Measures to Avoid Take of Special-Status Bumble Bees or Obtain Incidental Take Coverage

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of special-status bumble bees from new development related to cannabis activities:

- If special-status bumble bees are detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) or are determined to be likely to occur due to the presence of suitable habitat, consultation with CDFW shall be initiated to determine whether mitigation measures, such as protocol-level surveys, project design modifications, or relocation of the site, will be necessary and appropriate.
  - If impacts to special-status bumble bees are determined to be unavoidable, then the applicant will submit an ITP application to CDFW and receive authorization prior to commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual bumble bees, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank.
- ▶ Mitigation Measure 3.4-2h: Conduct Preconstruction American Badger Survey and Establish Protective Buffers



The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of the American badger from new development related to cannabis activities:

- Prior to the commencement of construction activities, a qualified wildlife biologist approved by the County shall conduct surveys of the suitable grassland or agricultural habitats slated for conversion within the site to identify any American badger burrows/dens. These surveys shall be conducted not more than 7 days prior to the start of construction. If occupied burrows are not found, further mitigation shall not be required. If occupied burrows are found, impacts to active badger dens shall be avoided by establishing exclusion zones around all active badger dens, within which construction related activities shall be prohibited until denning activities are complete or the den is abandoned. The qualified biologist shall monitor each den once per week to track the status of the den and to determine when it is no longer occupied.
- ▶ Mitigation Measure 3.4-2i: Conduct Preconstruction Fisher and Humboldt Marten Survey and Preserve Active Den Sites

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of the fisher and Humboldt marten from new development related to cannabis activities:

- To minimize the potential for loss of or disturbance to fisher and Humboldt marten habitat and dens, removal of old-growth habitat shall be prohibited, as outlined in Mitigation Measure 3.4-4a.
  - Prior to commencement of new development related to cannabis activities occurring within the fisher and Humboldt marten denning season (March 1 to July 31), including tree removal (non-old growth), a qualified wildlife biologist approved by the County will conduct preconstruction surveys of all suitable habitat within the site, and will identify sightings of individual fishers or martens, as well as potential dens.
  - If individuals or potential or occupied dens are not found, further mitigation will not be required.
  - If fisher or Humboldt marten are identified or if potential dens of these species are located, an appropriate method shall be used by the qualified wildlife biologist to confirm whether a fisher or marten is occupying the den. This may involve use of remote field cameras, track plates, or hair snares. Other devices such as fiber optic scope may be utilized to determine occupancy. If no fisher or marten occupies the potential den, the entrance will be temporarily blocked so that no other animals occupy the area during ground disturbance, vegetation removal, or installation of cultivation sites, but only after it has been fully inspected. The blockage will be removed once these activities have been completed.
  - If a den is found to be occupied by a fisher or marten, a no-disturbance buffer will be placed around the occupied den location. The no-disturbance buffer will include the den tree (or other structure) plus a suitable buffer as determined by the biologist in coordination with CDFW. Construction activities in the no-disturbance buffer will be avoided until the nest is unoccupied as determined by a qualified wildlife biologist in coordination with CDFW.
- ▶ Mitigation Measure 3.4-2j: Conduct Preconstruction Surveys for Ringtail and Implement Avoidance Measures

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of

Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of the ringtail from new development related to cannabis activities:

- Prior to commencement of new development related to cannabis activities occurring within the ringtail nesting season (not well defined but likely approximately March 1 to July 31), including tree or shrub removal, a qualified wildlife biologist approved by the County will conduct preconstruction surveys of all suitable habitat within the site, and will identify sightings of individual ringtails, as well as potential nests.
- If individuals or potential or occupied nests are not found, further mitigation will not be required.
- If ringtail are identified or if potential nests of this species are located, an appropriate method shall be used by the qualified wildlife biologist to confirm whether a ringtail is occupying the den. This may involve use of remote field cameras, track plates, or hair snares. Other devices such as a fiber optic scope may be utilized to determine occupancy. If no ringtail occupies the potential nest, the entrance will be temporarily blocked so that no other animals occupy the area during ground disturbance, vegetation removal, or installation of cultivation sites, but only after it has been fully inspected. The blockage will be removed once these activities have been completed.
- If a nest is found to be occupied by a ringtail, a no-disturbance buffer will be placed around the occupied den location. The no-disturbance buffer will include the nest tree (or other structure) plus a suitable buffer as determined by the biologist in coordination with CDFW. Construction activities in the no-disturbance buffer will be avoided until the nest is unoccupied as determined by a qualified wildlife biologist in coordination with CDFW.

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

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of Oregon snowshoe hare from new development related to cannabis activities:

- If it is determined during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) that suitable habitat for Oregon snowshoe hare is present within a proposed cultivation area, then preconstruction surveys will be required. Prior to removal of any vegetation or any ground disturbance within suitable Oregon snowshoe hare habitat, a qualified biologist approved by the County shall conduct preconstruction surveys of all suitable habitat within the site.
- If Oregon snowshoe hares or occupied reproductive sites are not found, further mitigation will not be required.
- If Oregon snowshoe hares or potential or occupied reproductive sites are observed, a no-disturbance buffer will be placed around the occupied nest. The no-disturbance buffer will include the nest plus a suitable buffer as determined by the biologist in coordination with CDFW. Construction activities in the no-disturbance buffer will be avoided until the reproductive site is unoccupied as determined by the qualified biologist in coordination with CDFW.

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

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of

Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of the pallid bat and Townsend's big-eared bat from new development related to cannabis activities:

- Before commencing any development related to cannabis activities, a qualified biologist approved by the County shall conduct surveys for roosting bats. If evidence of bat use is observed, the species and number of bats using the roost shall be determined. Bat detectors may be used to supplement survey efforts. If no evidence of bat roosts is found, then no further study will be required.
- If pallid bats or Townsend's big-eared bats are found in the surveys, a mitigation program addressing mitigation for the specific occurrence shall be submitted to the Planning Director and CDFW by the qualified biologist subject to the review and approval of the Planning Director in consultation with CDFW. Implementation of the mitigation plan shall be a condition of project approval. The mitigation plan shall establish a buffer area around the nest during hibernation or while females in maternity colonies are nursing young that is large enough to prevent disturbance to the colonies.

► Mitigation Measure 3.4-2m: Preconstruction Vole Survey

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of the Sonoma tree vole from new development related to cannabis activities:

- To minimize the potential for loss of or disturbance to vole habitat and nests, removal of old-growth habitat shall be prohibited, as outlined in Mitigation Measure 3.4-4a.
- Before commencing any tree or other vegetation removal activities, or ground-disturbance, a qualified biologist approved by the County shall conduct surveys for vole nests (e.g., nest searching within trees on the site, and confirming that nests belong to voles rather than squirrels or birds). If no evidence of vole nests is found, then no further study shall be required. A report summarizing the results of the surveys shall be prepared and submitted to the Planning Director and shall be subject to his review and approval in consultation with CDFW.
- If occupied trees or nests are identified within 100 feet of the site, the biologist shall determine whether project development activities will adversely affect the voles, based on factors such as noise level of development activities, or line of sight between the tree and the disturbance source. If it is determined that development activities would not affect the voles, then development can proceed without protective measures.
- If the biologist determines that development activities would likely disturb voles, the proposed area of disturbance shall be relocated a minimum of 200 feet from the nest.

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

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

- The cultivation of cannabis shall not exceed the noise level standards as set forth in the County General Plan: 55 A-weighted decibels (dBA) from 7:00 a.m. to 7:00 p.m. and 50 dBA from 7:00 p.m. to 7:00 a.m. measured at the property line, except that generators associated with a commercial grow are not to be used between 10:00 p.m. and 7:00 a.m. (Section 315-843[6][b]). The following additional noise performance standards shall apply to generator use:

- Project-generated sound must not exceed ambient nesting conditions by 20-25 dBA.
- Project-generated sound, when added to existing ambient conditions, must not exceed 90 dBA.

► Mitigation Measure 3.4-2o: Implement Measures to Avoid Take of Gray Wolf

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of gray wolf from new development related to cannabis activities:

- If gray wolf is detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) or is determined to be likely to occur due to the presence of suitable habitat and recent species range information, consultation with CDFW shall be initiated to determine whether mitigation measures, such as protocol-level surveys, project design modifications, relocation of the site, limited operating periods, or biological monitoring will be necessary and appropriate.
- If impacts to gray wolf cannot be avoided, then proposed cultivation activities will not be permitted.

► Mitigation Measure 3.4-3: Implement Mitigation Measures 3.10-1a and 3.10-3b.

► Mitigation Measure 3.4-4a: Identify, Avoid, and Protect Sensitive Natural Communities, Riparian Habitat, and Wetland Vegetation or Provide Compensation

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of sensitive natural communities and riparian habitat:

- For projects that could disturb sensitive natural communities or riparian habitat, the application shall include a report prepared by a qualified biologist approved by the County that surveys the site for these sensitive resources identified from biological reconnaissance survey conducted under Mitigation Measure 3.4-1a, including riparian habitat associated with aquatic features; old-growth Douglas fir forests; oak woodlands; special-status fish stream habitats; and Darlingtonia seep habitat.
- The report shall include requirements that before development activities commence, all sensitive areas identified above shall be flagged or fenced with brightly visible construction flagging and/or fencing under the direction of the qualified biologist to require that grading, excavation, other ground-disturbing activities, and vegetation removal will not occur within these areas. Foot traffic by construction personnel shall also be limited in these areas to prevent the introduction of invasive or weedy species. Periodic inspections during construction shall be conducted by the monitoring biologist to maintain the integrity of exclusion fencing/flagging throughout the period of construction involving ground disturbance.
- If the report documents that site development would affect the bed, bank, channel, or associated riparian habitat subject to CDFW jurisdiction under California Fish and Game Code Section 1602, a Streambed Alteration Notification shall be submitted to CDFW, pursuant to Section 1600 et seq. of the California Fish and Game Code. If proposed activities are determined to be subject to CDFW jurisdiction, the applicant shall abide by the conditions of any executed agreement prior to any ground disturbance.
- Subject to the review and approval of the County in consultation with CDFW, applicants shall compensate for permanent loss of riparian habitat at a minimum of a 2:1 ratio through contributions to a CDFW-approved wetland mitigation bank or through the development and implementation of a Compensatory Stream and

Riparian Mitigation and Monitoring Plan for creating or restoring in-kind habitat in the surrounding area. If mitigation credits are not available, stream and riparian habitat compensation shall include establishment of riparian vegetation on currently unvegetated bank portions of streams affected by the project and enhancement of existing riparian habitat through removal of nonnative species, where appropriate, and planting additional native riparian plants to increase cover, continuity, and width of the existing riparian corridor along streams in the site and surrounding areas. Construction activities and compensatory mitigation shall be conducted in accordance with the terms of a streambed alteration agreement as required under Section 1602 of the California Fish and Game Code as well as the SWRCB Order WQ 2019-0001-DWQ.

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

- identification of compensatory mitigation sites and criteria for selecting these mitigation sites;
- in-kind reference habitats for comparison with compensatory riparian habitats (using performance and success criteria) to document success;
- monitoring protocol, including schedule and annual report requirements (compensatory habitat will be monitored for a minimum of 5 years from completion of mitigation, or human intervention [including recontouring and grading], or until the success criteria identified in the approved mitigation plan have been met, whichever is longer);
- ecological performance standards, based on the best available science and including specifications for native riparian plant densities, species composition, amount of dead woody vegetation gaps and bare ground, and survivorship; at a minimum, compensatory mitigation planting sites must achieve 80 percent survival of planted riparian trees and shrubs by the end of the 5-year maintenance and monitoring period or dead and dying trees will be replaced and monitoring continued until 80 percent survivorship is achieved;
- corrective measures if performance standards are not met;
- responsible parties for monitoring and preparing reports; and
- responsible parties for receiving and reviewing reports and for verifying success or prescribing implementation or corrective actions.

▶ Mitigation Measure 3.4-4b: Restore Abandoned Cultivation and Nursery Sites

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis) and Section 315-826(3) (Regulation of Nurseries) for the protection of sensitive natural communities and riparian habitat:

- Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundations and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soil or soil amendments not incorporated into native soil; generators; pumps; or structures not adaptable to noncannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the noncannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will reestablish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

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

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of

Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of waters of the United States from new development related to cannabis activities:

- The application shall include a report prepared by a qualified biologist approved by the County that surveys the site for sensitive resources, including wetlands, streams, and rivers identified from biological reconnaissance survey conducted under Mitigation Measure 3.4-1a. Wetlands and other waters of the United States are of special concern to resource agencies and are afforded specific consideration, based on Section 404 of the Clean Water Act and other applicable regulations.
  - If the report documents waters of the United States to be present, a delineation of waters of the United States, including wetlands that would be affected by the project, shall be prepared by a qualified biologist approved by the County through the formal Section 404 wetland delineation process. The delineation shall be submitted to and verified by USACE.
  - If, based on the verified delineation, it is determined that fill of waters of the United States would result from implementation of the project, authorization for such fill from USACE through the Section 404 permitting process would be required. USACE may not issue a Section 404 permit for activities associated with cannabis cultivation. If a Section 404 permit cannot be obtained, then the applicant shall modify the proposed project to avoid any wetlands or other waters of the United States by providing a buffer of at least 50 feet around these features.
- ▶ Mitigation Measure 3.4-6a: Implement Mitigation Measure 3.4-5: Identify Wetlands and Other Waters of the United States and Avoid These Features
  - ▶ Mitigation Measure 3.4-6b: Retention of Fisher and Humboldt Marten Habitat Features

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of the habitat for fisher and Humboldt marten:

- To minimize the potential for loss of or disturbance to fisher and Humboldt marten habitat, removal of old-growth habitat shall be prohibited, as outlined in Mitigation Measure 3.4-4a.
  - Habitat features within non-old-growth habitat, such as large trees, large snags, coarse woody debris, and understory vegetation (e.g., shrubs), shall be retained within the site to the extent feasible, to maintain connectivity of fisher and marten habitat.
- ▶ Mitigation Measure 3.4-6c: Implement Mitigation Measure 3.1-1b: Maintain Cultivation Parcel

## CONCLUSION

While additional biological surveys of the site have been conducted, this information is consistent with the activities recommended in the mitigation adopted for the Cannabis Program. No new significant or substantially more severe biological impacts would occur with the project. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

## 4.5 CULTURAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>5. Cultural Resources. Would the project:</b>				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	Draft EIR Setting pp. 3.5-1 to 3.5-17 Impact 3.5-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	Draft EIR Setting pp. 3.5-1 to 3.5-17 Impact 3.5-2	No	No	NA, impacts would remain less than significant
c. Substantially disturb human remains, including those interred outside of formal cemeteries?	Draft EIR Setting pp. 3.5-1 to 3.5-17 Impact 3.5-3	No	No	NA, impacts would remain less than significant

### 4.5.1 Discussion

No new information pertaining to archaeological or historical resources, described in Cannabis Program Draft EIR Section 3.5, "Archaeological, Historical, and Tribal Cultural Resources," has become available since the Cannabis Program EIR was certified.

#### a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

Impact 3.5-1 of the Cannabis Program Draft EIR evaluated whether the Cannabis Program could cause a substantial adverse change in the significance of a historic resource. Cannabis operations associated with the implementation of the Cannabis Program could be located on lands that contain or are near historic resources. Trinity County is home to several designated historic sites and historic districts (Denny, Helena, Lewiston, and Weaverville) that are listed in or are eligible for listing in the NRHP or CRHR or as a CHL. Commercial cannabis operations could use these sites and potentially adversely affect the historic resources. This could result in damage to or destruction of a historic building or structure, thereby resulting in a substantial adverse change in the significance of a historical resource as defined in Section 15064.5. This would be a potentially significant impact.

The Cannabis Program would require that licensed operations obtain Cal Cannabis cultivation licensing and comply with the SWRCB Attachment A (General Requirements and Prohibitions) of Order WQ 2019-0001-DWQ for cannabis cultivation. Term 21 of the General Requirements and Prohibitions requires that records searches be performed through the applicable CHRIS information center before land-disturbing activities. Any positive results identified in the records search would need to be further evaluated. Compliance with Term 21 of the SWRCB's General Requirements and Prohibitions would reduce impacts to known historical resources through identification of potential historical features and further evaluation.

Implementation of adopted Mitigation Measure 3.5-1a, which requires a one-time historic building evaluation during the relicensing process for existing operations, would ensure that any buildings of potential historical value would be identified and would further prevent modifications that could result in a change in the historical significance of the buildings. Implementation of Mitigation Measure 3.5-1b requires performance standards to be added to the Cannabis Program that would reduce potentially significant impacts by amending the proposed cannabis program to include

protection of historic resources within the county's historic districts. Further, this mitigation ensures that actions will be taken to record, evaluate, avoid, or otherwise treat the resource appropriately, in accordance with pertinent laws and regulations. Implementation of Mitigation Measures 3.5-1a and 3.5-1b would reduce impacts to a less-than-significant level.

The project site includes no historic structures and no new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid.

**b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

Impact 3.5-2 of the Cannabis Program Draft EIR evaluated the potential for projects to disturb unique archaeological features, sites, or materials. Cannabis operations associated with implementation of the Cannabis Program could be located on properties that contain known or unknown archaeological resources, and ground-disturbing activities could result in discovery or damage of previously undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5.

Existing commercial cannabis cultivation within Trinity County is required to be in compliance with SWRCB and Cal Cannabis regulations. Attachment A (General Requirements and Prohibitions) of SWRCB Order WQ 2019-0001-DWQ includes terms that require CHRIS records searches, NAHC record searches, archaeological evaluations (if necessary), and protection of discovered resources. Compliance with these regulations would ensure that existing cannabis cultivation operations that propose to expand their Designated Area from 200 percent to 250 percent would not adversely affect archaeological resources. Violations of these regulations would result in enforcement action from the County.

The Cannabis Program would require that proposed new operations obtain Cal Cannabis cultivation licensing and comply with the SWRCB's cannabis cultivation policies for cultivation activities. Attachment A (General Requirements and Prohibitions) of Order WQ 2019-0001-DWQ Terms 21 and 22 of the General Requirements and Prohibitions require CHRIS records searches, NAHC record searches, and archaeological surveys or evaluations (if necessary). Compliance with Terms 21 and 22 of the SWRCB General Requirements and Prohibitions would reduce impacts to known archaeological resources through requiring standard record searches, requiring archaeological evaluations of identified features, and implementing necessary measures to ensure the protection of archaeological resources. Noncultivation cannabis operations would be located within or near the existing communities where they would have potential to affect historic resources as identified for Impact 3.5-1.

Implementation of existing state regulations would ensure that the project's potential impacts are addressed and mitigated. This would be a less than significant impact. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid.

**c) Substantially disturb human remains, including those interred outside of formal cemeteries?**

Impact 3.5-3 of the Cannabis Program Draft EIR evaluated the potential for projects to result in the destruction of human remains. Previously undiscovered human remains could be discovered when soils are disturbed during construction of commercial cultivation and processing sites under the Cannabis Program. Compliance with California Health and Safety Code Sections 7050.5 and 7052, PRC Section 5097. These statutes require that if human remains are discovered during any construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the Trinity County coroner and NAHC shall be notified immediately, in accordance with PRC Section 5097.98 and Section 7050.5 of California's Health and Safety Code. If the remains are determined by NAHC to be Native American, the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the archaeologist, and the NAHC-designated Most Likely Descendant shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94. Compliance with these and other state regulations associated with cannabis cultivation would make this impact less than significant.



## Mitigation Measures

The following mitigation measures were adopted with the Cannabis Program and would continue to remain applicable if the project was approved.

▶ Mitigation Measure 3.5-1a: Conduct Historic Evaluations for Existing Operations

The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis) and Section 315-828(5) (Required Conditions):

- Annual relicensing of cannabis operations licensed before 2019 shall require a one-time historic building evaluation, and the results of the evaluation shall be submitted to the County if buildings on-site are over 45 years old and are expected to be used in future operations. If the buildings are determined to be a significant historic resource, then the applicant shall be required to comply with historic resource protection standards set forth in Mitigation Measure 3.5-1b. This requirement does not apply to buildings that are currently being used as part of the cannabis operation.

▶ Mitigation Measure 3.5-1b: Revise Ordinance to Include All Historic Districts and Additional Measures to Protect Historic Resources

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions) for the protection of historic resources:

- Cannabis cultivation operations shall not be permitted within the historic districts of Weaverville, Denny, Helena, and Lewiston.
- Applicants shall identify and evaluate all historic-age (over 45 years in age) buildings and structures that are proposed to be removed or modified as part of cannabis operations. This shall include preparation of a historic structure report and evaluation of resources to determine their eligibility for recognition under federal, state, or County local official register of historic resources criteria. The evaluation shall be prepared by an architectural historian or historical architect meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The evaluation shall comply with State CEQA Guidelines Section 15064.5(b) and, if federal funding or permits are required, with Section 106 of the NHPA of 1966 (16 U.S. Code Section 470 et seq.).
- If resources eligible for inclusion in the NRHP, CRHR, or local official register of historic resources are identified, an assessment of impacts on these resources shall be included in the report, as well as detailed measures to avoid impacts. If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts or plans for alteration or adaptive reuse of a historical resource that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings.

## CONCLUSION

No new significant or substantially more severe cultural resource impacts would occur with the project. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

## 4.6 ENERGY

Environmental Issue Areas	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>VI. Energy. Would the project:</b>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Draft EIR Setting pp. 3.6-1 to 3.6-6 Impact 3.6-1	No	No	NA, remains less than significant
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	Draft EIR Setting pp. 3.6-1 to 3.6-6 Impact 3.6-2	No	No	NA, remains no impact

### 4.6.1 Discussion

No substantial change in the environmental and regulatory settings related to energy, described in Cannabis Program Draft EIR Section 3.6, "Energy," has occurred since certification of the EIR.

**a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

Impact 3.6-1 of the Cannabis Program Draft EIR evaluated potential impacts related to energy efficiency and conservation. The CEQA Guidelines requires the consideration of the energy implications of a project. CEQA requires mitigation measures to reduce "wasteful, inefficient, and unnecessary" energy usage (Public Resources Code Section 21100, subdivision (b)(3)). Neither the law nor the State CEQA Guidelines establish criteria that define wasteful, inefficient, or unnecessary use. Construction and operation of commercial cannabis cultivation and noncultivation sites under the Cannabis Program would result in consumption of fuel (gasoline and diesel), electricity, and propane. Energy consumption associated with construction of new cultivation and noncultivation sites would be temporary and would not require additional capacity or increased peak or base period demands for electricity or other forms of energy. Sections 8203, 8205, and 8206 include energy efficiency requirements that are more stringent than standard requirements in the California Energy Code. Energy consumption associated with the cultivation and noncultivation operations under the Cannabis Program would not result in wasteful, inefficient, or unnecessary consumption of energy; this impact would be less than significant.

**b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency**

Impact 3.6-2 of the Cannabis Program Draft EIR evaluated the consistency with plans for renewable energy and energy efficiency. Renewable energy generation requirements pursuant to the Cannabis Program would result in an increase renewable energy use, which would directly support the goals and strategies in the state's *2008 Update Energy Action Plan* (EAP). Constructing and operating project buildings in compliance with the 2019 California Energy Code would improve energy efficiency compared to building built to earlier iterations of the Code. Therefore, construction and operation of cannabis facilities licensed under the program would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. No impact would occur.

### Mitigation Measures

No mitigation measures were needed for the Cannabis Program regarding energy. No additional mitigation measures are required for project for this topic.

### CONCLUSION

No new circumstances or project changes have occurred nor has any new information been identified requiring new analysis or verification. Therefore, the conclusions of the Cannabis Program EIR remain valid and approval of the project would not result in new or substantially more severe significant impacts to land use and planning.

## 4.7 GEOLOGY AND SOILS

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>7. Geology and Soils. Would the project:</b>				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> <li>i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</li> <li>ii. Strong seismic ground shaking?</li> <li>iii. Seismic-related ground failure, including liquefaction?</li> <li>iv. Landslides?</li> </ul>	Draft EIR Setting pp. 3.7-1 to 3.7-8 Impact 3.7-1	No	No	NA, impacts would remain less than significant
b. Result in substantial soil erosion or the loss of topsoil?	Draft EIR Setting pp. 3.7-1 to 3.7-8 Impact 3.7-2	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in: on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	Draft EIR Setting pp. 3.7-1 to 3.7-8 Impact 3.7-1	No	No	NA, impacts would remain less than significant
d. Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Draft EIR Setting pp. 3.7-1 to 3.7-8 Impact 3.7-2	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	Draft EIR Setting pp. 3.7-1 to 3.7-8 Impact 3.7-3	No	No	NA, impacts would remain less than significant
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Draft EIR Setting pp. 3.7-1 to 3.7-8 Impact 3.7-4	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.

## 4.7.1 Discussion

No substantial change in the environmental and regulatory settings related to geology and soils, described in the Cannabis Program Draft EIR Section 3.7, "Geology and Soils," has occurred since certification of the CEIR.

- a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**
- i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)**

See discussion under item iv) below.

- ii) **Strong seismic ground shaking?**

See discussion under item iv) below.

- iii) **Seismic-related ground failure, including liquefaction?**

See discussion under item iv) below.

- iv) **Landslides?**

Impact 3.7-1 of the Cannabis Program Draft EIR evaluated the potential for loss, injury or death resulting from seismic hazards. Implementation of the Cannabis Program could expose additional people and structures in a region susceptible to existing seismic hazards. New development from implementation of the Cannabis Program would not exacerbate existing seismic hazards and would comply with state and local regulatory design requirements related to seismic hazards (e.g., building codes and other laws and regulations), such that the exposure of people or structures to risk of loss, injury or death resulting from rupture of a known earthquake fault or strong seismic shaking would be avoided or reduced. This impact would be less than significant. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid.

- b) **Result in substantial soil erosion or the loss of topsoil?**

Impact 3.7-2 of the Cannabis Program Draft EIR evaluated whether the Cannabis Program would create geologic hazard and soil stability issues and associated soil erosion impacts. Parts of Trinity County are characterized by steep slopes, landslides, expansive soils, and other related conditions that can result in geologic and soil stability hazards.

SWRCB Order WQ 2019-0001-DWQ contains requirements for cannabis cultivation on sites greater than 2,000 square feet. These requirements include plans that address site erosion and sediment control, disturbed areas stabilization, site closure procedures, and monitoring and reporting requirements. In addition, the Order contains requirements for land development maintenance, erosion control, drainage features, stream crossing installation and maintenance, soil disposal and spoils management, and roadway design and maintenance.

County Code of Ordinances Chapter 12.12 provides construction improvement standards for roadways in decomposed granite areas of the county that would apply to all cannabis uses. This chapter includes limits on the roadway grades, drainage and culvert design standards to minimize erosion potential, and revegetation and maintenance requirements (Section 12.12.040). Recently adopted Chapter 15.24 of the Code of Ordinances establishes restrictions on mass grading. This chapter prohibits any activity that consists of a volume of graded material greater than 800 cubic yards and/or any contiguous or noncontiguous surface area to be graded that is greater than 20,000 square feet. This extent of grading may be allowed subject to the approval of a Director's Use Permit or a Conditional Use Permit that would apply to activities in the Cannabis Program. As described under Section 3.7.1, "Regulatory Setting," under no circumstances are grading activities allowed that could create a public health hazard, damage facilities and roadways, or degrade water quality.

The Cannabis Program includes the following standards that address water quality for cultivation operations:

- ▶ The cultivation of cannabis shall not create erosion or result in contaminated runoff into any stream, creek, river, or body of water. If the designated area has more than a 35 percent slope, the applicant shall apply for a Tier 2 cultivation under the North Coast RWQCB Order #2015-0023, or regulations established by the SWRCB (Section 315-843[6][d]).
- ▶ Applicant shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity for construction projects that disturb 1 or more acres of land surface, specifically for new site preparation and development (Section 315-843[6][o]).

Development of cannabis uses from implementation of the Cannabis Program could result in geologic and soil stability issues resulting slope failures and soil erosion and sedimentation. This impact would be potentially significant.

Implementation of adopted Mitigation Measure 3.7-2 requires implementation of Mitigation Measure 3.10-1a which requires all existing and new commercial cannabis activities in the county to comply with the conditions of SWRCB Order WQ 2019-0001-DWQ or otherwise avoid water quality impacts regardless of the site size. This would also include ensuring that sites are geologically stable and do not result in operational soil erosion and sedimentation impacts. This would be consistent with the intent and protection provisions of County Code of Ordinances Chapters 12.12. and 15.24, related to soil stability, drainage control, and erosion minimization. Therefore, geologic and soil stability impacts would be less than significant. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid.

- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?**

See discussion under item a) and b) above.

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial risks to life or property?**

See discussion under item b) above.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

Impact 3.7-3 of the Cannabis Program Draft EIR evaluated whether future project could create adverse soil conditions resulting from use of septic tanks or alternative wastewater disposal systems. Implementation of the Cannabis Program would lead to the installation of septic tanks and onsite sewage disposal systems. Portions of the county may contain areas with soils not suitable for wastewater treatment. Such systems must be sited, designed, and constructed in accordance with applicable local requirements. Because the siting and design of wastewater disposal systems is governed by existing requirements, there would be a less-than-significant impact. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Impact 3.7-4 of the Cannabis Program Draft EIR evaluated whether project could result in adverse effects to paleontological resources. Expansion of existing commercial cannabis uses and development of new commercial cannabis uses under the Cannabis Program could result in the accidental damage of previously undiscovered paleontological resources. This impact would be potentially significant. Implementation of adopted Mitigation Measure 3.7-4 would reduce potential loss of paleontological resources from site development to a less-than-significant level because it would ensure that discovered resources are evaluated and protected. No new significant

impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

### Mitigation Measures

The following mitigation measures were adopted with the Cannabis Program and would continue to remain applicable if the project was approved.

- ▶ Mitigation Measure 3.7-2: Implement Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards.
- ▶ Mitigation Measure 3.7-4: Protect Discovered Paleontological Resources

The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):

- If a paleontological discovery is made during construction, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery and shall immediately contact the County.
- A qualified paleontologist shall be retained to observe all subsequent grading and excavation activities in the area of the find and shall salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered that require temporarily halting or redirecting of grading, the paleontologist shall report such findings to the County. The paleontologist shall determine appropriate actions, in cooperation with the applicant and the County, that ensure proper exploration and/or salvage. It is encouraged that the excavated finds first be offered to a state-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds may be offered to the County for purposes of public education and interpretive displays. The paleontologist shall submit a follow-up report to the County that shall include the period of inspection, an analysis of the fossils found, and the present repository of fossils.

### CONCLUSION

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Therefore, the conclusions of the Cannabis Program EIR remain valid and approval of the project would not result in new or substantially more severe significant impacts to geology and soils.

## 4.8 GREENHOUSE GAS EMISSIONS

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>8. Greenhouse Gas Emissions. Would the project:</b>				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Draft EIR Setting pp. 3.8-1 to 3.8-7 Impact 3.8-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Draft EIR Setting pp. 3.8-1 to 3.8-7 Impact 3.8-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.

### 4.8.1 Discussion

No new information pertaining to greenhouse gas emissions and climate change, described in Cannabis Program Draft EIR Section 3.8, "Greenhouse Gas Emissions and Climate Change," has become available since the Cannabis Program EIR was certified.

**a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

See discussion under item b) below.

**b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

Impact 3.8-1 of the Cannabis Program Draft EIR evaluated the potential for projects under the Cannabis Program to generate greenhouse gas (GHG) emissions. Operation of existing licensed commercial cannabis cultivation and noncultivation sites, as well as construction and operation of new cultivation and noncultivation sites permitted under the Cannabis Program, would result in the generation of GHG emissions. Although there are state regulations that would require projects to reduce GHG emissions (i.e., Sections 8203 and 8305 of CCR Title 3, Division 8, Chapter 1) these regulations would not take effect until 2022 and 2023, respectively. The Cannabis Program does not include performance standards that reduce GHG emissions. Therefore, implementation of the Cannabis Program could conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions. This impact would be potentially significant.

Operation of existing permitted cultivation and noncultivation sites generates GHG emissions through area sources, energy consumption, mobile sources, water consumption, wastewater and waste generation. During operation of cultivation and noncultivation sites, GHGs are emitted by haul trucks transporting products, worker commute trips, and electricity and propane that supply power for well pumps and grow lights. Use of off-road equipment such as utility vehicles (e.g., John Deere Gator) would also generate of GHG emissions. Construction and operation of new commercial cannabis cultivation operations would also generate GHG emissions. During construction of new cannabis cultivation and noncultivation sites, GHGs would be emitted by construction equipment, haul trips transporting equipment and materials, and commute trips by construction workers. Operation of commercial



cannabis cultivation sites licensed under the Cannabis Program would generate GHG emissions associated with worker commute trips, haul truck trips transporting products, landscaping and fertilizer use, water consumption, waste and wastewater generation, waste generation, and supplemental energy supply (i.e., back-up generators).

Implementation of the Cannabis Program would result in the generation of GHG emissions and could conflict with the 2017 Scoping Plan. California has established GHG reduction targets for the years 2020 and 2030 and approved the 2017 Scoping Plan, which provides a potential strategy for California to meet overall emission targets. The 2017 Scoping Plan provides details regarding local actions that land use development projects and municipalities can implement to support the statewide GHG emissions goal of 40 percent below 1990 levels by 2030. Although the project is not a typical land use development project and not necessarily subject to these specific recommendations, there are no performance measures included in the Cannabis Program that would be consistent with these recommended local actions. For this reason, this impact would be potentially significant.

Implementation of adopted Mitigation Measure 3.8-1a would reduce construction-generated GHG emissions by 67 percent at all new licensed cultivation and noncultivation sites. Implementation of adopted Mitigation Measure 3.8-1b would reduce GHG emissions associated with off-road equipment. Implementation of adopted Mitigation Measures 3.8-1c and 3.8-1d would require all cannabis cultivation and noncultivation sites to reduce their GHG emissions through the use of electrified off-road equipment, higher performing back-up generators, renewable energy, high-efficacy lighting. These requirements would apply to all new cultivation and noncultivation sites under the Cannabis Program and would apply to all existing cultivation and noncultivation site when seeking annual relicensing.

With implementation of these mitigation measures, the Cannabis Program would be consistent with the 2017 Scoping Plan's Local Action recommendations for reducing GHG emissions. All cultivation and noncultivation sites permitted under the Cannabis Program would align with applicable plans and policies adopted for the purpose of reducing GHG emissions. The GHG emissions associated with project implementation would not be a considerable contribution to global climate change and would be less than significant. The project is required to comply with these adopted measures. Therefore, the conclusions of the Cannabis Program EIR remain valid and no additional analysis would be required.

### Mitigation Measures

The following mitigation measures were adopted with the Cannabis Program and would continue to remain applicable if the project was approved.

- ▶ Mitigation Measure 3.8-1a: Implement Mitigation Measures 3.3-1a, 3.3-1b, and 3.3-1c
- ▶ Mitigation Measure 3.8-1b: Implement Mitigation Measures 3.3-2a and 3.3-2b
- ▶ Mitigation Measure 3.8-1c: Renewable Electricity Requirements

The following shall be included as a new performance standard in Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis); Section 315-842(6) (Required Conditions); Section 315-838(6) (Required Conditions); Section 315-837(3) (Required Conditions); Section 315-835(2) (Regulations); Section 315-824(5) (Required Conditions); Section 315-827(4) (Required Conditions of Use Permit Approval); and Section 315-828(5) (Required Conditions):

- All electricity sources used for commercial cannabis cultivation, manufacturing, microbusinesses, non-storefront retail, testing, nurseries, and distribution shall be from renewable sources by conforming to one or more of the following standards:
  - Grid-based electricity supplied from 100 percent renewable sources
  - On-site power supplied fully by renewable source (e.g., photovoltaic system)
  - On-site power supplied by partial or wholly non-renewable source with purchase of carbon offset credits
  - Or some combination of the above.

This mitigation measure is consistent with a local action measure recommended in Appendix B, Local Action, of the 2017 Scoping Plan, which reads, "Require on-site renewable energy generation" (CARB 2017:B-8).

▶ Mitigation Measure 3.8-1d: Lighting Efficiency Requirements

The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis); Section 315-842(6) (Required Conditions); Section 315-838(6) (Required Conditions); Section 315-837(3) (Required Conditions); Section 315-835(2) (Regulations); Section 315-824(5) (Required Conditions); Section 315-827(4) (Required Conditions of Use Permit Approval); and Section 315-828(5) (Required Conditions):

- Only light-emitting diodes (LEDs) or double-ended high-pressure sodium (HPS) fixtures shall be used in all existing and new mixed-light cultivation operations (i.e., sites not seeking relicensing).
- Only high efficacy lighting shall be used in all existing and new noncultivation operations (i.e., sites not seeking relicensing).

Examples of high efficacy lighting include:

- Pin-based linear fluorescent or compact fluorescent light sources using electronic ballasts;
- Pulse-start metal halide light sources;
- HPS light sources;
- Luminaries with hardwired high frequency generator and induction lamp; and
- LEDs.

LED or HPS lighting has been considered feasible in cannabis cultivation sites by numerous studies conducted by utility providers throughout California (SDG&E 2016). This is consistent with a local action measure recommended in Appendix B, Local Action, of the 2017 Scoping Plan, which reads, "Require the use of energy-efficient lighting for all street, parking, and area lighting" (CARB 2017:B-10).

## CONCLUSION

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Therefore, the conclusions of the Cannabis Program EIR remain valid and approval of the project would not result in new or substantially more severe significant impacts to GHG emissions.

## 4.9 HAZARDS AND HAZARDOUS MATERIALS

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>9. Hazards and Hazardous Materials. Would the project:</b>				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Draft EIR Setting pp. 3.9-1 to 3.9-11 Impact 3.9-1	No	No	NA, impact remains less than significant
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Draft EIR Setting pp. 3.9-1 to 3.9-11 Impact 3.9-3	No	No	NA, impact remains less than significant
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Draft EIR Setting pp. 3.9-1 to 3.9-11 Impact 3.9-4	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Draft EIR Setting pp. 3.9-1 to 3.9-11 Impact 3.9-2	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	Draft EIR Setting pp. 3.9-1 to 3.9-11 Impact 3.9-5	No	No	NA
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Draft EIR Setting pp. 3.9-1 to 3.9-11 Impact 3.9-6	No	No	NA
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	See Section 4.20, "Wildfire"			

### 4.9.1 Discussion

No substantial change in the environmental and regulatory settings related to hazards and hazardous materials, described in Cannabis Program Draft EIR Section 3.9, "Hazards and Hazardous Materials," has occurred since certification of the EIR.

**a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

Impact 3.9-1 of the Cannabis Program Draft EIR evaluated the potential for projects to create a significant hazard through transport, use, or disposal of hazardous materials.

Commercial cannabis operations involve the use of pesticides, herbicides, rodenticides, and other chemicals for growing and manufacturing of cannabis and cannabis products. As described in Section 3.9.1 "Regulatory Setting," commercial cannabis cultivation operations are regulated to protect public health and through storage and restriction requirements of the use of pesticides, herbicides, and rodenticides, as well as testing requirements of cannabis goods to ensure contamination does not occur (CCR Sections 5304, 8307[a], and 8307[b]).

Cannabis Program provides the following public health and environmental protections:

- ▶ Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide or other substance toxic to wildlife, children, or pets shall be stored in a secured and locked structure or device. All use of pesticide products shall be in compliance with state pesticide laws and regulations enforced by the County Agricultural Commissioner's Office, Trinity County Environmental Health and CDPR (Section 315-843[6][g]).
- ▶ Hazardous materials and wastes from agricultural businesses are regulated by Trinity County Environmental Health and DTSC (Trinity County Certified Unified Program Agency [CUPA]) (Section 315-843[6][h]).
- ▶ Rodenticides that require a California Restricted Materials permit cannot be used, those that are designated as federally Restricted Use Products can only be used by a certified applicator (Section 315-843[6][i]).
- ▶ The following rodent repellents may be used in and around cannabis cultivation sites consistent with the label: Capsicum oleoresin, Putrescent Whole Egg Solids and Garlic (Section 315-843[6][j]).
- ▶ Applicants must apply for CUPA associated with handling hazardous materials. For Trinity County, this process is administered through DTSC (Section 315-842[4][G]).
- ▶ Any employees of a cannabis manufacturing facility operating potentially hazardous equipment shall be trained on the proper use of equipment and on the proper hazard response protocols in the event of equipment failure. In addition, employees handling edible cannabis products or ingredients shall be trained on proper food safety practices (Section 315-842[4][H]).
- ▶ For Type 6 (state license type) licenses the following requirements must be met to qualify for a Director's Use Permit. Applicants who meet these requirements must obtain an approved Director's Use Permit before starting operations, including infrastructure and building improvements specific to the use (Section 315-842[4][L]).
  - The manufacturing business:
    - Operates under a Type N or Type P (state license type) license
    - Utilizes extractions with butter or food-grade oils, provided that the resulting extract or concentrate shall be used solely in the manufacture of the licensee's infused product, and shall not be sold to any other licensee
    - Utilizes extractions methods such as Rosin Pressing, Bubble/Water Hash or Kief/Dry Sifting
    - Any postextraction methods that involve substances included in Title 8, Industrial Relations, Division I, Department of Industrial Relations, Chapter 3.2, California Occupational Safety and Health Regulations (Cal/OSHA) Subchapter I, Regulations of the Director of Industrial Relations, Article 5, Hazardous Substances Information and Training (Refs & Annos) CCR Section 339, The Hazardous Substances List, may require a Conditional Use Permit, as determined by the Director
- ▶ Cannabis testing facilities shall comply with all safety standards and requirements for cannabis testing facilities identified by the state, and shall ensure the safety of its employees and the proper disposal of all chemicals and byproducts pursuant to California Department of Public Health guidelines, California Division of Occupational

Safety and Health requirements, California Department of Transportation, DTSC (Trinity County CUPA), and Trinity County Department of Environmental Health (Section 315-824[3][b][x]).

Existing licensed cannabis operations would continue to be required to comply with CCR Sections 5304, 8307(a) and 8307(b) as well as the requirements under the Cannabis Program. Compliance with existing applicable rules and regulations would prevent any impacts related to hazardous materials from the existing licensed commercial cannabis operations.

Development associated with the new licensed commercial cannabis operations could temporarily increase the regional transport, use, storage, and disposal of hazardous materials and petroleum products (such as diesel fuel, lubricants, paints and solvents, and cement products containing strong basic or acidic chemicals) that are commonly used at construction sites. Hazardous waste generated during construction may consist of welding materials, fuel and lubricant containers, paint and solvent containers, and cement products containing basic or acidic chemicals. However, these types of routine uses are regulated and would be used, store, and disposed of in accordance with applicable federal, state, and local laws.

Operation of new licensed commercial cannabis operations, including cultivation, manufacturing, and other related operations, could also involve the use of hazardous materials, such as fuel for power equipment and generators, pesticides, rodenticides, and chemicals and gases for extraction activities. Cultivation may employ rechargeable batteries to power operations associated with the use of solar power. Eventually the batteries would no longer hold a significant charge and would need to be properly managed at the end of their life. In California, all types of batteries are considered to be a hazardous waste and are managed under the Universal Waste Rule, unless determined they do not exhibit a characteristic of a hazardous waste. Compliance with existing laws and regulations related to transport, use, and disposal of hazardous materials would avoid creating a substantial hazard to the public.

Depending on the size of the new licensed commercial cannabis operation and nature of activities, licensees may be required to prepare a hazardous material business plan and/or hazardous materials management plan. Additionally, new licensees under the program would be required to comply with OSHA and Cal/OSHA requirements, such as providing personal protective equipment, as necessary, to protect the health of workers.

New licensed commercial cannabis operations would be required to comply with requirements for the storage and use of hazardous materials. In addition, manufacturing operations would be required comply with CCR Section 40223(b) and 40225 regarding the proper handling of gases and chemical associated with extraction operations and CCR Section 40280 that requires proper safety and cleanup activities of employees.

With enforcement of existing hazardous materials regulations and the requirements of the Cannabis Program, this impact would be less than significant. The project would be subject to the above standards noted above. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid.

**b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?**

Impact 3.9-3 of the Cannabis Program Draft EIR evaluated the potential for projects to create a significant hazard to the public or environment due to upset and accident conditions. As commercial cannabis operations do involve the use of pesticides, herbicides, rodenticides, and other chemicals for growing and manufacturing of cannabis and cannabis products, commercial cannabis cultivation operations are regulated to protect public health and through storage and restriction requirements of the use of pesticides, herbicides, and rodenticides, as well as testing requirements of cannabis goods to ensure contamination does not occur (CCR Sections 5304, 8307[a], and 8307[b]). Existing licensed cannabis operations would continue to be required to comply with CCR Sections 5304, 8307(a) and 8307(b) as well as the Cannabis Program (Sections 315-843[6][g], 315-843[6][h], 315-843[6][i], and 315-843[6][j]) that provide public health and environmental protections. Operation of new licensed commercial cannabis operations, including cultivation, manufacturing, and other related operations, could also involve the use of hazardous materials, such as fuel for power equipment and generators, pesticides, rodenticides, and chemicals and gases for extraction

activities. Commercial cannabis operations would not generally require intensive use of hazardous materials. Existing regulations effectively reduce the potential for individual projects to create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials. This impact would be less than significant. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

Impact 3.9-4 of the Cannabis Program EIR evaluated the potential for projects to emit hazardous emissions or handle hazardous materials within 0.25 mile of a school. Cultivation sites are not anticipated to use large quantities of hazardous materials. Materials used in noncultivation cannabis operations would be used in accordance with applicable regulations to limit the potential for accident or upset conditions. Setbacks from school sites are required in the Cannabis Program.

The existing licensed commercial cannabis cultivation operations may contain small amounts of hazardous materials that are regulated. Existing cannabis cultivation occurs in remote rural areas, far from high traffic areas with a strong public presence (such as schools). The Cannabis Program requires that cultivation sites be located at least 1,000 feet from schools.

The Cannabis Program includes the following regulations for commercial cannabis operations that specify buffers from schools:

- ▶ Cultivation is prohibited within 1,000 feet of a youth-oriented facility, a school, any church, or residential treatment facility (Section 315-843[5][a]).
- ▶ Cannabis manufacturing facilities shall not be allowed within 1,000 feet of a youth-oriented facility, school, church, or residential treatment facility. Cannabis manufacturing facilities shall not be within 500 feet from an authorized school bus stop, unless a variance is obtained (Section 315-842[4][B]).
- ▶ Non-storefront retail premises and activities are not allowed within 1,000 feet of a youth-oriented facility, school, church, or residential treatment facility, and not allowed within 500 feet from an authorized school bus stop unless a variance is obtained (Section 315-835[2][J]).
- ▶ Testing facilities shall not be within 1,000 feet of a youth-oriented facility, a school, any church, or residential treatment facility or within 500 feet of an authorized school bus stop and will be measured from footprint of buildings to edge of parcel boundary if sensitive receptors are present (Section 315-824[3][b][i]).
- ▶ Cannabis nurseries shall not be located within 1,000 feet of a youth-oriented facility, school, church, or residential treatment facility or within 500 feet of an authorized school bus stop. Variances are allowed upon review of the Planning Commission (Section 315-826[3][a][iii]).
- ▶ Cannabis distribution facilities shall not be allowed within 1,000 feet of a youth-oriented facility, school, church, or residential treatment facility or within 500 feet of an authorized school bus stop, unless a variance is obtained (Section 315-828[3][B]).

For new schools that may be developed, the California Education Code, including Section 17213(b) of the Education Code, establishes requirements for assessments and approvals that address the potential for existing contamination on the site, and whether nearby land uses might reasonably be anticipated to emit hazardous air emissions or handle hazardous materials. Assessment of existing contamination is conducted in coordination with DTSC's School Property Evaluation and Cleanup Division, which is responsible for accessing, investigating, and cleaning up proposed school sites. This division ensures that selected properties are free of contamination or, if the properties were previously contaminated, that they have been cleaned up to a level that protects the students and staff who would occupy a new school. All proposed school sites that would receive state funding for acquisition or construction are required to go through a rigorous environmental review and cleanup process under DTSC's oversight.

The potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school would be a less-than-significant impact. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Impact 3.9-2 of the Cannabis Program Draft EIR evaluated the potential for projects to create potential human hazards from exposure to existing onsite hazardous materials. Construction activities that disturb subsurface materials could encounter previously unidentified contamination from past practices, placement of undocumented fill, or even unauthorized disposal of hazardous wastes. Encountering these hazardous materials could expose workers, the public, or the environment to adverse effects depending on the volume, materials involve, and concentrations. This impact would be potentially significant.

Implementation of adopted Mitigation Measures 3.9-2a and 3.9-2b would reduce impacts by requiring the preparation of, and compliance with, a Phase I environmental site assessment (ESA) for properties at risk of potential hazardous materials and/or waste contamination. This would minimize the risk of an accidental release of hazardous substances that could adversely affect human health or the environment. Mitigation Measure 3.9-2b would establish a hazardous materials contingency plan to address potential soil and groundwater contamination and ensure remediation, if discovered during construction activities consistent with County General Plan Safety Element policies. This impact would be reduced to a less-than-significant level.

[Insert discussion of Phase I ESA for project, if one has already been prepared]. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

Impact 3.8-5 of the Cannabis Program Draft EIR evaluated whether projects could result in a safety hazard or excessive noise for people residing or working in a project area that is located within 2 miles of a public airport or public use airport. The existing licensed commercial cannabis operations in Trinity County were previously subject to criteria and policies set forth in the ALUCP when previously assessing land use compatibility. Any future modification of these existing sites would still be required to comply with the ALUCP. Applications for new licensed commercial cannabis operations development near public airports would be required to comply with the Trinity County ALUCP. Further, development subject to the Cannabis Program would not result in new sensitive land uses or attract dense populations. The Cannabis Program would not create a safety hazard or excessive noise exposure for people working or residing near a public airport. This impact would be less than significant. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Impact 3.9-6 of the Cannabis Program Draft EIR evaluated whether project could impair emergency response or evacuation plans. Existing and future licensed commercial cannabis operations that would be allowed under the Cannabis Program could impair implementation of, or physically interfere with, emergency response plans or emergency evacuation if roadways and driveways are not designed properly.

Implementation of adopted Mitigation Measure 3.9-6, which requires implementation of adopted Mitigation Measures 3.14-3 and 3.14-4, would require that existing licensed and new commercial cannabis sites meet County roadway and access design and fire safety requirements set forth in County Code of Ordinances Chapters 8.30 and

12.10. This impact would be reduced to a less-than-significant level. **No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.**

**g) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

See Section 4.20, "Wildfire," of this checklist.

**Mitigation Measures**

The following mitigation measure was referenced in the Cannabis Program EIR analysis and would continue to remain applicable if the project was approved.

▶ Mitigation Measure 3.9-2a: Prepare Environmental Site Assessments

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):

- Applications for new cannabis activities on sites that contain existing or previous commercial, business park, or industrial uses shall include a site assessment for the presence of potential hazardous materials, including an updated review of environmental risk databases. If this assessment indicates the presence or likely presence of contamination, the applicant shall prepare a Phase I ESA in accordance with the American Society for Testing and Materials' E-1527-05 standard. For work requiring any demolition, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done. All recommendations included in a Phase I ESA prepared for a site shall be implemented to protect public health. If a Phase I ESA indicates the presence or likely presence of contamination, the applicant shall prepare a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented before ground disturbance, which will be made a condition of approval for the project.

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

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):

- Applications for new licensed commercial cannabis on commercial, business park, or industrial sites shall include a hazardous materials contingency plan for review and approval by Trinity County Division of Environmental Health. The plan shall describe the necessary actions that would be taken if evidence of contaminated soil or groundwater is encountered during construction. The contingency plan shall identify conditions that could indicate potential hazardous materials contamination, including soil discoloration, petroleum or chemical odors, and presence of underground storage tanks or buried building material. The plan shall include the provision that, if at any time during constructing the project, evidence of soil and/or groundwater contamination with hazardous material is encountered, the project applicant shall immediately halt construction and contact Trinity County Division of Environmental Health. Work shall not recommence until the discovery has been assessed/treated appropriately (through such mechanisms as soil or groundwater sampling and remediation if potentially hazardous materials are detected above threshold levels) to the satisfaction of Trinity County Division of Environmental Health, RWQCB, and DTSC (as applicable). The plan, and obligations to abide by and implement the plan, shall be incorporated into the conditions of approval for the project.

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



## CONCLUSION

No new circumstances or project changes related to hazards and hazardous materials have occurred nor has any new information been identified requiring new analysis or verification. Therefore, the conclusions of the Cannabis Program EIR remain valid and approval of the project would not result in new or substantially more severe significant impacts. No additional analysis is required.

## 4.10 HYDROLOGY AND WATER QUALITY

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>10. Hydrology and Water Quality. Would the project:</b>				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	Draft EIR Setting pp. 3.10-1 to 3.10-28 Impact 3.10-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	Draft EIR Setting pp. 3.10-1 to 3.10-28 Impact 3.10-2	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would:				
i. Result in substantial on- or offsite erosion or siltation;	Draft EIR Setting pp. 3.10-1 to 3.10-28 Impact 3.10-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	Draft EIR Setting pp. 3.10-1 to 3.10-28 Impact 3.10-3	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	Draft EIR Setting pp. 3.10-1 to 3.10-28 Impact 3.10-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
iv. Impede or redirect flood flows?	Draft EIR Setting pp. 3.10-1 to 3.10-28 Impact 3.10-4	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	Draft EIR Setting pp. 3.10-1 to 3.10-28 Impact 3.10-4	No	No	Yes, impacts would remain less than significant with the application of the

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>10. Hydrology and Water Quality. Would the project:</b>				
				adopted mitigation measure.
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Draft EIR Setting pp. 3.10-1 to 3.10-28 Impacts 3.10-1 and 3.10-2	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.

### 4.10.1 Discussion

No substantial change in the environmental and regulatory settings related to hydrology and water quality, described in Cannabis Program Draft EIR Section 3.10, "Hydrology and Water Quality," has occurred since certification of the Cannabis Program EIR.

**a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?**

Impact 3.10-1 of the Cannabis Program Draft EIR evaluated whether projects would degrade water quality. Cannabis cultivation can degrade water quality in various ways, including discharges of sediment to surface water from roads or other land improvements; discharges of fertilizers, pesticides, and other chemicals to surface waters or groundwater; discharges of fertilizers and pesticides to surface water or groundwater; spills or leaks of fuels, lubricants, hydraulic oil, or other chemicals associated with pumps, construction, or other equipment; and discharges of trash, household refuse, or domestic wastewater. In addition, construction of ponds, and grading for other water storage devices and structures can lead to erosion and thus further degradation of surface water quality during construction. Due to past and current practices, hydrologic units in Trinity County are subject to the 303(d) list of impaired waterways and associated with the North Coast RWQCB Sedimentation TMDL. Generally, listing of the waterways is associated with sedimentation, siltation, temperature, and turbidity. In addition, the Upper South Fork Trinity River, Middle South Fork Trinity River, Lower South Fork Trinity River, Upper Hayfork Creek, and Lower Hayfork Creek are listed as Cannabis Priority Watersheds in Trinity County.

SWRCB Order WQ 2019-0001-DWQ contains requirements for cannabis cultivation on sites greater than 2,000 square feet. These requirements include plans that address site erosion and sediment control, disturbed areas stabilization, nitrogen management, implementation of BPTC, site closure procedures, and monitoring and reporting requirements. In addition, the Order contains requirements for land development maintenance, erosion control, drainage features, stream crossing installation and maintenance, soil disposal and spoils management, and roadway design and maintenance. If the site is less than 2,000 square feet, the operation may be conditionally exempt from enrolling under the order and instead be required to obtain coverage under the waiver of WDRs. Cannabis operations are also subject to Chapter 12.12 of Trinity County Code of Ordinances that requires roadways constructed in decomposed granite areas to meet grade, culvert design, and revegetation requirements to address erosion. Chapter 15.24 of the County Code of Ordinances restricts mass grading activities and requires permitting and protection of water quality for any activity that would handle 800 cubic yards or greater of material or grades a surface area of 20,000 square feet or greater.

The Cannabis Program includes the following standards that address water quality for cultivation operations:

- ▶ The cultivation of cannabis shall not create erosion or result in contaminated runoff into any stream, creek, river, or body of water. If the designated area has more than a 35 percent slope, the applicant shall apply for a Tier 2 cultivation under the North Coast RWQCB Order #2015-0023, or regulations established by SWRCB (Section 315-843[6][d]).
- ▶ Applicant shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity for construction projects that disturb 1 or more acres of land surface, specifically for new site preparation and development (Section 315-423[6][o]).

Although these sites are part of the existing conditions, continued operation of cultivation sites that are not participating in the North Coast RWQCB's Order R1-2015-0023 or SWRCB Order WQ 2019-0001-DWQ would continue to result in water quality degradation. Field review of existing cannabis cultivation sites in the county identified slope stability issues associated with terrace construction on some sites as well as a lack of water quality control features on-site or associated access roadways. Expansion of existing operations could result in further water quality impacts. Thus, this impact associated with existing licensed cannabis cultivation operations would be potentially significant.

Development of new commercial cannabis cultivation and noncultivation sites could involve preparation of level surfaces such as terraces, construction of water detention features for water storage, building construction, extension of electrical facilities, and other site improvements. Site preparation and construction of these features would require activities such as grading, placement of fill, and excavation. These types of land disturbance activities could lead to accelerated erosion and sedimentation (especially in areas of decomposed granite) that causes poor water quality from high turbidity, total suspended solids, and total dissolved solids in local waterways, thus contributing to further degraded conditions in already impaired waterways. Placement of cannabis cultivation facilities within the 100-year floodplain of rivers and streams can also result in direct discharge of pollutants to the waterway during a flood event. Potential water quality impacts would be addressed through compliance with SWRCB Order WQ 2019-0001-DWQ and County Code of Ordinances Chapters 12.12 and 15.24. Operation and harvest activities would involve the use of pesticides, fertilizers, and other materials that could affect water quality. Cannabis cultivation sites could also result in on-site needs for proper septic systems to accommodate season workers.

Trinity County does not require any site-specific erosion and sediment control measures, such as those typically required through a grading permit program. Thus, for sites that are not subject to these standards and requirements, it would be expected that cannabis operations would cause degradation of water quality, as already documented in Trinity County. This impact would be potentially significant.

Implementation of adopted Mitigation Measure 3.10-1a would reduce the potential for degradation of water quality by requiring all existing and new commercial cannabis activities in the county to comply with the conditions of SWRCB Order WQ 2019-0001-DWQ or otherwise avoid water quality impacts. These conditions were developed in consultation with California Department of Fish and Wildlife to ensure that the individual and cumulative effects of water diversions and discharges associated with cannabis cultivation do not affect fish spawning, migration, and rearing for endangered anadromous salmonids. The provisions of SWRCB Order WQ 2019-0001-DWQ were scientifically peer reviewed by four experts. The peer review determined that water quality, instream flow, and diversion requirements of the Policy were based on sound scientific knowledge, methods, and data (SWRCB 2017b). This would also include ensuring that sites are stable and do not result in operational water quality impacts. Implementation of adopted Mitigation Measure 3.10-1b would reduce water quality impacts by requiring the avoidance of direct discharge of pollutants during a flood event. With implementation of these measures, impacts on surface water and groundwater quality would be less than significant.

The project and any off-site improvement is subject to the water quality control requirements identified above. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**

Impact 3.10-2 of the Cannabis Program Draft EIR evaluated whether project could result in groundwater supply impacts. The Cannabis Program and state regulations require each commercial cannabis cultivation operation to obtain and disclose a legal water supply source. Possible water supplies include domestic water service from a local service provider, existing riparian water rights to utilize surface water on the site, approved surface water diversions, rain water capture to storage facilities, and groundwater.

In areas where groundwater is available, and depending on the location of extraction and condition of local groundwater resources, it is possible for drawdown at a well in one location to affect groundwater elevations in other wells. One of the most important factors is distance; larger parcels generally have larger areas to draw from, thereby reducing the potential to adversely affect adjacent properties. The close proximity of wells to other wells, and structure and volume of the groundwater basin (among many factors), can influence if a well would affect other wells.

The Cannabis Program includes the following standard, which addresses water quality for cultivation operations:

- ▶ Applicants shall comply with all state laws, including SB 94, regarding surface water, including but not limited to, water used for the cultivation of cannabis needs to be sourced on-site from a permitted well or diversion. If using a permitted well, a copy of the Trinity County well permit shall be provided. The cultivation of cannabis shall not utilize water that has been or is illegally diverted from any stream, creek, river, or water source. If water is hauled it shall be for emergencies, as defined as a sudden, unexpected occurrence, and a bill of sale shall be kept on file from a water district or legal water source (Section 315-843[6][c]).

Trinity County Environmental Health is currently requiring well production rates for cannabis cultivation sites to be at least 3 gallons per minute.

Implementation of adopted Mitigation Measure 3.10-2 would reduce groundwater impacts by requiring the reporting of annual monitoring of groundwater conditions to the County as part of the annual inspections required under the ordinance. This monitoring would identify if on-site well operations are resulting in groundwater drawdown impacts and what adaptive measures would be implemented to recover groundwater levels and protect adjacent wells. Because implementation of this mitigation measure would be required as part of annual commercial cannabis operations permit renewals, it would provide ongoing protection of local groundwater resources. Thus, implementation of Mitigation Measure 3.10-2 would reduce this impact to a less-than-significant level. No new significant impacts or substantially more severe impacts would occur. The findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would:**

**i) Result in substantial on- or off-site erosion or siltation;**

See discussion under item a) above.

**ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;**

Impact 3.10-3 of the Cannabis Program Draft EIR evaluated whether project would divert surface water. New commercial cannabis cultivation operations in the county that may occur under the Cannabis Program could result in decreased flow rates on county streams and rivers because of surface water diversion. Low flows are associated with increased temperature and may also aggravate the effects of water pollution. Compliance with SWRCB Order WQ 2019-0001-DWQ requires that certain flow and gaging requirements be met and that a surface water diversion forbearance period be implemented.

Ensuring local compliance with SWQRCB Order WQ 2019-0001-DWQ through implementation of Mitigation Measure 3.10-1a would ensure surface water impacts are mitigated to a less-than-significant level. These requirements have

been determined by SWRCB to limit adverse effects on surface waterways due to low flows. Implementation of adopted Mitigation Measure 3.10-3b requires the County to prohibit any new commercial cannabis uses that could further affect critical watersheds identified by SWRCB and CDFW. Thus, this impact would be mitigated to a less-than-significant level. No new significant impacts or substantially more severe impacts would occur. The findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or**

See discussion under item a) above.

**iv) Impede or redirect flood flows?**

See discussion under item d) below.

**d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**

Impact 3.10-4 of the Cannabis Program Draft EIR evaluated whether projects would result in alteration of drainage conditions and floodplains. Cannabis cultivation facilities placed within natural drainage courses and the 100-year floodplain can result in alteration of peak flow conditions and create new sources of flooding. This impact would be significant.

Implementation of adopted Mitigation Measure 3.10-4 would ensure that cultivation activities avoid alteration of floodplain conditions. Therefore, impacts on flooding would be less than significant. **No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.**

**e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

See discussion under items a) and d) above.

### Mitigation Measures

The following mitigation measures were adopted in the Cannabis Program EIR analysis and would continue to remain applicable if the project was approved.

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

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis). Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ:

- All cultivation sites (new and licensed renewals) are required to demonstrate compliance with all applicable requirements of SWRCB Order WQ 2019-0001-DWQ or any subsequent water quality standards that apply to all new commercial cannabis cultivation operations and will not be limited by a minimum area of disturbance as part of application review and at annual licensed renewal. This will include documentation, Site Management Plan, and grading details prepared by a qualified professional to help ensure that any grading of the site will be stable and describing how stabilization will be achieved. The documentation will also identify the location of all water quality control features for the site and associated access roads. Roadway design, water quality control, and drainage features shall be designed and maintained to accommodate peak flow conditions and will be consistent with The Road Handbook, per CCR Title 14, Chapter 4. Compliance with water diversion standards and restrictions of SWRCB Order WQ 2019-0001-DWQ will also be provided to the County. The County will annually inspect compliance with this measure as part of license issuance or license renewal to confirm compliance.

- On-site sewage systems shall be designed to accommodate employees and seasonal employees during harvest consistent with the requirements of County Code of Ordinances Section 16.48.122.

The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):

- Applications will identify drainage and water quality controls for the site, including roads leading to and from a site, that ensure no sedimentation or other pollutants leave the site as part of project construction and operation. Compliance with this requirement may be combined with the NPDES Construction General Permit compliance measures. Roadway design, water quality control, and drainage features shall be designed and maintained to accommodate peak flow conditions and will be consistent with the Five Counties Salmonid Conservation Roads Maintenance Manual. The County will annually inspect compliance with this measure as part of license issuance or license renewal to confirm compliance.

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

The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis):

- Cultivation sites shall not place any structures or involve any grading that alters the capacity of the 100-year floodplain. No storage of pesticides, fertilizers, fuel, or other chemicals will be allowed within the 100-year floodplain. All cultivation uses (plants, planter boxes and pots, and related materials) will be removed from the 100-year floodplain between November 1 and April 1 each year.

▶ Mitigation Measure 3.10-2: Conduct Groundwater Monitoring and Adaptive Management

The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions) associated with projects using groundwater as a water supply source:

- As part of the application and license renewal process, applicants shall provide the County with groundwater monitoring data for existing on-site well facilities that documents well production and changes in groundwater levels during each month of the year. Should this monitoring data identify potential drawdown impacts on adjacent well(s), surface waters, and waters of the state and sensitive habitats and indicate a connection to operation of the on-site wells, the cannabis operators, in conjunction with the County, shall develop adaptive management measures to allow for recovery of groundwater levels that would protect adjacent wells and habitat conditions that could be adversely affected by declining groundwater levels. Adaptive management measures may include forbearance (e.g., prohibition of groundwater extraction from the months of May to October), water conservation measures, reductions in on-site cannabis cultivation, alteration of the groundwater pumping schedule, or other measures determined appropriate. Adaptive management measures will remain in place until groundwater levels have recovered and stabilized based on annual monitoring data provided to the County as part of subsequent annual inspections. Any monitoring cannabis cultivation irrigation wells that demonstrate hydrologic connection to surface waters shall be subject to surface water diversion requirements and restrictions in SWRCB Order WQ 2019-0001-DWQ. Wells shall also be sited outside of the stream setbacks as set forth in SWRCB Order WQ 2019-0001-DWQ.

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

▶ Mitigation Measure 3.10-3b: Prohibit Commercial Cannabis Operations in Watersheds under a CDFA Moratorium

The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3)

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(Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions) associated with projects using groundwater as a water supply source:

- Prior to the issuance of a license and/or use permit, the County will determine if the application site is located within a watershed on which the CDFA has placed a moratorium on state licensing pursuant to CCR Section 8216. The County will reject the application should the site be located in such a watershed. Noncultivation uses may still be allowed if the applicant can demonstrate that the project's water source is groundwater that is not hydrologically connected to the watershed to the satisfaction of the County.
- ▶ Mitigation Measure 3.10-4: Implement Mitigation Measure 3.10-1b: Restrict Cultivation Operations in Floodplains

## CONCLUSION

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Therefore, the conclusions of the Cannabis Program EIR remain valid and approval of the project would not result in new or substantially more severe significant impacts to hydrology and water quality.



## 4.11 LAND USE AND PLANNING

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>11. Land Use and Planning. Would the project:</b>				
a. Physically divide an established community?	Draft EIR Setting pp. 3.11-1 to 3.11-5 Impact 3.11-1	No	No	NA, this impact would remain less than significant.
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Draft EIR Setting pp. 3.11-1 to 3.11-5 Impact 3.11-2	No	No	NA, this impact would remain less than significant.

### 4.11.1 Discussion

No substantial change in the environmental and regulatory settings related to land use and planning, described in Cannabis Program EIR Section 3.11, "Land Use and Planning," has occurred since certification of the Cannabis Program EIR.

#### a) Physically divide an established community?

Impact 3.11-1 of the Cannabis Program Draft EIR evaluated whether project would have the potential for physical division of an established community. The Cannabis Program contains requirements that would manage conditions that create public nuisances by enacting restrictions on the location, type, and size of cannabis cultivation sites and commercial activities in the county, as well as other requirements such as setbacks, security, and other protective measures.

The Cannabis Program includes the following regulations specifying buffers from sensitive land uses to reduce potential land use conflicts and other public nuisances:

- ▶ Cultivation is prohibited within 1,000 feet of a youth-oriented facility, a school, any church, or residential treatment facility (Section 315-843[5][a]).
- ▶ Cultivation is not allowed within residential zoning designations (Section 315-843[5][a][v]).
- ▶ Cultivation is prohibited within 500 feet of an authorized school bus stop (Section 315-843[5][a][iii]).
- ▶ Cannabis manufacturing facilities shall not be allowed within 1,000 feet of a youth-oriented facility, school, church, or residential treatment facility. Cannabis manufacturing facilities shall not be within 500 feet from an authorized school bus stop, unless a variance is obtained (Section 315-842[4][B]).
- ▶ Non-storefront retail premises and activities are not allowed within 1,000 feet of a youth-oriented facility, school, church, or residential treatment facility, and not allowed within 500 from an authorized school bus stop unless a variance is obtained (Section 315-835[2][J]).
- ▶ Testing facilities shall not be within 1,000 feet of a youth-oriented facility, a school, any church, or residential treatment facility or within 500 feet of an authorized school bus stop and will be measured from footprint of buildings to edge of parcel boundary if sensitive receptors are present (Section 315-824[3][b][i]).

- ▶ Cannabis nurseries shall not be located within 1,000 feet of a youth-oriented facility, school, church, or residential treatment facility or within 500 feet of an authorized school bus stop. Variances are allowed upon review of the Planning Commission (Section 315-826[3][a][ii]).
- ▶ Cannabis distribution facilities shall not be allowed within 1,000 feet of a youth-oriented facility, school, church, or residential treatment facility or within 500 feet of an authorized school bus stop, unless a variance is obtained (Section 315-828[3][B]).

Because the project would include the above requirements, land use conflicts that could result in the division of established communities would not occur. Therefore, this impact would be less than significant.

Project implementation would not physically divide an established community. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

Impact 3.11-2 of the Cannabis Program Draft EIR evaluated whether projects under the Cannabis Program would conflict with relevant zoning, plans, and policies for the purpose of avoiding an environmental effect. The Cannabis Program would amend the County Code of Ordinances that implements the General Plan land use policy direction, and would be consistent with General Plan land use provisions. Further, the Cannabis Program contains permitting requirements that provides a mechanism for the County to ensure compliance with relevant plans and policies. Subsequent projects under the Cannabis Program would be required to comply with the relevant requirements of the community plans. The Cannabis Program does not include any changes to community plan policies or land use designations, and therefore would not conflict with community plans. Therefore, this impact would be less than significant.

The project land uses are consistent with the Cannabis Program requirements and is subject to the mitigation measures adopted when the EIR was certified. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**Mitigation Measures**

No mitigation measures were needed for the Cannabis Program regarding land use and planning. No additional mitigation measures are required for project for this topic.

**CONCLUSION**

No new circumstances or project changes have occurred nor has any new information been identified requiring new analysis or verification. Therefore, the conclusions of the Cannabis Program EIR remain valid and approval of the project would not result in new or substantially more severe significant impacts to land use and planning.

## 4.12 MINERAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>12. Mineral Resources. Would the Project:</b>				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	Scoped out on Draft EIR p. 1-3	No	No	NA
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	Scoped out on Draft EIR p. 1-3	No	No	NA

### 4.12.1 Discussion and Conclusion

Mineral resource impacts were scoped out of the Cannabis Program EIR as discussed on page 1-3 of the Cannabis Program Draft EIR as projects would not preclude the recovery of mineral resources within the county. Therefore, no significant impacts on mineral resources would occur.

## 4.13 NOISE

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New or Substantially More Severe Significant Impacts?	Any Substantially Important New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>13. Noise. Would the project result in:</b>				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?	Draft EIR Setting pp. 3.12-1 to 3.12-7 Impacts 3.12-1, 3.12-2, and 3.12-3	No	No	Yes, but impact remains significant and unavoidable
b. Generation of excessive groundborne vibration or groundborne noise levels?	Draft EIR Setting pp. 3.12-1 to 3.12-7 Draft EIR p. 3.12-8	No	No	NA
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Draft EIR Setting pp. 3.12-1 to 3.12-7 Draft EIR p. 3.12-8	No	No	NA

### 4.13.1 Discussion

No substantial change in the environmental and regulatory settings related to noise and vibration, described in Cannabis Program Draft EIR Section 3.12, "Noise," has occurred since certification of the EIR.

**a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?**

Impact 3.12-1 of the Cannabis Program Draft EIR evaluated whether projects could create short-term, construction-related noise impacts. Construction of new commercial cannabis operations that may occur under the Cannabis Program could involve the use of heavy off-road equipment that could increase noise levels at nearby land uses and expose noise-sensitive receptors to noise levels that exceed County noise standards and/or result in sleep disturbance at residential receptors during evening and nighttime hours. This impact would be significant.

Construction of commercial cannabis cultivation sites and their ancillary facilities may require earthwork and use of heavy equipment, which has the potential to result in a temporary increase in noise levels in the vicinity of the site. Generally, the intensity of construction activity for commercial cannabis cultivation sites would be similar to that of agricultural development, residential renovation, or a building addition project. Establishment of the new cultivation sites may involve the use of off-road construction equipment for grubbing and removal of existing vegetation, breaking ground, initial plowing, terracing, and/or grading to establish a gravel pad or foundation and lifting supplies and building materials. It is assumed that new commercial cannabis noncultivation sites may also require earth-moving construction activities (tree removal, vegetation clearing, grading) at a similar scale and intensity to that of new cannabis cultivation sites.

Implementation of the Cannabis Program could result in the development of approximately 246 acres of new commercial cannabis cultivation operations and 34 new commercial cannabis noncultivation operations (e.g., testing, processing, manufacturing, distribution, and retail nurseries) (see Cannabis Program Draft EIR Table 2-3).

Due to the relatively small size of these operations, it is anticipated that one piece of heavy off-road equipment would be used at a time (e.g., loader, grader, scraper, dozer, or something with a comparable engine size and power rating). It is anticipated that construction activity would last approximately 4 weeks at each cultivation site, and the use of heavy off-road equipment at a single new cultivation site would occur for approximately 2 weeks. The Trinity County Code of Ordinances does not formally exempt construction-generated noise from applicable standards if the construction activity takes place during daytime hours; however, Trinity County considers construction noise occurring during the daytime hours (i.e., between 7:00 a.m. and 7:00 p.m.) to be exempt from Trinity County General Plan noise standards (Hubbard, pers. comm., 2019). Several cities and counties in California exempt construction noise from local noise standards if the noise-generating construction activity is performed during daytime hours.

The hours during which construction equipment would operate is unknown; thus, it is conservatively assumed that construction could occur throughout the daytime and nighttime hours and potentially result in sleep disturbance at nearby residential land uses.

The Cannabis Program would require that each cultivation site be set back 350–500 feet (depending on license type) from residences on neighboring properties, and 1,000 feet from youth-oriented facilities, schools, churches, or residential treatment facilities. Through distance alone, the noise level generated by the construction equipment would attenuate to approximately 59 dB  $L_{eq}$  and 63 dB  $L_{max}$  at 350 feet, 55 dB  $L_{eq}$  and 59 dB  $L_{max}$  at 500 feet, and 47 dB  $L_{eq}$  and 51 dB  $L_{max}$  at 1,000 feet. Additional noise reduction would be provided by any intervening topography, dense stands of trees, or human-made structures located between the cultivation site and off-site receptors. However, the conservative approach of not factoring in any additional noise attenuation that these intervening factors may provide was taken.

However, as detailed above, the noise levels at surrounding noise-sensitive land uses resulting from construction activities occurring outside of the exempt daytime hours could potentially surpass evening, and nighttime maximum allowable  $L_{eq}$  standards (i.e., 50 and 45 dB  $L_{eq}$ , respectively) established in the Trinity County General Plan for stationary noise sources.

Construction would be temporary in nature; however, construction is not limited to the daytime hours under the proposed ordinance; and thus, noise sensitive receptors could be exposed to excessive noise levels that exceed Trinity County General Plan noise standards and disrupt sleep during nighttime construction activities. This impact would be significant.

Implementation of adopted Mitigation Measure 3.12-1 would ensure that surrounding noise-sensitive receptors would not be exposed to construction noise during the more noise-sensitive evening and nighttime hours and that sleep disturbance would not occur during these times of the day at residential land uses. Thus, this impact would be reduced to a less-than-significant level.

Impact 3.12-2 of the Cannabis Program Draft EIR evaluated whether projects would result in impacts related to long-term nontransportation operational noise. Commercial cannabis cultivation operations in the county that may occur under the Cannabis Program could generate increased noise levels as a result of the use of specialized, mechanized equipment, as determined necessary for individual sites. However, the use of mechanized equipment would be temporary and periodic in nature and adjacent land uses would not be exposed to noise levels that exceed noise standards in the Trinity County General Plan. Additionally, the setback requirements in the Cannabis Program would prevent sensitive uses from being exposed to excessive noise levels during each harvest. Therefore, this impact would be less than significant.

Impact 3.12-3 of the Cannabis Program Draft EIR evaluated potential impacts related to traffic noise levels. Commercial cannabis operations in the county that may occur under the Cannabis Program could result in increased traffic volumes on associated roadways and highways in the county, particularly during fall harvest season when the demand for workers is highest. Project-generated traffic volumes could expose noise-sensitive receptors to traffic

noise levels that exceed the Trinity County General Plan exterior noise standards for transportation noise. Due to this potential, this impact would be significant.

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

It should be noted that the methodology used to estimate the number of trips that could potentially be generated by the project was based on the conservative assumptions discussed above and represents a worst-case scenario. Additionally, the levels of traffic noise modeled and shown in Cannabis Program Revised Draft EIR Table 3.12-5 would occur only during the peak harvest time (i.e., 4 weeks per year). However, as stated above, there is no feasible mitigation to address the potential long-term traffic noise levels generated by the project. This impact would be significant and unavoidable.

**No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.**

**b) Generation of excessive groundborne vibration or groundborne noise levels?**

As discussed on Cannabis Program Draft EIR page 3.12-8, no major sources of vibration would be potentially constructed as a result of the Cannabis Program and construction of any future commercial cannabis operations would not include vibration-intensive activities such as blasting or pile driving. Thus, the project would not result in the exposure of sensitive receptors to levels of excessive vibration or vibration levels and ground vibration-related impacts were not discussed further in the EIR. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**c) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

As discussed on Cannabis Program Draft EIR page 3.12-8, the Cannabis Program would not result in the development of new residential land uses near private air strips or public commercial airports in Trinity County. Thus, aircraft-related noise impacts were not discussed further in the EIR. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**Mitigation Measures**

The following mitigation measure was adopted in the Cannabis Program EIR and would continue to remain applicable if the project were approved.

▶ Mitigation Measure 3.12-1: Implement Construction Noise Mitigation

The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):

- All outdoor construction activity and use of heavy equipment outdoors shall take place between 7:00 a.m. and 7:00 p.m.

## CONCLUSION

No new circumstances or project changes have occurred nor has any substantially important new information been found requiring new analysis or verification. Therefore, the conclusions of the Cannabis Program EIR remain valid and approval project would not result in new or substantially more severe significant noise impacts. No further analysis is required.

## 4.14 POPULATION AND HOUSING

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>13. Population and Housing. Would the project:</b>				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Scoped out on Draft EIR p. 1-3	No	No	NA
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	Scoped out on Draft EIR p. 1-3	No	No	NA

### 4.14.1 Discussion and Conclusion

Population and housing impacts were scoped out of the Cannabis Program EIR as discussed on page 1-3 of the Cannabis Program Draft EIR. It is anticipated that the potential job creation from the Cannabis Program would be primarily absorbed by the county’s existing workforce and would not induce substantial population growth and necessitate the construction of new housing. Commercial cannabis uses are not expected to displace housing or displace people because cultivation would be required to be setback from residential uses. Commercial noncultivation uses would be located within designated commercial and industrial land areas. Therefore, no significant impacts on population and housing would occur, and this issue was not discussed further in the EIR.



## 4.15 PUBLIC SERVICES

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>15. Public Services.</b>				
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for any public services:				
i. Fire protection?	Draft EIR Setting pp. 3.13-1 to 3.13-9 Impact 3.13-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
ii. Police protection?	Draft EIR Setting pp. 3.13-1 to 3.13-9 Impact 3.13-2	No	No	NA, impact remains less than significant
iii. Schools?	Draft EIR p. 3.13-10	No	No	NA
iv. Parks?	Draft EIR p. 3.13-10	No	No	NA
v. Other public facilities?	Draft EIR p. 3.13-10	No	No	NA

### 4.15.1 Discussion

No substantial change in the environmental and regulatory settings related to public services, described in Cannabis Program Draft EIR Section 3.13, "Public Services," has occurred since certification of the EIR.

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:**

#### Fire protection?

Impact 3.13-1 of the Cannabis Program Draft EIR evaluated whether projects would result in substantial adverse physical impacts associated with the need for new or physically altered fire protection facilities. Commercial cannabis operations could create fire hazards from electrical sources and the storage and use of flammable materials and other power equipment that would also generate fire risk. Commercial cannabis operations would be regulated for fire protection measures consistent with building and fire codes and through state licensing requirements for cultivation (CCR Section 8102[aa] and CCR 5501[i]) and for manufacturing operations associated with extraction

facilities (CCR Sections 40223[b] and 40225). The Cannabis Program would also include the following standards for fire protection:

- ▶ Fire plans must be prepared by the applicant and approved by the Weaverville Fire District Chief or a designee of the Trinity County Board of Supervisors. An approved fire plan must be submitted with an application for the appropriate Use Permit (Manufacturing) (Section 315-842[4][F]).
- ▶ Type 7 (volatile manufacturing) applicants are required to obtain a Conditional Use Permit before starting operations, including infrastructure and building improvements specific to the use, and the following additional requirements must be met (Manufacturing) (Section 315-842[4][J]):
  - Extractions must be in closed loop system as defined and prescribed by State of California.
  - Wastewater shall be disposed of into an adequate sewage system, as prescribed by Trinity County Environmental Health Division and pursuant to California State regulations.
  - The facility must be setback a minimum of 100 feet from all adjacent property lines. Application for a variance from this provision will be considered concurrently with application for a Conditional Use Permit from the Trinity County Planning Commission.
  - All building structures must have operational automatic fire sprinklers.

Existing licensed commercial cannabis operations that have been constructed would not create new fire hazards. These sites are required to comply with fire standards that include CCR Title 24, Part 2, Chapter 7A, which requires buildings to be fire resistant (roof material, decking material, accessory structures, and venting to resist the intrusion of flame and ember); PRC Section 4291, which addresses defensible space and fuel modification standards; and provision of sufficient fire equipment and emergency access standards. However, some existing cannabis operations may have been located on substandard roadways that would hinder emergency response or evacuation. Relicensing of these operations would continue to expose these areas to these fire access hazards. Thus, this impact would be potentially significant.

New cannabis cultivation and noncultivation uses would be required to comply with existing regulations for fire safety and protection as discussed above. Compliance with these requirements would ensure that adequate on-site fire protection measures are provided and would avoid the need for expanded fire protection services that would necessitate the construction of new fire protection facilities (e.g., fire stations). However, construction and operation of new licensed commercial cannabis operations could result in temporary lane closures, increased truck traffic, and safety issues if located on substandard roadways that are not adequately maintained. This would hinder emergency response or evacuation. Thus, this impact would be potentially significant.

Implementation of adopted Mitigation Measure 3.13-1, which requires implementation of Mitigation Measures 3.14-3 and 3.14-4 requiring that existing licensed and new commercial cannabis sites meet county roadway and access design and fire safety requirements set forth in County Code of Ordinances Chapters 8.30 and 12.10. This impact would be reduced to a less-than-significant level. **The project is required to meet all County requirements regarding fire protection, including fire access. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.**

### Police protection?

Impact 3.13-2 of the Cannabis Program Draft EIR evaluated whether project would result in substantial adverse physical impacts associated with the need for new or physically altered law enforcement facilities. Commercial cannabis operations are a target for potential crime. The Cannabis Program includes the following standards for security:

- ▶ All buildings where cannabis is cultivated or stored shall be secured to prevent unauthorized entry (Cultivation) (Section 315-843[6][f]).

- ▶ Security plan shall be developed which is compliant with state requirements and submitted with an application and must be sufficient to restrict access to only those intended and to deter trespass and theft of cannabis or cannabis products (Manufacturing) (Section 315-842[4][D]).
- ▶ A safety and security plan shall be submitted and accepted by the County. This plan shall be updated annually. All security protocols shall be implemented prior to commencing operations (Testing) (Section 315-824[5][f]).
- ▶ Security plan shall be developed which is compliant with state requirements and submitted with an application and must be sufficient to restrict access to only those intended to deter trespass and theft of Cannabis or Cannabis products shall be provided and maintained. The Security plan shall be approved by the Board of Supervisors, or its designee (Distribution) (Section 315-828[3][D]).

Additionally, state cannabis regulations include the following security requirements for testing, distribution, retail, and microbusinesses:

- ▶ Sections 5042 and 5043: standards that limit access to authorized personnel, documentation of authorized individuals, and employee badge requirements.
- ▶ Section 5044: requirements for the provision of video surveillance system.
- ▶ Section 5045: standards for provision of security personnel.
- ▶ Sections 5046 and 5047: requirements for locks for all points of entry and exit and the provision of alarm systems.

State cannabis regulations include the following security requirements for manufacturing uses:

- ▶ Section 40200: development and implementation of a security plan that include requirements for a security alarm system and documentation of authorized individuals.
- ▶ Section 40205: requirements for the provision of video surveillance system.

Existing licensed commercial cannabis operations that have been constructed would not create new law enforcement issues and would be required to continue to comply with state and Cannabis Program security requirements identified above. New cultivation and noncultivation uses could attract criminal activities that could increase the demand for law enforcement services. Compliance with the Cannabis Program performance standards identified above would require secure access to sites and implementation of security plans to protect sites from trespass and burglary. CCR Sections 5042, 5043, 5046, 5047, 40200, and 40205 require on-site security measures. These standards would minimize the potential for criminal activities through controlled access for authorized personnel and locked door requirements at noncultivation sites (CCR Sections 5042 and 5043), security measures that include video surveillance, security personnel, and lock and alarm system requirements (CCR Sections 5044, 5045, 5046, and 5047). Manufacturing sites are required to provide a security plan that implements access controls to the building, alarm system requirements, and video surveillance (CCR Sections 40200 and 40205). Implementation of these measures would ensure protection of sites that would not require the need to expand law enforcement services and facilities. Thus, this impact would be less than significant.

The project is required to meet all County and state requirements regarding public safety. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

### Schools?

As discussed on Cannabis Program Draft EIR page 3.13-10, implementation of the Cannabis Program would not substantially increase population levels in the county. Thus, there would not be additional use of schools such that new or expansion of facilities would be necessary. There would be no impacts. Thus, issues pertaining to impacts on public services related to population growth were not discussed further.

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## Parks?

As discussed on Cannabis Program Draft EIR page 3.13-10, implementation of the Cannabis Program would not substantially increase population levels in the county. Thus, there would not be additional use of parks and recreation facilities such that new or expansion of facilities would be necessary. There would be no impacts. Thus, issues pertaining to impacts on public services related to population growth were not discussed further.

## Other public facilities?

As discussed on Cannabis Program Draft EIR page 3.13-10, implementation of the Cannabis Program would not substantially increase population levels in the county. Thus, there would not be additional use of public facilities such that new or expansion of facilities would be necessary. There would be no impacts. Thus, issues pertaining to impacts on public services related to population growth were not discussed further.

## Mitigation Measures

The following mitigation measure was adopted in the Cannabis Program EIR and would continue to remain applicable if the project was approved.

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

## CONCLUSION

The conclusions of the Cannabis Program EIR remain valid and approval of the project would not result in new or substantially more severe significant impacts to public services.

## 4.16 RECREATION

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>15. Recreation. Would the project:</b>				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Scoped out on Draft EIR p. 1-3	No	No	NA
b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	Scoped out on Draft EIR p. 1-3	No	No	NA

### 4.16.1 Discussion and Conclusions

Population and housing impacts were scoped out of the Cannabis Program EIR as discussed on page 1-3 of the Cannabis Program Draft EIR. Implementation of the project would not directly result in increased use of recreational facilities. In addition, the project would not result in a substantial increase in countywide population such that indirect impacts on recreational facilities could occur. Therefore, no significant impacts on recreation would occur, and this issue was not discussed further in the EIR.

## 4.17 TRANSPORTATION

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>17. Transportation. Would the project:</b>				
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	Draft EIR Setting pp. 3.14-1 to 3.14-8 and 3.14-13 Impacts 3.14-1 and 3.14-2	No	No	No, impact remains less than significant
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	Draft EIR Setting pp. 3.14-1 to 3.14-8 Impact 3.14-5	No	No	No, impact remains less than significant
c. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Draft EIR Setting pp. 3.14-1 to 3.14-8 Impact 3.14-3	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
d. Result in inadequate emergency access?	Draft EIR Setting pp. 3.14-1 to 3.14-8 Impact 3.14-4	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.

### 4.17.1 Discussion

No substantial change in the environmental and regulatory settings related to public services, described in Cannabis Program Draft EIR Section 3.14, "Transportation/Traffic," has occurred since certification of the EIR.

**a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?**

As discussed on Cannabis Program Draft EIR page 3.14-13, rail, transit, bike, and pedestrian facilities and activities would not be affected by the Cannabis Program. Due to the rural character of much of the transportation network and the anticipated dispersion of the individual cultivation sites throughout the county, the project would not generate demand for transit, bike, or pedestrian facilities. Therefore, the project would not create any conflicts with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Thus, transit, bike, and pedestrian facilities are not evaluated further.

Impact 3.14-1 of the Cannabis Program Draft EIR evaluated potential safety impacts related to increases in traffic due to construction activities. New licensed commercial cannabis operations in the county that may occur under the Cannabis Program would involve construction activities. These construction activities would result in an increase in vehicular trips associated with construction workers traveling to and from construction sites. However, the increase in trips associated with construction at new licensed commercial cannabis operations would be minimal, dispersed throughout the larger roadway network serving the county, and staggered over an extended period of time. Thus, this impact would be less than significant.

Impact 3.14-2 of the Cannabis Program Draft EIR evaluated the potential for a long-term increase in traffic. Existing and new licensed commercial cannabis operations under the Cannabis Program would result in the addition of vehicle trips to existing traffic levels on the state highway system within Trinity County. Pursuant to Public Resources Code Section 21099(b)(2), automobile delay and congestion is not considered a significant effect on the environment. No impact would occur

No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)??**

Impact 3.14-5 of the Cannabis Program Draft EIR evaluated whether projects would result in a net increase in and inefficient vehicle miles travelled (VMT). New commercial cannabis operations resulting from implementation of the Cannabis Program would alter VMT conditions in the county. Based on the trip generation assumptions made for each of the commercial cannabis operations, implementation of the Cannabis Program could result in approximately 8,710 daily trips within Trinity County during the height of harvest. It is likely that implementation of the Cannabis Program would reduce the distance between existing and future cultivation operations through the creation of new noncultivation facilities within county that currently are located outside the county. The Cannabis Program would also increase employment opportunities in a county that has relatively few such opportunities and, based on the 2010 Trinity County Travel Demand Forecasting Model Development Report, showed a large percent of residents commuting out of the county on a daily basis. While no quantitative models or other current data are available to determine the relative VMT effects of the Cannabis Program, this data suggest that VMT may be reduced and, if not, would likely be substantially more efficient than the current condition of commuting out of the county for employment and industry needs currently not provided in the county. Any other conclusion would be speculative. Therefore, this impact would be less than significant.

No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Impact 3.14-3 of the Cannabis Program Draft EIR evaluated the potential for roadway hazards due to geometric design. Under the Cannabis Program, it cannot be assured that existing or new licensed commercial cannabis operations would provide site access along roadways that are free of hazards due to the geometric design. Therefore, the project would result in a potentially significant impact on roadway hazards due to geometric design.

Agencies with the responsibility for roadway design and operation within the county, including Caltrans and Trinity County, have adopted and enforce roadway design standards. Chapter 12.10: Design Policies of the Trinity County Code of Ordinances formally adopts the American Association of State Highway and Transportation Officials roadway standards as detailed in A Policy on Geometric Design of Highways and Streets (1990) and all future amendments and subsequent editions of this document. The use and enforcement of these design standards prevents the development of transportation infrastructure that would substantially increase hazards because of a design feature. These standards address a variety of roadway elements, including safety and hazards.

Implementation of adopted Mitigation Measure 3.14-3 requires existing and new commercial cannabis operations in the county to be in compliance with Chapter 12.10: Design Policies of the Trinity County Code; and thus, access to existing and new commercial cannabis operations would not be located along roadways that are hazardous due to the geometric design of the roadway. This impact would be reduced to a less-than-significant level.

No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**d) Result in inadequate emergency access?**

Impact 3.14-4 of the Cannabis Program Draft EIR evaluated the potential for projects to conflict with adequate emergency access. Trinity County has adopted and enforces roadway design standards as detailed in Chapter 12.10:

Design Policies of the Trinity County Code of Ordinances. These standards address a variety of roadway elements, including safety and hazards. Emergency access to commercial cannabis operations would be provided primarily via existing public and private roadways, and access driveways. The County's emergency access standards are detailed in Chapter 8.30 – Fire Safe Ordinance of the County Code of Ordinances. As detailed in Chapter 8.30, road and street networks, whether public or private, provide for safe access for *emergency* wildland fire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire *emergency* consistent with Section 8.30.130 through Section 8.30.240. These regulations do not apply to existing structures, roads, streets and private lanes or facilities; however, the following activities would require compliance with the Fire Safe Ordinance:

- ▶ Permitting or approval of new parcels;
- ▶ Application for a building permit for new construction, not relating to existing structure;
- ▶ Application for a use permit;
- ▶ Road construction, including construction of a road that does not currently exist, or extension of an existing road.

Under the Cannabis Program, it cannot be assured that existing and new commercial cannabis operations would provide adequate emergency access. Therefore, the project would result in a potentially significant impact on emergency access.

Adopted Mitigation Measure 3.14-4 requires existing and new commercial cannabis operations in the county that may occur under the proposed ordinance to be in compliance with Chapter 8.30 – Fire Safe Ordinance of the Trinity County Code of Ordinances; and thus, would provide adequate emergency access. This impact would be reduced to a less-than-significant level.

No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

### Mitigation Measures

The following mitigation measures were adopted with the Cannabis Program and would continue to remain applicable if the project were approved.

- ▶ Mitigation Measure 3.14-3: Provide Site Access Free of Hazards Due to Geometric Roadway Design

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):

- Applications for new commercial cannabis activities and license renewals for existing cannabis operations shall provide documentation showing that roadways providing site access are in compliance with Chapter 12.10: Design Policies of the Trinity County Code of Ordinances. New roadway water quality control and drainage features or new drainage features on existing roadways shall be designed to accommodate peak flow conditions and will be consistent with Road Handbook, per CCR Title 14, Chapter 4 and SWRCB Order WQ 2019-0001-DWQ.

- ▶ Mitigation Measure 3.14-4: Provide Adequate Emergency Access

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):

- Applications for new commercial cannabis activities and license renewals for existing cannabis operations shall provide documentation showing that site access is in compliance with Chapter 8.30 – Fire Safe Ordinance of the Trinity County Code.



## CONCLUSION

The conclusions of the Cannabis Program EIR remain valid and approval of the project would not result in new or substantially more severe significant impacts to transportation.

## 4.18 TRIBAL CULTURAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>XVIII. Tribal Cultural Resources.</b>				
<p>Has a California Native American Tribe requested consultation in accordance with Public Resources Code section 21080.3.1(b)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p>				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	Draft EIR setting pp. 3.5-1 to 3.5-17 Impact 3.5-4	No	No	NA, impact remains less than significant
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	Draft EIR setting pp. 3.5-1 to 3.5-17 Impact 3.5-4	No	No	NA, impact remains less than significant

### 4.18.1 Discussion

No new information pertaining to tribal cultural resources, described in Cannabis Program Draft EIR Section 3.5, "Archaeological, Historical, and Tribal Cultural Resources," has become available since the Cannabis Program EIR was certified. Please note, if the project requires an addendum to the Cannabis Program EIR or this checklist determines that the project is covered by the Cannabis Program EIR, no California Tribe consultation is required under AB 52.

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a) **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?**

Impact 3.5-4 of the Cannabis Program Draft EIR evaluated whether the project would cause a substantial adverse change in the significance of a tribal cultural resource. During preparation of the Cannabis Program Draft EIR, the County requested consultation with tribes in compliance with AB 52. The consultation resulted in the conclusion that there is no potential for commercial cannabis operations to affect tribal cultural resources (as defined in PRC Section 21074).

As described on page 3.5-17 of the Cannabis Program Draft EIR, no tribal cultural resources have been identified for this project. The Cannabis Program requires that licensed operations obtain Cal Cannabis cultivation licensing and comply with the SWRCB's cannabis cultivation policies for cultivation activities. Attachment A (General Requirements and Prohibitions) of Order WQ 2019-0001-DWQ Terms 21 and 22 of the General Requirements and Prohibitions require California Historical Resources Information System (CHRIS) records searches, Native American Heritage Commission (NAHC) record searches, and archaeological surveys or evaluations (if necessary). Compliance with Terms 21 and 22 of the SWRCB General Requirements and Prohibitions would reduce impacts on known archaeological resources that may include tribal cultural resources through requiring standard record searches, requiring archaeological evaluations of identified features, and implementing necessary measures to ensure the protection of archaeological resources and tribal cultural resources. Therefore, the Cannabis Program would have a less-than-significant impact on tribal cultural resources as defined in PRC Section 21074.

No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

- b) **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?**

See discussion under item a) above.

### Mitigation Measures

No mitigation measures were needed for the Cannabis Program regarding tribal cultural resources. No additional mitigation measures are required for project for this topic.

### CONCLUSION

No new circumstances or project changes have occurred nor has any new information been identified requiring new analysis or verification. Therefore, the conclusions of the Cannabis Program EIR remain valid and approval of the project would not result in new or substantially more severe significant impacts to tribal cultural resources.

## 4.19 UTILITIES AND SERVICE SYSTEMS

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>19. Utilities and Service Systems. Would the project:</b>				
a. Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	Draft EIR Setting pp. 3.15-1 to 3.15-5 Impacts 3.15-1 and 3.15-2	No	No	NA, impact remains less than significant
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	Draft EIR Setting pp. 3.15-1 to 3.15-5 Impact 3.15-2	No	No	Yes, but impact remains significant and unavoidable
c. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Draft EIR Setting pp. 3.15-1 to 3.15-5 Impact 3.15-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Draft EIR Setting pp. 3.15-1 to 3.15-5 Impact 3.15-3	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
e. Comply with federal, state, and local statutes and regulations related to solid waste?	Draft EIR Setting pp. 3.15-1 to 3.15-5 Impact 3.15-3	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.

### 4.19.1 Discussion

No substantial change in the environmental and regulatory settings related to utilities, described in Cannabis Program Draft EIR Section 3.15, "Utilities and Service Systems," has occurred since certification of the EIR.

- a) **Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?**

See discussions under items b) and c) below.

**b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

Impact 3.15-2 of the Cannabis Program Draft EIR evaluated whether the project would increase demand of public water supplies. New commercial cannabis facilities that would be allowed under the Cannabis Program would result in increased water demand from public water systems. However, existing regulations require that adequate water supplies are available that could exceed supply and related infrastructure. This impact would be potentially significant.

State licensing regulations require cultivators, nurseries, processors, and microbusinesses that include cultivators to submit the source of water as part of the permit application process. If the permit applicant indicates that a retail water source is used, the name of the water supplier and the most recent bill must be submitted. This provides proof of existing pipelines and other water infrastructure, and it can generally be assumed that the infrastructure within an individual site is sufficient upon completion of permitting requirements. Licensed commercial cannabis cultivation and noncultivation uses (existing and new) could generate an annual water demand of approximately 341 acre-feet countywide. New commercial cannabis uses may be located within public water systems and may request domestic water services from these providers, including the Weaverville CSD, Trinity County Waterworks District No. 1, and the Lewiston CSD. These water service providers have appropriate water rights that total 8,284.50 acre-feet annually and are currently using approximately a total of 620.70 acre-feet annually. Thus, adequate public water supplies exist with these service providers to accommodate the anticipated water demands of the Cannabis Program.

The Cannabis Program includes the following requirements regarding water supply provision:

- ▶ Applicants shall comply with all state laws, including SB 94, regarding surface water, including but not limited to, water used for the cultivation of cannabis needs to be sourced on-site from a permitted well or diversion. If using a permitted well, a copy of the Trinity County well permit shall be provided. The cultivation of cannabis shall not utilize water that has been or is illegally diverted from any stream, creek, river, or water source. If water is hauled it shall be for emergencies, as defined as a sudden, unexpected occurrence, and a bill of sale shall be kept on file from a water district or legal water source (Cultivation) (Section 315-843[6][c]).

The Cannabis Program prohibits cannabis cultivation within Weaverville CSD and Lewiston CSD. Thus, most existing cultivation operations are required to obtain their water supply through permitted surface water diversion, groundwater, and/or rainwater catchment.

New commercial cannabis cultivation (where allowed) and noncultivation operations located within a retail water supplier's area may obtain water service (if available). The provision of adequate water supply and distribution facilities from a retail water supplier are under the jurisdiction of the CSD or water company. Potential environmental impacts associated with water distribution facility improvements that may be required to service commercial cannabis uses would vary based on the extent of the improvements and their location in relation to the natural environment. Significant environmental impacts may include changes in visual character; light and glare; direct or indirect impacts on agricultural resources; construction and operational air quality impacts; impacts on habitat, water quality, and special-status plant and animal species; disturbance of archaeological, historic, and tribal cultural resources; construction and operational impacts on water quality; and construction-related traffic. The nature and extent of these potential impacts from water supply improvements by the retail water supplier is not known.

Adopted Mitigation Measure 3.15-2 requires verification of adequate public water supply service for new commercial cannabis operations proposing to use retail water supply service. Thus, this impact would be reduced to less than significant. Possible environmental impacts from constructing and operating new or expanded water facilities by the public water service providers are identified above.

**No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.**

**c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Impact 3.15-1 of the Cannabis Program Draft EIR evaluated impacts related to increase demand on wastewater treatment systems. New commercial cannabis facilities that would be allowed under the Cannabis Program could result in increased wastewater service demand for public wastewater systems that may not have adequate capacity. Commercial cannabis operations involving manufacturing and testing that could result with implementation of the Cannabis Program would generate wastewater that may contain contaminants that cannot be adequately treated by existing public wastewater treatment systems. This impact would be potentially significant.

Implementation of adopted Mitigation Measures 3.15-1a and 3.15-1b would ensure that commercial cannabis operations verify that adequate wastewater service exists for the site and that anticipated wastewater effluent quality from noncultivation operations would not adversely affect current wastewater treatment facilities of service providers and provide pretreatment of wastewater discharges if required. This impact would be reduced to a less-than-significant level.

No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

Impact 3.15-3 of the Cannabis Program Draft EIR considered whether the project would generate amounts of solid waste in excess of landfill capacity, violate existing statutes related to solid waste, or result in adverse environmental effects. Cannabis cultivation and noncultivation operations under the Cannabis Program would generate solid waste from involving cannabis plant and product waste as well as noncannabis waste. Consistent with state cannabis licensing regulations, licensees must maintain accurate and comprehensive records regarding cannabis waste that account for, reconcile, and evidence all activity related to the generation or disposition of cannabis waste. Waste management plans and other regulations would ensure that solid waste (cannabis and noncannabis waste) that is hauled offsite is disposed of properly. However, improper management of onsite composting of cannabis waste could result adverse environmental effects. This impact would be potentially significant.

Adopted Mitigation Measure 3.15-3 requires that on-site composting is managed in a manner to avoid adverse environmental impacts through water quality, odor, and pest control that would be monitored by the County. This impact would be reduced to a less-than-significant level. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**e) Comply with federal, state, and local statutes and regulations related to solid waste?**

See discussion under item d) above.

**Mitigation Measures**

The following mitigation measures were adopted with the Cannabis Program and would continue to remain applicable if the project were approved.

► Mitigation Measure 3.15-1a: Prepare a Treatment Program for Noncultivation Activities

The following shall be included as new performance standards for Section 315-824(5) (Required Conditions), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):

Applicants for new commercial noncultivation cannabis operations shall prepare a materials management plan that will address each permit type sought within a site. Compliance with state licensing that addresses these items may be used to demonstrate compliance with this measure. The plan shall include:

- a detailed description of activities and processes occurring on site, including:
  - equipment type and number,
  - detailed standard operating procedures for processes,
  - chemical requirements and reactions,
  - cleaning procedures for equipment,
  - required pretreatment requirements for discharge to a public wastewater treatment system, and
  - disposal methods for all materials (e.g., plant materials, solvents, empty containers).
- Identification of type and quantity of items produced, including:
  - material Safety Data Sheets for all chemical substances occurring on site,
  - manifests for each chemical describing quantities purchased, date used, and quantities disposed,
  - facility site plan with storage map, showing where hazardous materials will be stored,
  - an inventory of all emergency equipment with the location and description of items, including:
    - personal protective equipment,
    - fire extinguishing systems,
    - spill control equipment and decontamination equipment, and
    - communication and alarm systems.
- An employee training plan that includes:
  - emergency response procedures and incident reporting, and
  - chemical handling procedures.

The materials management plan shall be submitted to Trinity County Division of Environmental Health and public agencies or private enterprises accepting waste materials, including CSDs and waste transfer stations. Commercial cannabis permits shall not be granted without approval of the materials management plan from relevant agencies and identification and construction of any required pretreatment facilities for wastewater.

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

The following shall be included as new performance standards for Section 315-824(5) (Required Conditions), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):

- Applicants not relying on septic systems shall determine whether sufficient public wastewater treatment capacity exists for a proposed project. These determinations must ensure that the proposed development can be served by its existing or planned treatment capacity and wastewater conveyance through approval of the relevant service provider. If adequate capacity does not exist, the application will be denied.

▶ Mitigation Measure 3.15-2: Verify Adequate Water Supply and Service for Municipal Water Service

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):

- Applicants for new commercial cannabis operations that plan to obtain water from a retail water supply will obtain, and provide to the County, written verification from the water service provider that adequate water

supply and water distribution facilities are or will be available to serve the site including peak operations (e.g., growing season). If adequate capacity does not exist, the application will be denied.

▶ Mitigation Measure 3.15-3: Implement a Cannabis Waste Composting Management Plan

The following shall be included as new performance standards for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):

- Applicants for new commercial cannabis operations and relicensed sites will develop and implement a cannabis waste composting management plan if the operator proposes to dispose of cannabis waste through onsite composting. The plan shall meet all state requirements and the following requirements that will be confirmed by the County during inspections.
  - Designation of the composting area on a site plan that is contained within the site boundaries (must be located within the Designated Area for cultivation operations) that is of adequate size to accommodate site cannabis waste needs.
  - Identification of water quality control features that ensure no discharge of cannabis waste or other pollutants.
  - Details on routine management and equipment used in the composting area that ensures proper composting and control of odors, potential fuel hazards, and pests for the life of the cannabis operation.

## CONCLUSION

No new circumstances or project changes have occurred nor has any new information been identified requiring new analysis or verification. Therefore, the conclusions of the Cannabis Program EIR remain valid and approval of project would not result in new or substantially more severe significant impacts to utilities or service systems.



## 4.20 WILDFIRE

Environmental Issue Areas	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>XX. Wildfire.</b>				
<p>Is the project located in or near state responsibility areas or lands classified as high fire hazard severity zones?</p> <p>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</p> <p style="text-align: center;"><input type="checkbox"/> Yes <span style="margin-left: 200px;"><input type="checkbox"/> No</span></p>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	Draft EIR p. 3.16-14	No	No	NA
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	Draft EIR Setting pp. 3.16-1 to 3.16-14 Impact 3.16-1	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	Draft EIR Setting pp. 3.16-1 to 3.16-14 Impact 3.16-2	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	Draft EIR Setting pp. 3.16-1 to 3.16-14 Impact 3.16-3	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.

### 4.20.1 Discussion

No substantial change in the environmental and regulatory settings related to wildfire, described in Cannabis Program Draft EIR Section 3.16, "Wildfire," has occurred since certification of the EIR.

**a) Substantially impair an adopted emergency response plan or emergency evacuation plan?**

As discussed on page 3.16-14 of the Cannabis Program Draft EIR, impacts related to the potential for the implementation of the Cannabis Program to substantially impair an adopted emergency response plan, emergency evacuation plan or otherwise impair emergency access and evacuation have been addressed under Impact 3.9-6 in Section 3.9, "Hazards and Hazardous Materials"; Impact 3.13-1 in Section 3.13, "Public Services"; and Impact 3.14-4 in Section 3.14, "Transportation/Traffic." The reader is referred to those impact discussions.

**b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

Impact 3.16-1 of the Cannabis Program Draft EIR evaluated whether the project would result in exposure of people or structures directly or indirectly to a significant risk of loss involving wildfire hazards or exacerbate wildfire risk and expose project and public to pollutant concentrations from uncontrolled spread of a wildfire. Trinity County is highly susceptible to wildfires. Implementation of the Cannabis Program could create new fire hazards from creation of new fuel and ignition sources and expose people and structures to increased wildfire hazards and unhealthy air quality conditions from smoke. This impact would be potentially significant.

Commercial cannabis operations would be regulated for fire avoidance and protection measures consistent with building and fire codes (CCR Title 24, Part 2, Chapter 7A and PRC Section 4291), Trinity County Code of Ordinances Chapter 8.30 that provide wildfire protection standards for emergency access, signing and building numbering; private water supply reserves for emergency fire use and vegetation modification. State licensing requirements also include fire avoidance and protection measures for cultivation (CCR Section 8102[aa] and CCR 5501[ij]) and for manufacturing operations associated with extraction facilities (CCR Sections 40223[b] and 40225).

The Cannabis Program would include the following standards for fire protection:

- ▶ Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide or other substance toxic to wildlife, children, or pets shall be stored in a secured and locked structure or device (Section 315-843[6][g]).
- ▶ Fire plans must be prepared by the applicant and approved by the Weaverville Fire District Chief or a designee of the Trinity County Board of Supervisors. An approved fire plan must be submitted with an application the appropriate Use Permit (Manufacturing) (Section 315-842[4][F]).
- ▶ For Type 7 applicants (volatile manufacturing) are required to obtain a Conditional Use Permit before starting operations, including infrastructure and building improvements specific to the use, and the following additional requirements must be met (Manufacturing) (Section 315-842[4][J]):
  - Extractions must be in closed loop system as defined and prescribed by State of California.
  - Wastewater shall be disposed of into an adequate sewage system, as prescribed by Trinity County Environmental Health Division and pursuant to California state regulations.
  - The facility must be setback a minimum of 100 feet from all adjacent property lines. Application for a variance from this provision will be considered concurrently with application for a Conditional Use Permit from the Trinity County Planning Commission.
  - All building structures must have operational automatic fire sprinklers.

Adopted Mitigation Measures 3.16-1 requires implementation of adopted Mitigation Measure 3.1-1b, which requires license applications for new cultivation sites and requests for license renewal maintain the parcel clear of trash and debris piles. No trash or debris will be allowed to accumulate on the parcel for a period greater than two weeks for the life of the license. The County will inspect compliance with this measure prior to license renewal. This will eliminate the potential for new sources of fuel that could increase wildfire hazards. Mitigation Measure 3.1-1b is consistent with Trinity County Safety Element policies that identify the need for fuel reduction. Therefore, the impact would be less than significant.

No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

Impact 3.16-2 of the Cannabis Program Draft EIR evaluated whether the project would include installation and operation of associated infrastructure that may exacerbate fire risk. Implementation of the Cannabis Program would include the development on-site and off-site infrastructure improvements to support commercial cannabis uses that could create new fire hazards. This impact would be potentially significant.

The construction and operation of commercial cannabis uses under the Cannabis Program would include improvements such as buildings, water structures, extension of electrical facilities and associated improvements by the Trinity Public Utility District and Pacific Gas and Electric Company, maintenance of fuel breaks, and roadway improvements (on-site and off-site) that could introduce new ignition sources that could increase wildfire hazards. As noted in Impact 3.16-1, the majority of the county is forested that has high wildfire risk and has experienced wildfires each year since 1999.

Commercial cannabis operations (including infrastructure improvements) would be regulated for fire avoidance and protection measures consistent with building and fire codes (CCR Title 24, Part 2, Chapter 7A and PRC Section 4291), Trinity County Code of Ordinances Chapter 8.30 that provide wildfire protection standards for emergency access, signing and building numbering; private water supply reserves for emergency fire use and vegetation modification. State licensing requirements also include fire avoidance and protection measures for cultivation (CCR Section 8102[aa] and CCR 5501[i]) and for manufacturing operations associated with extraction facilities (CCR Sections 40223[b] and 40225).

The Cannabis Program would include the following standards for fire protection:

- ▶ Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide or other substance toxic to wildlife, children, or pets shall be stored in a secured and locked structure or device (Section 315-843[6][g]).
- ▶ Fire plans must be prepared by the applicant and approved by the Weaverville Fire District Chief or a designee of the Trinity County Board of Supervisors. An approved fire plan must be submitted with an application the appropriate Use Permit (Manufacturing) (Section 315-842[4][F]).

However, potential extension of electrical facilities and on-site construction and maintenance activities could create new ignition sources. Thus, the impact would be potentially significant.

Adopted Mitigation Measures 3.16-2a and 3.16-2b require that power lines and electrical facilities maintain fuel breaks and that the use of outdoor motorized equipment be conducted in a manner to avoid accidental fire. Within implementation of these adopted measures, the impact would be less than significant.

No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

**d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

Impact 3.16-3 of the Cannabis Program Draft EIR evaluated whether the project would expose people to increased risk of landslide from post-fire slope instability. Previous wildfires in Trinity County have resulted in the loss of vegetation on sloped terrain. This condition could result in soil erosion and slope failure. Development of commercial cannabis uses under the Cannabis Program in these areas could exacerbate this condition and increase the risk of erosion and slope failure. This impact would be potentially significant.

Adopted Mitigation Measure 3.16-3 requires implementation of Mitigation Measure 3.10-1a which requires all existing and new commercial cannabis cultivation activities in the county to comply with the conditions of SWRCB Order WQ

2019-0001-DWQ or otherwise avoid water quality impacts. This would also include ensuring that sites are geologically stable and do not result in operational soil erosion impacts. Therefore, the impact would be less than significant.

No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified Cannabis Program EIR remain valid and no further analysis is required.

### Mitigation Measures

The following mitigation measures were adopted with the Cannabis Program and would continue to remain applicable if the project were approved.

- ▶ Mitigation Measure 3.16-1: Implement Mitigation Measure 3.1-1b: Maintain Cultivation Parcel
- ▶ Mitigation Measure 3.16-2a: Implement Fire Prevention Measures for New Power Lines and Electrical Facilities

The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):

- New power lines extended to sites shall be placed underground. If power lines cannot be placed underground, fuel breaks shall be provided along power lines and any stand-alone electrical facilities in a manner that would avoid ignition of adjacent vegetation to the satisfaction of the County and CAL FIRE. Fuel breaks shall be maintained and verified by the County as part of annual license renewal.

- ▶ Mitigation Measure 3.16-2b: Implement Fire Prevention Measures for On-Site Construction and Maintenance Activities

The following shall be included as a new performance standard for Section 315-843(6) (Performance Standards for Commercial Cultivation of Cannabis), Section 315-824(5) (Required Conditions), Section 315-826(3) (Regulation of Nurseries), Section 315-828(5) (Required Conditions), Section 315-835(2) (Regulations), Section 315-837(3) (Required Conditions), and Section 315-842(6) (Required Conditions):

- The operation of outdoor motorized equipment on-site for construction and maintenance activities shall be required to be covered under a fire protection plan that includes the following provisions:
  - Fire watch personnel responsible for watching for the occurrence of fire during and after equipment use shall be identified.
  - Equipment shall be located so that exhausts do not discharge against combustible materials.
  - Equipment shall not be refueled while in operation and not until after a cooldown period.
  - Water and tools dedicated to fire fighting shall be on hand in the area of onsite construction and maintenance activities at all times.
  - Designated smoking areas with cigarette disposal receptacles that are burn resistant.

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

### CONCLUSION

No new circumstances or project changes have occurred nor has any new information been identified requiring new analysis or verification. Therefore, the conclusions of the Cannabis Program EIR remain valid and approval of project would not result in new or substantially more severe significant impacts to utilities or service systems.



## 4.21 MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issue Area	Where Impact Was Analyzed in the Cannabis Program Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>18. Mandatory Findings of Significance.</b>				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species or eliminate important examples of the major periods of California history or prehistory?	Draft EIR Section 3.4, "Biological Resources," and Section 3.5, "Archaeological, Historical, and Tribal Cultural Resources"	No	Yes, discussed throughout environmental checklist	Yes
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when view in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	Draft EIR Chapter 4, "Cumulative Impacts"	No	Yes, discussed throughout environmental checklist	Yes
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	Draft EIR Section 3.3, "Air Quality"; Section 3.9, "Hazards and Hazardous Materials"; and Section 3.12, "Noise"	No	Yes, discussed throughout environmental checklist	Yes

## CONCLUSION

All approved mitigation in the Cannabis Program EIR would continue to be implemented with the project. Therefore, no new significant impacts would occur with implementation of the project.



# 5 LIST OF PREPARERS AND PERSONS CONSULTED

## 5.1 LIST OF PREPARERS

List the contributors to this checklist, including titles/roles for each contributor listed.

### Organization

First and Last Name .....Title/Role on Project

First and Last Name .....Title/Role on Project

First and Last Name .....Title/Role on Project



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## 6 REFERENCES

The below references are the same for all projects under the Cannabis Program. If there are project-specific references, include them here as well.

Trinity County. 2019 (May). *Draft Environmental Impact Report [for the] Trinity County Cannabis Program*. Weaverville, CA. SCH # 2018122049. Prepared by Ascent Environmental, Sacramento, CA.

\_\_\_\_\_. 2020 (November). *Final Environmental Impact Report [for the] Trinity County Cannabis Program*. Weaverville, CA. SCH # 2018122049. Prepared by Ascent Environmental, Sacramento, CA.

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