

TRINITY COUNTY PLANNING COMMISSION

Regular Meeting

July 23, 2026 At 6:00 PM

Trinity County Library Conference Room
351 Main Street, Weaverville, CA

Chair Commissioner Dist. 3 Rory Barrett

Vice-Chair Comm'r Dist. 2 Amelia Fleitz

Commissioner Dist 1 Carol Fall

Commissioner Dist 5 Dan Harper

Commissioner Dist 4 Duncan McIntosh

AGENDA

Zoom Information

The Trinity County Planning Commission is inviting you to attend this meeting via Zoom.

Topic: Trinity County Planning Commission Meeting

Time: Month Day, 2025, at 6:00 PM Pacific Time (US and Canada)

Zoom Meeting

Link: <https://zoom.us/j/5950072851?pwd=RHp6TDhNajNJMVJHZFJlRmhacmJjUT09>

Meeting ID: **595 007 2851**

- Passcode: 267684
- One tap mobile
- +1 669 900 9128,,7338092685# US (San Jose)
- +1 346 248 7799,,7338092685# US (Houston)

TO ADDRESS THE COMMISSION: Members of the public may directly address the Planning Commission on any agenda item on the regular calendar during the Commission's consideration of that item. In addition, the Planning Commission provides members of the public with a Public Comment period, where the public may address the Commission on any matter not listed on the agenda that is within the subject matter jurisdiction of the Planning Commission. Pursuant to the Brown Act (Govt. Code Sect. 54950, et seq. Commission action or discussion cannot be taken on non-agenda matters, but the Commission may briefly respond to statements or questions and, if deemed necessary, refer the subject matter to the appropriate department for follow-up and/or to schedule the matter on a subsequent Commission agenda.

PRESENTATION OF DOCUMENTS: All items presented to the Planning Commission during a public hearing, including but not limited to letters, e-mails, petitions, photos, maps, or other kinds of information, shall become a permanent part of the record and must be submitted to the clerk of the Commission. It is advised that the presenter creates copies in advance for their own records. If you have documents to present to the members of the Planning Commission to review, please provide a minimum of 10 copies.

CALL TO ORDER

PUBLIC COMMENT

During the Public Comment period, members of the public may address the Planning Commission on any matter not listed on the agenda that is within the subject matter jurisdiction of the Planning Commission.

REGULAR CALENDAR

- A. Community Development - Cannabis - P-26-05 Appeal of Director's Decision to Approve CCL-839

REPORTS/ANNOUNCEMENTS

- A. Planning Commissioners
- B. Director of Community Development

ADJOURN

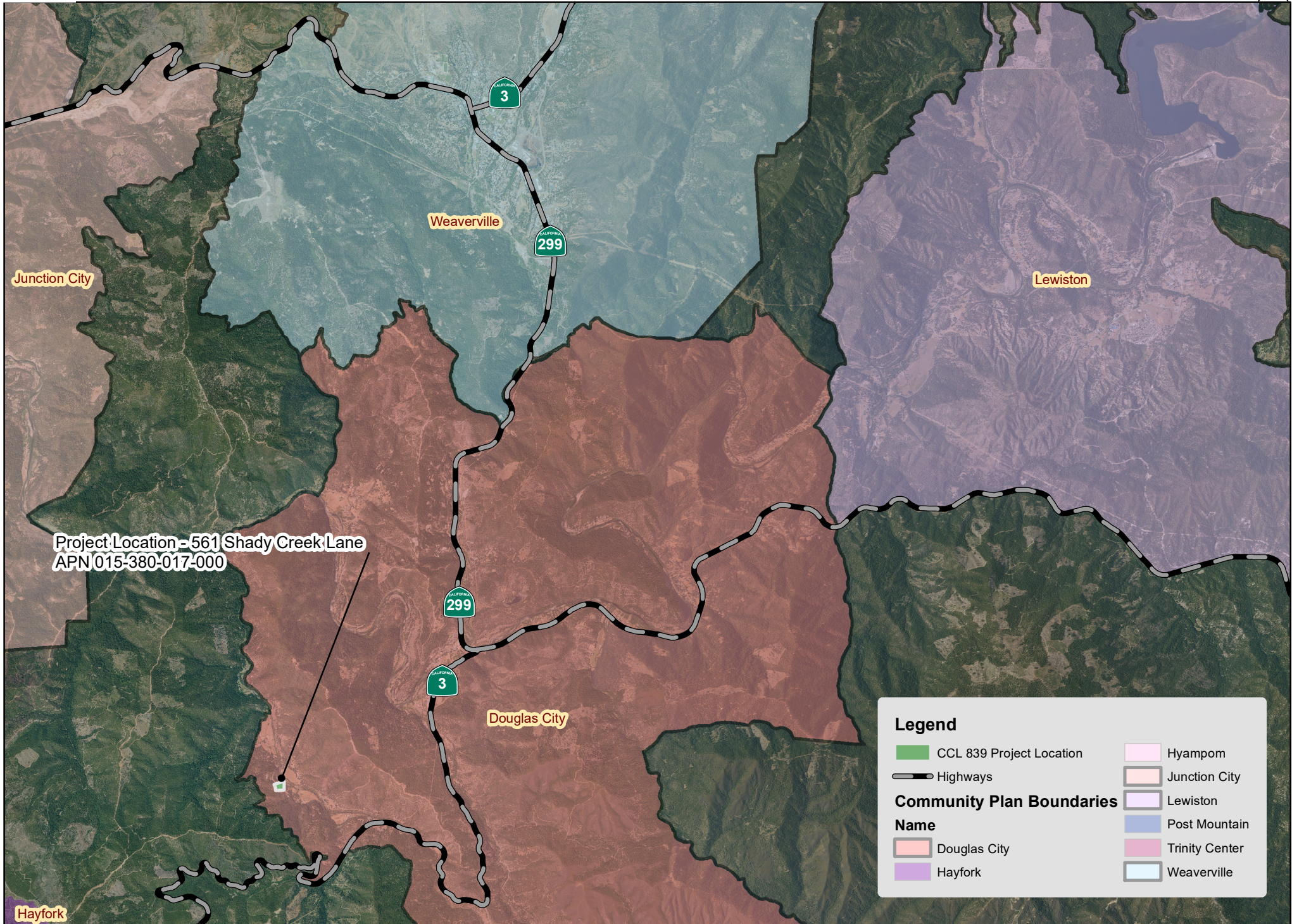
ALL INTERESTED PARTIES are encouraged and invited to submit written comments regarding a proposed action or be present at the public hearing to be heard regarding the action to be considered. To ensure consideration by the Planning Commission, all written material concerning the proposed project should be submitted to the **Trinity County Planning Department, 530 Main St., PO Box 2819, Weaverville, CA 96093. 530-623-1351, or by email to info.planning@trinitycounty.org**, as soon as possible, and no later than three days prior to the hearing. All items presented to the Planning Commission before or during the public hearing become part of the permanent record. Persons wishing to submit comments or appear before the Planning Commission are encouraged to first contact the staff planner listed for the project.

Copies of the applications, environmental documents, all reference documents, and staff reports associated with each project are available for review at the Trinity County Planning Department, 530 Main St., Weaverville, CA. Staff reports will also be available on the Internet at: <https://trinitycoca.portal.civicclerk.com/>

Please note that any challenge of the nature of the proposed action in court may be limited to addressing only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

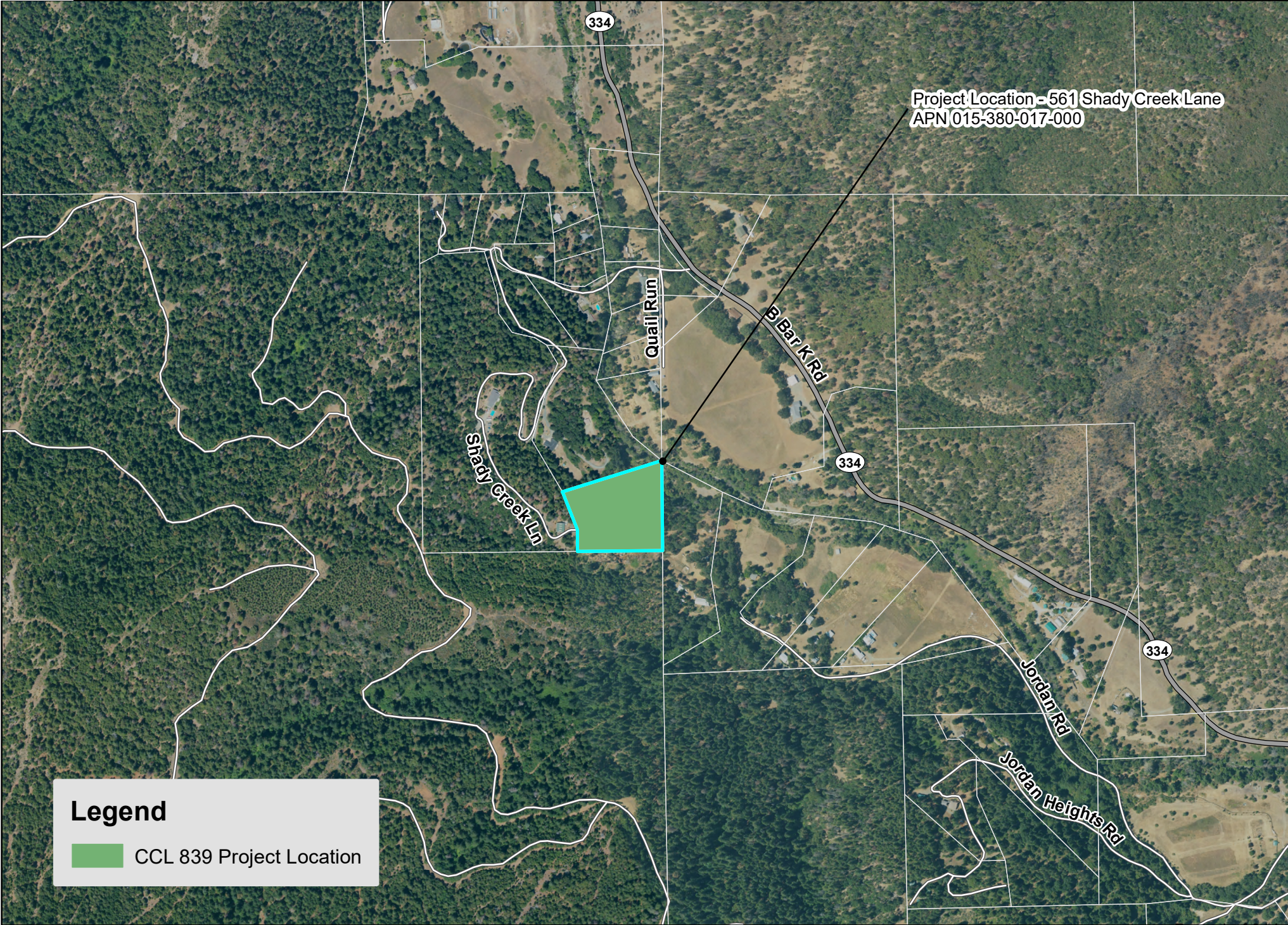


CCL 839 Project Location Map - View 1





CCL 839 Project Location Map - View 2



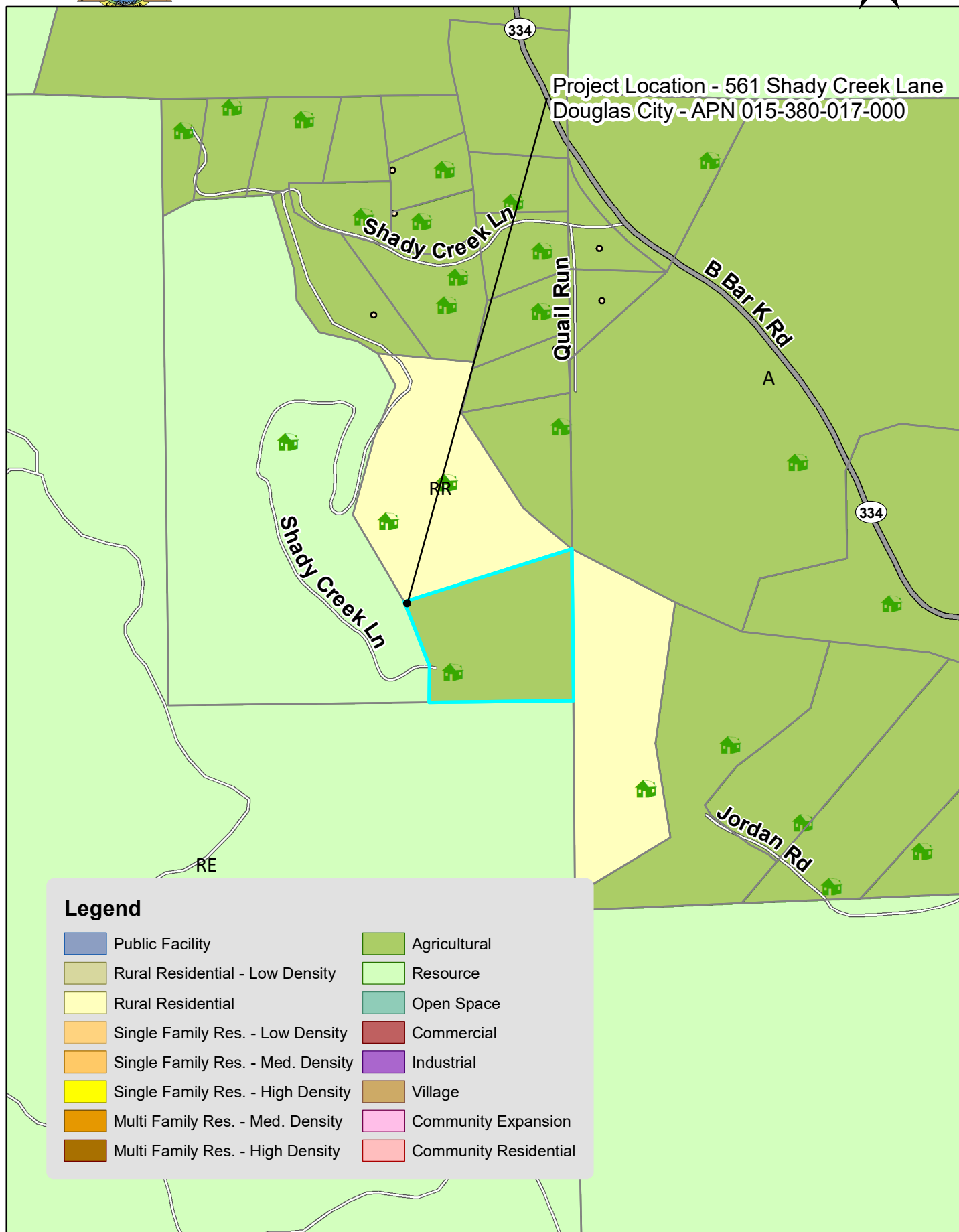
Project Location - 561 Shady Creek Lane
APN 015-380-017-000

Legend

CCL 839 Project Location



P-26-05 Surrounding General Plan Designations

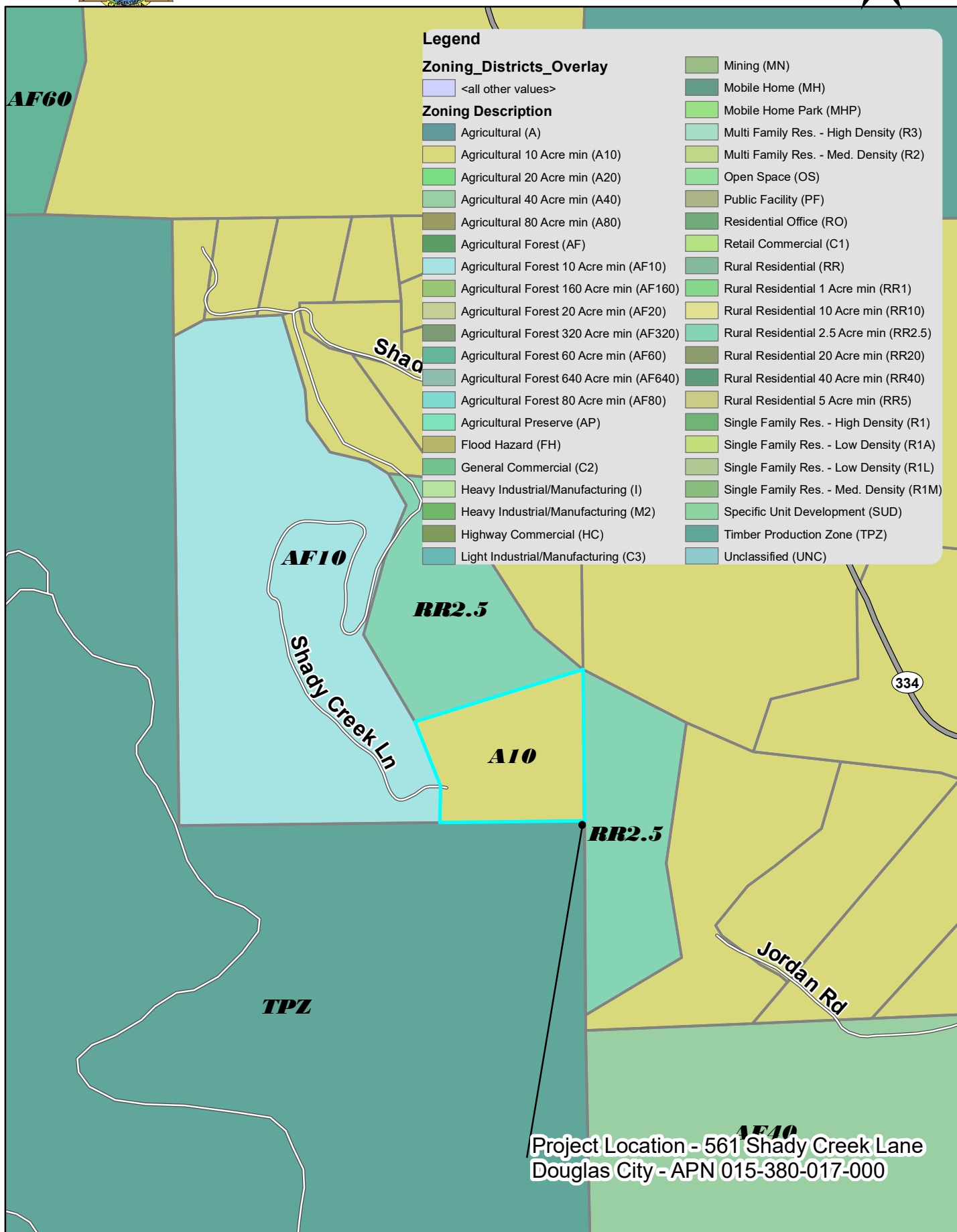


Legend

Public Facility	Agricultural
Rural Residential - Low Density	Resource
Rural Residential	Open Space
Single Family Res. - Low Density	Commercial
Single Family Res. - Med. Density	Industrial
Single Family Res. - High Density	Village
Multi Family Res. - Med. Density	Community Expansion
Multi Family Res. - High Density	Community Residential

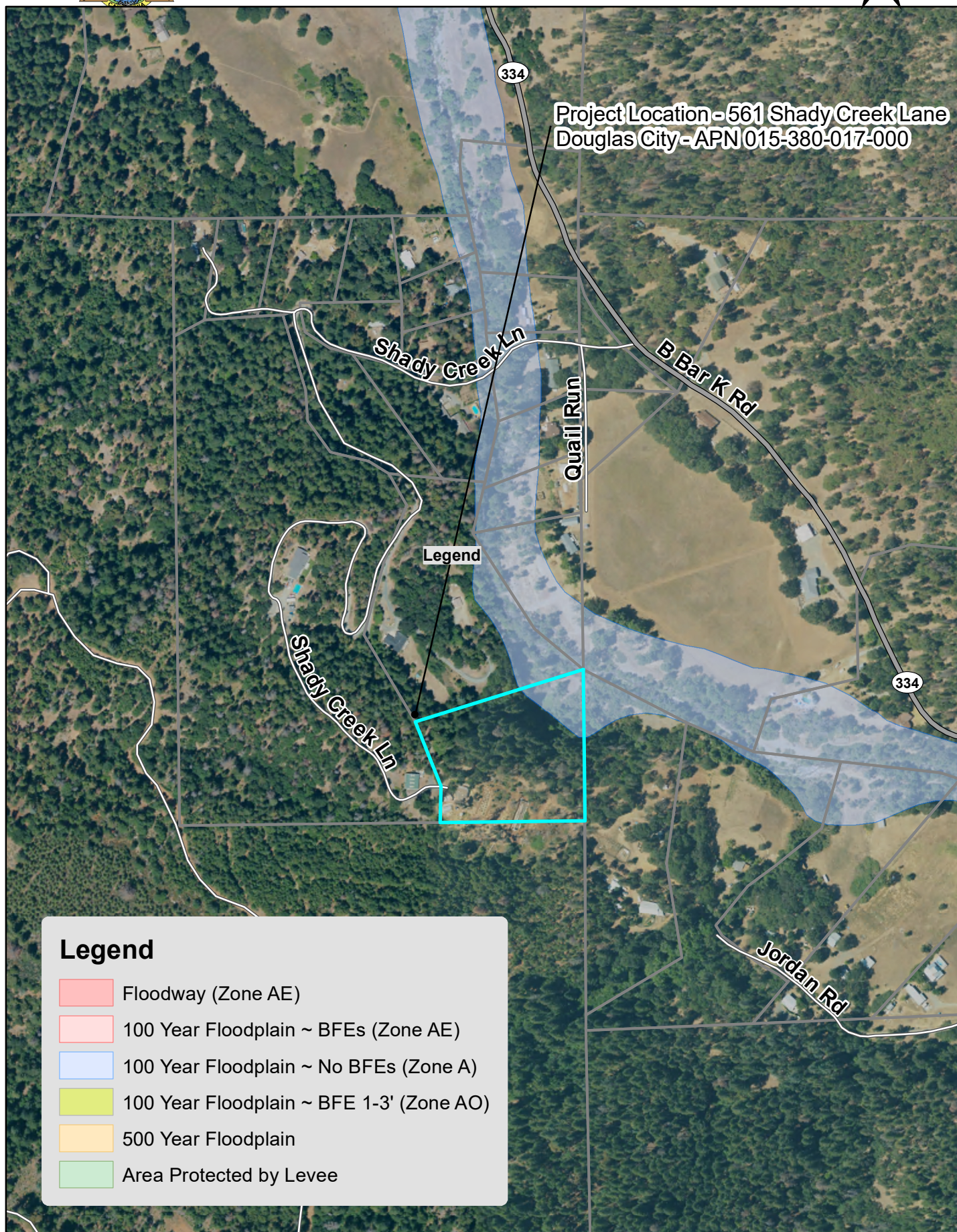


P-26-05 Surrounding Zoning Districts





P-26-05 FEMA 100 Year Floodplain - No BFE's (Zone A)



LOCATION MAP

Owner Name: Stephen Hart & Maria Coll Villa

Applicant Name: Stephen Hart & Maria Coll Villa

Property/Site Address: 561 Shady Creek Ln, Douglas City, CA 96024

Proposed License Type: Specialty Outdoor

APN: 015-380-017

Lot Acres: 4.64



DIRECTIONS

The property is accessed from Hwy 3 in Douglas City by turning onto B Bar K Road (2 miles), then turning left onto Shady Creek Lane. At 0.45 miles up Shady Creek Lane, proceed straight (do not turn uphill) to continue through a marked gate and enter the property.



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**Proposed Surface
Water Diversion**
(Cultivation Use)

Class I Watercourse
Browns Creek

492

570

Legacy
Constructed Pond

- General Storage
- Pesticide & Agricultural Chemical Storage Area

22'x38' Parking Area

224

15'x25' Parking Area

**Proposed 6 - 5,000 gal
Plastic Water Tanks
(Cultivation Use)**

Residence

Three Proposed 10'x12' Multi-Use Areas* (360ft²)

**Proposed 10'x10' Secure
Compost Area (100ft²)**

Septic & Leach Field Lines

**Proposed 2 - 5,000 gal
Plastic Water Tanks
(Cultivation Use)**

Three Proposed 10'x12' Multi-Use Areas* (360ft²)

- General Storage
- Pesticide & Agricultural Chemical Storage Area

4 - 2,500 gal Plastic Water Tanks (Cultivation Use)

**1,000 gal Plastic Water Tank (Buried)
(Domestic Use)**

469

Class III
Watercourse

-  Property Boundary
-  Domestic Use Boundary
-  Premises Boundary
-  Watercourse/Water Feature
-  Access Road
-  Parking Area
-  Point of Diversion
-  Water Storage Tank
-  Gate
-  Septic & Leach Field Lines

NORTH

Scale

48 ft

**Multi-Use Areas can include Immature Plants, Processing, and Harvest Storage Areas*

Offsite Activities: Packaging

Prepared by Gold Country Consulting on 9/10/24



PREMISES DIAGRAM

Owner Name: Stephen Hart & Maria Coll Villa
Applicant Name: Stephen Hart & Maria Coll Villa
Property/Site Address: 561 Shady Creek Ln, Douglas City, CA 96024
Proposed License Type: Specialty Outdoor
APN: 015-380-017
Lot Acres: 4.64

NORTH



Scale

30 ft

- Premises Boundary
- Proposed Cultivation Area

Aggregate Square Footage

- Proposed Mature Canopy Area (up to 5,000ft²)



Prepared by Gold Country Consulting on 9/10/24





TRINITY COUNTY

PLANNING – CANNABIS

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

May 30, 2025

Via Email: ignaciacol190@gmail.com

CC: Liza Wisniewski goldcountryconsulting420@gmail.com

Maria Villa
PO BOX 518
Douglas City, CA 96024

Re: Resubmission of Appendix C Cannabis Program Environmental Checklist (County License No. CCL-839) for up to 5,000 square feet cannabis cultivation.

Dear Maria Villa,

The Trinity County Cannabis Division is in receipt of the Appendix C Cannabis Program Environmental Checklist (Checklist) for Villa Maria located at 561 Shady Creek Ln., Douglas City (APN 015-380-017). The Checklist was submitted on October 15, 2024 up to 5,000 square feet of proposed cannabis cultivation. The Checklist was distributed to responsible department staff and/or County consultants for review and comment. Based upon further review, resubmission of the Checklist is required. The following list provides a summary of the items that will require revisions prior to the Checklist being deemed complete, pending further review and processing:

1. Upon further review of the proposed cultivation area, a formal referral was sent to SWRCB staff to determine whether or not the unnamed class III watercourse onsite will need 100' setback (for class II), within 1,000' from Browns Creek. Quoted directly from the SWRCB Cannabis General Order definition for Intermittent - *"Fish always or seasonally present within 1,000 feet downstream"*; this determination was recently confirmed by SWRCB staff. Unfortunately, this means the proposed canopy layout will need to be rearranged or removed in order to meet required 100' setbacks for the majority (potentially all) of the proposed canopy areas, also including 100' setback for the 10x12 sheds and water tanks, etc. Please update the **Project Description**, **Site Maps** and associated **supporting documents** appropriately.

The Trinity County Appendix C Cannabis Program Environmental Checklist will not be further reviewed and/or processed until the Checklist deficiencies identified in this letter are addressed. When Checklist

deficiencies are fully addressed, please re-submit the Checklist, including all requested supporting documentation, via email to cannabis_ceqa@trinitycounty.org (with a "CC" to info.cannabis@trinitycounty.org) with the subject line "APPENDIX C for CCL 839: Maria Villa; 561 Shady Creek Ln". Large files for supporting documents may be submitted in multiple emails or via a compressed zip file or file sharing option as needed. Please see the Memorandum published on the Cannabis Division website regarding Appendix C Resubmittals.

We look forward to continuing to work with you on this project.

Sincerely,

Administrative Section
Cannabis Division
530-623-1351
530 Main ST., P.O. Box 2819
Weaverville, CA 96093
Info.cannabis@trinitycounty.org



TRINITY COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & CANNABIS, 530 MAIN ST., PO BOX 2819
WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1351, FAX (530) 623-1353

Received

MAY 26 2026

Trinity County
Planning/Cannabis

**APPLICATION TO APPEAL OF DIRECTOR'S DECISION
TO PLANNING COMMISSION**

DATE: 5/26/2026

APPEAL FEE: \$500- due upon filing

Project # or CCL # or CCV # of application decision being appealed: CCL-839

Date of Director's decision or action: 5/8/2026

Director's decision was: ☒ Approve ☐ Deny

A. **APPLICANT/APELLANT INFORMATION** *The following information will be used to contact you regarding the status of your appeal (e.g. hearing dates) and is considered public record.*

NAME: Travis Finch on behalf of Shady Creek Lane Residents

PHONE: 530-524-7875 EMAIL: TGFINCH@GMAIL.COM

MAILING ADDRESS: P.O. Box 246, Weaverville, CA 96093

B. **REASON FOR APPEAL** *Clearly state the basis for the appeal and include/attach any supporting evidence if applicable.*

See attached letter.

Signature: Travis Finch Date: 5/26/2026

FOR OFFICE USE ONLY

Date: 5-26-26

Project number: P-26-05

Received by: DR

Receipt number: PL 2026-00031

Notice Published: _____

Hearing Date: _____

May 22, 2026

To: Trinity County Planning Commission

From: Residents of Shady Creek Lane

Re: CCL #839 Approval

Dear Commissioners,

We the undersigned hereby appeal the approval of CCL #839 for the following reasons:

1. The applicant property is on a steep hillside and we have concerns about fertilizer and pesticide runoff into Browns Creek. With the proliferation of both non-compliant and compliant agricultural operations upstream from our neighborhood, in recent years we have noticed a marked increase in algal growth in Browns Creek.
2. We have extreme concerns about the proposed surface water diversion from Browns Creek. Browns Creek is a fish-bearing tributary to the Trinity River and is already oversubscribed due to a proliferation of upstream agricultural operations and continued drought conditions. Historically Browns Creek has been ever-flowing, but many of us who have lived here for decades have witnessed the creek run completely dry several times in recent years.
3. We have concerns about additional traffic through our quiet, residential neighborhood. The applicant property was previously the site of a non-compliant grow and the increased traffic caused premature wear and tear to our private road and bridge. Due to the age and condition of shared bridge, we have concerns about continued heavy equipment or water delivery services crossing it. Shady Creek Lane is a private, dirt road without a road association so road and bridge maintenance usually and unduly falls upon the landowners through whose property the road passes. The applicant property is at the very end of Shady Creek Lane.
4. We have concerns about an increase in transient workers and possible break-ins in our neighborhood. During the time when the applicant property previously housed a non-compliant grow, several property owners in our neighborhood experienced thefts. As previously mentioned, several residents have lived in the area for decades and have never experienced thefts prior.
5. We also have concerns over the smell of cannabis in our neighborhood. There are already two large cannabis operations in our valley and the smell can sometimes be obnoxious, however those operations are a mile or more away. The applicant property is 1,000 feet or less from some of our properties.
6. While the applicant property is zoned for agriculture, this zoning is leftover from a historic cattle ranch that was in the area. Currently, the area and properties adjacent to the applicant property are used for residential purposes. In fact, several newer

subdivided parcels to the north and east of the applicant property are zoned Rural Residential. Commercial agricultural activities are no longer a compatible use with the rural residential nature of the area.

7. We have concerns over fire safety issues related to a commercial operation such as the use of generators and heavy equipment in a dry, heavily-forested area. Furthermore, the road and bridge width does not comply to current State minimum fire safety standards, as are supposed to be reflected in the County's own fire safety ordinance.

For the above reasons, we respectfully request that you deny the issuance of this permit.

Sincerely,

Joanise

Noel Dapley

Doreen Johnson #

Mary Franke
Alan Holland

Mark Franke

Mary Jo Fiermonte

Thom Quente

Hayley Guley

Jan Winters

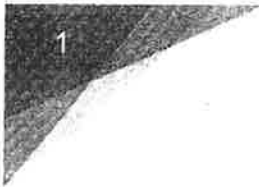
~~Matthew~~

Matthew

Kathryn Lagorio

Anne Lagorio

Marty Mather
Fire Chief
Douglas City
Fire Department
Cell 530-739-0668
Firehouse 530-623-5110



DOUGLAS CITY VOLUNTEER FIRE DEPARTMENT
PO BOX 10, DOUGLAS CITY, CA 96024
530-623-6640
firechiefdcvfd@gmail.com

RE: Shady Creek Lane Douglas City, CA

To whom it may concern, Shady creek lane has only one access which is a single lane road with a bridge that is not labeled with a weight rating and therefore many fire departments have rules against crossing bridges not labeled with ratings in larger fire apparatuses. Ingress and egress can also be restricted on the road due to it being one lane and the terrain on which it is located and foliage and the fact that there are no turnouts on the road if two vehicles approached each other from opposite directions.

Chief Mather DCVFD



Watercourse Analysis

Parcel Specifications

Address: 561 Shady Creek Lane, Douglas City, CA 96024

APN: 015-380-17-00, Trinity County

Parcel size: 4.64 acres

Zoning: Agricultural 10 Acre Minimum (A10)

General Plan Designation: Agricultural (A)

Purpose

The purpose of this analysis is to provide evidence for the accurate location and classification of the mapped Class III watercourse on the subject property.

Executive Summary

This analysis comprises a desktop review of available information, as well as on-site data collection, to determine the accurate locations and classification of the mapped Class III watercourse. Our on-site observations and analysis confirm the following:

- 1.) The mapped location of the watercourse in question is inaccurate, and the headwaters is located east of the parcel boundary at 40.630115°N, -122.977726°W. Therefore, the proposed cultivation area will still meet riparian setback requirements if the Class III watercourse is reclassified to a Class II.
- 2.) On-site conditions do not support reclassification of the watercourse to a Class II, as the watercourse is not likely to flow three to nine months out of the year, does not provide adequate non-fish aquatic habitat, supports very little riparian vegetation, and does not appear to be hydrologically connected to Brown's Creek.

Data Collection

Data for this analysis were collected through a combination of reviewing satellite imagery; an onsite assessment of site conditions; and online research for local soil types, precipitation data, observed plant habitat requirements, and non-fish aquatic species habitat requirements. SWRCB Cannabis Cultivation Policy's stream classification requirements were also reviewed.

Observations/Results

Review of SWRCB Stream Classification Finder and satellite imagery: The Stream Classification Finder shows a Class III watercourse flowing through the subject property from southwest to northeast, then flowing directly into Brown's Creek (Class I) near the northeastern tip of the parcel (see Figure 1). However, satellite imagery indicates that the Class III watercourse lies southeast of its mapped location. Satellite imagery also shows a pond located near the northern property boundary and south of Brown's Creek, which has existed since at least 1998. A measurement made in Google Earth from the observed headwaters to the proposed cultivation area is approximately 145 feet.

Soils: Soils adjacent to Brown's Creek are "somewhat excessively drained" and consist primarily of extremely gravelly loamy sand and stratified, extremely loamy sand to extremely gravelly sandy loam. These soils are classified as having "high to very high" K-sat values between 6.00 to 20.00 in/hour and have a hydrologic class rating of A. Parent materials include alluvium derived from mixed, outwash from hydraulic mining, and dredge tailings (see Figure 2).¹

Onsite observations: Flowra staff met with the landowner on site on October 28, 2025, to assess the onsite conditions of the mapped Class III watercourse. The property owner stated that he had seen water flowing in the watercourse twice in the past three years, and both incidents occurred after several days of heavy precipitation and snowmelt.

Flowra staff walked the length of the watercourse beginning southwest of the property boundary and ending at its mapped confluence with Brown's Creek. In the upper reach, south of the subject property, we observed a drainage area with downed woody debris and a diverse array of vegetation (see Photo 1). Non-riparian vegetation such as bull thistle (*Cirsium vulgare*), mouse barley (*Hordeum murinum*), other grasses, and an apple tree (*Malus sp.*), were observed in addition to species that prefer moist soils, though are not strictly "riparian" such as common snowberry (*Symphoricarpos albus*) and the invasive greater periwinkle (*Vinca major*). In this reach, no evidence of a channel bed, banks, or scour was observed (see Photo 2). Additionally, no water was present in the drainage. As we moved downstream, the vegetation in and surrounding the drainage consisted primarily of grasses. Just outside of the southeastern corner of the property (40.630115°N, -122.977726°W) were the first signs of a defined bed and banks (see Photos 3 and 4). As we followed the drainage down, east of the parcel boundary, we observed an isolated population of rushes (*Juncus sp.*) and one Pacific tree frog

¹ US Department of Agriculture [USDA], Natural Resources Conservation Service. 2020. Web Soil Survey. <<http://websoilsurvey.sc.egov.usda.gov/>>

(*Pseudacris regilla*); however, no water was present at the time of the site visit (see Photo 5). Next, we followed the watercourse to a steep grade break where the channel flowed over a hillside toward the Brown's Creek floodplain (see Photo 6). From the toe of the slope, the channel continued in a northeasterly direction for approximately a few yards before ending abruptly (see Photo 7). The water appeared to collect and infiltrate there due to the soil's coarse texture. This was the only location where water was observed in the channel. We then observed the floodplain area, which was elevated above the Class III channel, preventing the watercourse from reaching Brown's Creek (see Photos 8, 9, and 10). Finally, we followed the base of the hill in a northeasterly direction to look for any evidence of a continuation of the Class III channel or a braided channel of Brown's Creek (see Photo 11); however, the topography appeared to have been altered by various factors, including hydraulic mining and construction of a pond (see Photos 12 and 13). Therefore, the Class III channel did not appear to reach Brown's Creek at any point.

Local precipitation data: According to the National Weather Service's Advanced Hydrologic Prediction Service, the area received 1.6" of precipitation in the last 14 days and 2.69" in the last 30 days as of November 3, 2025.²

Non-fish aquatic species habitats: Non-fish aquatic species, such as frogs and other amphibians, require a permanent source of water for survival, although they can be found in upland areas, including woodlands and brushy areas. Some species, such as the foothill yellow-legged frog require a rocky substrate for egg laying³. Food sources for adult frogs include invertebrates such as flies, snails, and water striders while tadpoles feed on detritus, algae, and fungi.⁴ Macroinvertebrate habitat features include submerged logs and rocks.⁵

Discussion/Analysis

Class II Watercourse Criteria:

1. In the absence of diversions, water is flowing for three to nine months during a typical year

Upper reach: The segment of the drainage located south of the subject property exhibited no evidence of a channel bed or banks, scour, or sediment transport, and no water was present. Based on these findings and the landowner's observations, water is unlikely to flow for three to nine months during a typical year,

² National Weather Service, Advanced Hydrologic Prediction Service, https://water.weather.gov/precip/index.php?location_type=wfo&location_name=eka#.

³ U.S. Fish and Wildlife Service, "Foothill Yellow-legged Frog," <https://www.fws.gov/species/foothill-yellow-legged-frog-rana-boylii>.

⁴ U.S. Fish and Wildlife Service, "Cascade Frogs," <https://www.fws.gov/species/cascades-frog-rana-cascadae>.

⁵ U.S. EPA, "Chapter 4 Macroinvertebrates and Habitat," <https://archive.epa.gov/water/archive/web/html/vms40.html#:~:text=Macroinvertebrates%20are%20organisms%20that%20are,streams%20to%20slowmoving%20muddy%20rivers>.

and this segment of the drainage does not meet the criteria for a Class II or Class III watercourse.

Lower reach: Farther downstream, east of the parcel boundary, a defined bed and banks were observed, and a small amount of water was present in the channel where it collected at the base of the hillside. The observed water was likely due to recent precipitation previously noted, aligning with the Class III watercourse criteria.

2. Provides aquatic habitat for non-fish aquatic species

A single Pacific tree frog observation should not determine the presence of “non-fish aquatic habitat,” as they can be found near water or in upland areas. Additionally, the watercourse does not provide adequate food sources or a suitable breeding habitat to support amphibians or other aquatic species. No invertebrates or algae were observed in the watercourse. Macroinvertebrate habitat features such as submerged logs and rocks were also not observed. Non-fish aquatic species generally require a permanent water source, which the onsite watercourse does not provide.

3. Fish always or seasonally present within 1,000 feet downstream, and/or

According to the Stream Classification Finder, the Class III watercourse drains into Brown’s Creek, a fish-bearing stream; however, this does not reflect onsite conditions. The watercourse location is mapped inaccurately (see Figures 1 and 3), and it appears to infiltrate into the ground before reaching Brown’s Creek due to the high hydraulic conductivity of the soil. The Brown’s Creek floodplain is elevated from the Class III stream channel, and the surrounding terrain has been altered from hydraulic mining, which appears to have prevented hydrologic connectivity of the watercourse to Brown’s Creek. Therefore, the Class III watercourse is not hydrologically connected to a fish-bearing stream.

4. Water is flowing less than three months during a typical year and the stream supports riparian vegetation

Some plant species that prefer moist soils or riparian areas were observed; however, most of the vegetation found along the drainage is not considered riparian.

Conclusion

It is our opinion that the jurisdictional watercourse begins east of the subject property, where evidence of a channel and capability of sediment transport were observed (40.630115°N, -122.977726°W), which is approximately 145 feet from the proposed cultivation area. As such, the cultivation area is outside of riparian setbacks, even if the watercourse is reclassified to a Class II. Additionally, based on our findings, the watercourse is not likely to flow three to nine months out of the year, does not provide adequate non-fish aquatic habitat, supports very little riparian vegetation, and does not

appear to be hydrologically connected to Brown's Creek. Therefore, the watercourse should remain under its current classification of Class III.



Your cannabusiness, transcended.

www.theflowraplatform.com

Figures



Figure 1. Stream Classification Finder Map

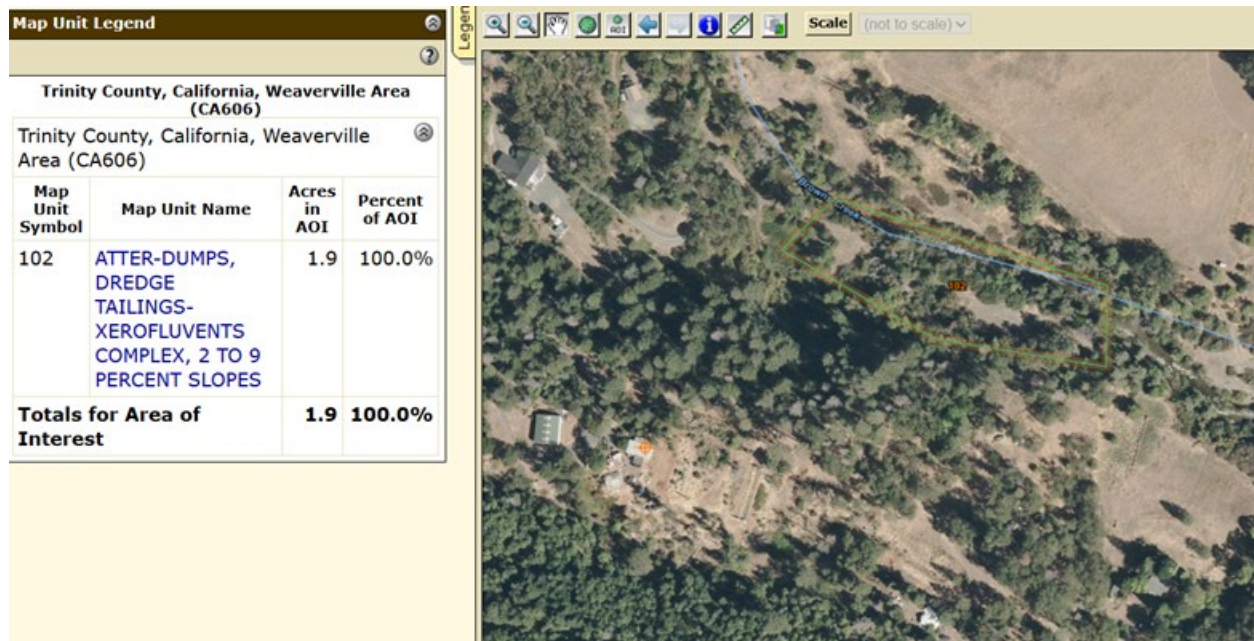


Figure 2. Floodplain Soils Map

APN 015-380-17-00



Figure 3. Observed watercourse location

Site Photos



Photo 1: South of the property boundary, facing upstream



Photo 2: Drainage south of the property showing a lack of a defined channel



Photo 3: Start of channel

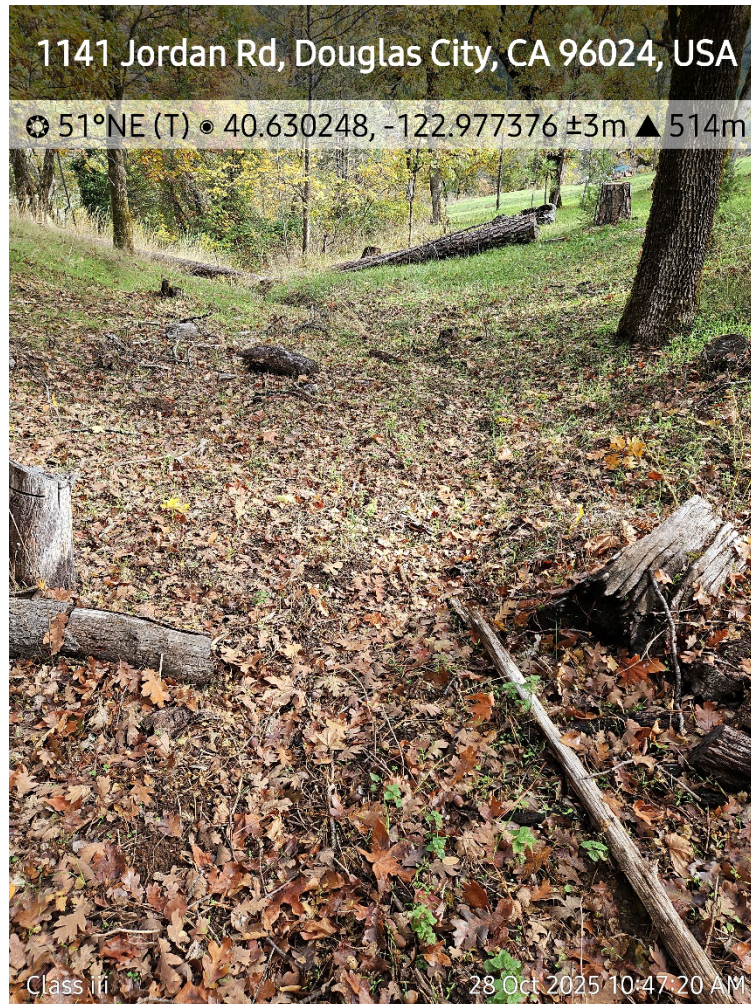


Photo 4: Watercourse channel



Photo 5: Isolated population of rushes (*Juncus* sp.)

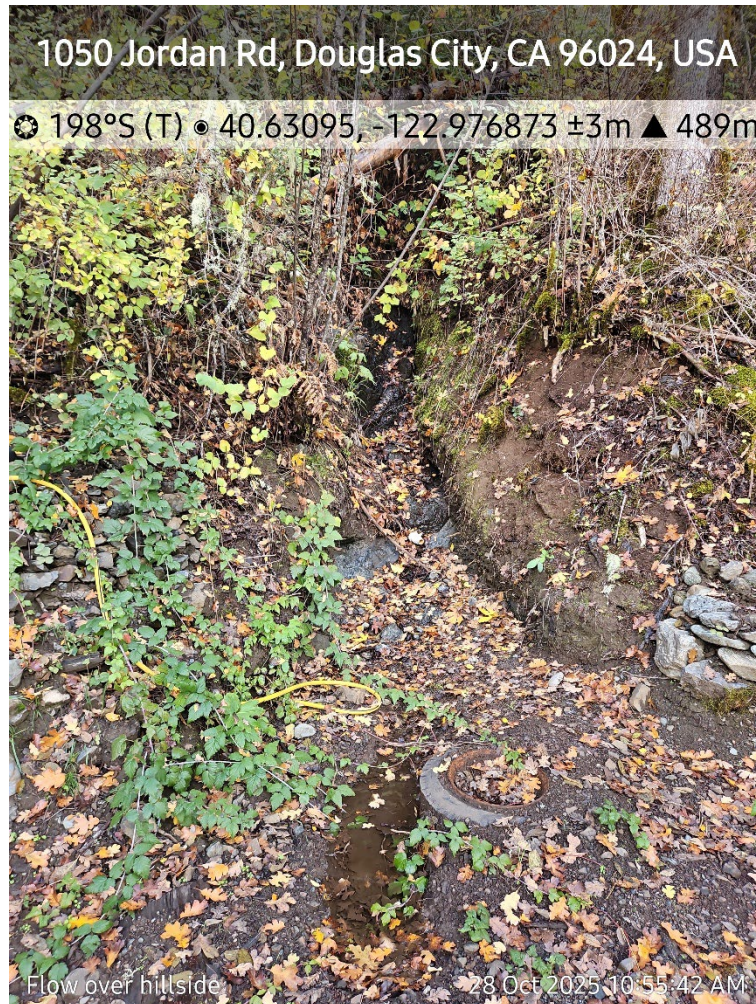


Photo 6: Channel flowing over the hillside, and a small amount of water in the channel



Photo 7: End of the channel, facing the floodplain



Photo 8: Standing at the edge of the channel, facing the Brown's Creek floodplain



Photo 9: Course material deposits, standing at the edge of the channel, facing the Brown's Creek floodplain



Photo 10: Brown's Creek



Photo 11: The end of the channel (left), facing the slope (southwest)



Photo 12: Heading northeast along the base of the slope; no evidence of a channel



Photo 13: Pond near the northern property boundary

From: Kuszmar, David@Waterboards
To: ["Danielle Putman"](#)
Cc: [Lisa Wright](#); [Berhe, Ermias A.@Waterboards](#); [Blanchard, Katherine@Wildlife](#); [Cannabis, NorthCoast@Waterboards](#)
Subject: RE: Watercourse Analysis - 561 Shady Creek Lane, Douglas City
Date: Monday, March 9, 2026 2:17:00 PM
Attachments: [image001.png](#)
[20251117-Stream Analysis-Coll, Maria Ignacia.pdf](#)
[RE Stream Class determination.msg](#)

Hi Danielle,

We have finally completed our review of the subject watercourse analysis (copy attached for those CC'd), which contains new, site-specific, field-verified details about the watercourses in the vicinity of the subject cannabis cultivation site. This email constitutes our official response to your inquiry and submittal.

1. Your report suggests that the starting point of the classified watercourse that runs along the southern boundary of the property toward Brown's Creek has been inaccurately represented by past consultants and mapped exhibits. While the watercourse is mapped as a Class III in the Water Boards Stream Classification Finder and LiDAR imagery clearly shows a flow path extending upslope past the southwest corner of the property, your observations and photos suggest that the flow path exists as an unclassified vegetated swale down to approximately the southeast corner of the property, where it transitions into a classified watercourse. We accept this interpretation.
2. Your report also suggests that the watercourse in question is not hydrologically connected to Brown's Creek and should therefore be considered a Class III. While we do not dispute your description of the apparent flow path of the watercourse as observed during your October 2025 site visit, the most reasonable interpretation of the relationship between the classified watercourse and Brown's Creek is the one presented in Ermias Berhe's August 8, 2025 email to Liza Wisniewski (copy attached), accepting Point 1 as the inferred point of confluence for purposes of representing the watercourse in Site Management Plan exhibits. In summary: the watercourse reaches the altered floodplain of Brown's Creek; the floodplain and active flow path of Brown's Creek is subject to change over time; under high flow conditions, it is reasonable to conclude that the classified watercourse is in fact hydrologically connected to Brown's Creek.

In preparing this response, I consulted with Ermias Berhe of my staff and Kate Blanchard of CDFW, both of whom agree with the interpretations above. Please note I have not CC'd your client(s) or TCCD staff on this email. Please feel free to forward it along as you see fit.

We look forward to receiving an updated Site Management Plan for the subject cannabis cultivation site, when available. Meanwhile, we are happy to answer any further questions you may have about this case. Lastly, please accept my sincere apologies for our delayed response to your December 1, 2025 inquiry and submittal.

Regards,



David Kuszmar (he/him)
Senior Water Resource Control Engineer

NORTH COAST REGIONAL BOARD
Agriculture & Enforcement Division

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5550 Skylane Boulevard Suite A, Santa Rosa
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Follow: [X](#) | [Instagram](#) | [Facebook](#) | [LinkedIn](#)

From: Danielle Putman <daniellep@theflowraplatform.com>
Sent: Monday, December 1, 2025 8:41 AM
To: Cannabis, NorthCoast@Waterboards <NorthCoast.Cannabis@Waterboards.ca.gov>
Cc: Lisa Wright <lisa@theflowraplatform.com>; Berhe, Ermias A.@Waterboards <Ermias.Berhe@Waterboards.ca.gov>
Subject: Re: Watercourse Analysis - 561 Shady Creek Lane, Douglas City

Good morning,

The WDID is 1_53CC458070. While Flowra was not involved to this point, the property owners and Gold Country Consulting had been in contact with Ermias Berhe (copied) regarding the classification of the on-site watercourse. I believe it originated from a neighbor complaint to Trinity County, who claimed that the watercourse should be classified as Class II rather than maintaining its current Class III classification, which would put much of the cultivation area in the riparian setback. Please let me know if you have any other questions. We'd like to resolve this as soon as possible, as the classification/setback issue is affecting the cultivator's Trinity County cultivation license.

On Mon, Dec 1, 2025 at 7:53 AM Cannabis, NorthCoast@Waterboards
<NorthCoast.Cannabis@waterboards.ca.gov> wrote:

Hello Danielle,

Thank you for your submission. Can you please provide the APN or WDID in the body or subject line of the email? Also, I am not sure what this is regarding. Are you currently working with someone on our staff?



Hither Nelson

Associate Governmental Program Analyst

NORTH COAST WATER BOARD
Agriculture & Enforcement Division

Cannabis, NorthCoast@Waterboards
NorthCoast.Cannabis@Waterboards.ca.gov

Regional Water Quality Control Boards
5550 Skylane Boulevard Suite A, Santa Rosa
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From: Danielle Putman <daniellep@theflowraplatform.com>

Sent: Wednesday, November 26, 2025 3:49 PM

To: Cannabis, NorthCoast@Waterboards <NorthCoast.Cannabis@Waterboards.ca.gov>

Cc: Lisa Wright <lisa@theflowraplatform.com>

Subject: Watercourse Analysis - 561 Shady Creek Lane, Douglas City

Caution: External Email. Use caution when clicking links or opening attachments. When in doubt, contact DIT or use the Phish Alert Button.

Good afternoon,

Please see the attached analysis that supports the conclusion that the water course on the subject property should remain classified as a Class III. It also shows the observed start of a defined channel, approximately 145 feet from the proposed cultivation area. Therefore, the proposed cultivation area is outside of riparian setbacks even if reclassified to a Class II.

Please let me know if you have any questions. I look forward to your response.

--

Thank you,

Danielle Putman

Manager of Canna Environmental Services

Flowra

www.theflowraplatform.com

M: (530) 739-3003

O: (800) 811-4356



--

Thank you,

Danielle Putman

Manager of Canna Environmental Services

Flowra

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M: (530) 739-3003

O: (800) 811-4356



Nick Martinez

From: Kuszmar, David@Waterboards <David.Kuszmar@waterboards.ca.gov>
Sent: Wednesday, May 6, 2026 11:00 AM
To: Steven Swisley; info.cannabis; Drew Plebani; Daniel Marvel
Cc: Berhe, Ermias A.@Waterboards; Cannabis, NorthCoast@Waterboards; Utle, Shannon M@Waterboards
Subject: RE: CCL-839 RE: Watercourse analysis & Water Board response

Hi Steven,

Yes - the segment circled in red is not considered a watercourse above the point approximately defined as the start of channel. Above that point, the drainage feature is considered an undefined vegetated swale, and therefore the 1,000-ft rule and setback requirements in the Cannabis General Order do not apply.

Regards,
David K

From: Steven Swisley <sswisley@trinitycounty.org>
Sent: Wednesday, May 6, 2026 7:41 AM
To: Kuszmar, David@Waterboards <David.Kuszmar@waterboards.ca.gov>; info.cannabis <info.cannabis@trinitycounty.org>; Drew Plebani <dplebani@trinitycounty.org>; Daniel Marvel <dmarvel@trinitycounty.org>
Cc: Berhe, Ermias A.@Waterboards <Ermias.Berhe@Waterboards.ca.gov>
Subject: RE: CCL-839 RE: Watercourse analysis & Water Board response

Good Morning and Thank you for the quick response!

Can you please provide some final clarification:

- .jpg map attached with paintbrush edit RED circle, and .pdf map representing “start of channel”
 - Are we saying that the RED circle area, uphill from the “start of channel” is no longer considered a watercourse at all?
 - And therefore doesn’t matter that it’s within 1,000’ downstream to browns creek because it’s not a jurisdictional area? → IE, “*lack of defined channel*”, so there are no setbacks required from the RED circle area as defined from the SWRCB general order.

All the best,

Steven Swisley
Environmental Compliance Specialist
Trinity County Cannabis Division
530 Main Street
Weaverville, CA. 96093
Office: 530-623-1351 ext. 2850

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From: Kuszmar, David@Waterboards <David.Kuszmar@waterboards.ca.gov>

Sent: Tuesday, May 5, 2026 6:18 PM

To: Steven Swisley <sswisley@trinitycounty.org>; ignaciacoll90@gmail.com; info.cannabis <info.cannabis@trinitycounty.org>; Utley, Shannon M@Waterboards <ShannonM.Utley@waterboards.ca.gov>; Drew Plebani <dplebani@trinitycounty.org>

Cc: Daniel Marvel <dm Marvel@trinitycounty.org>; Berhe, Ermias A.@Waterboards <Ermias.Berhe@Waterboards.ca.gov>; Cannabis, NorthCoast@Waterboards <NorthCoast.Cannabis@Waterboards.ca.gov>

Subject: RE: CCL-839 RE: Watercourse analysis & Water Board response

Hi Steven,

I am writing to clarify that our 3/9/26 email response to Flowra's 11/3/25 watercourse analysis (complete copy attached) supersedes our 8/8/25 and 10/31/25 email transmittals to the applicant's previous consultants. Based on the new information provided by Flowra and on recent observations made by CDFW staff, we concluded the following:

- The intermittent watercourse in question connects to Brown's Creek, and therefore qualifies as a Class II watercourse (per the Cannabis General Order definition) for its first 1,000 ft of length up from the confluence. The General Order requires a 100-ft setback for Class IIs.
- **HOWEVER**, the watercourse in question initiates from a point much further downstream than originally represented in consultant exhibits, and its length is much shorter than 1,000 ft. We have confirmed the approximate initiation point with CDFW and Flowra (roughly the southeast corner of the parcel), which appears to place the cultivation area safely outside the riparian setback area – no relocation necessary.

I suspect Flowra's revised SMP (once available) will help paint a clear picture of the above. Thanks to Danielle and her team for working with us to resolve the setback issues at this site. The Water Boards have no further concerns about the location of cultivation area. Please consider this our final formal determination and don't hesitate to reach out to me by phone if you have any further questions.

Regards,



David Kuszmar (he/him)
Senior Water Resource Control Engineer

NORTH COAST REGIONAL BOARD
Agriculture & Enforcement Division

Email: David.Kuszmar@waterboards.ca.gov
Phone: +1 (707) 576-2693

5550 Skylane Boulevard Suite A, Santa Rosa
Website: www.waterboards.ca.gov/northcoast/

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From: Steven Swisley <sswisley@trinitycounty.org>

Sent: Tuesday, May 5, 2026 2:33 PM

To: ignaciacoll90@gmail.com; info.cannabis <info.cannabis@trinitycounty.org>; Utley, Shannon M@Waterboards <ShannonM.Utley@waterboards.ca.gov>; Drew Plebani <dplebani@trinitycounty.org>

Cc: Daniel Marvel <dmarvel@trinitycounty.org>; Kuszmar, David@Waterboards <David.Kuszmar@waterboards.ca.gov>; Berhe, Ermias A.@Waterboards <Ermias.Berhe@Waterboards.ca.gov>

Subject: RE: CCL-839 RE: Watercourse analysis & Water Board response

Caution: External Email. Use caution when clicking links or opening attachments. When in doubt, contact DIT or use the Phish Alert Button.

Good Afternoon [@Ignacia Coll](#), CCL-839 ; regarding 561 Shady Creek Ln - APN 015-380-017, stream determination; as forwarded from 11/3/2025:

- *"As Ermias' 8/8/25 determination email conveys, under the Policy, a watercourse is considered a Class II watercourse if any of the four listed criteria are satisfied. In the case of the watercourse in question at the subject site, it's relationship (as a tributary) and proximity (within 1,000 feet) to Brown's Creek is sufficient to trigger the Class II designation. This remains the case regardless of the presence of habitat, non-fish aquatic species, or persistent flows. We understand this interpretation is more stringent than what is applied under the Forest Practice Rules, which many of us are used to interpreting in the context of forestry projects. However, such was the intent of the State Water Board policy makers. Please be assured we have discussed this matter at length with those policy makers and definitively confirmed our interpretation."*
- The WB response further details that *"it is reasonable to conclude... classified watercourse is in fact hydrologically connected to Brown's Creek."*

I'm not 100% clear if working with FLOWRA on CCL or only for the WB related communications, etc. Agent Authorization form required - IF regarding CCL-839.

In summary, apologies if my most recent response on 3/26/2026 was misleading; as far I could tell from reviewing the documents attached including formal response from WB, the stream in question **was and still is** being classified as requiring the 100' setback adjacent to the proposed cultivation area, **otherwise still under consideration directly with WB**; →

- I'm sending this email to reach out if there is any other information I can provide or help to make formal determination with SWRCB; please note that previous direction from TCCDD [@Drew Plebani](#) in 2025' and remains today is standing by the ongoing WB determination of watercourse classification; specifically regarding interpretation of the setbacks definitions in the General Order, Water Quality requirements, etc.

All the best,

Steven Swisley

Environmental Compliance Specialist

Trinity County Cannabis Division

530 Main Street

Weaverville, CA. 96093

Office: 530-623-1351 ext. 2850

<https://www.trinitycounty.org/Commercial-Cannabis>

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From: Ignacia Coll <ignaciacoll90@gmail.com>**Sent:** Tuesday, May 5, 2026 2:07 PM**To:** Steven Swisley <sswisley@trinitycounty.org>; Drew Plebani <dplebani@trinitycounty.org>; info.cannabis <info.cannabis@trinitycounty.org>**Subject:** Re: CCL-839 RE: Watercourse analysis & Water Board response

Hi Steven and Cannabis department,

I hope you're doing well. I wanted to follow up, as we haven't heard any updates since your last message. You mentioned the County would discuss and get back to us ASAP, but it's been quite some time and we haven't received any news.

Could you please let us know if there have been any developments, or if you have an estimated timeline for the response?

We would really appreciate an update as soon as possible.

Thank you very much.

Best regards,
Maria Coll

On Thu, Mar 26, 2026 at 9:10 AM Steven Swisley <sswisley@trinitycounty.org> wrote:

Message received! –

County will discuss and get back to you ASAP with formal response; sounds like confirmation from SWRCB is likely still required.

All the best,

Steven Swisley

Environmental Compliance Specialist

Trinity County Cannabis Division

[530 Main Street](#)

[Weaverville, CA. 96093](#)

[Office: 530-623-1351 ext. 2850](#)

<https://www.trinitycounty.org/Commercial-Cannabis>

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From: Ignacia Coll <ignaciacoll90@gmail.com>

Sent: Thursday, March 26, 2026 8:45 AM

To: Steven Swisley <sswisley@trinitycounty.org>; Drew Plebani <dplebani@trinitycounty.org>

Subject: Fwd: Watercourse analysis & Water Board response

Dear Steven y Drew,

I hope you are doing well.

Following your request from the Department to contact the Water Board and clarify the information regarding our Class 3, we have completed this step through Flowra. Below is the response we received.

Please find the documents attached for your careful review. We would greatly appreciate it if you could advise us on the next steps based on this response, so we can proceed accordingly.

We look forward to your guidance and remain attentive to your instructions.

Thank you very much.

Best regards,
Maria Coll and Steve Hart

----- Forwarded message -----

De: **Danielle Putman** <daniellep@theflowraplatform.com>
Date: lun, 16 mar 2026 a la(s) 2:50 p.m.
Subject: Fwd: Watercourse analysis & Water Board response
To: <ignaciacoll90@gmail.com>

Thank you,

Danielle Putman

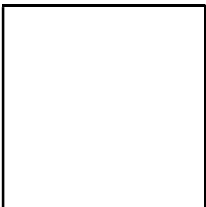
Manager of Canna Environmental Services

Flowra

www.theflowraplatform.com

M: (530) 739-3003

O: (800) 811-4356



----- Forwarded message -----

From: **Danielle Putman** <daniellep@theflowraplatform.com>
Date: Mon, Mar 16, 2026 at 2:42 PM
Subject: Watercourse analysis & Water Board response

To: <iganciacoll90@gmail.com>

Cc: Linnea Kneaper <linnea@theflowraplatform.com>

Hello,

It was nice meeting with you today. I've attached the document we prepared and submitted to the Water Board, along with their final determination. To summarize our call, the Water Board is requesting an updated Site Management Plan to reflect any site changes. I recommend sending the Water Board's determination to the county and awaiting their response.

Let me know if you have any questions.

Thank you,

Danielle Putman

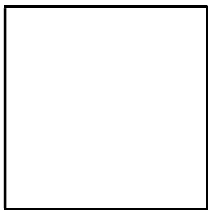
Manager of Canna Environmental Services

Flowra

www.theflowraplatform.com

M: (530) 739-3003

O: (800) 811-4356



Appendix C

Cannabis Program Environmental Checklist

561 Shady Creek Cannabis Cultivation

Environmental Checklist

Prepared for:

Trinity County
Planning Department
31301 State Highway 3
Weaverville, CA 96093

Contact:

Cannabis Division

Prepared by:

Gold Country Consulting
P.O. Box 387
Junction City, CA 96048
(530) 784-3723



October 2024

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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 ₄	methane
CNELs	community noise equivalent levels
CNG	compressed natural gas
CO	carbon monoxide
CO ₂	carbon dioxide
CO ₂ e	CO ₂ -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 _{dn}	day-night average noise level
MMT	million metric tons
N ₂ 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 _x	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRC	National Research Council
PFCs	perfluorocarbons
PHPS	Preliminary Historic Properties Synthesis
PM ₁₀	particulate matter with an aerodynamic diameter of 10 micrometers or
less PM _{2.5}	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 ₆	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.

The Cultivation Project (project) is located in the unincorporated portion of Douglas City in Trinity County and proposes a Specialty Outdoor Cannabis Cultivation for up to 5,000 square feet (sf) and a Self-Transport License. The project site is zoned as Agricultural 10 Acre Min (A10) on a 4.64-acre parcel and includes one single-family residence (APN# 015-380-017). Current land uses include a private residence and legacy cultivation site. The project is bordered by a mix of forested and developed parcels with a variety of different zoning designations, including Timber Production Zone, Agricultural Forest, Rural Residential, and Agricultural 10 Acre Min. Water for the project will be provided by a permitted surface water diversion from Browns Creek. The project proposes 50,000 gallons of water storage through the use of eight 5,000 gallon plastic water tanks and four 2,500 gallon plastic water tanks. The project may wish to drill a groundwater well in the future. The project is in the process of enrollment with the State Water Board and has submitted a General Order and Small Irrigation Use Registration (SUIR) Application. A permitted septic system serves the project's wastewater needs. There is a Class I watercourse, Browns Creek, briefly running through the northeastern corner of the parcel. All proposed operations will occur outside of the 150 foot (ft) riparian setback requirement. There is an unnamed Class III watercourse located to the south of the parcel boundary and connecting with Browns Creek running north. All proposed operations will occur outside of the 50ft riparian setback requirement. There is a legacy constructed pond that is not in use located in the northeast corner of the parcel that is over 200 ft from the project site. Power is currently provided by Trinity Public Utilities District (TPUD). Access to the project site is via Shady Creek Lane, a graveled private road.

The project proposes cultivation within hoop tunnels and garden beds on five different existing terraced flats. No ground disturbance, heavy equipment, or vegetation removal would be required to develop the garden beds. The project proposes eight 10'x12' sheds: two for use as general storage and pesticide/agricultural chemical storage areas, and six for multi-use (immature plant areas, processing, and harvest storage areas). No heavy equipment or vegetation removal would be required to build the sheds.

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.

2 PROJECT DESCRIPTION

2.1 PROJECT OVERVIEW

The proposed cultivation project is located in the Douglas City area of Trinity County, APN 015-380-017. The project site is zoned as Agricultural 10 Acre Min on a 4.64-acre parcel. Current land uses include a residence and a legacy cultivation site. The project proposes a Specialty Outdoor Cultivation License (up to 5,000 sf). Water for the project will be provided by a permitted surface water diversion from Browns Creek. Cannabis waste will be composted onsite. The permitted septic system will serve the project's wastewater needs. The project is powered by TPUD. A portable gas-powered generator is kept onsite for emergency domestic power. Access to the project site is via a graveled private road.

The project would be consistent with the Cannabis Program. The project would require approval by the Trinity County Cannabis Division Director and the Department of Cannabis Control.

2.2 PROJECT LOCATION

The project is located at 561 Shady Creek Lane, Douglas City, Trinity County (Section 15, Township 32 North, Range 10 West, Mt. Diablo Meridian, on the USGS Weaverville 7.5-minute quadrangle map). The property is accessed from Hwy 3 in Douglas City by turning onto B Bar K Road (2.0 miles), then turning left on Shady Creek Lane. At 0.45 miles up Shady Creek Lane, proceed straight to continue on Shady Creek Lane and pass through a marked gate to enter the property. Please see the "Location Map" in Appendix 7.1 Site Maps.

2.3 EXISTING SETTING

The existing setting is on a 4.64-acre parcel zoned Agricultural 10 Acre Min and is consistent with the Agricultural zoning uses. The project is bordered by a mix of forested and developed parcels with a variety of different zoning designations, including Timber Production Zone, Agricultural Forest, Rural Residential, and Agricultural 10 Acre Min. The site is not within 1,000 feet of a K-12 school, a neighborhood park, or a community park. Historic data shows that the site is not a hazardous waste site. The project site is moderately sloped, facing east, and consists of five large terraced flats with shrubs and grasses growing in between. The majority of the parcel outside of the project site is forested and steep. A steep and heavily vegetated riparian zone runs along the southern edge of the parcel boundary.

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

a) Summary of Cultivation Areas

The project proposes cultivating within garden beds and hoop tunnels of varying sizes located on five different existing terraced flats, not to exceed 5,000 sf total of mature canopy. The terraced flats ("cultivation areas") begin near the residence and continue downhill towards the east.

The project proposes the following immature plant areas: 5'x30' hoop tunnel (150 sf), and six 10'x12' sheds (720 sf). Additional garden beds for immature plants only may be designated within the five terraced cultivation areas.

Please see Appendix 7.1 Site Maps.

b) Summary of Operational Support Areas

The project proposes a total of eight 10'x12' sheds (960 sf). Two of the eight sheds will be used for general storage and pesticide/agricultural chemical storage. One will be located adjacent to the residence next to the 5,000 gallon water storage tanks, and the other will be located between the two bottom terraces next to the compost area. The remaining six sheds will be for multi-use, which will include immature plant areas, processing, and harvest storage areas. Three will be placed to the north of the residence, and the other three will be placed adjacent to the eastern most cultivation area. In the future, sheds may be replaced by 8'x20' shipping containers (320 sf) that will remain as multi-use areas. All proposed shed locations are on existing flats in previously disturbed areas and will not require vegetation removal or the use of heavy equipment.

The project proposes a 10'x10' fenced area (100 sf) for composting, located between the two bottom terraces on a flat shaded area surrounded by well established ground cover. Please see Appendix 7.10 Cannabis Waste Compost Management Plan.

The proposed aggregate footage of the operational support areas is 1,060 sf. Please see Appendix 7.1 Site Maps.

c) Water Source and Wastewater Treatment

Water for the project will be provided by a permitted surface water diversion from Browns Creek. Please see Appendix 7.3 General Order and SUIR Application Notice of Receipt. The project proposes 50,000 gallons of water storage through the use of eight 5,000 gallon plastic water tanks and four 2,500 gallon plastic water tanks. Six of the 5,000 gallon tanks will be located adjacent to the residence and parking area, and the other two 5,000 tanks will be located to the north of the eastern most cultivation area. The four 2,500 tanks are located south of the residence and between the western most cultivation areas. Water will be pumped from the point of diversion to the two 5,000 gallon tanks located to the north of the eastern most cultivation area. There may be a 500 gallon tank located between the point of diversion and the two 5,000 gallon storage tanks.

The permitted septic system will serve the projects wastewater needs.

d) Project Operations

The operation for the project will not include any full-time employees, but may require temporary staff as needed to

assist with harvest operations. The property owners/project managers reside onsite. The operations as a whole will contribute minimally to traffic, as most trips are local and the project managers will be combining trips for supplies and waste hauling with regular commutes to and from the site. The self-transport operation will include hauling product from the site to the location of licensed distributors, and will replace trips generated by distributors to pick-up product, therefore, it will not have an impact on traffic.

All water for the operation will be provided by the permitted surface water diversion from Browns Creek. A pump will transport water from the point of diversion, to the plastic storage tanks, where it will then be gravity fed to the cultivation areas. Please see "Property Map" in Appendix 7.1 Site Maps.

The permitted septic system will fulfill the wastewater requirements for this project.

A 10'x10' fenced compost area (100 sf) will serve the project cannabis waste needs. Please see Appendix 7.10 Cannabis Waste Compost Management Plan.

On the grid electricity is provided by TPUD. A backup generator is onsite for domestic emergency use only during power-outages.

The site is accessed from Shady Creek Lane in Douglas City.

e) Potential Future Development

The project may wish to drill a groundwater well in the future to support water needs. Drilling would be done so in accordance with State Water Resources Control Board and County regulations. This potential future development would require the use of construction equipment and would cause ground disturbance. All applicable mitigation measures would be followed.

The project may wish to apply for a Microbusiness License in the future. The project would continue to operate the cultivation and self-transport activities, but would add non-storefront retail and/or manufacturing operations. The project would be able to utilize its proposed infrastructure to accommodate for the extra responsibilities that the microbusiness would entail. No new development outside of the previously disturbed area would be required, therefore, the potential impact would remain less than significant. All applicable mitigation measures would be followed.

2.6 REQUIRED ACTIONS

The project would require the following actions by the County:

- ▶ Approval of Specialty Outdoor License Application

The project would require the following actions by the California Department of Cannabis Control (DCC):

- ▶ Approval of Specialty Outdoor License Application
- ▶ Approval of Self-Transport License Application

The project is in the process of fulfilling the requirements by the State Water Resources Control Board:

- ▶ Notice of Applicability under the Cannabis General Order. Please see Appendix 7.3 General Order and SUIR Application Notice of Receipt.

The project is in the process of fulfilling the requirements by the California Department of Fish and Wildlife:

- ▶ Lake or Streambed Alteration Agreement. Please see Appendix 7.4 Lake or Streambed Alteration Agreement Application.

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?
1. Aesthetics. Would the project:				
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	NA, impact remains less than significant
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	NA, impact remains less than significant
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.

Mitigation Measure 3.1-1a is not applicable to the project, since the topography and vegetation surrounding the cultivation site make it not visible from a scenic roadway or any other public vantage point. The project is subject to compliance with Mitigation Measure 3.1-1b. The project does not propose the use of any fencing, therefore Mitigation Measure 3.1-1c will be implemented at the discretion of the County. No changes to the scenic resources of the site have 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 project would be consistent with zoning and design requirements for the site, as well as the requirements of adopted Mitigation Measures 3.1-1b. 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.

The project does not propose the use of artificial lighting within the canopy area. Proposed immature plant areas may use supplemental lighting and 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 3.1-1a is not applicable, since the project will occur at a location that is not visible from any scenic roadway or other public vantage point.

► 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 3.1-1b will be implemented by maintaining the site clear of trash and debris, and not allowing trash or debris to accumulate on the parcel for more than two weeks at a time.

► 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.

The project occurs at a location that is not visible from any scenic roadway or public vantage point and existing vegetation surrounding the site provides adequate screening. The project does not propose the use of any fencing. Mitigation Measure 3.1-1c will be implemented at the discretion of the County.

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

Mitigation Measure 3.1-1a is not applicable. Mitigation Measure 3.1-1b will be implemented. Mitigation Measure 3.1-1c will be implemented at the discretion of the County.

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?
2. Agriculture and Forestry Resources. Would the project:				
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
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
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
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
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

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, since no tree removal is proposed. 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?
3. Air Quality. Would the project:				
Are significance criteria established by the applicable air district available to rely on for significance determinations?				
☒ Yes ☐ No				
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-	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, impacts remain less than significant with application of adopted mitigation measures.

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_x and annual mass emission threshold for PM₁₀. Because the NCAB is in nonattainment for PM₁₀, construction of new facilities licensed under the Cannabis Program would contribute substantially to an existing or projected air quality violation, could expose sensitive receptors to substantial pollutant concentrations, and could conflict with air quality planning efforts in Trinity County and the NCAB. This impact would be significant.

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_x and PM₁₀ emissions associated with construction activities, it would not reduce the Cannabis Program's PM₁₀ emissions below the NCUAQMD threshold. Daily NO_x and annual PM₁₀ emissions would remain above the respective thresholds. Because there is no other feasible mitigation available, this impact would be significant and unavoidable.

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_x, and PM₁₀ and annual emissions of PM₁₀ that exceed applicable NCUAQMD mass emission thresholds. Operation of new commercial cannabis cultivation and noncultivation operations would generate emissions of ROG, NO_x, PM₁₀, and PM_{2.5} that exceed applicable daily and annual mass emission thresholds established by NCUAQMD. Thus, operational emissions of ozone precursors (i.e., ROG and NO_x) and of PM_{2.5} could conflict with NCUAQMD's efforts to maintain the CAAQS and NAAQS for ozone and PM_{2.5}. Given that the NCAB is designated as nonattainment with respect to the CAAQS for PM₁₀, implementation of the Cannabis Program could contribute to an existing or projected air quality violation. This impact would be significant.

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 PM₁₀ 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_x, PM₁₀, PM_{2.5}, CO, and SO₂. As discussed under item a) above, the NCAB is designated as nonattainment with respect to the CAAQS for PM₁₀ 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 proposed 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. 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. Mitigation Measure 3.3-3 is not applicable because the parcel is zoned Agriculture and is not within the 350ft residence setback requirement. 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 3.3-1a will be implemented by composting all cannabis waste. There will be no burning of cannabis waste or vegetation that has been cleared for cultivation purposes.

► 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.

In the event of drilling a groundwater well, Mitigation Measure 3.3-1b would be implemented by requiring all diesel-powered off-road equipment to meet EPA's Tier 4 emission standards (if available), watering exposed surfaces, covering all loose material, removing any visible track-outs on adjacent roads, and limiting the speed of construction vehicles on unpaved roads.

► 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.

In the event of drilling a groundwater well, Mitigation Measure 3.3-1c would be implemented by seeking the use of construction equipment that is run on renewable diesel, if commercially available.

► 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 3.3-2a would be implemented by limiting the use of off-road equipment that is powered by gasoline, diesel, or other fossil fuels at the project site, and replacing aging equipment with electric powered options as they become available.

► 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.

In the event of drilling a groundwater well, Mitigation Measure 3.3-2b would be implemented by using only Tier 4, or best available, generators and complying with exhaust emission test procedures. Additionally, all construction contractors would be required to use only low emission diesel back-up generators and to comply with the exhaust emission test procedures.

- ▶ 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.¹
 - All fully enclosed and secure structures that contain cannabis plants or products that generate odors will employ mechanical ventilation controls, carbon filtration, or other equivalent or superior method(s) to eliminate the detection of cannabis off the parcel. This will include all drying and processing of cannabis plant material recently harvested.
 - Outdoor operations may include different plant strains and smaller grow areas or relocation of outdoor activities indoors or, in a mixed-light facility contained within an enclosed structure, use of site design or other technology and/or use of odor easements to address odor impacts.
 - Corrective actions to address County-verified off-site odor complaints will be identified. 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.

Mitigation Measure 3.3-3 is not applicable because the parcel is zoned Agriculture and is not within the 350ft residence setback requirement.

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.

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

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?
4. Biological Resources. Would the project:				
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 be 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 U.S. 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	NA, impact remains less than significant
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	NA, impact remains less than significant
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-	No	No	NA, impact remains less than significant
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. See the attached "Biological Assessment.pdf" for additional project specific information.

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 assessment submitted for the project identified that the project site does not include any sensitive natural communities or potentially jurisdictional wetlands. A Class I watercourse, Browns Creek, briefly runs through the northeastern corner of the parcel and is outside of the 150ft riparian setback. An unnamed Class III watercourse runs along the southern parcel boundary before connecting to the north with Browns Creek and is outside of the 50ft riparian setback. A legacy constructed pond is located in the northeast corner of the property, over 200 ft from the project site. Please see Appendix 7.2 Site Management Plan and Appendix 7.5 Biological Assessment.

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.

In July 2023, a Biological Resources Assessment was conducted by Down River Solutions and no special-status natural communities were detected within the area. Please see Appendix 7.5 Biological Assessment.

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

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

- Prior to commencement of new development related to cannabis activities or the expansion of the Designated Area for existing licensed cultivation sites and during the blooming period for the special-status plant species with potential to occur on the site, a qualified botanist approved by the County shall conduct protocol-level surveys for special-status plants in all proposed disturbance areas following survey methods from CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018a).
- If special-status plants are not found, the botanist shall document the findings in a letter report to CDFW and the applicant, and no further mitigation will be required. Reports shall be submitted to CDFW via email at R1LSARedding@wildlife.ca.gov and shall include the project applicant's name, address, and Assessor's Parcel Number in the subject line.
- If special-status plant species are found, the qualified botanist shall consult with CDFW to designate a no-disturbance buffer that will be reflected in the application to the County. If the special-status plant species

cannot be avoided, the application will be denied.

In July 2023, a Biological Resources Assessment was conducted by Down River Solutions and no special-status plant species were detected within the area. Please see "Species of Greatest Conservation Concern: Plants" in Appendix 7.5 Biological Assessment.

► 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 3.4-1c will be implemented by following the application requirements supplied by the County, and/or the SWRCB Order WQ 2019-0001-DWQ reporting requirements, as those compliance documents become available, which may include the identification of invasive species occurring on the site, eradication measures to be implemented, annual monitoring, and the use of exclusively weed-free mulch.

► 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 Boylii in Lotic Environments* (UC Davis 2017). Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and at least a 400-foot buffer around the proposed development area. Surveys shall consist of “visual encounter” as well as “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for salamanders, and visual searches for frogs. Preconstruction surveys shall be conducted within the appropriate season to maximize potential for observation for each species, and appropriate surveys will be conducted for the applicable life stages (i.e., eggs, larvae, adults).
- If special-status amphibians are not detected during the preconstruction survey, then further mitigation is not required.
- If special-status amphibians are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status amphibians will be avoided by modifying project design, relocating the cultivation site, or relocating individual animals. If impacts to Cascades frog or foothill yellow-legged frog (both listed under CESA) are unavoidable, then the applicant will submit an incidental take permit (ITP) application to CDFW and receive take authorization before commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual Cascades frogs or foothill yellow-legged frogs, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank.

In July 2023, a Biological Resources Assessment was conducted by Down River Solutions and no special-status amphibian species were detected within the area. Foothill yellow-legged frog and Pacific tailed-frog were found to have suitable habitat within Browns Creek, but it was determined that the implementation of the project would not impact the species due to the vertical distance from the proposed project site. In the event that the project is drilling a groundwater well in the future, Mitigation Measure 3.4-2a would be implemented by conducting preconstruction surveys 24 hours before the new development. Please see “Species of Greatest Conservation Concern: Animals” in Appendix 7.5 Biological Assessment.

► 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.

In July 2023, a Biological Resources Assessment was conducted by Down River Solutions and suitable habitat for western pond turtle was found, as well as the observation of a pond turtle shell, near the legacy pond by Browns Creek, over 200ft from the proposed project site. Consultation with CDFW will be addressed during the LSAA process. Please see "Species of Greatest Conservation Concern: Animals" in Appendix 7.5 Biological Assessment.

► 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.

In July 2023, a Biological Resources Assessment was conducted by Down River Solutions and no nesting raptors were detected, though some suitable habitat exists onsite. In the event that the project is drilling a groundwater well in the future, Mitigation Measure 3.4-2c would be implemented by conducting preconstruction surveys between February 1 and August 31 to determine presence of nesting raptors. Please see "Species of Greatest Conservation Concern: Animals" in Appendix 7.5 Biological Assessment.

- ▶ 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.

In July 2023, a Biological Resources Assessment was conducted by Down River Solutions and no suitable nesting, foraging, or dispersal habitat was found onsite. The nearest critical habitat is 3 miles northeast. The project does not currently propose any activities within suitable habitat, therefore Mitigation Measure 3.4-2d is not applicable. Please see "Endangered Species Act (ESA) & California Endangered Species Act (CESA) Protected Species" in Appendix 7.5 Biological Assessment.

► 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.

In July 2023, a Biological Resources Assessment was conducted by Down River Solutions and suitable meadow habitat was detected, though specific species of nesting birds were not recorded. In the event that the project is drilling a groundwater well in the future, Mitigation Measure 3.4-2e would be

implemented by conducting preconstruction surveys between February 1 and August 31 to determine presence of special-status nesting birds. Please see "Avoidance and Mitigation Measures" in Appendix 7.5 Biological Assessment.

► 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.

In July 2023, a Biological Resources Assessment was conducted by Down River Solutions and there was no detection of terrestrial mollusks within the project vicinity. Some suitable habitat may be present, however, the potential to occur within the project area was determined to be low, and therefore Mitigation Measure 3.4-2f is not applicable. Please see "Species of Greatest Conservation Concern: Animals" in Appendix 7.5 Biological Assessment.

► 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.

In July 2023, a Biological Resources Assessment was conducted by Down River Solutions. There was no detection of special-status bumble bees, and the potential to occur within the project area was determined to be low, therefore Mitigation Measure 3.4-2g is not applicable. Please see "Appendix E: Animals" in Appendix 7.5 Biological Assessment.

► 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.

In the event that the project is drilling a groundwater well in the future, Mitigation Measure 3.4-2h would be implemented by conducting burrow surveys within 7 days of the start of construction.

► 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.

In July 2023, a Biological Resources Assessment was conducted by Down River Solutions. There was no occurrences of the Humboldt Marten or Fisher within the assessment area, though suitable habitat exists on the parcel. In the event that the project is drilling a groundwater well in the future, Mitigation Measure 3.4-2i would be implemented by conducting habitat and den surveys between March 1 and July 31. Please see "Species of Greatest Conservation Concern: Animals" in Appendix 7.5 Biological Assessment.

- ▶ 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.

In the event that the project is drilling a groundwater well in the future, Mitigation Measure 3.4-2j would be implemented by conducting preconstruction surveys between March 1 and July 31.

► 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.

In July 2023, a Biological Resources Assessment was conducted by Down River Solutions and there was no observation of the Oregon snowshoe hare and low habitat suitability. Mitigation Measure 3.4-2k is not applicable. Please see "Species of Greatest Conservation Concern: Animals" in Appendix 7.5 Biological Assessment.

► 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.

In July 2023, a Biological Resources Assessment was conducted by Down River Solutions and there was no observation of bat species, though suitable foraging habitat exist onsite. Please see "Species of Greatest Conservation Concern: Animals" in Appendix 7.5 Biological Assessment. If deemed necessary by the County, Mitigation Measure 3.4-2l will be implemented by allowing a qualified wildlife biologist to conduct preconstruction habitat surveys, and by following the recommendations of the biologist.

► 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.

In the event that the project is drilling a groundwater well in the future, Mitigation Measure 3.4-2m would be implemented by conducting surveys for vole nests.

► 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 3.4-2n is not applicable because the project will use generators for domestic emergency use only.

► 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.

If deemed necessary by the County, Mitigation Measure 3.4-2o will be implemented by allowing a qualified biologist to determine the presence of suitable habitat, with consideration of recent special range information. If found, Mitigation Measure 3.4-2o will be implemented by initiating consultation with CDFW, in order to determine whether further mitigation measures will be necessary and appropriate.

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

Mitigation Measure 3.10-1a is implemented by remaining enrolled in and compliant with the conditions of SWRCB Order WQ 2019-0001-DWQ. Mitigation Measure 3.10-3b is not applicable because the project is not located within a floodplain. Please see Appendix 7.8 Floodplain Map.

► 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.

In July 2023, a Biological Resources Assessment was conducted by Down River Solutions. A Class I watercourse (Browns Creek) was identified outside of the 150 foot riparian buffer zone from the project site, as well as an unnamed Class III watercourse outside of the 50 foot riparian buffer zone. A legacy constructed pond that supports some wetland species is located over 200 feet from the proposed project site. No wetlands or known Sensitive Natural Communities were identified in the assessment. Please see "Impacts to Wetlands" in Appendix 7.5 Biological Assessment. The project will follow best practical treatment or control measures outlined in the Site Management Plan to prevent runoff and erosion, further

ensuring the protection of the riparian habitats. Please see Appendix 7.2 Site Management Plan. The project is in the process of obtaining a Lake and Streambed Alteration Agreement. Please see Appendix 7.4 Lake and Streambed Alteration Agreement Application.

► 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.

In the event of licensure revocation or abandonment, Mitigation Measure 3.4-4b would be implemented by removing all cannabis cultivation infrastructure that would not be used for other allowable non-cannabis purposes, described in a continued-use plan. If necessary, a restoration plan would be executed in order to reestablish the previous natural conditions.

► 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.

In July 2023, a Biological Resources Assessment was conducted by Down River Solutions. A Class I watercourse (Browns Creek) was identified outside of the 150 foot riparian buffer zone from the project site, as well as an unnamed Class III watercourse outside of the 50 foot riparian buffer zone. A legacy constructed pond that supports some wetland species is located over 200 feet from the project site. No wetlands or Other Waters of the United States were identified in the assessment.

- ▶ 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 3.4-5 will be implemented by maintaining the project site outside of the 50 foot and 150 foot riparian buffers and by following the best practical treatment or control measures outlined in the Site Management Plan.

- ▶ 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.

In 2023, a Biological Assessment was conducted and no occurrences of the Humboldt Marten or Fisher were found, though some suitable habitat exists onsite. The project does not propose any vegetation removal. Please see "Species of Greatest Conservation Concern: Animals" in Appendix 7.5 Biological Assessment.

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

Mitigation Measure 3.1-1b is implemented by maintaining the parcel free of trash or debris.

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?
5. Cultural Resources. Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	Draft EIR Setting pp. 3.5-1 to 3.5-17 Impact 3.5-1	No	No	NA
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 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. See the attached "Cultural Resources Investigation.pdf" for additional project specific information.

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 does not include the use of 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.

In late summer 2024, a Cultural Resources Investigation was conducted on the parcel by William Rich and Associates. The survey found that no artifacts, features, deposits or any other cultural resources exist on the subject project area. The attached Appendix 7.6 Archaeological Report meets the reporting requirements outlined in Mitigation Measure 3.5-1b and that 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 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 3.5-1a does not apply to this project, since the project site includes no historic structures.

► 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.

Mitigation Measure 3.5-1b is not applicable to this project, since archaeological resources were not identified within the property, and the project does not occur within an historic district, or include the use of any buildings older than 45 years.

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 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?
6. Energy. Would the project:				
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?
7. Geology and Soils. Would the project:				
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 Division of Mines and Geology Special Publication 42. ii. Strong seismic ground shaking? iii. Seismic-related ground failure, including liquefaction? iv. Landslides?	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 application of adopted mitigation measures.
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	NA, impacts would remain less than significant
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 wastewater?	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 application of adopted mitigation measures.

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.

The project is in the process of enrollment with the State Water Board and has submitted a General Order and Small Irrigation Use Registration (SUIR) Application. Please see Appendix 7.3 General Order and SUIR Application Notice of Receipt.

- ▶ 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.

Mitigation Measure 3.7-4 would be implemented by ceasing all work in the event of a paleontological discovery and immediately contacting the County. If excavation activities were to continue, a qualified paleontologist will be retained.

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?
8. Greenhouse Gas Emissions. Would the project:				
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 application of 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 application of 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 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 Measures 3.3-1a, 3.3-1b and 3.3-1c will be implemented.

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

Mitigation Measures 3.3-2a and 3.3-2b will be implemented.

- ▶ 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 3.8-1c will be implemented because the project receives 100 percent of its power from TPUD, which supplies renewable hydro-electricity.

► 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).

Mitigation Measure 3.8-1d will be implemented by exclusive use of a combination of LED and double-ended HPS fixtures, and high efficacy lighting for all of its operations.

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?
9. Hazards and Hazardous Materials. Would the project:				
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, impacts would remain 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, impacts would remain 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	NA
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	NA
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, remains no impact
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 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][ii]).
- ▶ 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 involved, 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.

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. The project is not located within an airport land use plan or within two miles of an airport. 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. The access road to the project meets County roadway and access design and fire safety requirements. 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.

An EnviroStor Hazardous Waste Site data query was conducted and confirms that the site is not occurring on a previous hazardous waste site. Please see Appendix 7.7 EnviroStor Hazardous Waste Site Map.

► 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 3.9-2b is not applicable because the project is not located on a commercial, business park, or industrial site.

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

Mitigation Measure 3.14-3 is implemented because the access road to the project site follows geometric roadway design and is maintained free of hazards. Mitigation Measure 3.14-4 is implemented by maintaining site access in compliance with the Fire Safe Ordinance.

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?
10. Hydrology and Water Quality. Would the project:				
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 application of 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 application of 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 application of 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	NA, impact remains less than significant
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 application of 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	NA, impact remains less than significant

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?
10. Hydrology and Water Quality. Would the project:				
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	NA, impact remains less than significant
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 application of adopted mitigation measures.

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. See the attached "Well Report" demonstrating the well production rates to be over the Trinity County minimum requirement of 3 gallons per minute. See the attached "Site Management Plan" outlining project specific mitigation measures and best management practices. See the attached "Annual SWRCB Monitoring Reports" for more information on water usage.

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]).

Water for the operations will be sourced from a permitted diversion only. In the event that a groundwater well is drilled in the future, all State laws and regulations will be followed.

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. The project is not located within a floodplain, tsunami, or seiche zone. Please see Appendix 7.8 Floodplain Map. 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.

The project is in the process of enrollment with the State Water Board and has submitted a General Order and Small Irrigation Use Registration (SUIR) Application. Please see Appendix 7.3 General Order and SUIR Application Notice of Receipt. A Site Management Plan was generated identifying the location and type of water quality control features for the cultivation site and access roads. The project will follow the recommendations outlined in the Site Management Plan regarding erosion control and road drainage maintenance. Please see Appendix 7.2 Site Management Plan.

► 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 3.10-1b is not applicable because the project is not located within a floodplain. Please see Appendix 7.8 Floodplain Map.

► 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.

In the event that a groundwater well is drilled in the future, Mitigation Measure 3.10-2 will be implemented by monitoring groundwater well production rates and levels for each month of the year, and by providing that information to the County as part of the license renewal process. The groundwater well would be located outside of riparian setbacks. If applicable and necessary, adaptive management measures will be implemented based on the recommendations of the County and/or SWRCB.

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

Mitigation Measure 3.10-3a will be implemented by remaining in compliance with Water Resource Standards, including but not limited to, obtaining a waste discharger ID number upon enrollment in the monitoring program, implementation of a Site Management Plan, submittal of annual monitoring reports, and following of the regulations and guidelines outlined in the State Water Board Policy and General Order.

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

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

- 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 3.10-3b is not applicable because the project is not located within a watershed under a CDFA Moratorium.

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

Mitigation Measure 3.10-1b is not applicable because the project is not located within a floodplain.

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?
11. Land Use and Planning. Would the project:				
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][ii]).
- ▶ 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's proposed 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?
12. Mineral Resources. Would the Project:				
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 Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
13. Noise. Would the project:				
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.

In the event that a groundwater well is drilled, Mitigation Measure 3.12-1 would be implemented by requiring all outdoor construction activity and use of heavy equipment to take place between 7:00am and 7:00pm.

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?
13. Population and Housing. Would the project:				
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?
15. Public Services. Would the project:				
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 impacts, to maintain acceptable service ratios, response times or other performance				
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 application of 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 measure 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 will be 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.

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.

Mitigation Measure 3.14-3 is implemented because the access road to the project site follows geometric roadway design and is maintained free of hazards. Mitigation Measure 3.14-4 is implemented by maintaining site access in compliance with the Fire Safe Ordinance. Please see Appendix 7.9 Fire Plan.

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?
15. Recreation. Would the project:				
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?
17. Transportation. Would the project:				
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	NA, 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	NA, 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	NA, impact remains less than significant
d. Result in inadequate emergency access?	Draft EIR Setting pp. 3.14-1 to 3.14-8 Impact 3.14-4	No	No	NA, impact remains less than significant

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.

The project will not have any full-time employees commuting to the site. In the event of future well drilling, construction activities would minimally impact traffic. 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.

The project will not have any full-time employees commuting to the site. 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.

Mitigation Measure 3.14-3 will be implemented because the access road to the project site follows geometric roadway design and is maintained free of hazards. 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.

Mitigation Measure 3.14-4 will be implemented by maintaining site access in compliance with the Fire Safe Ordinance. Please see Appendix 7.9 Fire Plan. 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 3.14-3 will be implemented by providing the County with documentation demonstrating compliance with Chapter 12.10: Design Policies of the Trinity County Code of Ordinance. The access roads currently meet the standards.

► 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.

Mitigation Measure 3.14-4 will be implemented by providing the County with documentation demonstrating compliance with Chapter 8.30 – Fire Safe Ordinance of the Trinity County Code. While awaiting guidance from the County regarding proper documentation requirements, a Fire Plan has been implemented. Please see Appendix 7.9 Fire Plan.

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?
18. Tribal Cultural Resources. Would the project:				
Has a California Native American Tribe requested consultation in accordance with Public Resources Code Section 21080.3(b)? ☐ Yes ☒ No				
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 as 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 (s) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources 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. Following a Cultural Resources Investigation, tribal representatives of the Nor Rel Muk Wintu Nation, Redding Rancheria, Shasta Nation, Wintu Tribe of Northern California, Winnemem Wintu, and Wintu Educational and Cultural Council were contacted. No concerns or further inquiries were noted or received. Please see Appendix 7.6 Archaeological Report.

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.

The Archaeological Report found no evidence of tribal cultural resources at the project site. Please see Appendix 7.6 Archaeological Report. 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. See the attached "Cultural Resources Investigation" for additional project specific information.

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?
19. Utilities and Service Systems. Would the project:				
a. Require or result in the relocation or 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	Yes, impacts would remain less than significant with application of adopted mitigation measure.
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	NA, remains no impact
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 application of 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 application of 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 appropriative 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.

The septic system will fulfill the wastewater requirements for this project. 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.

In the event of applying for a Microbusiness License in the future, Mitigation Measure 3.15-1a would be implemented by submitting a Materials Management Plan to the Trinity County Division of Environmental Health.

► 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 3.15-1b is not applicable because the project will use a septic system for its wastewater needs.

► 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 3.15-2 is not applicable because the project will not use a retail water supplier.

► 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.

The project has implemented a Cannabis Waste Composting Management Plan that identifies the proposed composting area within the Designated Area, details the water quality control features, and described the routine maintenance and equipment that will be used. Please see Appendix 7.10 Cannabis Waste Compost Management Plan.

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 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?
20. Wildfire. Would the project:				
Is the project located in or near state responsibility areas or lands classified as high fire hazard severity zones?				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
		☒ Yes	☐ No	
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	Draft EIR Setting pp. 3.16-1 to 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, but 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 courses, 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, but 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, but 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[j]) 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.

e) 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 019-0001-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 3.1-1b will be implemented by maintaining the site clear of trash and debris, and not allowing trash or debris to accumulate on the parcel for more than two weeks at a time.

- ▶ 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 3.16-2a will be implemented by placing new power lines underground, and if not possible, then by maintaining fuel breaks along power lines and any stand-alone electrical facilities.

- ▶ 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.

The project has implemented a Fire Plan that includes these provisions for the use of outdoor motorized equipment. Please see Appendix 7.9 Fire Plan.

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

The project is in the process of enrollment with the State Water Board and has submitted a General Order and Small Irrigation Use Registration (SUIR) Application. Please see Appendix 7.3 General Order and SUIR Application Notice of Receipt. A Site Management Plan was generated identifying the location and type of water quality control features for the cultivation site and access roads. The project will follow the recommendations outlined in the Site Management Plan regarding erosion control and road drainage maintenance. Please see Appendix 7.2 Site Management Plan.

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?
21. Mandatory Findings of Significance.				
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 viewed 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.

4.22 MITIGATION MEASURE APPLICABILITY TABLE

- For text of each mitigation measure, see the Trinity County Cannabis Program EIR.
- **Applicable to Project?:** Indicate yes if the mitigation measure is applicable to your project and no if it is not.
- **Implementation Plan/Reasons Not Applicable:** If the mitigation measure would be applicable to your project, briefly describe how the mitigation measure would be implemented for your project. If the mitigation measure would not be applicable to your project, briefly describe why the mitigation measure would not apply to your project.

Mitigation Measure # and Title	Applicable to Project?	Implementation Plan/Reasons Not Applicable
EIR Section 3.1 – Aesthetics		
Mitigation Measure 3.1-1a: Screen Cultivation Sites from County Scenic Roadways	No	The site is not visible from any scenic highways or public roads.
Mitigation Measure 3.1-1b: Maintain Cultivation Parcel	Yes	The site will be maintained clear of trash and debris.
Mitigation Measure 3.1-1c: Fence Cultivation Site	Yes	The site is not visible from any public vantage points due to topography and vegetation. The project does not propose the use of any fencing. Mitigation Measure 3.1-1c will be implemented at the discretion of the County.
Mitigation Measure 3.1-2: Implement Mitigation Measures 3.1-1a, 3.1-1b, and 3.1-1c.	Yes	Mitigation Measure 3.1-1a is not applicable. Mitigation Measure 3.1-1b will be implemented. Mitigation Measure 3.1-1c will be implemented at the discretion of the County.
EIR Section 3.3 – Air Quality		
Mitigation Measure 3.3-1a: Prohibit Burning Vegetation	Yes	All cannabis waste will be composted, there will be no burning of vegetation that has been cleared for cultivation purposes.
Mitigation Measure 3.3-1b: Implement Diesel Engine Exhaust Control Measures and Dust Control	Yes	In the event of future well drilling, all diesel-powered off-road equipment will be required to meet EPA's Tier 4 emission standards (if available), water exposed surfaces, cover all loose material, remove any visible track-outs on adjacent roads, and limit the speed of construction vehicles on unpaved roads.

Mitigation Measure # and Title	Applicable to Project?	Implementation Plan/Reasons Not Applicable
Mitigation Measure 3.3-1c: Use Alternative Fuels	Yes	In the event of future well drilling, the project will seek the use of construction equipment that is run on renewable diesel, if available.
Mitigation Measure 3.3-2a: Limit the Use of Fossil Fuel-Powered Outdoor Power Equipment at All Commercial Cannabis Cultivation and Noncultivation Sites	Yes	The project will limit the use of off-road equipment that is powered by gasoline, diesel, or other fossil fuels, and will replace aging equipment with electric powered options as they become available.
Mitigation Measure 3.3-2b: Require Use of Low Emission Diesel Back-Up Generators at All Commercial Cannabis Cultivation and Noncultivation Sites	Yes	In the event of future well drilling, all construction contractors will be required to use only low emission diesel back-up generators and comply with exhaust emission test procedures. The project has a backup generator for emergency domestic use only.
Mitigation Measure 3.3-3: Implement Odor Control Plan for the Growing, Cultivation, Processing, Handling of Cannabis	No	The project is zoned Agriculture and is not within the 350ft residence setback requirement.
EIR Section 3.4 – Biological Resources		
Mitigation Measure 3.4-1a: Conduct Preapproval Biological Reconnaissance Surveys	Yes	In 2023, a Biological Assessment was conducted and no special-status natural communities were detected within the area.
Mitigation Measure 3.4-1b: Conduct Special-Status Plant Surveys and Implement Avoidance Measures and Mitigation	Yes	In 2023, a Biological Assessment was conducted and no special-status plant species were detected within the area.
Mitigation Measure 3.4-1c: Implement Measures to Avoid Introduction or Spread of Invasive Plant Species	Yes	Mitigation Measure 3.4-1c will be implemented by following the application requirements supplied by the County, and/or the SWRCB Order WQ 2019-0001-DWQ reporting requirements, as those compliance documents become available, which may include the identification of invasive species occurring on the site, eradication measures to be implemented, annual monitoring, and the use of exclusively weed-free mulch.
Mitigation Measure 3.4-2a: Conduct Preconstruction Surveys for Special-Status Amphibians	Yes	In 2023, a Biological Assessment was conducted and no special-status plant amphibians were detected within the area, though habitat exists on the parcel. In the

Mitigation Measure # and Title	Applicable to Project?	Implementation Plan/Reasons Not Applicable
		event of future well drilling, Mitigation Measure 3.4-2a would be implemented by conducting preconstruction surveys 24 hours before development.
Mitigation Measure 3.4-2b: Conduct Surveys for Western Pond Turtle and Relocate Individuals	Yes	In 2023, a Biological Assessment was conducted and suitable habitat was found over 200ft from the project site. Consultation with CDFW will be addressed during the LSAA process.
Mitigation Measure 3.4-2c: Conduct Preconstruction Nesting Raptor Surveys and Establish Protective Buffers	Yes	In 2023, a Biological Assessment was conducted and no nesting raptors were detected, though some suitable habitat exists onsite. In the event of future well drilling, Mitigation Measure 3.4-2c would be implemented by conducting preconstruction surveys between February 1 and August 31.
Mitigation Measure 3.4-2d: Conduct Northern Spotted Owl Preconstruction Habitat Suitability Surveys and Determine Presence or Absence of the Species	No	In 2023, a Biological Assessment was conducted and no suitable nesting, foraging, or dispersal habitat was found onsite. The nearest critical habitat is 3 miles northeast. The project does not propose any activities within suitable habitat.
Mitigation Measure 3.4-2e: Conduct Preconstruction Special-Status Nesting Bird Surveys and Establish Protective Buffers	Yes	In 2023, a Biological Assessment was conducted and no special-status nesting birds were recorded, though suitable habitat is present. In the event of future well drilling, Mitigation Measure 3.4-2e would be implemented by conducting preconstruction surveys between February 1 and August 31.
Mitigation Measure 3.4-2f: Conduct Preconstruction Surveys for Trinity Bristle Snail	No	In 2023, a Biological Assessment was conducted and no terrestrial mollusks were detected, though some habitat exists on the parcel. Potential to occur within the project area was determined to be low.
Mitigation Measure 3.4-2g: Implement Measures to Avoid Take of Special-Status Bumble Bees or Obtain Incidental Take Coverage	No	In 2023, a Biological Assessment was conducted and no special-status bumble bees were detected. Potential to occur within the project area was determined to be low.

Mitigation Measure # and Title	Applicable to Project?	Implementation Plan/Reasons Not Applicable
Mitigation Measure 3.4-2h: Conduct Preconstruction American Badger Survey and Establish Protective Buffers	Yes	In the event of future well drilling, Mitigation Measure 3.4-2h would be implemented by conducting burrow surveys within 7 days of the start of construction.
Mitigation Measure 3.4-2i: Conduct Preconstruction Fisher and Humboldt Marten Survey and Preserve Active Den Sites	Yes	In 2023, a Biological Assessment was conducted and no occurrences of the Humboldt Marten or Fisher were found, though some suitable habitat exists on the parcel. In the event of future well drilling, Mitigation Measure 3.4-2i would be implemented by conducting habitat and den surveys between March 1 and July 31.
Mitigation Measure 3.4-2j: Conduct Preconstruction Surveys for Ringtail and Implement Avoidance Measures	Yes	In the event of future well drilling, Mitigation Measure 3.4-2j would be implemented by conducting preconstruction surveys between March 1 and July 31.
Mitigation Measure 3.4-2k: Conduct Preconstruction Surveys for Oregon Snowshoe Hare and Implement Avoidance Measures	No	In 2023, a Biological Assessment was conducted and there was no observation of the Oregon snowshoe or suitable habitat onsite.
Mitigation Measure 3.4-2l: Preconstruction Bat Survey and Exclusion	Yes	In 2023, a Biological Assessment was conducted and there was no observation of bat species, though some suitable habitat is present onsite. If deemed necessary by the County, Mitigation Measure 3.4-2l will be implemented by allowing a qualified wildlife biologist to conduct preconstruction habitat surveys, and by following the recommendations of the biologist.
Mitigation Measure 3.4-2m: Preconstruction Vole Survey and Relocation	Yes	In the event of future well drilling, Mitigation Measure 3.4-2m would be implemented by conducting surveys for vole nests.
Mitigation Measure 3.4-2n: Implement Generator Noise Reduction Measures	No	The project will use generators for domestic emergency use only.
Mitigation Measure 3.4-2o: Implement Measures to Avoid Take of Gray Wolf	Yes	If deemed necessary by the County, Mitigation Measure 3.4-2o will be implemented by allowing a qualified biologist to determine the presence of suitable habitat, with consideration of recent special range information.

Mitigation Measure # and Title	Applicable to Project?	Implementation Plan/Reasons Not Applicable
		If found, Mitigation Measure 3.4-2o will be implemented by initiating consultation with CDFW, in order to determine whether further mitigation measures will be necessary and appropriate.
Mitigation Measure 3.4-3: Implement Mitigation Measures 3.10-1a and 3.10-3b.	Yes	Mitigation Measure 3.10-1a will be implemented by remaining enrolled in and compliant with the conditions of SWRCB Order WQ 2019-0001-DWQ. Mitigation Measure 3.10-3b is not applicable because the project is not located within a floodplain.
Mitigation Measure 3.4-4a: Identify, Avoid, and Protect Sensitive Natural Communities, Riparian Habitat, and Wetland Vegetation or Provide Compensation	Yes	A Biological Assessment was conducted in 2023 that identified a Class I watercourse outside of the 150 foot riparian setback and a Class III watercourse outside of the 50 foot setback. A legacy constructed pond is located over 200 feet from the project site. No known wetlands or sensitive natural communities were identified. The project will follow best practical treatment or control measures outlined in the Site Management Plan to prevent runoff and erosion, further ensuring the protection of the riparian habitats. The project is in the process of obtaining a Lake and Streambed Alteration Agreement.
Mitigation Measure 3.4-4b: Restore Abandoned Cultivation and Nursery Sites	Yes	In the event of licensure revocation or abandonment, Mitigation Measure 3.4-4b would be implemented by removing all cannabis cultivation infrastructure that would not be used for other allowable non-cannabis purposes, described in a continued-use plan. If necessary, a restoration plan would be executed in order to reestablish the previous natural conditions.
Mitigation Measure 3.4-5: Identify Wetlands and Other Waters of the United States and Avoid These Features	Yes	A Biological Assessment was conducted in 2023 that identified a Class I watercourse outside of the 150 foot riparian setback and a Class III watercourse outside of

Mitigation Measure # and Title	Applicable to Project?	Implementation Plan/Reasons Not Applicable
		the 50 foot setback. A legacy constructed pond is located over 200 feet from the project site.
Mitigation Measure 3.4-6a: Implement Mitigation Measure 3.4-5	Yes	The project site is outside of the 50 foot and 150 foot riparian buffers and will follow the best practical treatment or control measures outlined in the Site Management Plan.
Mitigation Measure 3.4-6b: Retention of Fisher and Humboldt Marten Habitat Features	No	In 2023, a Biological Assessment was conducted and no occurrences of the Humboldt Marten or Fisher were found, though some suitable habitat exists onsite. The project does not propose any vegetation removal.
Mitigation Measure 3.4-6c: Implement Mitigation Measure 3.1-1b	Yes	The site will be maintained clear of trash and debris.
EIR Section 3.5 – Cultural Resources		
Mitigation Measure 3.5-1a: Conduct Historic Evaluations for Existing Operations	No	Mitigation Measure 3.5-1a is not applicable to this project since the project does not include any historic structures.
Mitigation Measure 3.5-1b: Revise Ordinance to Include All Historic Districts and Additional Measures to Protect Historic Resources	No	Mitigation Measure 3.5-1b is not applicable to this project, since archaeological resources were not identified within the property, and the project does not occur within an historic district, or include the use of any buildings older than 45 years.
EIR Section 3.7 – Geology and Soils		
Mitigation Measure 3.7-2: Implement Mitigation Measure 3.10-1a	Yes	The project is in the process of enrollment with the State Water Board.
Mitigation Measure 3.7-4: Protect Discovered Paleontological Resources	Yes	Mitigation Measure 3.7-4 would be implemented by ceasing all work in the event of a paleontological discovery and immediately contacting the County.
EIR Section 3.8 – Greenhouse Gas Emissions and Climate Change		
Mitigation Measure 3.8-1a: Implement Mitigation Measures 3.3-1a, 3.3-1b, and 3.3-1c	Yes	Mitigation Measures 3.3-1a, 3.3-1b and 3.3-1c will be implemented.
Mitigation Measure 3.8-1b: Implement Mitigation Measures 3.3-2a and 3.3-2b	Yes	Mitigation Measures 3.3-2a and 3.3-2b will be implemented.

Mitigation Measure # and Title	Applicable to Project?	Implementation Plan/Reasons Not Applicable
Mitigation Measure 3.8-1c: Renewable Electricity Requirements	Yes	The project receives 100 percent of its power from TPUD, which supplies renewable hydro-electricity.
Mitigation Measure 3.8-1d: Lighting Efficiency Requirements	Yes	The project will use only LED, double-ended HPS fixtures, and high efficacy LEC lighting for its operations.
EIR Section 3.9 – Hazards and Hazardous Materials		
Mitigation Measure 3.9-2a: Prepare Environmental Site Assessments	Yes	An EnviroStor Hazardous Waste Site data query was conducted and confirms that the site is not occurring on a previous hazardous waste site.
Mitigation Measure 3.9-2b: Prepare a Hazardous Materials Contingency Plan for Construction Activities	No	Mitigation Measure 3.9-2b is not applicable because the project is not located on a commercial, business park, or industrial site.
Mitigation Measure 3.9-6: Implement Mitigation Measures 3.14-3 and 3.14-4.	Yes	Mitigation Measures 3.14-3 and 3.14-4 are implemented.
EIR Section 3.10 – Hydrology and Water Quality		
Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards	Yes	The project is in the process of enrollment with the State Water Board. A Site Management Plan will be implemented and on file with the SWRCB, and annual monitoring reports will be submitted.
Mitigation Measure 3.10-1b: Prohibit Cultivation in Floodplains	No	The project is not located within a floodplain.
Mitigation Measure 3.10-2: Conduct Groundwater Monitoring and Adaptive Management	Yes	In the event of future well drilling, Mitigation Measure 3.10-2 will be implemented by monitoring groundwater well production rates and levels for each month of the year and providing that data to the County. If applicable, adaptive management measures will be implemented based on the recommendations of the County and/or SWRCB.
Mitigation Measure 3.10-3a: Implement Mitigation 3.10-1a	Yes	Mitigation Measure 3.10-3a will be implemented by remaining in compliance with Water Resource Standards, including but not limited to, obtaining a waste discharger ID number upon enrollment, implementation of a Site Management Plan, submittal of annual monitoring reports, and following the regulations

Mitigation Measure # and Title	Applicable to Project?	Implementation Plan/Reasons Not Applicable
		and guidelines outlined in the State Water Board Policy and General Order.
Mitigation Measure 3.10-3b: Prohibit Commercial Cannabis Operations in Watersheds under a CDFA Moratorium	No	The project is not located within a watershed under a CDFA moratorium.
Mitigation Measure 3.10-4: Implement Mitigation Measure 3.10-1b	No	Mitigation Measure 3.10-1b is not applicable.
EIR Section 3.12 – Noise		
Mitigation Measure 3.12-1: Implement Construction Noise Mitigation	Yes	In the event that a future well is drilled, Mitigation Measure 3.12-1 will be implemented by requiring all outdoor construction activity and use of heavy equipment to take place between 7:00am and 7:00pm.
EIR Section 3.13 – Public Services		
Mitigation Measure 3.13-1: Implement Mitigation Measures 3.14-3 and 3.14-4.	Yes	Mitigation Measures 3.14-3 and 3.14-4 are implemented.
EIR Section 3.14 – Transportation/Traffic		
Mitigation Measure 3.14-3: Provide Site Access Free of Hazards Due to Geometric Roadway Design	Yes	Mitigation Measure 3.14-3 will be implemented by providing the County with documentation demonstrating compliance with Chapter 12.10: Design Policies of the Trinity County Code of Ordinance.
Mitigation Measure 3.14-4: Provide Adequate Emergency Access	Yes	Mitigation Measure 3.14-4 will be implemented by providing the County with documentation demonstrating compliance with Chapter 8. 30 – Fire Safe Ordinance of the Trinity County Code. While awaiting guidance from the County regarding proper documentation requirements, a Fire Plan has been implemented.
EIR Section 3.15 – Utilities and Service Systems		
Mitigation Measure 3.15-1a: Prepare a Treatment Program for Noncultivation Activities	Yes	In the event of applying for a Microbusiness License, a Materials Management Plan will be submitted to the Trinity County Division of Environmental Health.
Mitigation Measure 3.15-1b: Verification of Adequate Wastewater Service and Necessary Improvements for Public Wastewater Systems	No	The project will use an onsite septic system for its wastewater needs.

Mitigation Measure # and Title	Applicable to Project?	Implementation Plan/Reasons Not Applicable
Mitigation Measure 3.15-2: Verify Adequate Water Supply and Service for Municipal Water Service	No	The project will not use a retail water supplier.
Mitigation Measure 3.15-3: Implement a Cannabis Waste Composting Management Plan	Yes	The project will implement a Cannabis Waste Composting Management Plan.
EIR Section 3.16 – Wildfire		
Mitigation Measure 3.16-1: Implement Mitigation Measure 3.1-1b: Maintain Cultivation Parcel	Yes	The site will be maintained clear of trash and debris.
Mitigation Measure 3.16-2a: Implement Fire Prevention Measures for New Power Lines and Electrical Facilities	Yes	Mitigation Measure 3.16-2a will be implemented by placing new power lines underground, and if not possible, then by maintaining fuel breaks along power lines and any stand-alone electrical facilities.
Mitigation Measure 3.16-2b: Implement Fire Prevention Measures for On-Site Construction and Maintenance Activities	Yes	The project will implement a Fire Plan that includes provisions to ensure fire safety during the use of outdoor motorized equipment.
Mitigation Measure 3.16-3: Implement Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards	Yes	Mitigation Measure 3.10-3a will be implemented by remaining in compliance with Water Resource Standards, including but not limited to, obtaining a waste discharger ID number upon enrollment, implementation of a Site Management Plan, submittal of annual monitoring reports, and following the regulations and guidelines outlined in the State Water Board Policy and General Order.

5 LIST OF PREPARERS AND PERSONS CONSULTED

5.1 LIST OF PREPARERS

Organization

Gold Country Consulting, Preparer of "Appendix C Checklist"

Gold Country Consulting, Preparer of "Site Management Plan"

Down River Solutions Preparer of "Biological Assessment"

William Rich, M.A., RPA, William Rich and Associates, Preparer of "Archaeological Report"

6

REFERENCES

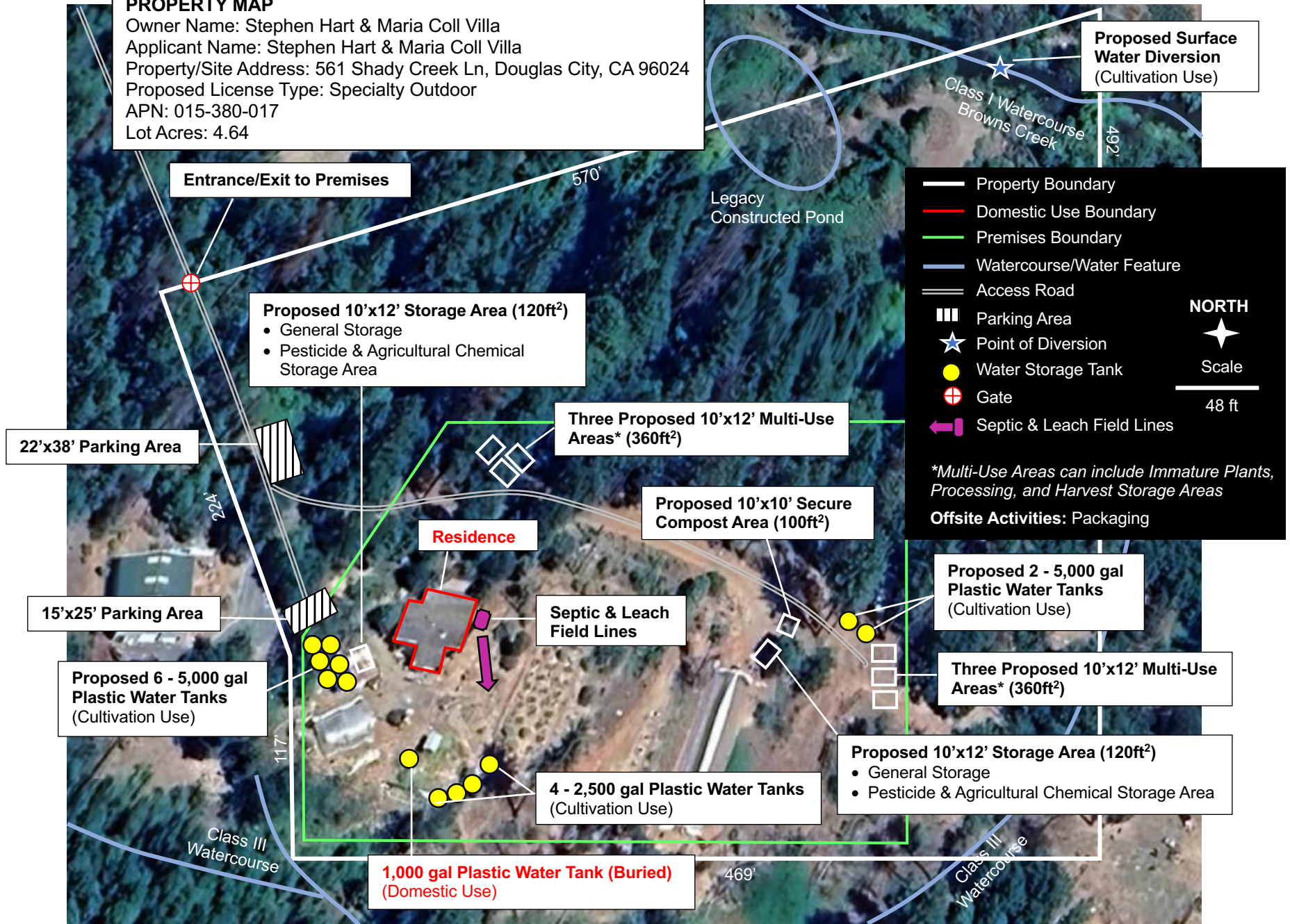
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7.1 SITE MAPS

This section begins on the following page.

PROPERTY MAP

Owner Name: Stephen Hart & Maria Coll Villa
Applicant Name: Stephen Hart & Maria Coll Villa
Property/Site Address: 561 Shady Creek Ln, Douglas City, CA 96024
Proposed License Type: Specialty Outdoor
APN: 015-380-017
Lot Acres: 4.64



Prepared by Gold Country Consulting on 9/10/24



PREMISES DIAGRAM

Owner Name: Stephen Hart & Maria Coll Villa
Applicant Name: Stephen Hart & Maria Coll Villa
Property/Site Address: 561 Shady Creek Ln, Douglas City, CA 96024
Proposed License Type: Specialty Outdoor
APN: 015-380-017
Lot Acres: 4.64

NORTH



Scale

30 ft

- Premises Boundary
- Proposed Cultivation Area

Aggregate Square Footage

- Proposed Mature Canopy Area (up to 5,000ft²)



Prepared by Gold Country Consulting on 9/10/24



LOCATION MAP

Owner Name: Stephen Hart & Maria Coll Villa

Applicant Name: Stephen Hart & Maria Coll Villa

Property/Site Address: 561 Shady Creek Ln, Douglas City, CA 96024

Proposed License Type: Specialty Outdoor

APN: 015-380-017

Lot Acres: 4.64



DIRECTIONS

The property is accessed from Hwy 3 in Douglas City by turning onto B Bar K Road (2 miles), then turning left onto Shady Creek Lane. At 0.45 miles up Shady Creek Lane, proceed straight (do not turn uphill) to continue through a marked gate and enter the property.



7.2 SITE MANAGEMENT PLAN

This section begins on the following page.

SITE MANAGEMENT PLAN

Shady Creek Lane Cannabis Cultivation

Tier 1 Low Risk Discharger

561 Shady Creek Lane, Douglas City, CA 96024

Trinity APN 015-380-017-000

WDID: TBD

Cannabis General Order Application No. 458070

Prepared for:

Maria Ignacia Coll Villa & Stephen Hart
P.O. Box 518
Douglas City, CA 96024

Prepared by:

Gold Country Consulting
P.O. Box 387
Junction City, CA 96048

Date Prepared:

September 2024



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A. Property Map Attached Separately

SITE MANAGEMENT PLAN

I. SEDIMENT DISCHARGE AND BEST PRACTICAL TREATMENT OR CONTROL (BPTC) MEASURES

A. Site Characteristics

The property is a 4.64-acre parcel located at 561 Shady Creek Lane in Douglas City (Region 1 - North Coast Regional Water Board) in Trinity County, California. The property is located in Section 15, T32N, R10W, Mt. Diablo Meridian, on the USGS Weaverville 7.5' quadrangle map. It is within the Lower Browns Creek Subwatershed (HUC 12 180102110602), which is located within the Browns Creek watershed (HUC 10 1801021106), a component of the Trinity Sub-basin (HUC 8 18010211), which is part of the greater Klamath Basin (HUC 6 180102). Elevations on site range from 1,660 feet to 1,870 feet. The approximate centroid of the parcel is (lat) 40.630742°, (long) -122.978423°. The parcel is zoned Agricultural 10 Acre min (A10) and it has a General Plan Designation of Agricultural (A).

The northeast corner of the property is located in a FEMA-designated flood zone that borders Browns Creek, a Class I stream; however, most of the property is uphill from this area and is not within any setbacks required by the State Water Resources Control Board. The proposed project site is approximately 155 feet from the flood zone boundary. Browns Creek flows along the northeast property corner. There is also a spring-fed Class III stream that flows from the bordering property to the west to the southwest to the northeast corners of the property into Browns Creek. There is a legacy pond that was constructed by the previous owner located in the northeastern portion of the property, straddling the neighboring property boundary, west of Browns Creek and downhill from the cultivation area and residence. It is approximately 100' by 60' and it is not in use. It was observed to be dry in August of 2024. There are no critical water resources mapped on-site.

There is one permitted residence on-site. There is an additional (unpermitted) storage shed that is slated for removal. There are six 10' by 12' proposed multi-use areas that may include immature plant areas, processing, and harvest storage areas in the future. The cultivator has also proposed a 10' by 12' storage area that will be used for general storage as well as the Pesticide and Agricultural Chemical Storage Area (See attached Site Map for locations). Petroleum Storage will consist of a (proposed) 10' by 12' building near the residence.

Electrical power on-site is supplied by TPUD. A backup 6500w Honda generator supplies emergency power to the residence. It is not used for cultivation. The parcel has a buried septic system with 156' leach lines located just east of the residence.

A spring on neighboring SPI land is leased annually for domestic water purposes. It is pumped to a water system in a shed on-site that is used to fill the tanks (**Figure 1**). Domestic storage consists of one buried 1,000-gallon plastic tank (**Figure 2**).

Cultivation-related storage consists of four 2,500-gallon plastic tanks and two 350-gallon plastic cube tanks that are used to mix and deliver nutrients to the garden. The plants were historically hand-watered. The cultivator plans to install drip irrigation in the future and add eight additional 5,000-gallon water tanks to be used for cultivation. Approximately 7,500 gallons of water were applied to the cannabis plants in 2023. In 2023, cultivation began in April; however, the landowner was abated by Trinity County in June and all plants were destroyed, thus preventing the crop from finishing and harvesting. The cultivator anticipates using approximately 50,000 gallons of water annually for cultivation.

The cultivator has applied for an SIUR to irrigate future cannabis crops with plans to divert from the portion of Browns Creek on-site that borders the northeastern property boundary. The diversion is located at coordinates 40.63189, -122.977500. Diversion will take place annually from November 1 through March 31 only. Water will be pumped uphill, approximately 336 feet, from Browns Creek to proposed storage tanks that will total 50,000 gallons in storage.



Figure 1: *The Water System On-Site That Delivers Water to the Storage Tanks.*



Figure 2: Three 2,500-Gallon Water Tanks Used for Cultivation Storage.



Figure 3: An Additional 2,500-Gallon Water Storage Tank To Be Used For Cultivation.

The residence is accessed via Shady Creek Lane and the cultivation area is a series of terraces located east of the residence. The cultivation area historically consisted of:

1. Upper Flat contains a 24' by 28' greenhouse historically used to grow immature plants. The greenhouse is within 48' of a Class III stream channel, and within 30' of the property boundary. Due to not meeting setback requirements (50' minimum to a Class III stream), this greenhouse will be removed.
2. Lower Flat 1 is a 26' by 93' area.
3. Lower Flat 2 is 20' (wider on southern end) by 68' long by 12' (wider on northern end).
4. Lower Flat 3 is a 24' by 96' greenhouse. This will need to be removed or shortened, as it is within 30' of the southern property boundary.
5. Lower Flat 4 is approximately 12' by 60' and is wider in the center.

The total cultivation area in the future will be 5,000 ft². It will consist of hoop house ‘tunnels’ and garden beds on all five flats with 2’ of spacing between the beds. A proposed 5’ by 30’ hoop tunnel will be used for immature plants.



Figure 4: 24’ by 28’ Greenhouse on Upper Flat, To Be Removed.

1. Property Map

See the attached Property Map showing access roads, entrance/exit gate, vehicle parking area, watercourses, proposed cultivation sites, water storage tanks, proposed outbuildings, septic tank location, and the private residence.

2. Access Road Conditions

The driveway to the permitted residence is well established, maintained, and graveled, with slopes no greater than 20% (**Figure 6**). The main 15’ by 25’ vehicle parking area is located in front of the residence and is graveled. It can accommodate up to five vehicles (**Figure 5**). There is an additional 22’ by 38’ vehicle parking area located just east of the driveway, closer to the main entrance/exit to the premises. The dirt access road to the cultivation area(s) is fairly steep in sections with slopes no greater than 20%. The vehicle traffic rate is estimated to be approximately one vehicle per day.



Figure 5: 15' by 25' Vehicle Parking Area Near the Residence.



Figure 6: Driveway Leading to the Residence.

a. Drainage Features and Erosion Assessment

The road drainage system appears to be properly diverting water off the road surfaces to the vegetated areas alongside the roadways. A mixture of trees and grasses looks to be adequately filtering the runoff. There are no puddles or rutting, indicating that runoff is quickly and frequently discharged from the road. It does not appear that additional drainage systems, such as inline ditches, rolling dips, and/or water bars, have been necessary, therefore, there are no drainage systems that are hydrologically connected to the Class III watercourse on the property. There is some minor rilling on the access road (**Figure 8**). Rock could be added to the road during the dry season to prevent future potential erosion.



Figure 7: Road Conditions Leading to the Cultivation Areas.



Figure 8: *An Additional Image of the Dirt Access Road Leading to the Cultivation Area.*

b. Road Maintenance Activities

Before the onset of winter, and during storm events, the discharger inspects the access roads to ensure that runoff is being quickly drained from the road onto a non-erodible surface, and that rutting, pooling, and surface rills are not occurring.

There are no culverts or stream crossings on-site.

All maintenance and problematic sites/features will be inventoried and recorded in detail. If serious erosion threats are found to exist at any point, the discharger will consult with a qualified professional to assist with the issue.

3. Vehicle Stream Crossings

There are no stream crossings on-site.

4. Watercourses

There is one Class III ephemeral watercourse on the property (see attached Property Map) that flows southwest to northeast into Browns Creek. At its closest point, the Class III stream is 48' from the 24' by 28' greenhouse on the upper flat. This greenhouse will be removed prior to commencing cultivation. All future cultivation will take place outside of riparian setbacks. Browns Creek, a Class I stream, flows through the northeastern property boundary (**Figure 9**). At its closest point, it is more than 300 feet from the cultivation site, which is compliant with the riparian setback requirements for a Tier 1 Low Risk Discharger. The channel does not appear to be eroding or receiving any surface runoff. The streambanks are well vegetated on both sides. The previous owner constructed a 100' by 60' pond that is not in use by the current landowners (**Figure 10**). It is located in the northeastern portion of the property, west of Browns Creek and downhill from the cultivation area and residence.



Figure 9: *An Image of Browns Creek Looking Downstream.*



Figure 10: An Image of the Pond Taken in August of 2024.

5. Legacy Waste Discharge Issues (Region 1 – North Coast)

The 24' by 28' greenhouse historically used for growing immature plants will be removed due to its proximity to a Class III stream channel. Removal of this greenhouse will prevent future potential waste discharge (fertilizers and water) into the Class III stream.

B. Erosion Prevention BPTC Measures

The discharger uses a preventative approach to erosion management and has a robust list of BPTC measures that have been successful in preventing soil erosion and limiting surface runoff.

1. Preventative Physical BPTC Measures

The discharger practices water conservation through efficient irrigation practices and reducing the amount of wasted water, which can cause erosion and nutrient runoff. It is recommended that water meters be installed to monitor water use and assist with usage reports. Below are the water conservation measures used on the premises:

- Irrigation schedule based on plant moisture requirements, adjusted to reflect changes in weather
- Watering at dawn to reduce evaporation
- Cannabis plants will be placed close together in a ‘sea of green’ cultivation style in contained raised beds to avoid applying water to non-cropped areas
- Drip irrigation will be implemented in the future.

2. Recommendations for Preventative Physical BPTC Measures

Currently, the legacy cultivation areas have been revegetated with native vegetation (*Figure 11*). There is currently no evidence of erosion or hydrologically connected surface runoff. Future cultivation will take place within the same approximate footprint, but outside of the 50’ setback to the on-site Class III stream, as required by the SWRCB.



Figure 11: An Image of One of the Legacy Cultivation Areas.

The garden area will need to be cleaned up prior to cultivating. The suggested implementation schedule is for the work to be completed before the beginning of the next anticipated growing season, which will depend on when the cultivator is able to obtain all necessary permits to legally cultivate and be in compliance. This should give the discharger adequate time to complete this project.

3. Preventative Biological BPTC Measures

The discharger has taken measures to preserve existing vegetation throughout the process of developing the premises. The vegetation is a mix of grasses, shrubs, and trees and appears to be actively slowing and filtering runoff in a way that limits erosion and prevents hydrologic connectivity. The trees throughout the property also help to reduce evaporation by serving as windbreaks and keeping temperatures down by providing shade around the cultivation area.

The discharger uses the following techniques to maintain healthy, well-structured soil, which allows water infiltration and decreases runoff and erosion:

- Amendments used in soil to improve water-holding capacity and prevent excessive leaching for plants in the raised beds
- Minimal tillage, tilling avoided during precipitation events
- Prevention of soil compaction, soil not worked on when too wet
- No equipment used in the garden area during the wet season or heavy precipitation events

C. Physical BPTC Measures

1. Physical BPTC Measures

Once the cultivator obtains all the necessary permits to cultivate legally, there are plans to use the current garden footprint and install raised beds and hoop tunnels no higher than 6-feet-tall.

In the event of emergency construction or a disturbance, fiber rolls or straw bale barriers will be used to contain runoff. Fiber roll barriers or straw wattles will be installed perpendicular to the slope, keyed into a concave trench at least 3 inches deep, and staked securely in place on both sides every 12 inches.

If soil piles are present in the future, they will be covered and surrounded by wattles. Adequate supply of cover and berm materials will be kept on-site at all times in case weather forecasts indicate a probability of precipitation.

2. Biological BPTC Measures

In the event of a disturbance, the area will be reseeded, mulched with weed-free straw and punched in (applied at the rate of 2 tons per acre) and, if necessary, covered in jute netting until the regrowth is firmly established. Areas where reseeded was unsuccessful will either be reseeded and mulched until established, or will be covered with gravel or wood chips to stabilize. Once the threat of runoff is gone, fiber rolls and straw bale barriers will be removed.

Vegetated buffer zones will be kept healthy and undisturbed within the riparian zones, along the access roads, and surrounding the entire premises. Permanent vegetation of native grasses, shrubs, sedges, and trees helps dissipate the water flow and ensure that runoff is not hydrologically connected to a waterway.

D. Maintenance Activities for BPTC Measures

The discharger regularly inspects the irrigation system for leaks, and if found, they are immediately repaired. Plant moisture and weather conditions are monitored daily to adjust the water schedule based on individual plant needs and environmental factors. The lines on the irrigation system are routinely flushed to remove mineral deposits to ensure proper flow. Worn, outdated, or inefficient irrigation systems are replaced as needed.

The perimeter of the cultivation area is inspected for signs of erosion or excessive runoff. If erosion is occurring, straw mulch will be used as temporary erosion control and applied at a rate of 2 tons per acre.

The discharger routinely monitors the soil health to ensure proper drainage and water retention. If soil is not retaining water or draining properly, the soil will be amended to improve water-holding capacity.

If soil, spoils, or compost piles are present in the future, they will be inspected for signs of erosion from wind or water, and fully covered and surrounded at the base by wattles.

If in use in the future, fiber rolls and straw bale barriers will be monitored to ensure that they remain in place and are connected sufficiently to avoid sediment pass through.

E. Treatment of Captured Sediment

Any sediment leaving the cultivation area will be stabilized in place by reseeded with native grasses, shrubs, and sedges contiguous with the surrounding area, and covered with straw mulch and jute netting, until new vegetation is well established. If soil is unable to be stabilized through reseeded, the sediment will be hauled out through excavation, and it will be either be:

- Used in garden beds
- Hauled away for safe disposal (fully covered during transport to avoid wind erosion and to a facility licensed for handling spoils)
- Stored on-site on level ground at least 8 feet from the top of a bank or slope, outside of the 100 year flood plain, and more than 200 feet from a waterway. The pile will be compacted and contoured to reduce surface runoff, covered and stabilized with mulch, and have a wattle surrounding the entire base. Prior to the wet season and if the pile is not thoroughly revegetated and stabilized, it will be covered with a temporary sediment barrier at all times.

F. Disturbed Areas and Improperly Constructed Features

The proposed 10' by 12' structures will be placed on cleared areas and there will be no additional site disturbance. No grading or tree removal will be necessary. The 24' by 28' greenhouse located on the upper flat will be removed due to its proximity to a Class III stream channel. All proposed infrastructure will be properly constructed.

II. FERTILIZER, PESTICIDE, HERBICIDE, AND RODENTICIDE BPTC MEASURES

A. Summary Table of Products Used at Site

Product	NPK	Delivery Date	Storage	Usage
Earth Juice Rainbow Mix Pro Bloom	2-14-2	Beginning of the season	In Secure Storage Area (see map)	Applied when the potted plants are transplanted into the beds
Earth Juice Rainbow Mix Pro Grow	8-6-3	Beginning of the season	In Secure Storage Area (see map)	2 40-lb bags are mixed into the plant pots when rooted clones are transplanted into 3" pots
Azomite	0-0-.2	As needed, April 1 - Oct 15	In Secure Storage Area (see map)	UNK
Langbeinite	0-0-22	As needed, April 1 - Oct 15	In Secure Storage Area (see map)	UNK
Compost Teas	UNK	As needed, April 1 - Oct 15	In Secure Storage Area (see map)	UNK
Marrone Bio Innovations Grandevo	0-0-0	As needed, April 1 - Oct 15	In Secure Storage Area (see map)	As needed
Marrone Bio Innovations Venerate	0-0-0	As needed, April 1 - Oct 15	In Secure Storage Area (see map)	As needed

Fertilizers are applied throughout the growing season. Earth Juice Rainbow Mix Pro Grow is applied when rooted clones are transplanted into 3" pots. Earth Juice Rainbow Mix Pro Bloom is applied when the 3" pots are transplanted into the garden beds. Pesticides are only used if needed.

B. Fertilizer, Pesticide, and Herbicide Storage and Removal

Unused fertilizers and pesticides will be stored over winter for future use. The discharger does not use or plan to use any herbicides or rodenticides. If materials are spoiled or expired, they will be stored until they can be safely hauled to a hazardous waste facility.

The discharger has proposed a new 10' by 12' storage area for fertilizers, pesticides, and general storage, located near the proposed compost area. All fertilizers and pesticides will be stored in the Secure Agricultural Chemical Storage Area (see attached Site Map for location).

The 10' by 12' Secure Agricultural Chemical Storage Area will consist of a building with a roof that includes an impervious level floor, permanent cover on all sides, and the ability to contain a spill in the amount of 10% of the aggregate volume of all containers and the precipitation from a 24-hour, 25-year storm event (approximately 7" as per Western US Precipitation Frequency Maps for Northern California). This location will also serve as the winterization storage area for all agricultural chemicals.

The Secure Agricultural Chemical Storage Area will be maintained free of rainwater and spills, excessive heat, and sunlight. All materials will be stored in their original containers, with product labels in legible condition. Bagged and boxed materials will be stored on shelves or pallets and not allowed to accumulate on the ground.

Mixing of nutrients will occur in a designated location on top of an impervious level surface. A spill cleanup kit will be stored nearby. All fertilizers and chemicals will be applied as specified by individual product label instructions and at minimum, and by the discharger. Empty containers will be stored in the storage area, with lids securely on, until they can be hauled to a licensed recycling or hazardous waste facility. When being hauled, they will be secured and covered to prevent falling out or spilling. Disposal of used product shall be consistent with product labels.

C. Procedures for Spill Prevention and Cleanup

A spill cleanup kit with an ample supply of absorbent materials will be kept in the storage area. The discharger is trained on proper material delivery, storage practices, and clean up procedures. The storage area will be kept clean and organized. The storage area will be inspected regularly to ensure its structural capacity and to monitor for leaks or storm water entry.

If a spill occurs, the discharger will clean it up immediately using the spill cleanup kit. All waste will be treated as hazardous, put in a secure container, and hauled to a licensed hazardous waste facility. If a spill occurs in dirt, a quick berm will be made to prevent spreading, the spill will be covered if raining, and all contaminated soil will be treated as hazardous, put in a secure container, and hauled to a hazardous waste facility. If the spill is significant and has the ability to discharge into a waterway, it will be reported to the California Office of Emergency Services at (800) 852-7550 and to the North Coast Regional Water Board and CDFW. Water will never be used to clean up a spill or spill site.

If materials are being used outside, all bags and containers will be kept closed and stored over an impervious surface (ex: plastic tarp) on level ground, in a safe location to prevent accidental spillage or damage from wildlife. After use, materials will be immediately returned to the storage area.

III. PETROLEUM PRODUCT BPTC MEASURES

A. Summary Table of Products Used at Site

Product	Delivery Date	Storage	Usage
Gasoline	As needed	In approved containers, in the proposed petroleum storage area (see map)	Generators, small property maintenance equipment
Propane	As needed	In approved containers near the proposed storage shed	Domestic use only

B. Petroleum Product Storage and Removal

Unused petroleum products will be stored over winter for future use. If materials are spoiled or expired, they will be stored until they can be safely hauled to a hazardous waste facility. When hauled, all materials will be transported with lids securely on, securely anchored to a vehicle, and covered. Disposal of used product shall be consistent with product labels.

All petroleum products will be stored in the proposed 10' by 12' Secure Petroleum Product Storage Area (see attached Site Map) near the residence.

The Petroleum Storage Area will be maintained free of rainwater and spills, excessive heat, sunlight, and accidental ignition. All materials will be stored in their original containers, with product labels in legible condition. If materials are stored in secondary containers, such as gas cans, they will be clearly labeled with the type of material and the delivery date.

All fuels, lubricants, and other petroleum products will be stored in their original containers or approved storage containers, with legible labels, inside the Petroleum Storage Area. A spill cleanup kit will be kept nearby. All products will be applied as specified by individual product instructions, and by the discharger. Empty containers will be stored in the proposed Petroleum Storage Area, with lids securely on, until they can be hauled to a licensed recycling or hazardous waste facility. When being hauled, they will be secured and covered to prevent falling out or spilling.

C. Procedures for Spill Prevention and Cleanup

A spill cleanup kit with an ample supply of absorbent materials will be kept in the Petroleum Storage Area. The discharger is trained on proper material delivery, storage practices, and clean up procedures. Proper storage instructions will be posted at all times in the Petroleum Storage Area in a conspicuous location. Storage areas will be kept clean and organized. The Petroleum Storage Area will be inspected regularly to ensure its structural capacity and to monitor for leaks or storm water entry.

If a spill occurs, the discharger will clean it up immediately using the spill cleanup kit. All waste will be treated as hazardous, put in a secure container, and hauled to a hazardous waste facility. If a spill occurs in dirt, a quick berm will be made to prevent spreading, the spill will be covered (if raining), and all contaminated soil will be treated as hazardous, put in a secure container, and hauled to a hazardous waste facility. If the spill is significant and has the ability to discharge into a waterway, it will be reported to the California Office of Emergency Services at (800) 852-7550 and to the North Coast Regional Water Board and CDFW. Water will never be used to clean up a spill or spill site.

If materials are being used outside, all containers will be kept closed and stored over an impervious surface (ex: plastic tarp) on level ground, in a safe location to prevent accidental spillage or damage from wildlife. After use, materials will be returned to the petroleum storage area.

IV. TRASH/REFUSE AND DOMESTIC WASTEWATER BPTC MEASURES

A. Types of Trash/Refuse Generated at Site

1. Minimal household waste (garbage and rubbish) is generated at the site, since the operation shares the property with a residence occupied by three people. Household waste is contained in covered, leak proof garbage containers. Gold Country Consulting recommends placing the containers in a secondary storage location with a permanent cover and sidewall protection, to make them inaccessible to wildlife and free of leaks. The area will also be fenced. There is a proposed 10' by 10' waste storage area near the residence. Household waste is not allowed to accumulate.
2. Minimal recyclable waste is generated from the household and from agricultural operations. Recyclable waste is washed, sorted, and contained in the designated waste storage area.
3. Minimal hazardous waste is generated at the site, which includes fertilizers, pesticides, and petroleum based products generated from agricultural and domestic operations. It also includes any batteries, light bulbs, or broken appliances used for agricultural operations. Hazardous waste is stored in either the Secure Agricultural Chemical Storage Area or the Waste Storage Area, depending on the nature of the product, and is hauled to an authorized Hazardous Waste Treatment Facility.
4. A moderate amount of green/agricultural waste will be generated as a byproduct of the agricultural operations, and includes non-THC containing

organic matter, such as leaves and stalks, generated anytime throughout the growing process. In the future, green waste will be composted on-site in the proposed Secure 10' by 10' Compost Area (see attached Site Map for location) located in the northwest corner of Lower Flat 3 (*Figure 12*).



Figure 12: The Location of the Proposed 10' by 10' Compost Area Site.

5. The cultivation area is kept clean from any household, recyclable, hazardous, or green waste. If found, materials are immediately cleaned up and brought to the appropriate storage area for proper disposal until hauled off to an authorized disposal facility.

B. Number of Employees, Visitors, or Residents at the Site

There are three year-round residents and no employees. Visitors are estimated to be less than one per day. There is a minimal amount of household waste generated at the site.

C. Types of Domestic Wastewater Generated at the Site

There is a minimal amount of household wastewater generated at the site.

D. Disposal of Domestic Wastewater

There is an on-site septic tank (see attached Site Map for location) located just east of the residence (**Figure 13**). It has 156' leach lines that run from north to south.



Figure 13: *The Location of the (Buried) Septic System, East of the Residence.*

E. Chemical Toilets or Holding Tanks

There are no chemical toilets or holding tanks on-site.

V. WINTERIZATION BPTC MEASURES

A. Description of Winterization Activities

1. Road Winterization

The discharger will inspect the access road to the cultivation area to ensure that runoff is being quickly drained from the road onto a non-erodible surface, and that rutting, pooling, and surface rills are not occurring prior to the onset of the winter period.

2. Bare Ground

The premises will be inspected thoroughly to ensure that there are no areas of bare ground caused by a disturbance or cultivation activity. If bare ground is found in an area that previously had vegetation, it will be reseeded and mulched following the guidelines outlined in the Biological BPTC Measures of this report.

3. Soil/Spoil Piles

Any unused piles of soil will be covered with plastic sheeting and surrounded by wattles along the base. The following season, the soil will be incorporated into the garden beds. If there are any spoil piles from an eroded area, they will be covered with plastic sheeting and surrounded by wattles along the base. The following season, the spoil materials will be spread along a stable surface and revegetated with native plants.

4. The site will be inspected thoroughly to ensure that:

- There is no household, recyclable, or hazardous waste on the premises outside of the waste storage area
- All waste stored in the waste storage area is properly hauled off the property to a licensed waste treatment facility
- All fertilizers and pesticides are stored inside the Secure Agricultural Chemical Storage Area, in their original containers, with lids securely fastened
- All petroleum products are stored inside the Secure Petroleum Product Storage Area, in their original containers or approved containers, with legible product labels and delivery dates

B. Description of Winterization Maintenance Activities

Inspections will be conducted following any precipitation event that produces at least 0.5"/day or 1"/7 days to determine if maintenance is required. Irrigation systems need to be winterized at the end of the season. The main water supply must be shut off and all above ground pipes must be insulated. Foam insulating tubes can be purchased at a hardware store. All timers will need to be disabled or put in rain mode. Next, the irrigation pipes must be drained and the valves must be emptied. All above ground valves and backflow devices need to be insulated.

Gold Country Consulting recommends planting a winter cover crop in the cannabis plant beds to maintain soil health during non-cultivation months. Nitrogen-fixing cover crops create symbiotic relationships with microorganisms that take free nitrogen from the air and convert it to ammonia. Cover crops are an effective tool for scavenging phosphorus as well as for breaking up soil compaction and/or heavy clay soils. A spring cover crop could also be planted once temperatures are warm enough and/or an in-season cover crop such as a live mulch could also be utilized. An excellent source for cover crops is Hedgerow Farms in Winters, CA. You can find them online at <https://www.hedgerowfarms.com/>.

Organic cultivation-related waste, such as plant stems and leaves, will be removed from the cultivation area immediately after harvest and composted in the (proposed) 10' by 10' composting area. Removing plant stems will reduce the amount of habitat for russet mites, since females overwinter in them. All netting, tarps, and other man-made, non-organic cultivation waste needs to be gathered and either stored appropriately for reuse or bagged and transferred to the nearest solid waste facility. Every effort will be made to re-use the growth medium. In the event that it is not possible, spent soils/coir will be composted, spread over the landscape and reseeded with native plants, or taken to the nearest solid waste facility.

C. Description of Revegetation Activities

There are currently no scheduled revegetation activities and there are no plans to disturb any new areas.

The premise is monitored regularly throughout the year and, in the event of a disturbance, the procedures are to reseed and mulch the area immediately in order to allow adequate time for vegetation to establish, following the guidelines outlined in the Biological BPTC Measures of this report.

D. Compliance Schedule for Uncompleted BPTC Measures

The suggested implementation schedule for the recommendation to clean up the cultivation area and adequately store the used soil/coir is for the work to be completed before the beginning of the next anticipated growing season, which will depend on when the cultivator is able to obtain all necessary permits to legally cultivate and be in compliance. This should give the discharger adequate time to complete this project.

Prior to legally cultivating, a secure 10' by 10' compost area will be built. It will be fenced with a locking gate. All of the proposed 10' by 12' storage areas will also be in place.

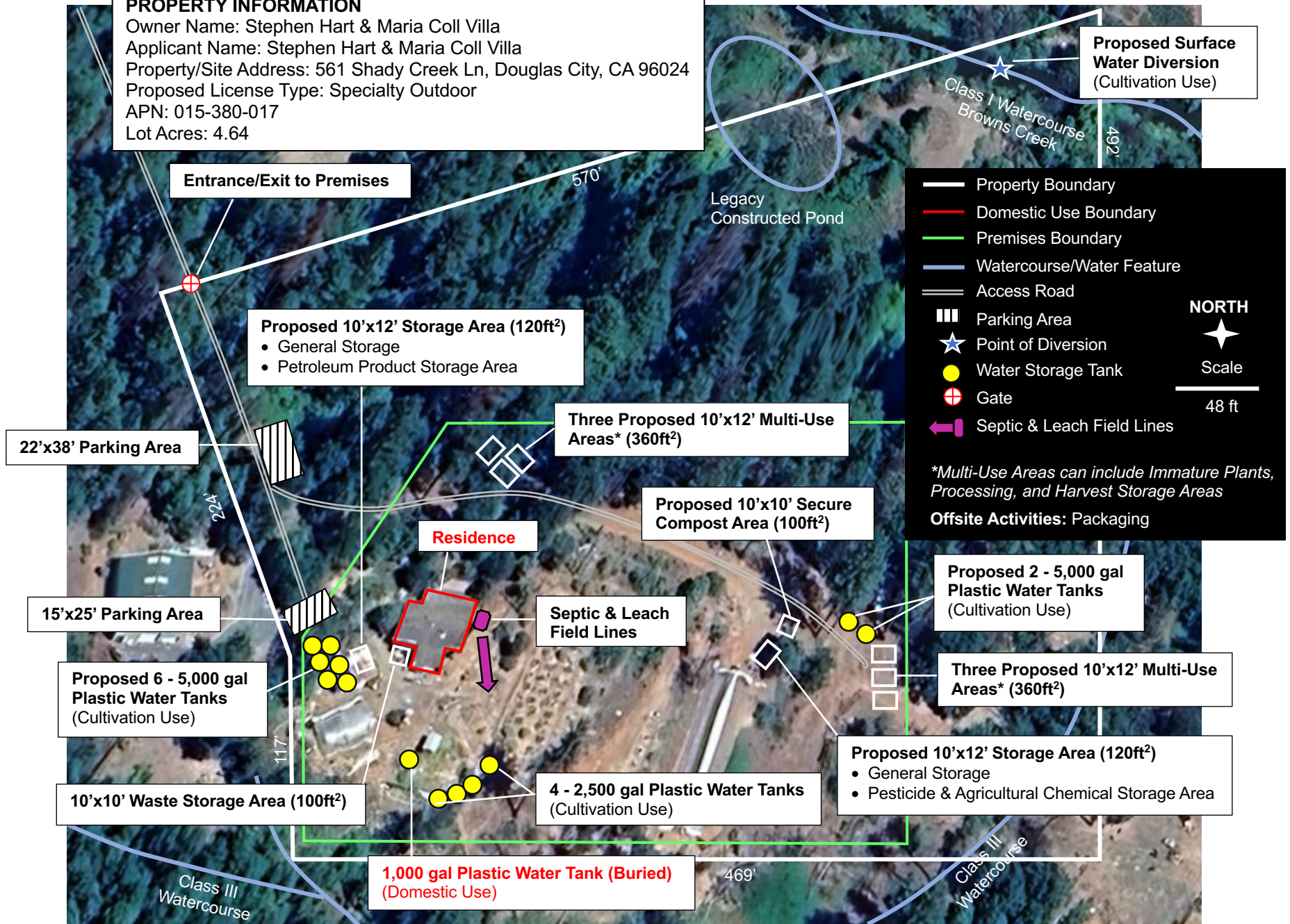
All other BPTC Measures have been completed.

E. Description of Legacy Waste Discharge Issue Activities

The 24' by 28' greenhouse historically used for growing immature plants on the Upper Flat will be removed due to its proximity to a Class III stream channel. Removal of this greenhouse will prevent future potential waste discharge (fertilizers and water) into the Class III stream.

PROPERTY INFORMATION

Owner Name: Stephen Hart & Maria Coll Villa
Applicant Name: Stephen Hart & Maria Coll Villa
Property/Site Address: 561 Shady Creek Ln, Douglas City, CA 96024
Proposed License Type: Specialty Outdoor
APN: 015-380-017
Lot Acres: 4.64



Prepared by Gold Country Consulting on 9/13/24



PREMISES DIAGRAM

Owner Name: Stephen Hart & Maria Coll Villa
Applicant Name: Stephen Hart & Maria Coll Villa
Property/Site Address: 561 Shady Creek Ln, Douglas City, CA 96024
Proposed License Type: Specialty Outdoor
APN: 015-380-017
Lot Acres: 4.64

NORTH



Scale

30 ft

- Premises Boundary
- Proposed Cultivation Area

Aggregate Square Footage

- Proposed Mature Canopy Area (up to 5,000ft²)



Prepared by Gold Country Consulting on 9/13/24



7.3 GENERAL ORDER AND SUIR APPLICATION NOTICE OF RECEIPT

This section begins on the following page.

State Water Resources Control Board

Cannabis General Order Application Number: 458070

Fee Payment Application Number: BA10458070

Self-Certification Date: 07/29/2024

NOTICE OF RECEIPT

STATE WATER RESOURCES CONTROL BOARD

GENERAL WASTE DISCHARGE REQUIREMENTS AND WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF WASTE ASSOCIATED WITH CANNABIS CULTIVATION ACTIVITIES

Your application for coverage under the Cannabis General Order has been received.

California Department of Cannabis Control License

For dischargers seeking a cultivation license from California Department of Cannabis Control, this Notice of Receipt is insufficient. Upon payment of your application fee (see Fee Payment section) and submittal of Native American tribal authorization (if needed; see Native American Tribe Authorization section below), you will receive a separate Notice of Applicability (NOA) to be used for obtaining a California Department of Cannabis Control license.

Fee Payment

Within 30 calendar days of submitting your application, you must pay an application fee in order for your application to be complete.

Your fee category is: **Tier 1 Low Risk with less than 1 acre of disturbed area. Your application fee is \$761 .00**

Fee	Per Acre Surcharge*	Disturbed Acres	Charge
Tier 1 Low Risk			\$ 761.00
2-50 Acres	\$204	0	\$ 0.00
51-100 Acres	\$110	0	\$ 0.00
101+ Acres	\$55	0	\$ 0.00
Total:			\$ 761 .00

*Maximum surcharge fee is \$22,728

Fee's are reassessed on a yearly basis based on program revenue, expenses, and stakeholder input. You can review the current Water Boards Fee Schedule and stakeholder announcements by visiting the following website: <https://www.waterboards.ca.gov/resources/fees/> (<https://www.waterboards.ca.gov/resources/fees/>).

The application fee can be paid using electronic funds transfer, a credit card, a check, money order, or cashier check.

- If you are paying via electronic funds transfer or credit card, visit the following website: http://www.waterboards.ca.gov/make_a_payment/ (http://www.waterboards.ca.gov/make_a_payment/). Include your Fee Payment Application Number when submitting your payment. Your Fee Payment Application Number can be found at the top right-hand corner of this Notice.
- If you are paying with a check, money order, or cashier check, make the check payable to the "State Water Resources Control Board", write the Fee Payment Application Number on the check, money order, or cashier check, and submit the payment to the following address:

State Water Resources Control Board
ATTN: Water Quality Fees - Cannabis General Order
PO Box 1888
Sacramento, CA 95812-1888.

Instructions for Paying Application Fees by Cash:

All cash payments must be submitted directly to the State Water Resources Control Board (State Water Board), not the Regional Water Quality Control Board. The State Water Board is able to accept cash payments at its downtown Sacramento location. Cash payments, however, will require additional time and an appointment with the State Water Board Sacramento office. A delay in enrollment due to the need for a cash payment is not an excuse for non-compliance with applicable enrollment requirements. To schedule an appointment to make a cash payment, please call (916) 341-5021.

Technical Reports

In accordance with the Cannabis General Order, **you may have one or more technical reports due**. Below is the list of technical reports due based on your site conditions.

All technical reports shall be submitted electronically through the Water Boards Cannabis Cultivation Programs Portal survey General Order Technical Report (<https://public2.waterboards.ca.gov/MT/TakeSurvey/Start?surveyId=1087>). When completing this survey you will need to reference your Cannabis Cultivation General Order Application Number which can be found on the top-right hand corner of this Notice. Refer to the Cannabis General Order for additional information regarding content of these technical reports.

Based on the information you provided, your site conditions are: Tier 1 Low Risk with a cultivation area less than or equal to 1 acre and a slope less than or equal to 30 percent.

List of Technical Reports Due:

1) Site Management Plan - **due within 90 days of application submittal**

Compliance with Best Practicable Treatment or Control (BPTC) Measures

You have certified that your site qualifies as a Tier 1 Low Risk site and that you will complete improvements to achieve compliance by the onset of the winter period following submittal of this application. Winter period is defined in Attachment A of the Cannabis General Order.

Native American Tribe Authorization

This section does not apply to you.

For additional information regarding your application, please contact the North Coast Regional Water Board office. Current contact information for the North Coast Regional Water Board office:

5550 Skylane Blvd, Suite A

Santa Rosa, CA 95403

(707) 576-2220

northcoast.cannabis@waterboards.ca.gov (<mailto:northcoast.cannabis@waterboards.ca.gov>)

If you notice any errors in your application, please contact the North Coast Regional Water Board office for more information on providing the correct information. **Do not resubmit your application or begin a new application for the purposes of correcting errors, unless you are instructed to do so by the State Water Board or Regional Water Board.**

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov



Notice of Receipt for Cannabis Small Irrigation Use Registration

Registration ID: H514378

Applicant Name: Maria Ignacia Coll Villa

Mailing Address: PO Box 518, Douglas City, CA 96024

Phone Number: (330) 704-1433

Email Address: ignaciacoll90@gmail.com

Place of Use APNs: 015-380-017-000

Watersource: Stream

THIS NOTICE OF RECEIPT IS NOT A WATER RIGHT

Dear Maria Ignacia Coll Villa:

The State Water Resources Control Board (State Water Board), Division of Water Rights received your registration on 09/05/2024 16:41:08 and it was assigned registration number H514378. Your Cannabis Small Irrigation Use Registration for Maria Ignacia Coll Villa will be processed once the filing fee is received.

Print out this confirmation page. You need to include a copy of the perforated portion of this page with your check, money order or cashier's check.

Amount Due: \$750

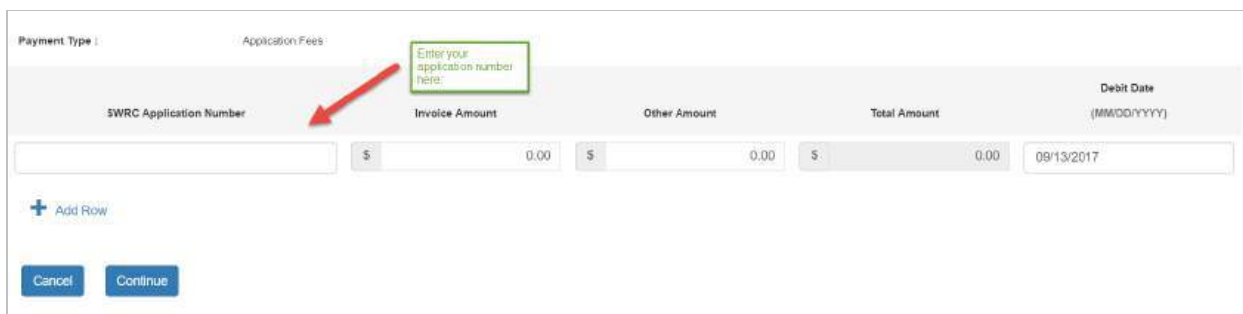
Your payment must be postmarked within 30 calendar days from: 09/05/2024 16:41:08.

REGISTRATION FILING FEE PAYMENT OPTIONS

The application registration filing fee can be paid with electronic fund transfers, credit cards, checks, money orders, or cashier's checks.

ELECTRONIC PAYMENT/AUTOMATIC CLEARINGHOUSE (ACH)

If you are paying electronically, include your registration number when submitting your payment. Visit the SWRCB Make A Payment webpage (http://www.waterboards.ca.gov/make_a_payment/). Scroll to the bottom of the page and enter your application number **UAH514378**.



For **ACH credit payments**, please contact Receipts_Unit@waterboards.ca.gov or 916-341-5000 to be provided with the State Water Resources Control Board's EFT bank account and routing number.

For **credit cards**, visit Official Payments Corporation (<https://www.officialpayments.com/index.jsp>) and select *State Payments* and then for:

- State or Territory--select California
- Payment Entity--select State Water Resources Control Board
- Payment Type--select Application Fees

Click *Make a Payment* to proceed to the next page and then select *Water Rights Application* under the **SWRCB Application Fee Type** dropdown menu. Scroll to the bottom of the page and enter your application number **UAH514378**.

CASH

Cash is not an accepted form of payment for your Cannabis Small Irrigation Use Registration at this time.

CHECK, MONEY ORDER, AND CASHIER’S CHECK

Please note that due to COVID-19 mail in payment options may experience significant delays

Please mail a check, money order, or cashier’s check for the filing fee payable to the State Water Resources Control Board. Include the perforated portion of notice of this Receipt and Invoice when you submit your payment. Make sure your check, money order, or cashier’s check includes your application number **UAH514378**, registration number **H514378**, name, and address. Along with your check, please include the perforated portion of this page and mail to:

State Water Resources Control Board
Division of Water Rights
Cannabis Registration Unit
P.O. Box 2000
Sacramento, CA 95812-2000

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov



7.4 LAKE AND STREAMBED ALTERATION AGREEMENT APPLICATION

This section begins on the following page.

TRI-53939 - Shady Creek Lane Diversion

Notification Details

Notification Type:	10144-Notify for Standard Agreement (Cannabis and non-Cannabis)
Notification Type Due Date:	
Region:	Region 1 (Inland)
Status:	Under Review
Stage:	Final Application

An Applicant may designate and authorize an agent (e.g., lawyer, consultant, or other individual) to act as Designated Representative.

The Designated Representative is authorized to sign the notification and any agreement on behalf of the applicant. The Designated Representative listed here must be listed in the "Additional Contacts" field above to receive emails related to the notification and permit.

Designated Representative:	Maria Coll Villa Select the person that is authorized to represent you as your Designated Representative.
Initial Submit Date:	Sep 24, 2024 1:59 PM
Initially Submitted By:	Maria Coll Villa
Last Submit Date:	
Last Submitted By:	

Contact Information

Primary Contact Information

User Title:	Maria Ignacia Coll Villa First Name Middle Name Last Name
User Email*:	ignaciacoll90@gmail.com
User Address*:	PO Box 518 Douglas City 96024 City Postal Code/Zip
User Phone*:	(330) 704-1433 Ext. Phone

Organization Information

Organization Name*:	Maria Coll Villa
Organization Website:	
Address*:	
	City State/Province Ext. Postal Code/Zip
Phone*:	Ext.

Project Location and Category

Project Location

"Project Name" used here refers to the activities (project) that are subject to the notification requirements in Fish and Game Code section 1602 and not the overall project identified previously in the General Information form. For example, if the project includes the construction of one bridge, one culvert, and road grading adjacent to a stream, this would constitute three projects.

You can name the bridge Smith Bridge as project one, Smith Culvert as project two, and Road Grading as project three. In this example, you would be required to fill out this section three times to identify each project. Refer to the LSA Fee Schedule for more information.

Project Name*: Shady Creek Lane Diversion

Does the project site have a physical address?

Response*: Yes

GPS Coordinates*: 40.630742 -122.978423
Latitude Minimum Requirement ###.##### Longitude Minimum Requirement -###.#####

County*: Trinity County

Project Category

Project Category*: New Construction

Work Type *: Water diversion without facility

Does this project address any of the following: hazardous fuels reduction, fuel breaks, wildfire prevention, vegetation treatment or vegetation management for fire management?

Response*: No

Affected Body of Water

Provide the name of the stream or lake in or near where the project will occur. If the river, stream or lake is unnamed, please select "unnamed stream or lake" in the drop-down box. The following websites may assist you in identifying the name of the stream or lake in or near the project.

- o [EPA Maps](#)
- o [USGS The National Map](#)

Disclaimer – CDFW cannot and does not portray the links provided above as an exhaustive and comprehensive inventory of all river, streams, or lakes statewide. Field verification will always be an important obligation of the applicant.

River, Stream, or Lake Affected*: Browns Creek
Searchable List: this is a very large list, click once and wait 2-3 seconds to let the drop-down open.

Waterbody Tributary*: Trinity River
Searchable List: this is a very large list, click once and wait 2-3 seconds to let the drop-down open.

Will water be present during the proposed work period in the river, stream, or lake?

Water Present during Work Period: Yes

Will the proposed project require work in the wetted portion of the channel?

Work in Wetted Portion of Channel*:

Yes
If Yes, attach a plan to divert water around the project site and dewater the work site that specifies the method, volume rate, and timing of the diversion on the Documents and Maps form.

Wild and Scenic Rivers Act (WSRA)

Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts? The State Wild and Scenic Rivers Act (WSRA) is codified at Public Resources Code section 5093.50 et seq. and can be found at [California Wild and Scenic Rivers Act](#).

If the project is located within a segment of a river or stream that is listed in the State or federal WSRA, CDFW cannot approve the proposed project unless it is consistent with the act(s).

Wild and Scenic Rivers?* No

Project Description, Term, and Impacts

Project Description and Details

Is the 'Property Owner' the same person as the 'Applicant Proposing Project'?

Response*: Yes

Include all of the following:

- Include any structures (e.g., rip-rap, culverts) that will be placed or modified in or near the stream, river, or lake, and any channel clearing.
- Specify volume, and dimensions of all materials and features (e.g., rip-rap fields) that will be used or installed.
- If water will be diverted or extracted, specify the purpose or use.
- Describe both permanent and temporary impacts to the channel and/or riparian habitat.

On the "Documents and Maps" form, attach photographs of the project location(s) and immediate surrounding area. Include diagrams, drawings, plans, and maps that provide all of the following:

- Site specific construction details.
- Dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain.
- Overview of the entire project area (i.e., "bird's-eye view") showing the location of each structure and activity, significant area features, stockpile areas, areas of temporary disturbance.
- Where the equipment/machinery will access the project area.

Describe the Project in Detail*:

The project consists of implementing water diversion from Browns Creek, a Class I stream, for the purposes of cannabis cultivation. The landowner is applying for an SIUR. Diversion will take place between November 1 and March 31, annually. Water will be pumped uphill from the POD approximately 336 feet through a PVC pipe in an unobstructed channel to a series of plastic water tanks totaling 50,000 gallons of storage.

Character Limit: 10,000. If description is longer than 10,000 characters, please include as an attachment in the Documents and Maps form

List all equipment and machinery used to complete the project. List any lubricants, solvents, chemicals, or other materials not normally found on construction sites that will be present in the project area in addition to the equipment and machinery used to complete the project.

Describe Equipment and Machinery*:

No heavy equipment will be needed. The pump will be placed in Browns Creek manually.

Character Limit: 10,000. If description is longer than 10,000 characters, please include as an attachment in the Documents and Maps form

Will part or all of this project be funded with one of the following CDFW-managed grants? If you have received a grant other than those listed here, we do not need this information. Listed items are CDFW-managed grants, and others are not relevant to our tracking metrics.

Select all that apply*: N/A

Water Right(s), Water Diversion(s), & Reservoir(s)

Does the project have an associated water right(s)?

Response*: No

Does the project include any water diversion(s)?

Response*: Yes

How many water diversions will be included in the project? If the project includes more than five water diversions, attach document containing the information requested in this section in the Documents and Maps form.

Response*: 1

Diversion 1

Complete the water use below. For diversion rate, use gallons per day (gpd) if rate is less than 0.025 cubic foot per second (cfs) (approximately 16,000 gpd). [California Code of Regulations Title 23, §659 et seq.](#) defines beneficial uses of water and states that "the board will determine whether other uses of water are beneficial when considering individual applications to appropriate water".

Season of Diversion*: 11/01/2025 03/31/2025
Beginning Date Ending Date

Purpose of Use*:	Irrigation Select all that apply.
Diversions Rate (cfs or gpm)*:	10 Gallons per minute (gpm) Unit of Measure*
Amount Used (acre feet)*:	.15 From Storage
Amount Used (acre feet)*:	.15 By Diversion
Specify the method of how the water is being diverted from the water body. Note: The method of diversion is how the water is taken from the source.	
Method of Diversion :	Pump
Specific Method*:	Pipe in natural pool or stream channel - no instream obstructions used to divert water Select all that apply.
Specify the maximum instantaneous rate of withdrawal (using proposed equipment) that will be achieved at any time during the season of diversion. Measured in cubic feet per second (cfs) or gallons per minute (gpm).	
Maximum Instantaneous Rate:	10 Gallons per minute (gpm) Unit of Measure*
Approximate lowest level of flow in the river, stream, or lake at the point of diversion during the proposed season of diversion in gpm or cfs.	
Lowest Level Flow:	0 Gallons per minute (gpm) Unit of Measure*

Has a Water Availability Analysis been completed for the project?

Water Availability Analysis Analysis to determine if the water can be diverted without causing substantial adverse effects on downstream fish and wildlife resources. Water availability analyses are based on a comparison of flows without any diversions (unimpaired flows) and flows available when all known diversions are "subtracted" (impaired flows).

Response*: No
If Yes, include a copy of the analysis in the Documents and Maps form.

Has an Instream Flow Study been completed for the project?

Instream Flow Study Study to determine the minimum bypass flows needed and maximum rates of withdrawal possible to provide adequate depths and velocities to protect habitat for all life stage of aquatic resources. The study must be prepared by a qualified fisheries biologist and approved by CDFW, will determine the effects of the proposed diversion on flow depth and velocity.

Response*: No
If Yes, include a copy of the study in the Documents and Maps form.

Has a Water Quality Study been completed for the project?

Water Quality Study Study to assess the effects of the proposed water diversion or impoundment on water temperatures and water quality at and downstream from the point(s) of diversion.

Response*: No
Unit of Measure*
If Yes, include a copy of the study in the Documents and Maps form.

Does the project include a reservoir(s)? Complete this section if the project includes the construction of a reservoir or pond, whether permanent or temporary, and/or the routine operation of an existing reservoir or pond by diverting or obstructing the flow of a river or stream.

Response*: No

Commercial Cannabis Cultivation

Does any part of the project include remediation at a cannabis cultivation site? Includes projects that were from past cannabis grows even if you will not be cultivating cannabis in the future.

Response*: No

Are you seeking documentation to submit to the Department of Cannabis Control (DCC) for the purpose of commercial cannabis cultivation licensing? If you are applying for, or have received, a commercial cannabis license from the Department of Cannabis Control (DCC), select yes.

Response*: Yes

Cultivation Operation

Provide information regarding any temporary or annual license the Department of Cannabis Control (DCC) has issued to the Entity, or that the Entity has applied or will apply for.

Type of Operation*: Proposed new cannabis cultivation operation

The Premises is the designated structure(s) and land specified in the DCC application that are in possession of and used by the applicant or licensee to conduct the commercial cannabis activity. There may be multiple APNs associated with the premises. **Include ALL APNs associated with your DCC application (if applicable) in this section.** Unsure of your property APN? Click [here](#) to search by location or address.

Premises APNs*: 015-380-017-000 Premises APN Premises APN
Premises APN

Premises APN Premises APN Premises APN

Premises APN Premises APN Premises APN

DCC Annual/Provisional License #: If Applicable

DCC Annual License Application #: If License has not been issued

State Water Resources Control Board - Cannabis Cultivation General Order If available, include the WDID (Water Discharge Identification). Your WDID number can be found on the Notice of Applicability transmitted to you by the Regional Water Quality Control Board or State Water Quality Control Board.

WDID #: If Applicable

Water Supply

Identify how all water is being supplied to the cannabis cultivation site(s). How many water supply sources serve the property, including the cannabis cultivation site(s)?

Response*: 2

Water Source 1

How is water supplied?: Spring(s)

Access [Google Maps Help](#) to find your GPS latitude or longitude coordinates.

GPS Coordinates: 40.62930 -122.98154
Latitude Minimum Requirement ##.##### Longitude Minimum Requirement -###.#####

Water Source 2

How is water supplied?: Diversion, Obstruction, Extraction, or Impoundment of a River, Stream, or Lake

Access [Google Maps Help](#) to find your GPS latitude or longitude coordinates.

GPS Coordinates: 40.63138 -122.97750
Latitude Minimum Requirement ##.##### Longitude Minimum Requirement -###.#####

California Licensed Professional or Qualified Environmental Consultant/Biologist

Have you consulted with or retained a California licensed professional or qualified environmental consultant/biologist to address your cannabis cultivation?

Professional/Biologist*: Yes

Name of Company*: Down River Solutions

Name of Professional/Biologist*: Marie Petersen

Phone Number*: (530) 999-8189

Email*: stellaria.sftr@gmail.com

Agreement Term

Agreement Term Requested*:

Regular Term (5 years or less),Regular Term (5 years or less),Regular Term (5 years or less),Regular Term (5 years or less),Regular Term (5 years or less),Regular Term (5 years or less),Regular Term (5 years or less),Regular Term (5 years or less)

Project Term

Specify both the year the project activities will begin and the year the project activities will end. Be advised CDFW may restrict work within a stream or lake to the dry season of the year. Consequently, you may want to include more than one season of possible operation in your project proposal.

Beginning Year*: 2025
YYYY

Ending Year*: 2029
YYYY

Seasonal Work Period

Specify the time period you intend to work on the project (e.g., August 1 to October 15). If the work period will exceed one year, specify the work period for each year of the project (e.g., Work Period 1, February 10 to March 31; Work Period 2, August 1 to October 15; Work Period 3, February 10 to March 31; etc.). CDFW may restrict project work to certain periods depending on rainfall, fish migration, wildlife breeding or nesting season, or other resource concerns. Specify the estimated number of days of actual work days for each seasonal work period.

NOTE: If your project has more that five seasonal work periods, include document identifying the additional work periods in the "Documents and Maps" form.

Work Period #1*:	11/01/2025	03/31/2025	152
	Beginning Date	Ending Date	Number of Work Days
Work Period #2:	Beginning Date	Ending Date	Number of Work Days
Work Period #3:	Beginning Date	Ending Date	Number of Work Days
Work Period #4:	Beginning Date	Ending Date	Number of Work Days
Work Period #5:	Beginning Date	Ending Date	Number of Work Days

Impacts to River, Stream, or Lake

Describe any foreseeable impacts (permanent or temporary) to the flow, bed, channel and bank of the river, stream, or lake.

Quantify the effects and impacts in the project vicinity by noting the type, volume, and dimensions of material displaced through grading, trenching or other forms of site alteration. Also include any foreseeable impacts (permanent or temporary) to the riparian zone on or adjacent to the bank of the river, stream or lake. The riparian zone is the area that surrounds a channel or lake and supports (or can support) vegetation that is dependent on surface or subsurface water. Include the effects of your project activity to this zone at least to the outer (landward) edge of the drip line of any dependent vegetation.

Describe Impacts*:

There will be no impacts to Browns Creek, as diversion will not occur during the forbearance period and a minimal amount of water is required for this small scale project.

Character Limit: 10,000

Impacts to Special Status Species

Will there be any foreseeable impacts to any special status animal or plant species, or habitat that could support such species, known to be present on or near the project site?

A special status species is an animal or plant species that meets any of the following criteria

- o The species is listed or proposed for listing under the State or federal Endangered Species Act.
- o The species is designated as rare under the State Native Plant Protection Act.
- o The species is identified as a candidate, sensitive, or special status species in a local, regional, State or federal list, plan, or policy.
- o The species otherwise meets the definition of an endangered, rare, or threatened species under California Environmental Quality Act (CEQA) Guidelines section 15380 ([Cal. Code Regs., tit. 14, § 15380](#)).

Special Status Species?*

No

Identify the source(s) of information (e.g., biological surveys, [BLOS](#), environmental documents, etc.) that supports a "Yes" or "No" answer for the previous question. Provide web-link to document or attach the document in the Documents and Maps form.

Source(s)*:

Please refer to the Biological Assessment, attached to this application.

Character Limit: 5,000

Impacts to Trees and Vegetation

Will the project affect any trees or vegetation?

Response*:

No

Identify the type(s) of tree(s) or vegetation (i.e., trees such as oak, willow, or sycamore, and plant communities, such as salt marsh, freshwater marsh, wet meadow, willow thicket, riparian woodland, willow riparian woodland, desert wash woodland, riparian forest, oak riparian forest, redwood forest, riparian scrub, desert wash scrub, alkali sink scrub, oasis, vernal pool, bog, non-native, or ornamental) that will be affected by the project. Include temporary and permanent impacts with linear feet and total acres.

If trees **greater than 2 inches in diameter at breast height** (dbh) and/or mature shrubs will be removed as part of the project, specify the estimated number and species (if available) to be removed, and the range of trunk diameters measured at breast height. Trees can be grouped into size classes (i.e., four oak trees approximately 10 to 20 inches dbh). Please attach a tree survey to the "Documents and Maps" form, if available.

If no trees or vegetation is being affected by this project, attach aerial photo with date supporting this determination in the "Documents and Maps" form.

Describe*:

Tree and/or vegetation removal is not necessary to implement the diversion.

Character Limit: 5,000

Environmental Review

California Environmental Quality Act (CEQA)

Has a CEQA lead Agency been determined? Yes

Before identifying CDFW as the CEQA lead agency, please obtain approval from the CDFW regional office covering the project area.

*:

CEQA Lead Agency*: Trinity County

This is a large list, click once and wait 2-5 seconds to let the drop-down open.

Agency Contact Person*: Drew Plebani

Email: info.cannabis@trinitycounty.org

Phone Number*: (530) 623-1351

Identify to the best of your knowledge, the type of environmental document that will be or is being prepared.

Type of Environmental Document*:

CEQA documents are in process.

Character Limit: 1,000

Has a CEQA document been prepared for the project pursuant to CEQA?

CEQA Document*: No

Pursuant to [Fish and Game Code section 711.4](#), you must pay a CEQA filing fee to the CEQA lead agency if an environmental document has been prepared for the project, unless a Notice of Exemption was filed or a No Effect Determination was issued by CDFW.

Explain Unpaid Filing Fee*:

CEQA documents have not been submitted yet.

Character Limit: 5,000

If the project described in this notification is not the "whole project", or action pursuant to CEQA, briefly describe the entire project. If the project described in the notification is the entire project, insert the following statement in this box: "The project described in the notification is the entire project."

CDFW must comply with CEQA when issuing a final agreement for a project. CEQA defines a "project" as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" ([Cal. Code Regs., tit. 14, § 15378](#)).

Briefly Describe the Entire Project* :

The project described in the notification is the entire project.

Character Limit: 5,000

National Environmental Policy Act (NEPA)

Has a draft or final document been prepared for the project pursuant to the National Environmental Policy Act (NEPA)?

Draft or Final Document*:

No

If Yes, attach a copy of the document in the Documents and Maps form.

Measures to Protect Fish, Wildlife, and Plant Resources

Measures to Protect Fish, Wildlife, and Plant Resources

Describe the methods or techniques that will be used to prevent sediment from entering any watercourses during and after construction. If you are unsure of which methods or techniques to prevent erosion would best minimize impacts at the project site, indicate "unknown". CDFW staff can assist in providing the appropriate measures. Attach any additional documents, if available, in the "Documents and Maps" form.

Sediment/Erosion Control*:

N/A- The project will not cause sedimentation or erosion.

Character Limit: 5,000

Describe any measures that will be incorporated into the project to avoid or minimize impacts to fish, wildlife, and plant resources. If you are unsure of which measures would best minimize impacts at the project site, indicate "unknown". CDFW staff can assist in providing the appropriate measures. Attach any additional documents, if available, in the "Documents and Maps" form.

Avoidance/Minimization Measures*:

Unknown

Character Limit: 5,000

Describe all measures that will be incorporated into the project provide mitigation or compensation for impacts to fish, wildlife, and plant resources. If you are unsure of which measures would best provide mitigation or compensation for potential impacts at the project site, indicate "unknown." CDFW staff can assist in providing the appropriate measures. Attach any additional documents, if available, in the "Documents and Maps" form.

Mitigation/Compensation Measures*:

Unknown

Character Limit: 5,000

Prior Notification, Orders, and Permits

Notifications, Orders, or Permits

Do you have any Notifications, Orders, or Permits to include?:

If you selected Yes, please click Add Row to include all notifications, orders or permits in each section below.

Prior Notifications and/or Agreements

Documents and Maps

Maps and Photos

Project Site Map*:	SMP_561 Shady Creek Property Map.pdf
Date Uploaded*:	09/24/2024 Date Uploaded
Project Aerial View Map*:	SMP_561 Shady Creek Property Map.pdf
Date Uploaded*:	09/24/2024 Date Uploaded
Project Site Photo(s)*:	Browns Creek pic 5.JPG
Date Uploaded*:	08/29/2024 Date Uploaded
Project Site Photo(s) :	Brown Creek pic 2.JPG
Date Uploaded:	08/29/2024 Date Uploaded
Project Site Photo(s) :	Browns Creek pic 1.JPG
Date Uploaded:	08/29/2024 Date Uploaded

Studies and Mapping

Has a biological study been completed for the project site?

Response*:

Yes

If Yes, include a copy of the study in the Additional Documents and Maps section below.

Has one or more technical studies (e.g., engineering, hydrologic, geologic, or geomorphological) been completed for the project for project site?

Response*:

No

If Yes, include a copy of the study in the Additional Documents and Maps section below.

Have fish or wildlife resources or waters of the state been mapped or delineated on the project site?

Response*:

No

If Yes, include a copy of the resource mapping/delineation in the Additional Documents and Maps section below.

Additional Documents and Maps

1. Description:

Domestic Spring Lease SP_Spring_Lease.pdf

Date Uploaded:

08/29/2024

2. Description:

Biological Assessment 561 Shady Creek BA_Final.pdf

Date Uploaded:

09/24/2024

3. Description:

LSA fee receipt 561 SC_LSA Receipt.pdf

Date Uploaded:

09/24/2024

4. Description:

SWRCB SIUR Receipt Hart_Notice of Receipt_SIUR.pdf

Date Uploaded:

09/24/2024

5. Description:

SWRCB GO Receipt Hart_Notice of Receipt_General Order.pdf

Date Uploaded:

09/24/2024

6. Description:

Directions to Property 561 SC_Directions Map.png

Date Uploaded:

09/24/2024

7. Description:

SWRCB GO and SIUR Application Summary

561 SC__2024_Cannabis General Order and Small Irrigation Use Registration Portal_Summary.pdf

Date Uploaded:

09/24/2024

8. Description:

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Fees Schedule

Regular Term Notification Fees

Project Name	Project Cost Range	Actual Project Cost	Project Fee
1724943891675	< \$5,000	\$1,000.00	\$738.50
			\$738.50

Long Term Notification Fees

Project Name	Project Cost Range	Actual Project Cost	Project Fee
No Data for Table			

Remediation Fees

Project Name	Remediation Area	Project Fee
No Data for Table		

Total Fees Due

Regular Term Agreement Fees:	\$738.50
Long Term Agreement Fees:	\$0.00
Remediation Fees:	\$0.00
TOTAL (All Fees):	\$738.50

Payment Information

Payment Method	Document#*	Name of the Bank/Institution*	Check/Money Order #*
Credit Card	D-0042589538-4		

Acknowledgement and Signature

Site Inspection

Option 1

In the event CDFW determines that a site inspection is necessary, I hereby authorize a CDFW representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant CDFW such entry.

CDFW Personnel Authorized to Enter Property: Initial

Option 2

I request CDFW to first contact the person identified below to schedule a date and time to enter the property where the project described in this notification will take place. I understand that this may delay CDFW's determination as to whether a Lake or Streambed Alteration Agreement is required and/or CDFW's issuance of a draft agreement pursuant to this notification.

First Contact this Person to Schedule Site Visit: MCV
Initial

Method of Contact: Phone Call
Select all that apply

Contact First Name: Maria Coll Villa
First Name Last Name

Title/Position: Landowner

Phone Number: 330-704-1433

Email: ignaciacoll90@gmail.com

Electronic Signature

I hereby certify that to the best of my knowledge the information in this notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the applicant.

I Certify*: MCV
Initial

I understand that if any information in this notification is found to be untrue or incorrect, CDFW may suspend processing this notification or suspend or revoke any draft or final Lake or Streambed Alteration Agreement issued pursuant to this notification.

I Understand*: MCV
Initial

I understand also that if any information in this notification is found to be untrue or incorrect and the project described in this notification has already begun, I and/or the applicant may be subject to civil or criminal prosecution.

I Understand*: MCV
Initial

I understand that this notification applies only to the project(s) described herein and that I and/or the applicant may be subject to civil or criminal prosecution for undertaking any project not described herein unless CDFW has been separately notified of that project in accordance with Fish and Game Code section 1602 or 1611.

I Understand*: MCV
Initial

Electronic Signature*: Maria Coll Villa
First and Last Name

Date*: 09/24/2024

7.5 BIOLOGICAL ASSESSMENT

This section begins on the following page.

Biological Assessment

Prepared for:

Stephen Hart

561 Shady Creek Lane, Douglas City, CA 96024

Trinity County

Contact:

Marie Petersen

Environmental Permitting Specialist

Down River Solutions

stellaria.sftr@gmail.com



Down River Solutions

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Fauna (Observed On-Site) H-1

Site Location

The property owned by the applicant, Stephan Hart, is located at 561 Shady Creek Lane (Trinity APN: 015-380-17-00) in Douglas City, CA (T32N, R10W, Section 15, Mt. Diablo Meridian, U.S. Geological Survey Weaverville, 7.5 Minute Quad Map) on a 4.7-acre parcel within the Lower Browns Creek watershed (HUC 12 180102110602).

Site Description

The property is located on an eastern facing slope in-between unnamed foothills of Barker Mountain, in the community of Douglas City. This site is mostly dry upland habitat. There is a spring fed class III watercourse located south of the parcel boundary, flowing west to east, and connecting to Browns Creek, a class I watercourse that briefly cuts through the northeastern corner of the parcel. This is a legacy site that has been in production as part of the baseline condition. The parcel consists of several terraces for cultivating food and cannabis, a residential area, and a steep riparian protection zone. To the north east and west there are residential parcels and to the south is Sierra Pacific Industries timber land. There is a large legacy constructed pond that is not used or maintained by the property owner, located in the northeast corner of the parcel.

The dominant soil unit is Bamtush-Brownbear Weaverville Complex. This soil is typically an extremely gravelly loam. These soils are classified as well-drained and are in Hydrologic Group B. They are not prime farmland soils. This soil type has a whole soil k-factor value of 0.1, which means it is not very erosive. (Natural Resource Conservation Service, 2019)

Approximately 30% of the parcel is dominated by European annual grasses and forbs. This property receives an annual average of 35.31 precipitation inches, with most of it falling in the winter and spring months. The riparian protection zone is dominated by an old growth Oregon ash woodland alliance. (California Native Plant Society, n.d.)

The General Plan Designation is Agricultural and the zoning for this parcel is Agricultural 10 acre minimum.

Regulatory Setting

Federal Regulations

Endangered Species Act

The (federal) Endangered Species Act (ESA) was passed in 1973. ESA provides a framework to list plant and animal species as threatened or endangered. The law makes it a crime to take (kill) threatened or endangered species. It also focuses on protection and recovery. There are a number of strategies that can help achieve these conservation goals including safe harbor agreements, habitat conservation plans, candidate conservation agreements, and conservation banks. The northern spotted owl, steelhead trout, and Coho salmon are found in Trinity County; they are all listed as threatened. (US Fish and Wildlife Service, 1973)

State Regulations

California Environmental Quality Act

The California Environmental Quality Act (CEQA), is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, when feasible. CEQA applies to certain activities and local public agencies. A public agency must comply with CEQA when it undertakes an activity defined by CEQA as a “project”. A “project” is an activity undertaken by a public agency or a private activity that must receive discretionary approval, meaning that the agency has the authority to deny or approve the requested permit from a government agency that may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.

(California Natural Resources Agency, 2014)

California Endangered Species Act

The California Endangered Species Act (CESA) was adopted in 1970. CESA defines the terms used to describe threatened, endangered, and sensitive (TES) species, and makes it a crime to take (kill) them. In addition, it provides incentives for conservation of TES species and a framework for landscape-scale promotion of unfragmented habitat corridors. If a project will result in take of a TES animal(s) and/or plant(s), an exception can be made only if an incidental take permit is issued and mitigation efforts reduce the overall project impact to less than significant. Trinity County is within the southern extent of the Klamath Range and provides habitat to a high density of TES flora and fauna, many of which have a very limited range (endemic). (Habitat Conservation Planning Branch, 2018)

Noxious Weed Management

California Food and Agriculture Code Article 1.7 Section 7270-7276 defines the impacts of noxious weeds on wildlands and agricultural lands. It establishes the authority of the Department of Food and Agriculture in noxious weed funding to be distributed to Weed Management Associations and establishes guidelines for Weed Management Association membership. Important definitions are included in the regulations such as “integrated pest management”. (CDFA Article 1.7 §7270-7276)

Nesting and Migratory Bird Rule code 3503

The Nesting and Migratory Bird Rule was adopted in 1957. Fish and Wildlife Code Section 3503 makes it a crime to destroy, take, or possess the nest or eggs of any bird. This includes activities that could cause nest abandonment or mortality of young. Cannabis cultivators who have received a final agreement with CDFW under the general agreement program are required to have nest and den surveys completed by a qualified biologist within seven days prior to starting any activity covered under the agreement. In the event that a nest or den is found, the biologist will need to recommend mitigations to reduce the project impacts to less than significant. (State of California, Fish and Game Code 3503, 1957)

Oak Woodlands PRC 21083.4

The Oak Woodlands Conservation: Environmental Quality Senate Bill was passed in 2004. The goal of the regulation is no net loss of oak woodland. An oak is defined as any *Quercus* species

that is 5 inches DBH or larger. The 5 inches or greater oaks must comprise 10% or more of the vegetation assemblage to qualify as oak woodland. As a result of this regulation the county, acting as a CEQA lead agency must determine whether a project will result in a significant impact, or loss of oak woodlands. This law requires that significant impacts be mitigated to maintain the natural oak woodland extent and habitat function. (California Legislature, 2004)

Regulatory Bibliography

California Food and Agriculture. (2005). Noxious Weeds Management. Article 1.7. Sections 7270-7276. <https://law.justia.com/codes/california/2005/fac/7270-7276.html>

California Natural Resources Agency. (2014). resources.ca.gov/ceqa/more/faq.html. Retrieved from California Natural Resources Agency - FAQ: <http://resources.ca.gov/ceqa/more/faq.html>

Habitat Conservation Planning Branch. (2018). *CESA to Federal Endangered Species Act*. Retrieved from California Department of Fish and Wildlife: <https://www.wildlife.ca.gov/Conservation/CESA/FESA>

State of California. (1957). *Fish and Game Code 3503*. Retrieved from California Legislative Information: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FGC§ionNum=3503.

US Fish and Wildlife Service. (1973). *Endangered Species Act of 1973*. Retrieved from International Affairs: <https://www.fws.gov/international/pdf/esa.pdf>

Methodology

The literary review began in April and the initial survey took place on July 24, 2023. Additional site visits occurred on August 16 and October 6. A total of 5 hours were spent surveying the project area.

The resources that were reviewed prior to the field survey area are:

1. CNDDDB May 2018 and July 2020 Dataset
2. FS TES, Wildlife, Serpentine, and Limestone Data (USDA Forest Service, 2018)
3. USGS Geology Spatial Data
4. NRCS Soil Survey
5. NSO Nest Data created for the Trinity County Land Assessment Project (Combined USFS and CNDDDB Nest Data) (Sheen, 2018)
6. USFWS Ray Davis NSO Habitat Suitability Data (United States Fish and Wildlife Service, 2011-2012)
7. CalFlora What Grows Here 3 (CalFlora, 2018)
8. CalFlora CNPS (CalFlora, 2018)
9. Jepson Manual 2nd Edition (Baldwin, 2012)

10. California Herps (Nafis, A Guide to the Amphibians and Reptiles of California, 2000-2016)
11. CNPS Inventory of Rare and Endangered Plants (California Native Plant Society, 2021)

A 9 quad search was performed to determine which TES species may occur within the study area. The project area is located in the Weaverville USGS 7.5 quadrangle. Using the 'select by location' tool, all CNDDDB and USFS TES observation data was selected within the selected quad. The selected attribute table data was exported using the 'summary' tool. The resultant tabular data was converted to an Excel file to be used throughout the study.

The likelihood and/or presence of each species occurring within the project location(s) was analyzed using the following criteria:

- Not Suitable: The project area and vicinity are obviously unsuitable for the target species.
- Low Suitability: Most of the habitat conditions are not found on or adjacent to the project, or this site is outside of the known range. Most of the area is not suitable to provide habitat. The species is unlikely to be observed on-site.
- Moderate Suitability: Some of the known habitat conditions are found on or adjacent to the project areas. The species is moderately likely to be found on-site.
- High Suitability: All known habitat conditions exist on-site or adjacent to the site. The species is highly likely to be found on-site.
- Observed On-site: The species was observed during a survey or there is a known occurrence on-site.

During the field surveys, the biological data was collected by performing a visual encounter survey. The initial studies were conducted by Marie Petersen during the seasonally appropriate botanical survey window.

Endangered Species Act (ESA) & California Endangered Species Act (CESA) Protected Species

There are known occurrences of the **western bumblebee** (*Bombus occidentalis*) within the 9-quad area. The conservation status for this species is G2G3 S1, State Candidate Endangered. This site is too rocky to provide suitable habitat for ground nesting bees. In addition, there are not abundant food resources for bees here. The western bumblebee was not observed at this location, nor were any other bumblebee (*Bombus*) species. This project will not result in impacts to bumblebees.

Monarch butterfly (*Danatus plexippus plexippus*) is a migratory butterfly in the *Nymphalidae* family. It is listed as G4 T2T3 S2S3, federal candidate ESA endangered or threatened. Larvae of this species feed exclusively on 27 different milkweed species from the genus *Asclepias*, in the subfamily *Asclepiadoideae*. Milkweed grows in rangelands, agricultural and roadside areas, riparian, wetland, desert, prairie, meadow, open forests, and woodland habitats. To be used for breeding, stands of milkweed need to be large enough for migrating monarchs to see from the sky. Mature monarchs forage on a wide variety of plant species for nectar and primarily follow river corridors when migrating. (United State Fish and Wildlife Service, 2020) There was not any monarch nesting or foraging habitat found in the project area. This project will not result in impacts to monarchs.

Indian Valley Brodiaea (*Brodiaea rosea ssp. rosea*) is a monocot in the Theridaceae family. The conservation status for Indian Valley Brodiaea is G2Q S2 3.1, and it is listed as State-Endangered. Typical habitat for this species is meadows, seeps, vernal pool margins, swales, intermittent stream margins in closed-cone coniferous forests, chaparral, cismontane woodland, and valley or foothill woodland. At least $\frac{3}{4}$ of the known populations occur in ultramafic (serpentine) soils. Appropriate habitat for this species does not exist in the project area. Indian Valley Brodiaea was not observed during surveys of this site.

There is suitable habitat for listed fin-fish species, Southern Oregon Northern California Coast Coho Salmon (*Oncorhynchus mykiss*; G4T2Q S2? federally threatened, state threatened) or Upper Klamath-Trinity Spring Chinook Salmon (*Oncorhynchus tshawytscha*; G5 S1S2 federally threatened, state candidate endangered). This project will result in 50,000 gallons of water being diverted from Browns Creek. Impacts will be avoided by complying with State Water Resource Control Board Small Irrigation Use Registration guidelines. Refer to Appendix F for a complete list of the fin-fish found in this watershed.

Bald eagle (*Haliaeetus leucocephalus*) is a raptor in the Accipitridae family. The conservation status for the bald eagle is G5 S3 fully protected, federally delisted, and state endangered. The typical habitat for this species is old growth or dominant ponderosa pine trees near fin-fish bearing bodies of water. In the winter, bald eagles can be seen around unfrozen lakes and hunting along coastlines, reservoirs, and rivers. During their migration, bald eagles are seen near all types of water habitats. There is suitable nesting or foraging habitat for bald eagles adjacent to the project area. Presence of bald eagles is assumed for this site. (Polite, 1999)

Northern Spotted Owl (*Strix occidentalis caurina*): The conservation status for northern spotted owl is federally threatened and state threatened. Northern spotted owl (NSO) critical habitat (Interior California Coast modeling region) begins approximately 3 miles northeast (ICC 7) and 5 miles southwest (ICC 1) of the project area. Nesting habitat for this species is typically a multi-layered forest with a canopy cover of 60 to 80% and many trees with broken tops, including dwarf mistletoe (*Arceuthobium douglasii*), and other deformities. Habitat stands must include trees greater than 30 inches DBH. Foraging use is positively influenced by conifer species. Chaparral habitat is important for prey which predominately consists of the flying squirrel (*Glaucomys sabrinus*) and dusky-footed wood rat (*Neotoma fuscipes*). There is not suitable NSO nesting, foraging or dispersal habitat found on this property. In addition, there are no known NSO nests within 0.3 miles of the project. The closest nest core (TRI0203) is approximately 0.9 miles from the project and was last observed in 2001. There will not be any direct or indirect impacts to NSO that are greater than the baseline impacts, as a result of this project being implemented. Refer to the northern spotted owl map located in Appendix A. (United States Fish and Wildlife Service, 2012)

Species of Greatest Conservation Concern

Plants

Due to the fact that there are no rock outcrops, or ultramafic soils in the project vicinity, it does not provide suitable habitat for the following species: serpentine rockcress (*Boechera serpenticola*), Shasta Chaenactis (*Chaenactis suffrutescens*), clustered lady slipper (*Cypripedium fasciculatum*), Oregon fireweed (*Epilobium oreganum*), Nile's harmonia (*Harmonia doris-nilesiae*), Canyon Creek stonecrop (*Sedum obtusatum* ssp. *paradisum*), Blushing wild buckwheat (*Eriogonum ursinum* ssp. *erubescens*), and thread-leaved beardtongue (*Penstemon filiformis*).

The following plant species occur at alpine and subalpine environments: Siskiyou fireweed (*Epilobium siskiyouense*), Scott Mountain bedstraw (*Galium serpenticum* ssp. *scotticum*), Tracy's beardtongue (*Penstemon tracyi*), Klamath Mountain catchfly (*Silene salmonacea*), and Elmer's Lupin (*Lupinus elmeri*). These plants will not occur here due to the site being much lower than the known elevation range that they grow within.

Porcupine sedge (*Carex hystericina*) occurs at elevations less than 1,600 ft in elevation. This site will not be suitable for porcupine sedge.

Additional information regarding the conservation status of the plant species listed above can be found in Appendix D. Threatened, endangered, and sensitive plant species that do not have suitable habitat in the project area will not be discussed further in this document.

Mountain lady's-slipper (*Cypripedium montanum*) is a perennial rhizomatous herb in the Orchidaceae family. The conservation status for the Mountain lady's-slipper is G4 S4 4.2. The bloom period is from March to August. The typical habitat for this species is broad-leaved upland forest, cismontane woodland, lower montane coniferous forest, and North Coast coniferous

forest. It is found at elevations between 605 and 7,300 feet (185-2,225 m). This habitat type was observed in the riparian areas adjacent to the project area. During the study, this species was not observed.

Dudley's rush (*Juncus dudleyi*) is a perennial herb in the Juncaceae family. It is listed as G5 S1 2B.3. The bloom period is from July to August. This plant occurs in the Klamath Ranges. The typical habitat for this species is wet areas in montane conifer forest. It is found at elevations under 6,562 feet (2,000 m). This habitat type was observed in the project area. During the study, this organism was not found in the study area.

Heckner's lewisia (*Lewisia cotyledon* var. *heckneri*) is a perennial herb in the *Montiaceae* family. It is listed as G4T3 S3 1B.2. The bloom period is from May to July. The typical habitat for this species is crevices in cliffs, rocky slopes of granite or basalt, and conifer forest. Its bioregional distribution includes the Klamath Range. It is found at elevations between 734 and 7,220 feet (223-2,200 m). There were several rock outcrops found on the property. There is a known occurrence of Heckner's Lewisia that extends onto the site. Retention of rock outcrops will prevent take of Heckner's Lewisia.

English Peak greenbrier (*Smilax jamesii*), is a perennial rhizomatous herb in the Smilacaceae. The conservation status for this species is G3G4 S3S4 4.2. The bloom period is from May to July. The typical habitat for this species is lower montane coniferous forests, lakesides, broad-leafed upland, marshes and swamps, forest stream banks, and alder thickets in montane conifer forest. It is found at elevations between 1,655 ft and 6,480 ft (505-1,975 m) Lower montane coniferous forest habitat was observed in the project area. The common California greenbrier was found while surveying the property; However, the English Peak greenbrier was not found on site.

Animals

Mollusks

There is not suitable habitat for the hooded lancetooth (*Ancotrema voyanum*; G1G2 S1S2), Trinity shoulderband (*Helminthoglypta talmadgei*; G2 S2) in the project vicinity. No direct or indirect impacts to terrestrial mollusks, such as habitat loss as a result of vegetation removal, will occur as a result of this project. Terrestrial mollusks will not be discussed further in this document.

Potential Trinity spot (*Punctum hannai*; G1G2 S1S2) habitat is present on the applicant's parcel; However, it is far from the proposed commercial Cannabis area and Trinity spot is presumed extinct. This project will not result in direct or indirect impacts to Trinity spot.

Amphibians and Reptiles

Due to the vertical distance of the cultivation site from Browns Creek there will not be any impacts to **Pacific tailed frog** (*Ascaphus truei*) or **Foothill yellow-legged frog** (*Rana boylei*), as a result of project implementation. These species will not be discussed further in this project.

Western pond turtle (*Emys marmorata*) is an aquatic turtle in the Emydidae family. It is listed as G3G4 S3. The typical habitat for this species is ponds, lakes, rivers, streams, creeks, marshes, and irrigation ditches with abundant vegetation, and either rocky or muddy bottoms, in woodlands, forests, and grasslands. In streams, it prefers pools to shallower areas. Logs, rocks,

cattail mats, and exposed banks are required for basking. It may enter brackish water and seawater. This habitat type was observed in the project area. A western pond turtle shell was found in the riparian area surrounding the legacy constructed pond.

Birds

Great blue heron (*Ardea Herodias*) The typical habitat for this species is marshes, swamps, shores, and tide flats. It forages in any kind of calm fresh water or slow-moving rivers, as well as in shallow coastal bays. It nests in trees or shrubs near water, sometimes on the ground, in areas free of predators. (Audobon Society). Browns Creek could provide habitat for great blue herons. Presence of great blue heron is assumed.

Northern goshawk (*Accipiter gentilis*) is a raptor in the Accipitridae family. The conservation status for this species is G5 S3 SSC. Typical habitat is coniferous forests with high DBH trees and low-sloping hillsides. They prefer to hunt on or near low traffic or decommissioned unpaved roads that run through forests. (California Interagency Wildlife Task Group, 2005) Nesting and foraging habitat was observed adjacent to the project area. Presence of northern goshawk is assumed.

Golden eagle (*Aquila chrysaetos*) is a large raptor in the Accipitridae family. The conservation status of this species is G5 S3, fully protected. There will not be any direct impacts, such as nesting or roosting tree removal, to golden eagles as a result of this project. The natural areas adjacent to the project could provide foraging habitat for golden eagles. Golden eagles are protected under the Endangered Species Act, so any golden eagle take would be considered significant (US Fish and Wildlife Service, 1973). Adherence to the SWRCB anticoagulant rodenticide prohibition will prevent harm to golden eagles.

Mammals

There is not suitable habitat for Pacific martin (*Martes caurina*) in or near the project area. This species is associated with late serial stage (old growth) forests. Additional information about the Pacific martin can be found in Appendix E.

Long-Eared Myotis (*Myotis evotis*) is a vesper bat in the *Vespertilionidae* family. The conservation status for this species is G5 S3. Typical roosting habitat is crevices, snags, spaces under bark, and buildings. Night roosting usually occurs in caves. Its foraging habitat is over water, in open spaces, and among trees. (Zeiner, Laudenslayer Jr., Mayer, & White, 1988-1990). The long-eared myotis is another low flying bat that is averse to artificial lighting at night. Some habitat elements were observed near the project area. Presence of long eared myotis is assumed. (Nor Cal Bats, 2017).

Townsend's Big-Eared Bat (*Corynorhinus townsendii*) is a vesper bat in the *Vespertilionidae* family. The conservation status for this species is G3G4 S2. Typical habitat includes coniferous forests, mixed mesophytic forests, deserts, native prairies, riparian communities, active

agricultural areas, and coastal habitat types. Population distribution is strongly correlated with the availability of caves and cave-like roosting habitat, with population centers occurring in areas dominated by exposed, cavity-forming rock and/or historic mining districts. They roost in abandoned buildings, under tree bark, and in rock crevices (National Park Service, 2018). They only forage during complete darkness, so reducing nocturnal artificial lighting is important to the presence of this species. Foraging habitat was observed on the property and in the surrounding area. (Townsend's Long-Eared Bat, 2017). This species was not detected at this property.

Pallid bat (*Antrozous pallidus ssp. pacificus*) The conservation status for this species is G4 S3 SSC. Pallid bats roost in many different features including rocky outcrops, caves, basal hollows in trees, exfoliating bark, bridges, buildings, snags, and mines. In Northern California they have been found to use ponderosa pine (*Pinus ponderosa*), oak (*Quercus spp*), redwood (*Sequoia sempervirens*), and giant sequoia (*Sequoiadendron giganteum*), dominated vegetation assemblages. Habitat site selection requires presence of day and night roost features. Foraging occurs over open habitat such as meadows and rock outcrops. The forested areas adjacent to this site are dominated by ponderosa pine with several Oregon white oak trees mixed in. (Gervais, 2016) Based on the presence of roosting and foraging habitat elements at this site, presence of the pallid bat is assumed.

Oregon snowshoe hare (*Lepus americanus ssp klamathensis*) is an herbivorous mammal in the Leporidae family. The conservation status for this species is G5T3T4Q S2 SSC. The typical habitat for this species is boreal forests and upper montane forests. Within these forests, they favor habitats with a dense shrub layer. It is found near mature conifers (mostly Douglas fir and variants), immature conifers, alder/salmonberry, Sitka spruce, and cedar swamps. This species is adapted to high elevation environments, with large feet to travel through snow and fur on its soles to protect the rabbit's feet from extreme cold conditions. (United States Forest Service, 2013). This site is too low in elevation to support Oregon snowshoe hare. Implementation of this project will not result in impacts to this species.

North American porcupine (*Erethizon dorsatum*) is an herbivorous rodent in the *Erethizontidae* family. The conservation status for this species is G5 S3. The typical habitat for this species is open tundra, deciduous forests, and desert chaparral with lots of ground cover for safety from predators while foraging. In habitats that lack ground cover, they can be found in trees with thick foliage for sight protection such as Douglas fir and hemlock. (Appel, Zielinski, Schlexer, Callas, & Bean, 2017) Marginal porcupine habitat was observed adjacent to the project area. During the study, porcupine evidence was not found in the study area.

Pacific fisher (*Pekania pennanti*) is an omnivorous mammal in the Mustelidae family. The conservation status for this species is G5 S2S3 SSC. The southern Sierra Nevada DPS is federally endangered and the southern Sierra ESU is state threatened (south of the Merced River). Typical habitat for this species is coniferous forests, but it is also found in mixed and deciduous forests. It prefers a high canopy closure with many hollow trees for dens. Tree species typically found in its habitat include spruce, fir, white cedar, and some hardwoods. This site is located in a Pacific fisher habitat core and is classified as moderate habitat suitability (Meyer, 2018).

Impact to Wetlands

There will not be any impacts to wetlands because the proposed commercial cannabis area is located in an upland area. Water storage will be in plastic water tanks located next to the residence and garden, in an area that is above the flood plain.

Migration/Nursery Sites

There are not any migration channels in the project area. This project will not impact migratory wildlife.

Many bird species likely use the riparian Oregon ash forest as nesting habitat. Nest and den surveys will be conducted within seven days prior to construction to prevent impacts to birds or eggs.

Local Policies Protecting Biological Resources

There are currently no ordinances or local policies in Trinity County protecting biological resources that are relevant to this project.

Habitat Conservation Plans/Critical Habitat

Browns Creek provides critical habitat for Coho salmon. The Coho salmon's intrinsic potential (IP) curve value for the reach of Browns Creek that flows through the applicant's property is 0.6, which is very high. Due to the moderately low IP value in this area, and lack of Coho salmon currently using this reach as habitat, this project will not create and direct impacts to Coho; however, actions that have detrimental impacts to water quality should be avoided in the riparian and floodplain areas. All agricultural activities shall remain outside of the Browns Creek 100-year floodplain and be appropriately set back from the surface waters and wetlands that are associated with this floodplain.

Avoidance and Mitigation Measures

1. Many different bird species rely on shrubs and trees in open meadow habitat. The project involves removal of vegetation prior to development. Clearing of vegetation could cause nesting birds to abandon their young, which would be considered a significant impact. (State of California, Fish and Game Code Section 3503, 1957)
 - a. Mitigation Bio-4: Nest and den surveys shall be completed within 7 days prior to construction or disturbance, by a qualified biologist, as defined in § 722.3.A of the California Code of Regulations, if the activities occur between February 1 and August 31.
 - i. The qualified biologist shall consult with the Department of Fish and Wildlife during the nest and den survey design period, to determine the site-specific buffer distance based on the potential auditory and visual project implementation impacts. Nest and den surveys shall commence prior to sunrise and continue until the vegetation and nests within the project area buffer are sufficiently surveyed.
 - ii. Survey data collected will include the following: time, date, location description, weather conditions, species observed, breeding behaviors observed, active nests observed, description of any abnormal conditions that may have impacted results, and any applicable nest setbacks.
 - iii. In the event that a nest or den is found, the biologist shall delineate disturbance buffers to prevent abandonment of nests, juvenile wildlife, or other harm to eggs.
 - iv. Nest buffers shall be set as follows for each group:
 1. 50 ft for nest of passerines
 2. 300 ft for raptors
 3. 450 ft for ESA/CESA listed birds
 - v. Nest and den survey results shall be emailed to CDFW at R1CEQARedding@wildlife.com, within three days of the survey being completed.
 - vi. If there is a lapse of more than seven days for construction activities. A subsequent nest survey shall occur and consultation with the Department of Fish and Wildlife shall occur prior to reinitiating project work.
2. Golden eagles are protected under the Endangered Species Act, so any golden eagle take would be considered significant (US Fish and Wildlife Service, 1973).
 - a. Mitigation Bio-5: In order to mitigate for unintended harm to fully protected raptors, preventative and non-chemical strategies shall be used to control rodents. The rodent prevention strategy will focus on reducing the rodent carrying capacity of the site by removing food access and items/features that could provide habitat to rodents. In the event that an infestation is detected, traps or a non-anti-coagulant rat poison such as EradiBait, will be used to extirpate the pests. The use of this pest management strategy, rather than anticoagulant rodenticides, reduces potential impacts to ESA protected raptors to less than significant.

3. Temporary impacts to bats caused from construction and permanent impacts caused from increased presence of humans, as well as habitat fragmentation due to new lighting sources, would likely occur from this operation.
 - a. There shall not be construction activities on this site between the hours of 10 pm to sunrise.
 - b. All exterior lighting shall be fully shielded, downward facing, strategically installed to minimize photo-pollutions near adjacent areas that could provide wildlife habitat.
4. Removal of trees used for roosting could result in take of the pallid bat, which would be considered a significant impact.
 - a. All trees 16 dbh or larger with crevices, holes, or exfoliating bark that are slated for removal, shall be thoroughly surveyed by a qualified biologist to discover and record whether suitable habitat features are present, in each 16 inch or larger tree.
 - b. Suitable habitat trees may only be removed, if they cannot be retained, during September and October, after the bat maternity season and prior to the onset of seasonal hibernation.
 - c. In the event that suitable roosts or bats are found during the seasonally allowed habitat tree removal period, the removal shall be supervised by a biologist experienced in humane evictions of bats.
 - i. During the humane eviction, the trees shall be removed over a period of two days. On the first day non-habitat trees and shrubs can be cut, as well as allowable branches on habitat trees. This will cause the bats to voluntarily leave due to microclimate changes. On the second day, habitat trees can be removed.
 - d. Wildlife entrapment shall be prevented.
 - i. Any trenches or holes deeper than one foot shall be covered at the end of each work day with plywood or other rigid cover, if possible.
 - ii. Any hole or trench too large to cover, shall have a wildlife escape ramp made from either earthen materials or wooden planks installed.
 - iii. All pipes shall be inspected to determine if an animal is hiding inside prior to moving, capping, or covering the pipes with backfill.
 - iv. In the event that an animal is entrapped in a hole or trench, they shall be allowed to leave unmolested and unharmed.
5. Excessive noise within an area potentially used by nesting raptors or owls could result in abandonment of young, as well as high stress levels in the parent birds, and potentially reduce the viability of offspring. These impacts are considered significant. Adoption of the following measure will render the noise impacts of this operation less than significant.
 - a. No new road construction- No new roads, or trails will be constructed within the core area of 0.25 mile (1,320ft). Within the breeding season (February – July 10th), road use should be limited to use of existing roads

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Appendix A

Maps

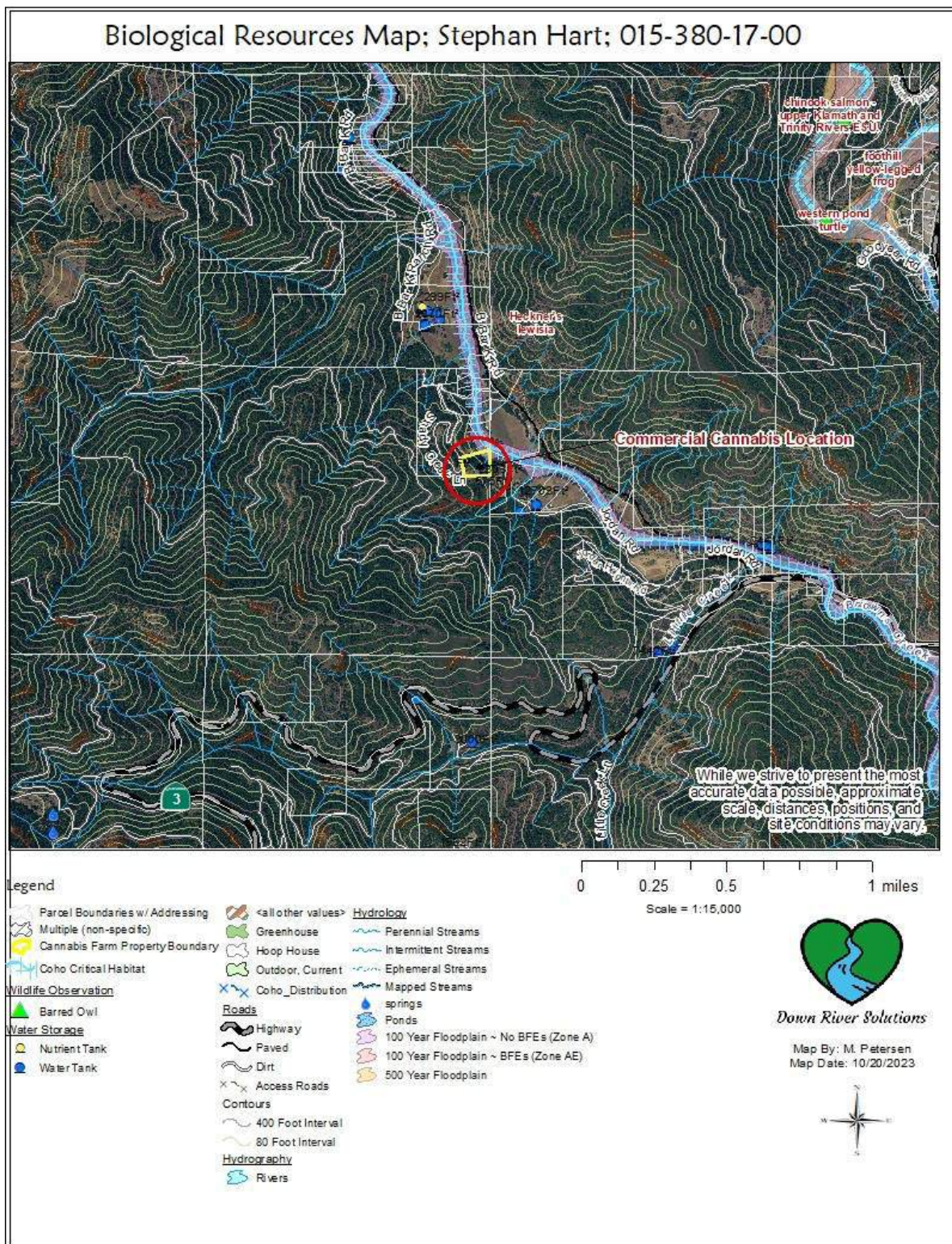


Figure 1: Biological Resource Map

Northern Spotted Owl Map for Stephan Hart; 015-380-17-00

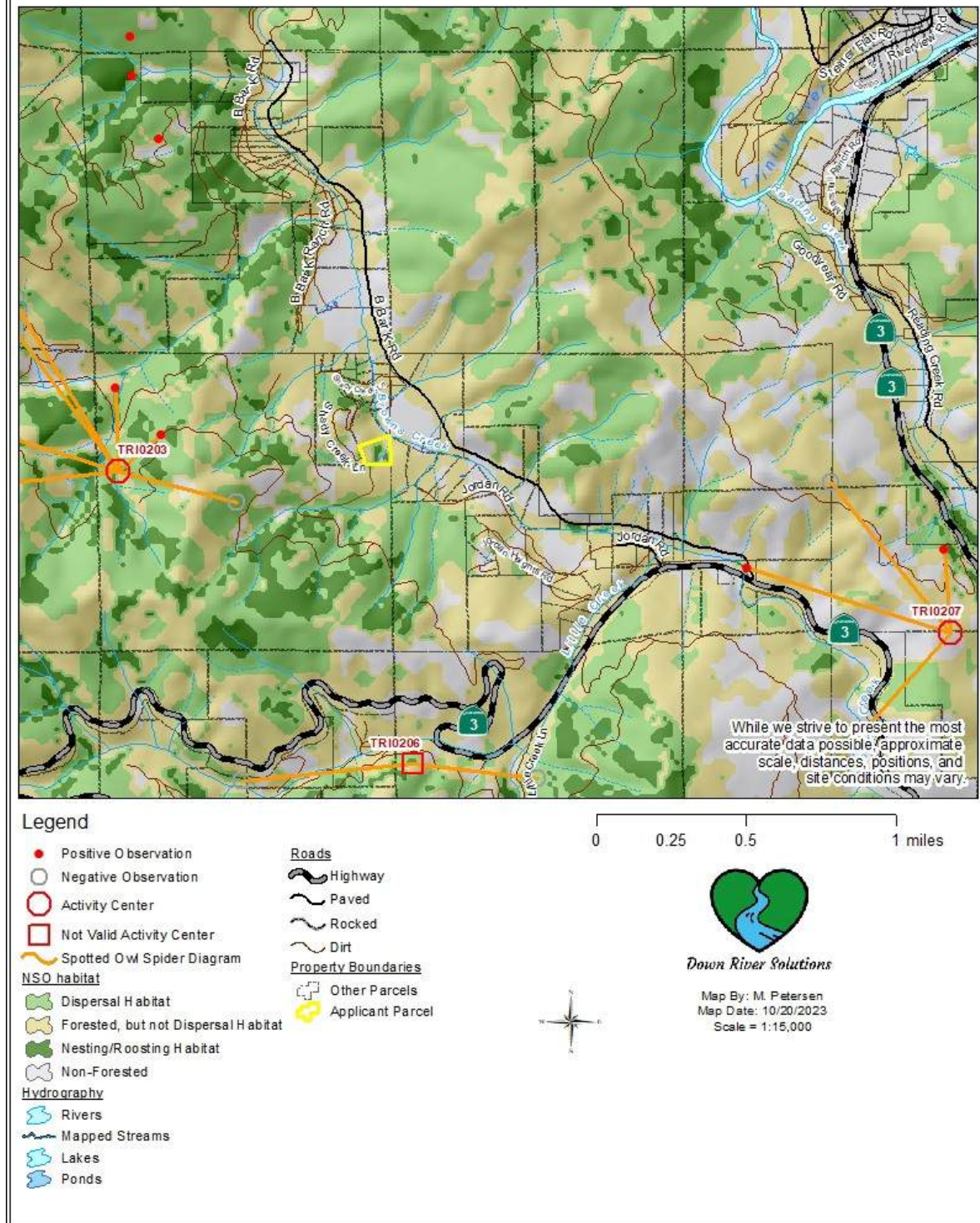


Figure 2- Northern Spotted Owl Habitat Map

Appendix B

Photo Log



Figure 1: No Dominant Life Form in Proposed Cultivation Area

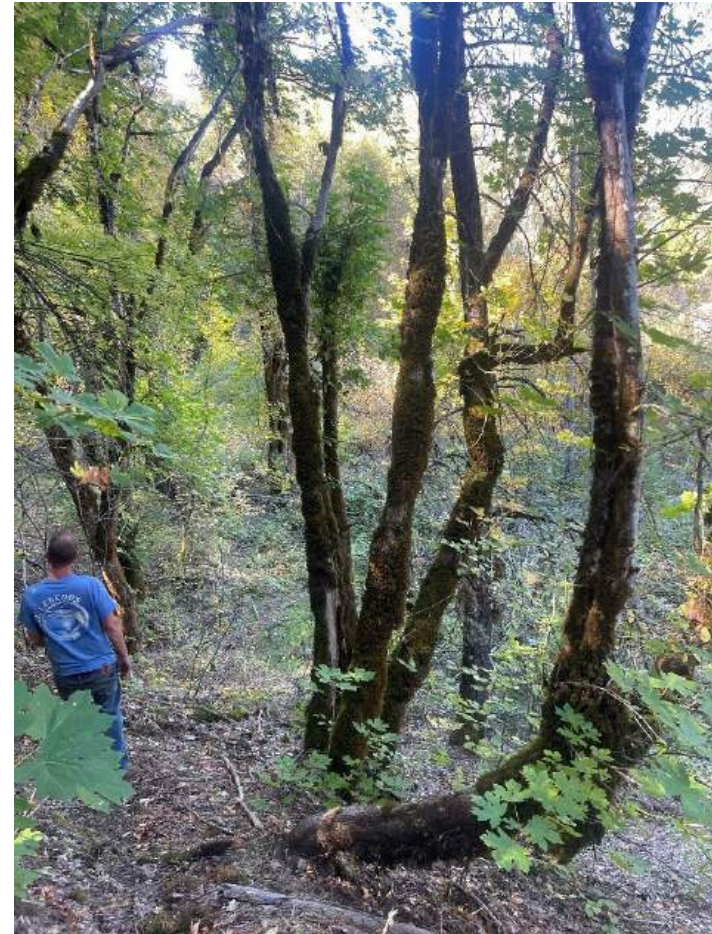


Figure 2: Late Seral Oregon Ash Riparian Forest



Figure 3: Legacy Water Storage/Wildlife Habitat Pond



Figure 4: Annual European Grasslands



Figure 5: Proposed Cannabis Diversion Site



Figure 6: Domestic Diversion Site

Appendix C

Element Ranking

The global (G-rank) and state (S-rank) ranks reflect the overall status of an element (species, subspecies, variety, or natural community) throughout its global or state range. Both global and state ranks represent a letter and number score that reflects a combination of Rarity, Threat, and Trend factors, with weighting being heavier on Rarity than the other two.

- G1/ S1 = Critically Imperiled- At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
- G2/S2 = Imperiled- At high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.
- G3/S3 = Vulnerable-Vulnerable to extinction because of declines, restricted range, relatively few documented populations, or other issues that contribute to vulnerability.
- G4/S4 = Apparently Secure- Uncommon but not rare; some cause for long-term concern due to declines or other factors.
- G5/S5 = Secure- Common; widespread and abundant.

Uncertainty about the rank of an element is expressed in two major ways:

- By expressing the ranks as a range of values: S2S3 means the rank is somewhere between S2 and S3.
- By adding a “?” to the rank: S2? represents more certainty than S2S3 but less certainty than S2.

Other symbols include:

- Q = There are taxonomic questions associated with the rarity level.
- T = Rank applies to a subspecies or variety.

California Department of Fish and Wildlife Listing Codes:

- FP- Fully Protected: Species protected under §§3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians), and 5515 (fish) of the California Fish and Game Code.
- WL- Watch List: Taxa that don’t meet SSC criteria but about which there is concern and additional information is needed to clarify status.
- CSSC- California Species of Special Concern.

California Native Plant Society (CNPS) Designation Codes:

- List 1- Plants of highest priority.
- List 1A- Plants presumed extinct in CA.
- List 1B- Plants rare and endangered in CA and elsewhere.
- List 2A- Plants presumed extirpated in CA but common elsewhere.
- List 2B- Plants rare, threatened or endangered in CA but common elsewhere.
- List 3- Plants for which additional data are needed – Review List.
- List 4- Plants of limited distribution – Watch List.

CNPS Threat Code Extensions:

- .1- Seriously endangered in CA
- .2- Fairly endangered in CA
- .3- Not very endangered in CA

(California Department of Fish and Wildlife, 2018)

Appendix D

Plants

Scientific Name	Common Name	Habitat Description	Habitat Suitability	Listing	Ranking
<i>Boechnera serpenticola</i>	serpentine rockcress	Serpentine ridges, talus, lower montane coniferous forests, and upper montane coniferous forests. Elevations range between 3,605 and 6,890 feet (1,095-2,100 m).	Not Suitable: Serpentine Affinity 5.3 (Broad Endemic)	None	G1 S1 1B.2
<i>Brodiaea rosea</i>	Indian Valley brodiaea	Serpentine: closed cone coniferous forests, chaparral, cismontane woodland and valley/foothill grassland. Elevations between 1,100-4,755 ft (335-1,450 m).	Not Suitable: Serpentine Affinity 4 (Broad Endemic/Strong Indicator)	State-Endangered	G2Q S2 3.1
<i>Carex hystericina</i>	porcupine sedge	Wet places such as marshes, swamps, and streambanks. Its bioregional distribution includes the Klamath Ranges. Elevations between 2,000-3,000 ft (610 - 915 m)	Not Suitable: Elevation	None	G5 S2 2B.1
<i>Chaenactis suffrutescens</i>	Shasta Chaenactis	Unstable, sandy to rocky, generally serpentine soils, scree, and drainages. Elevations between 2,297 and 7,546 ft (700-2,300 m).	Not Suitable: Serpentine Affinity 6 (Strict Endemic)	None	G2G3 S2S3 1B.3
<i>Epilobium oreganum</i>	Oregon fireweed	Bogs, small streams, lower montane coniferous forest, meadows, seeps, and upper montane coniferous forest. Elevations between 1,640-7,350 ft (500-2,240 m)	Low Suitability: Serpentine Affinity 3.8 (Broad Endemic/Strong Indicator)	None	G2 S2 1B.2

<i>Epilobium siskiyouense</i>	Siskiyou fireweed	Scree, moist ledges, serpentine ridges, alpine boulder and rock fields, subalpine coniferous forest and upper montane coniferous forest. Elevations between 5,580-8,205 ft (1,700-2,500 m)	Not Suitable: Elevation	None	G3 S3 1B.3
<i>Eriogonum ursinum</i> var. <i>erubescens</i>	blushing wild buckwheat	Rocky, scree, talus, montane chaparral, and lower montane coniferous forest. Elevations between 2,460-6,235 ft (750-1,900 m)	Low Suitability: Serpentine Affinity 1.1 (Weak Indicator/Indifferent), No Rocky Habitat	None	G3G4T3 S3 1B.3
<i>Harmonia doris-nilesiae</i>	Niles' harmonia	Serpentine slopes, rocky openings, chaparral, cismontane woodland, and lower montane coniferous forest. Elevations between 2,135-5,445 ft (650-1,660 m)	Not Suitable: Serpentine Affinity 5.4 (Broad Endemic)	None	G2G3 S2S3 1B.1
<i>Juncus dudleyi</i>	Dudley's rush	Wet areas in montane conifer forest. It is found at elevations under 6,562 feet (2,000 m).	Moderate Suitability	None	G5 S1 2B.3
<i>Penstemon filiformis</i>	thread-leaved beardtongue	Open, rocky, often serpentinite places among shrubs, cismontane woodland, and yellow-pine forest. Elevations between 1,475-6,150 ft (450-1,875 m)	Not Suitable: Serpentine Affinity 5 (Broad Endemic)	None	G4 S4 4.2

<i>Penstemon tracyi</i>	Tracy's beardtongue	Exposed outcrops and rocky, upper montane coniferous forest. Elevations between 6,495-7,250 ft (1,980-2,210 m)	Not Suitable: Elevation	None	G2 S2 1B.3
<i>Sedum obtusatum ssp. paradisum</i>	Canyon Creek stonecrop	Granite outcrops, meta-volcanic outcrops, and siltstone. Its bioregional distributions include the Klamath Ranges. Elevations between 985-6,235 ft (300-1,900 m)	Not Suitable: No Rock Outcrops	None	G4G5T3 S3 1B.3
<i>Silene salmonacea</i>	Klamath Mountain catchfly	Serpentine and iron-rich soils in openings and mixed-evergreen forests. Its bioregional distributions include the Klamath Ranges. Elevations between 2,545-4,415 ft (775-1,435 m)	Not Suitable: serpentine and elevation	None	G3 S3 1B.2
<i>Smilax jamesii</i>	English Peak greenbrier	Lakesides, broad-leafed upland, marshes and swamps, forest stream banks, and alder thickets in montane conifer forest. Elevations between 1,655-6,480 ft (505-1,975 m)	High Suitability	None	G3G4 S3S4 4.2

Table 1: CNDDDB Nine-Quad Search Plant Results

Scientific Name	Common Name	Habitat listing	Habitat Suitability	Listing	Ranking
<i>Cypripedium fasciculatum</i>	clustered lady's slipper	Serpentinite (or occasionally limestone) seeps and streambanks, lower montane coniferous forests, and north coast coniferous forests. Elevations between 328 and 6,562 feet (100-2,000 m).	Not Suitable	none	G4 S4 4.2
<i>Cypripedium montanum</i>	mountain lady's slipper	Broad-leafed upland forests, cismontane woodland, lower montane coniferous forests, and North Coast coniferous forests. Elevations between 656 and 7,218 feet (200-2,200 m).	Moderate Suitability	none	G4 S4 4.2
<i>Galium serpenticum ssp. scotticum</i>	Scott Mountain bedstraw	Steep slopes in open pine forest, on serpentinite. Its bioregional distribution includes the Klamath Ranges. It is found at elevations between 3,280 and 6,562 feet (1,000-2000 m).	Not Suitable: Elevation	none	G4G5T2 S2 1B.2
<i>Lewisia cotyledon var. heckneri</i>	Heckner's lewisia	Crevice in cliffs, rocky slopes of granite or basalt, and conifer forest. Its bioregional distribution includes the Klamath Range.	Observation On Site	none	G4T3 S3 1B.1
<i>Lupinus elmeri</i>	Elmer's lupine	Open areas in conifer forest. Its bioregional distribution includes the High North Coast Ranges. It is found at elevations between 4,920 and 6,565 feet (1,500-2,000 m).	Not Suitable: Elevation	none	G2 S2 1B.2

Table 2: USDA Forest Service Threatened, Endangered, and Sensitive Plant Species Nine-Quad Search Results

Appendix E

Animals

Scientific Name	Common Name	Habitat Description	Habitat Suitability	Listing	Ranking
<i>Accipiter gentilis</i>	northern goshawk	Coniferous forests with high DBH trees and low-sloping hillsides. They prefer to hunt on or near low traffic or decommissioned unpaved roads that run through forests.	Moderate Suitability	None	G5 S3 SSC
<i>Ancotrema voyanum</i>	hooded lancetooth	Near streams or intermittent stream channels with permanently damp substrates. Late successional conditions such as large woody debris, riparian hardwood trees, deep leaf mold, and a relatively closed forest canopy. Often associated with limestone and usually within 650-3,150 feet (198-960 m) elevation.	Low Suitability	None	G1G2 S1S2
<i>Antrozous pallidus</i>	pallid bat	Grasslands, shrub-steppe, and desert environments with rocky outcrops, but also dry open oak or ponderosa forest, and open farmland	High Suitability	None	G4 S3 SSC
<i>Aquila chrysaetos</i>	golden eagle	Partially or completely open country, especially around mountains, hills, and cliffs. They use a variety of habitats ranging from arctic to desert, including tundra, shrublands, grasslands, coniferous forests, farmland, and areas along rivers and streams.	Moderate Suitability	None	G5 S3 FP; WL

<i>Ardea herodias</i>	great blue heron	The typical habitat for this species is marshes, swamps, shores, and tide flats. It forages in any kind of calm fresh water or slow-moving rivers, as well as in shallow coastal bays	High Suitability	None	G5 S4
<i>Ascaphus truei</i>	Pacific tailed frog	Adults are aquatic, occupying the streams needed by their eggs and tadpoles. Adults may use thermal microhabitats to avoid warm water temperatures. After heavy rains or dews, adults may be found in moist woods.	Low Suitability: due to temperature	None	G4 S3S4 SSC
<i>Bombus occidentalis</i>	western bumble bee	Open, grassy areas, urban parks and gardens, chaparral and shrub areas, and mountain meadows filled with a wide variety of flowering plants that bloom for the entirety of the colony's lifecycle (from February to November). The western bumblebee tends to establish colonies in abandoned rodent holes, so rodent presence can be a factor in suitable habitat. B. occidentalis is primarily associated with plants in the Fabaceae, Asteraceae, Rhamnaceae, and Rosaceae families.	Low Suitability	Fed-None; State-Candidate Endangered	G2G3 S1
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	Coniferous forests, native prairies, riparian communities, and active agricultural areas types. Distribution is strongly correlated with the availability of caves and cave-like roosting habitat, with population centers occurring in areas dominated by exposed, cavity-forming rock and/or historic mining districts.	Low Suitability	None	G4 S2 SSC

<i>Emys marmorata</i>	western pond turtle	Ponds, lakes, rivers, streams, creeks, marshes, and irrigation ditches with abundant vegetation, and either rocky or muddy bottoms, in woodlands, forests, and grassland. In streams, prefers pools to shallower areas. Logs, rocks, cattail mats, and exposed banks are required for basking.	Observed On Site	None	G3G4 S3 SSC
<i>Erethizon dorsatum</i>	North American porcupine	The typical habitat for this species is open tundra, deciduous forests, and desert chaparral with lots of ground cover for safety from predators while foraging.	Moderate Suitability	None	G5 S3
<i>Haliaeetus leucocephalus</i>	bald eagle	Lakes and reservoirs with lots of fish and surrounding forests. In the winter, bald eagles can be seen around unfrozen lakes and hunting along coastlines, reservoirs, and rivers.	High Suitability	Fed-Delisted; State-Endangered	G5 S3 FP
<i>Helminthoglypta talmadgei</i>	Trinity shoulderband	Rocks or limestone talus, with proximity to a stream or spring and partial shading by a conifer forest.	Low Suitability	None	G2 S2

<i>Lepus americanus klamathensis</i>	Oregon snowshoe hare	boreal forests and upper montane forests. Within these forests, they favor habitats with a dense shrub layer.	Low Suitability: Elevation	None	G5T3T4Q S2 SSC
<i>Martes caurina</i>	Pacific marten	seral coniferous forests characterized by closed canopies, large trees, and abundant standing and fallen woody material	Not Suitable	None	G4G5 S3
<i>Myotis evotis</i>	long-eared myotis	Will use many features for roosts including mines, caves, rock crevices, buildings. In forests commonly uses tree roosts (Vonhof and Barclay 1996, Waldien et al. 1999). In Trinity County, black oak roosting sites were found (Rainey and Pierson 1997). Forages close to roosts. Colony size 30-50	Low Suitability	None	G5 S3
<i>Pekania pennanti</i>	Fisher	Key habitat components include relatively large diameter trees, high canopy closure, large trees (hardwood and conifer) with cavities, and large downed wood.	Moderate Suitability	None	G5 S2S3 SSC
<i>Punctum hannai</i>	Trinity Spot	Moist leaf litter in forests, and along streams, near seeps, springs, bogs, and swamps.	High Suitability	None	G1G2 S1S2

<i>Rana boylei</i>	foothill yellow-legged frog	Partially shaded, rocky perennial streams. Adult frogs move throughout stream networks from winter refugia to mating habitats where eggs are laid in spring and tadpoles rear in summer. They breed in streams with riffles containing cobble-sized or larger rocks as substrate.	High Suitability	Northern Clade Not Listed; Southern Clade State Endangered	G3 S3 SSC
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Table 3: CNDDb Nine-Quad Search Animal Results

Appendix F

Fin-Fish

Common Name	Scientific Name	Status
Klamath smallscale sucker	<i>Catostomus rimiculus</i>	None
marbled sculpin (bin)	<i>Cottus klamathensis</i>	SSC
Klamath River lamprey	<i>Entosphenus similis</i>	G3G4Q S3 SSC
Pacific lamprey	<i>Entosphenus tridentata</i>	G4 S4
Rainbow Trout (Summer Steelhead)	<i>Onchorhynchus mykiss</i>	
Southern Oregon Northern California coast coho salmon	<i>Oncorhynchus kisutch</i>	F-Threatened; State-Threatened
Klamath Mountains Province winter steelhead	<i>Oncorhynchus mykiss</i>	None
coastal rainbow trout	<i>Oncorhynchus mykiss irideus</i>	None
Upper Klamath-Trinity fall Chinook salmon	<i>Oncorhynchus tshawytscha</i>	Federally Threatened G5T3Q S1S2 SSC
Upper Klamath-Trinity spring Chinook salmon	<i>Oncorhynchus tshawytscha</i>	Federally Threatened; State Candidate Endangered
Klamath speckled dace	<i>Rhinichthys osculus klamathensis</i>	None

Table 4: Fin-fish occurring within the Lower Browns Creek Watershed (HUC 12 180102110602)

Appendix G

Flora Species (Observed On-Site)

Scientific Name	Common Name	Status (Native, not TES or Noxious if blank)
<i>Acmispon americanus</i> var. <i>Americanus</i>	Spanish lotus	
<i>Anaphalis margaritacea</i>	pearly everlasting	
<i>Arbutus menziesii</i>	madrone	
<i>Arctostaphylos patula</i>	green leafed manzanita	
<i>Arctostaphylos viscida</i> ssp <i>viscida</i>	white leaf manzanita	
<i>Avena Fatua</i>	wild oats	Cal-IPC Moderate
<i>Ceanothus Cuneatus</i>	buck brush	
<i>Ceanothus intergerrimus</i>	deer brush	
<i>Cercis occidentalis</i>	western redbud	
<i>Cichorium Intybus</i>	chicory	
<i>Cynosurus Echinatus</i>	hedgehog dogtail grass	Cal-IPC Moderate
<i>Elymus caput-medusae</i>	Medusa head grass	Cal-IPC High
<i>Elymus repens</i>	quack grass	not native
<i>Epilobium brachycarpum</i>	willow herb	
<i>Hordeum murinum</i> ssp <i>leporinum</i>	foxtail barley	not native
<i>Pinus Ponderosa</i>	yellow pine	
<i>Pseudotsuga Menziesii</i>	Douglas fir	
<i>Quercus Garryana</i>	Oregon white oak	
<i>Taraxacum Officinale</i>	red seeded dandelion	
<i>Calocedrus decurrens</i>	incense cedar	
<i>Cirsium vulgare</i>	bull thistle	
<i>Himalayan armeniacus</i>	Himalayan blackberry	Cal-IPC rating: high invasive non-native
<i>Malus domestica</i>	apple tree	
<i>Morus alba</i>	fruitless mulberry	
<i>Quercus garryana</i>	oregon white oak	
<i>Rubus occidentalis</i>	blackcap raspberry	

<i>Stephanomeria virgata</i> ssp. <i>pleurocarpa</i>	Wand wirelettuce	
<i>Verbascum thapsus</i>	mullein	
<i>Fraxinus latifolia</i>	Oregon ash	
<i>Pseudotsuga menziesii</i>	Douglas fir	
<i>Typha latifolia</i>	cat-tail	
<i>Tragopogon dubius</i>	goat beard	
<i>Trifolium hirtum</i>	rose clover	Cal-IPC Limited
<i>Verbascum Thapsus</i>	woolly mullein	Cal-IPC Limited
<i>Verbena Laslostachys</i>	western vervain	

Table 5: Flora Species Observed in the Project Area

Appendix H

Fauna (Observed On-Site)

<i>Scientific Name</i>	<i>Common Name</i>	Status (Not Rare if Blank)
<i>Agapostemon texanus</i>	green sweat bee	
<i>Apis mellifera</i>	honey bee	Non-native
<i>Aphelocoma californica</i>	scrub jay	
<i>Cathartes aura</i>	turkey vulture	
<i>Corvus corax</i>	common raven	
<i>Cupido comyntas</i>	eastern-tailed blue butterfly	
<i>Lumbricus terrestris</i>	earthworm	
<i>Melanerpes formicivorus</i>	acorn woodpecker	
<i>Nephotettix nigropictus</i>	leafhopper	
<i>Odocoileus hemionus columbianus</i>	Columbian black tailed deer	
<i>Papilioninae Latreille</i>	swallow tale butterfly	
<i>Ursus americanus</i>	Black bear	
<i>Sceloporus occidentalis</i>	western fence lizard	
<i>Lepus californicus</i>	jack rabbit	
<i>Ursus americanus carlottae</i>	California black bear	
<i>Coturnix coturnix</i>	common quail	

Table 6: Fauna Species observed or Detected in the Project Area

7.6 ARCHAEOLOGICAL REPORT

This section begins on the following page.

**A Cultural Resources Investigation for
Commercial Cannabis Cultivation at
561 Shady Creek Lane (APN 015-380-017-00)
Douglas City, Trinity County, California**



Prepared by:
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William Rich and Associates
P.O. Box 184
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Prepared for:
Stephen Hart and Maria Coll Villa
561 Shady Creek Lane
Douglas City, CA 96024

September 2024

CONFIDENTIAL INFORMATION

This report contains confidential information. Archaeological and other heritage resources can be damaged or destroyed through uncontrolled public disclosure of information regarding their location. Any information regarding the nature and location of archaeological sites should not be disclosed to unauthorized persons. This information is exempt from the Freedom of Information Act pursuant to 16 U.S.C. 470w-3 (National Historic Preservation Act) and 16 U.S.C. § 470hh (Archaeological Resources Protection Act) and California State Government Code, Section 6254.10.

Cover photo: A mid-day northerly view on August 29, 2024 of the cannabis cultivation area and residential buildings at Trinity County Assessor Parcels No. 015-380-017-00.

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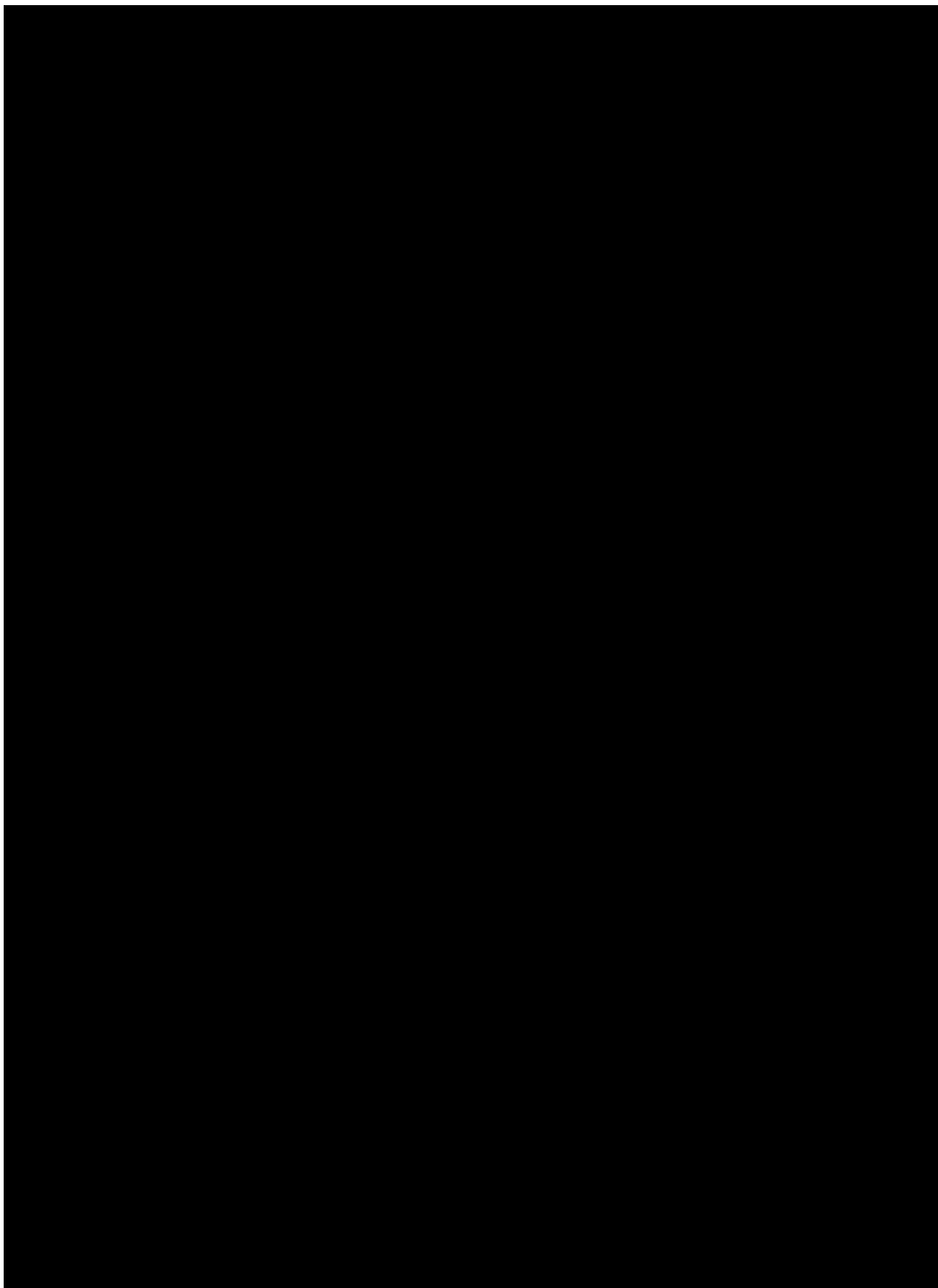
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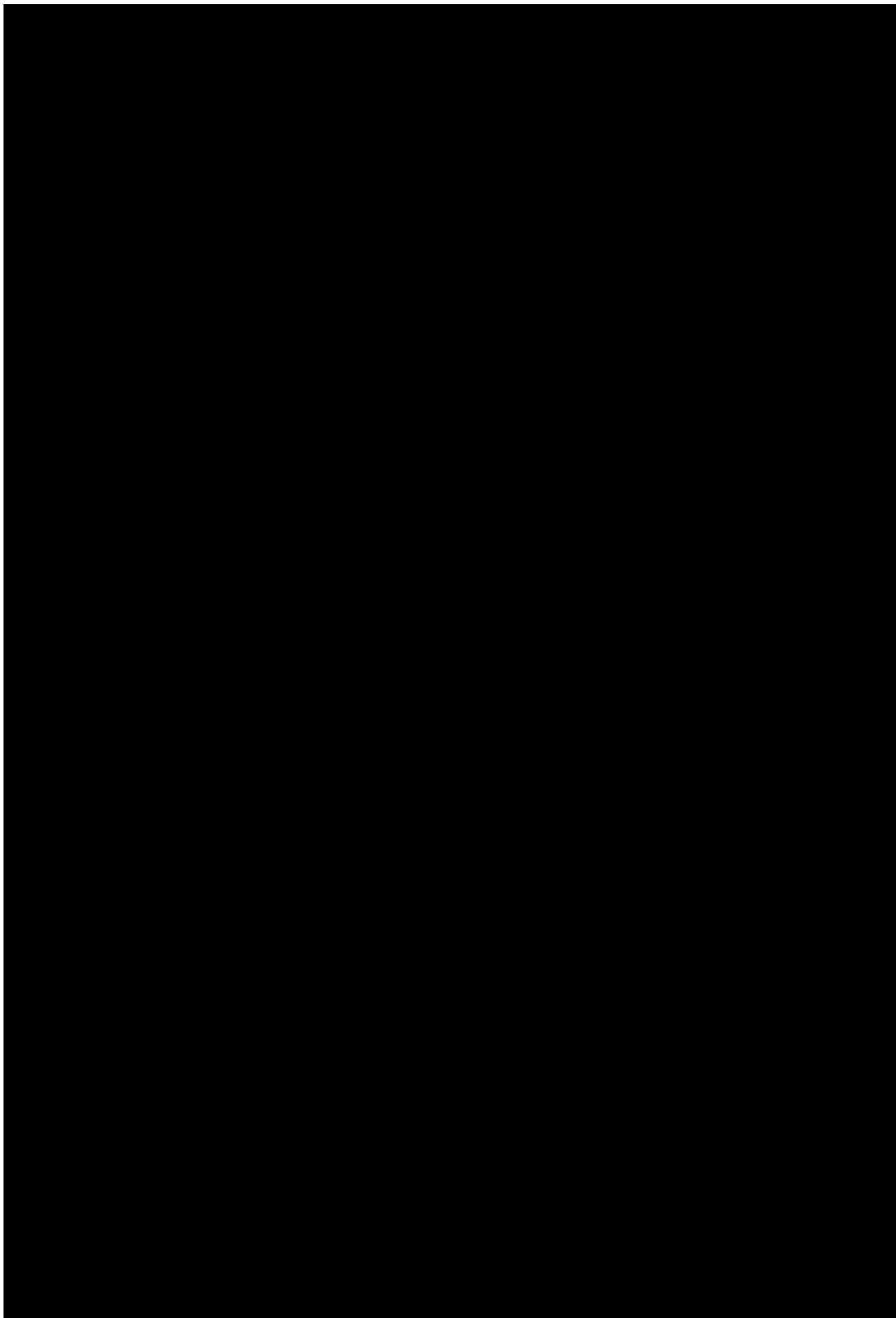
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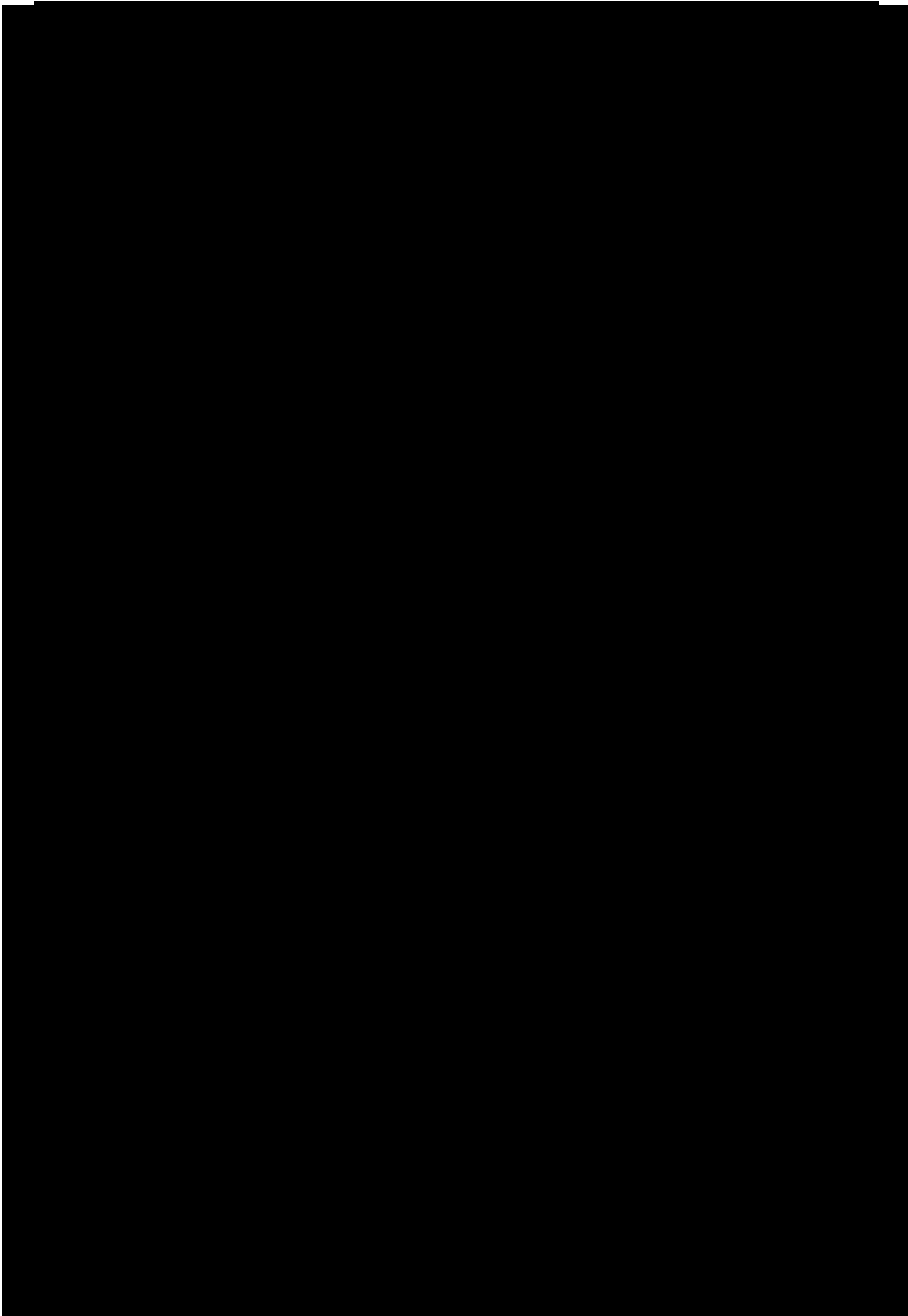
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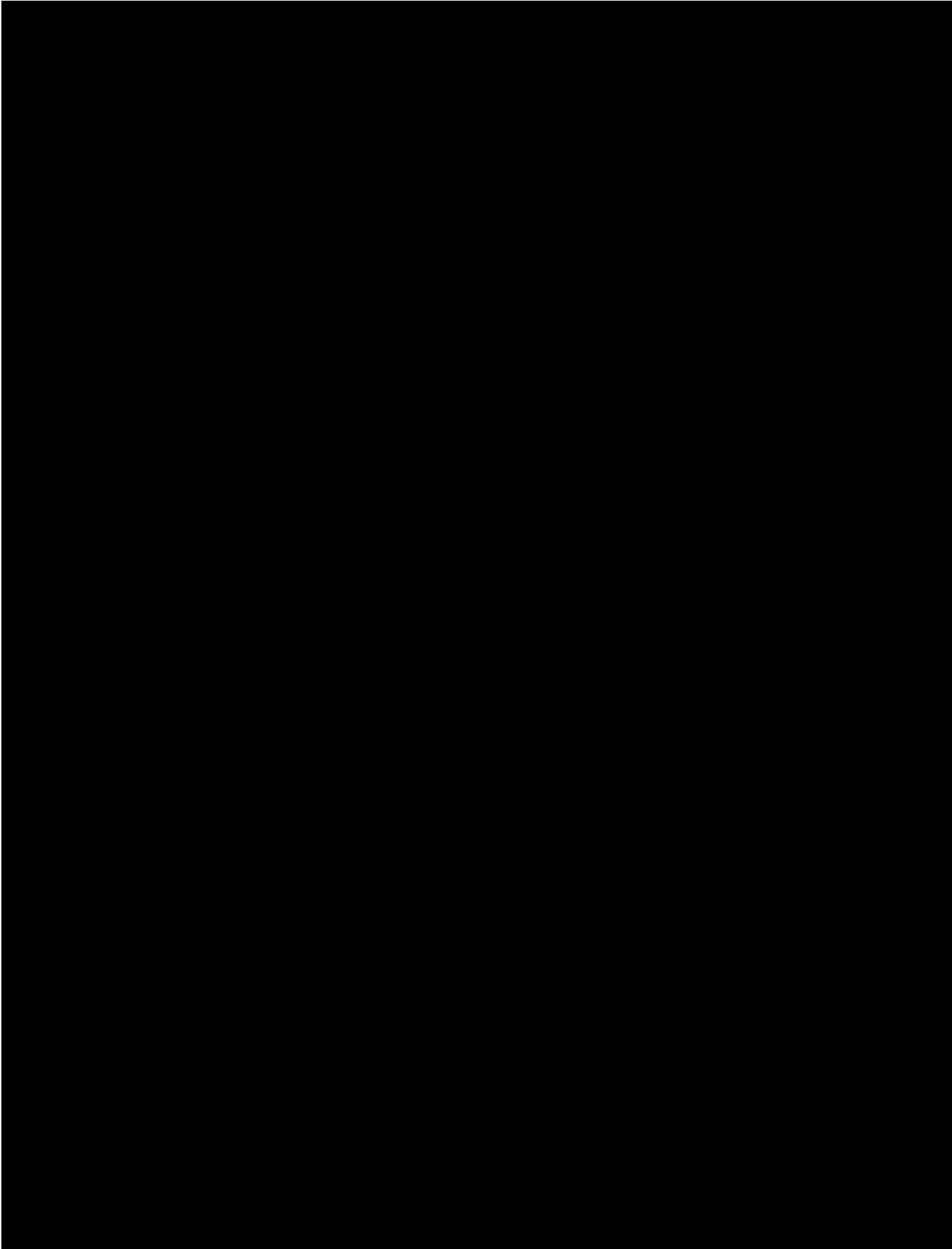
1.0 INVESTIGATION SUMMARY

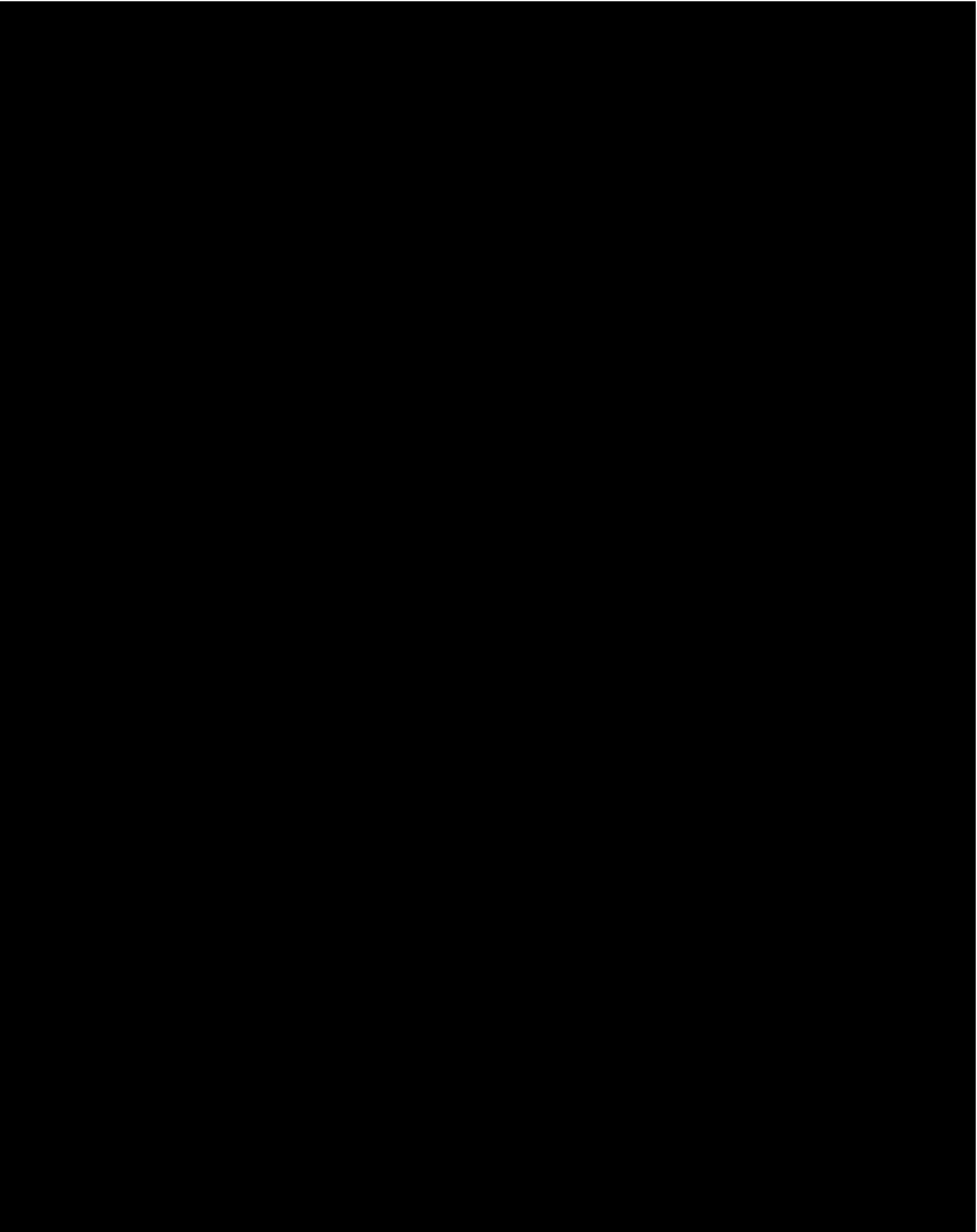


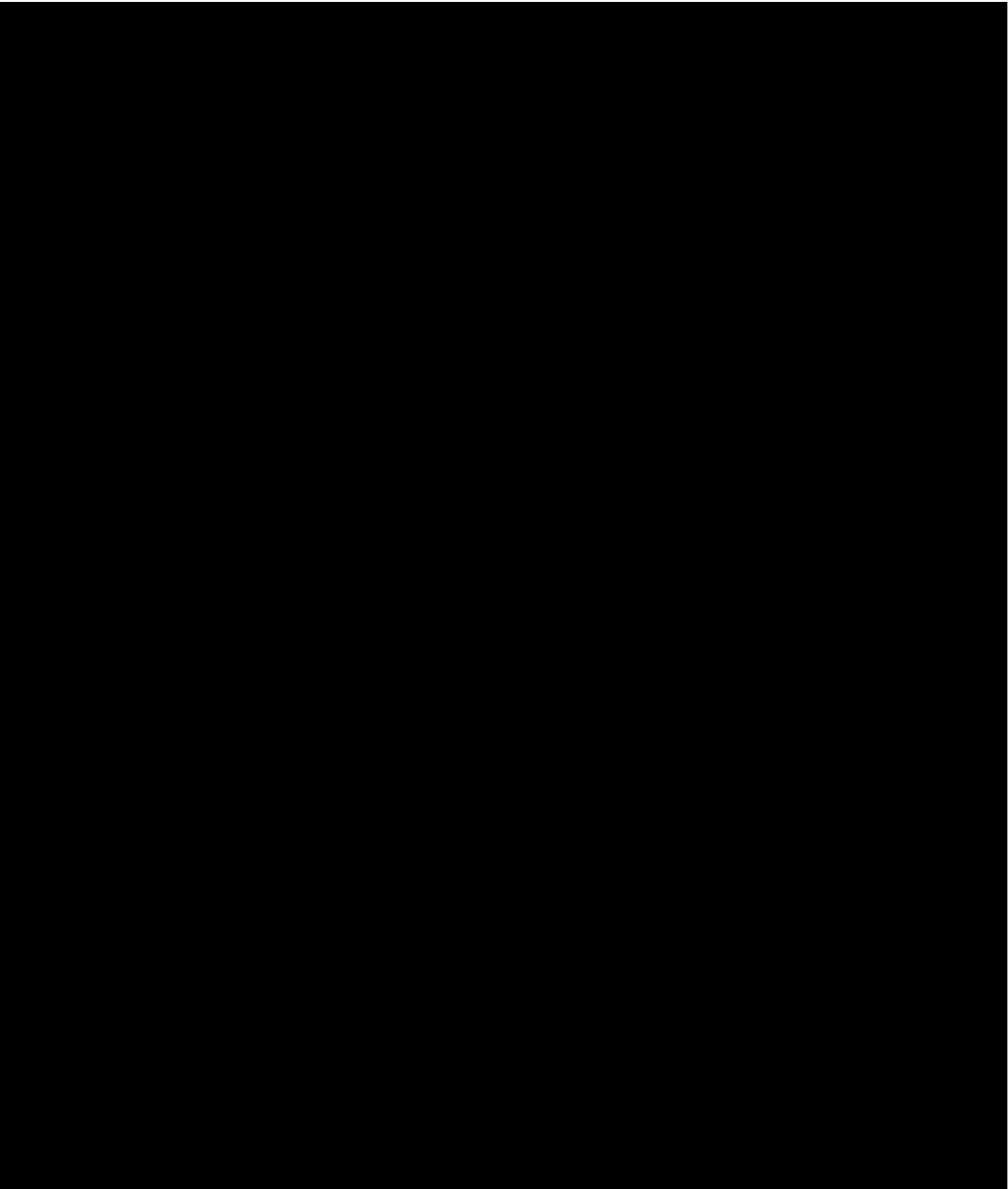


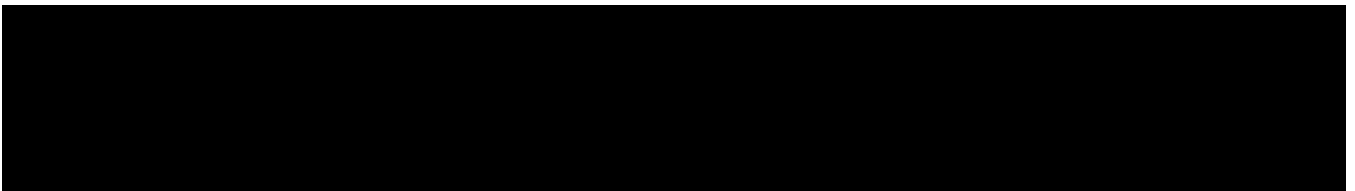


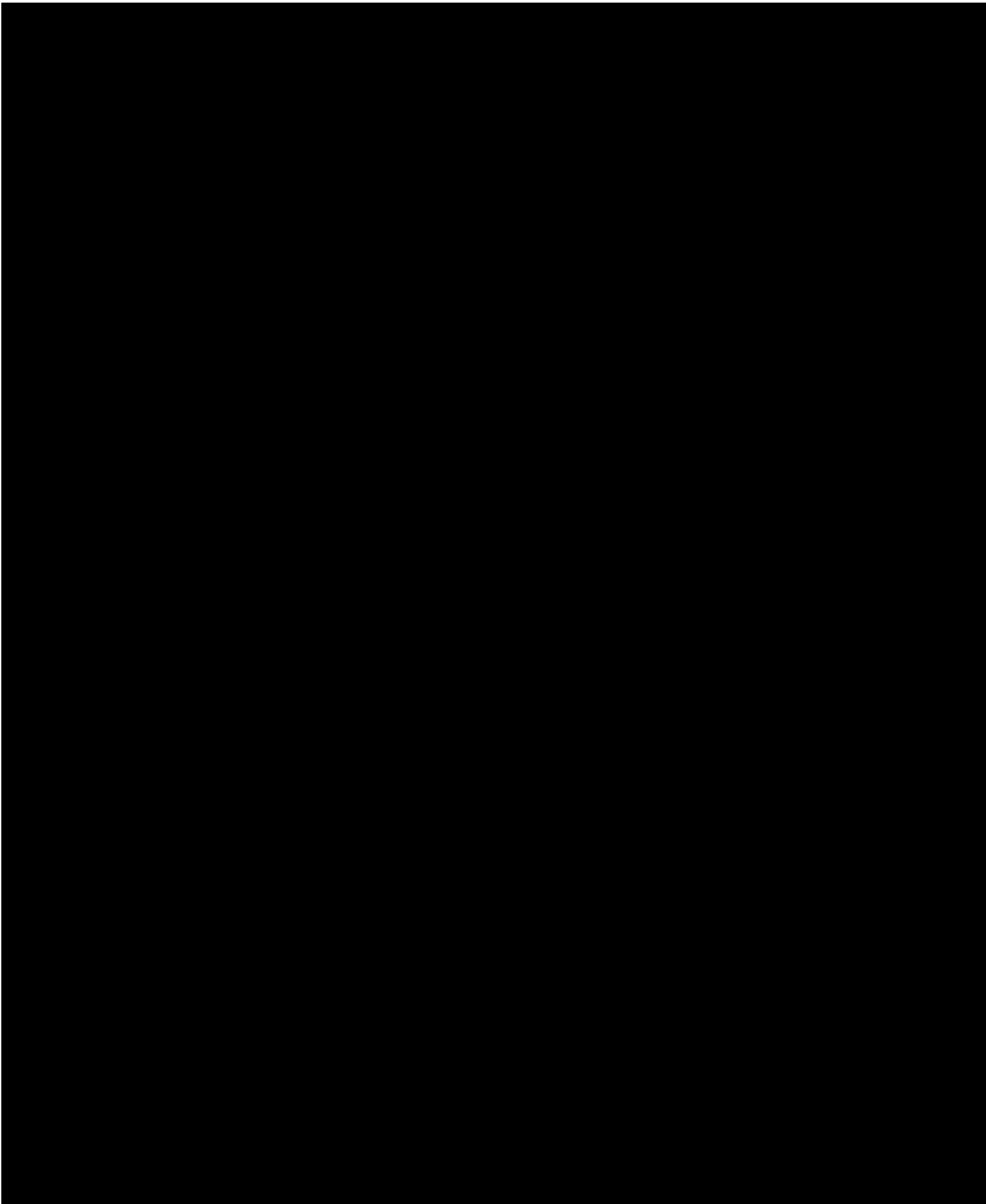


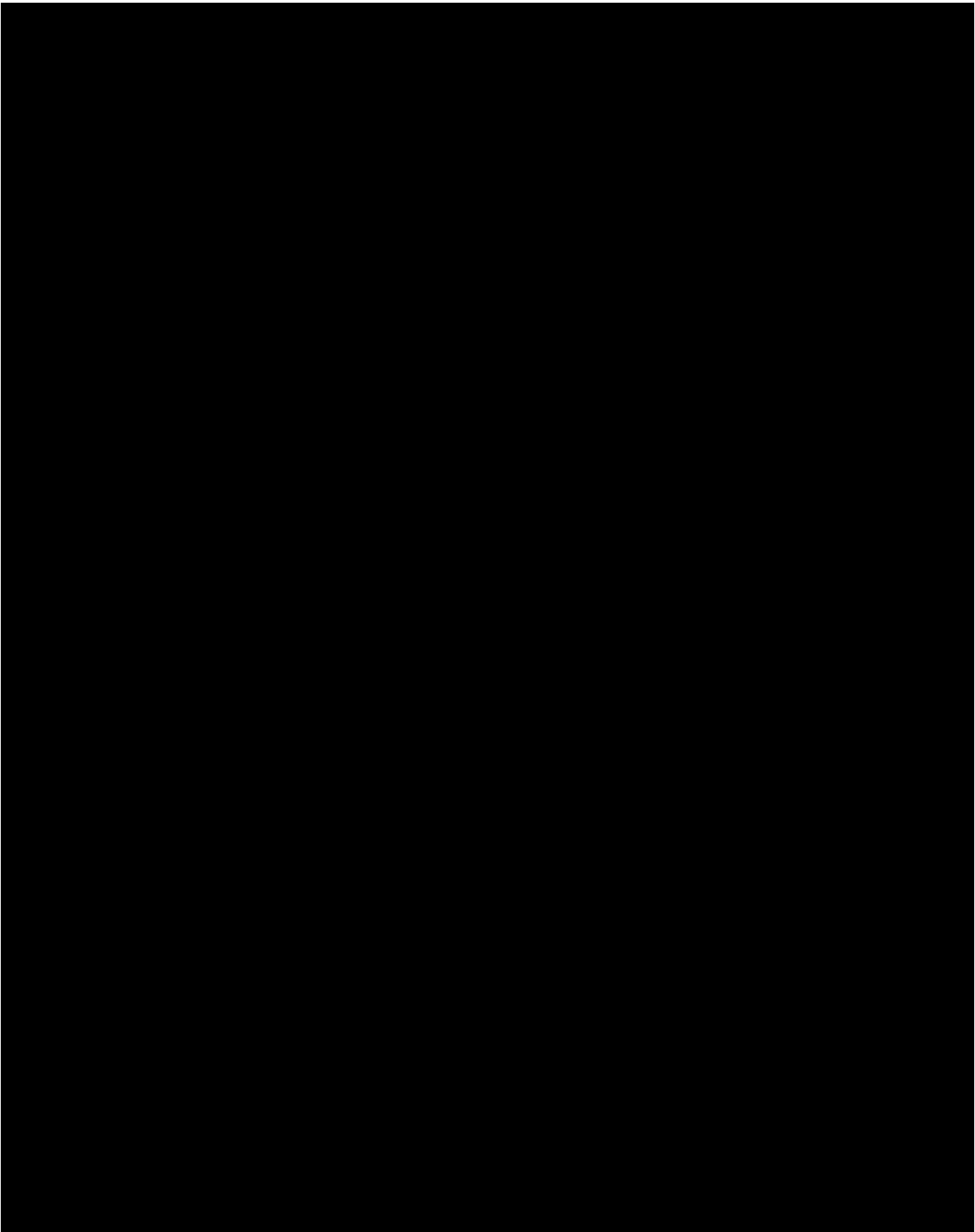


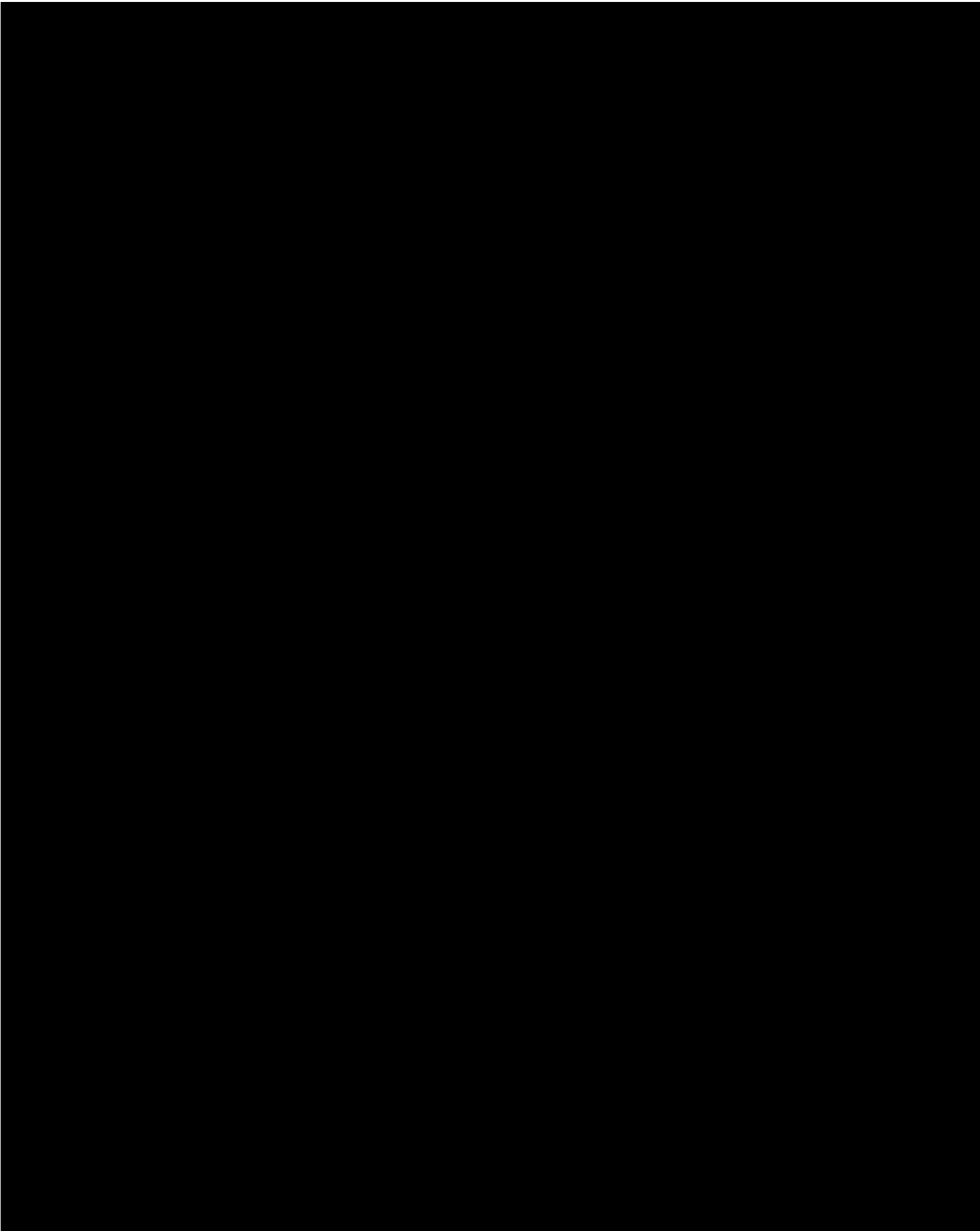


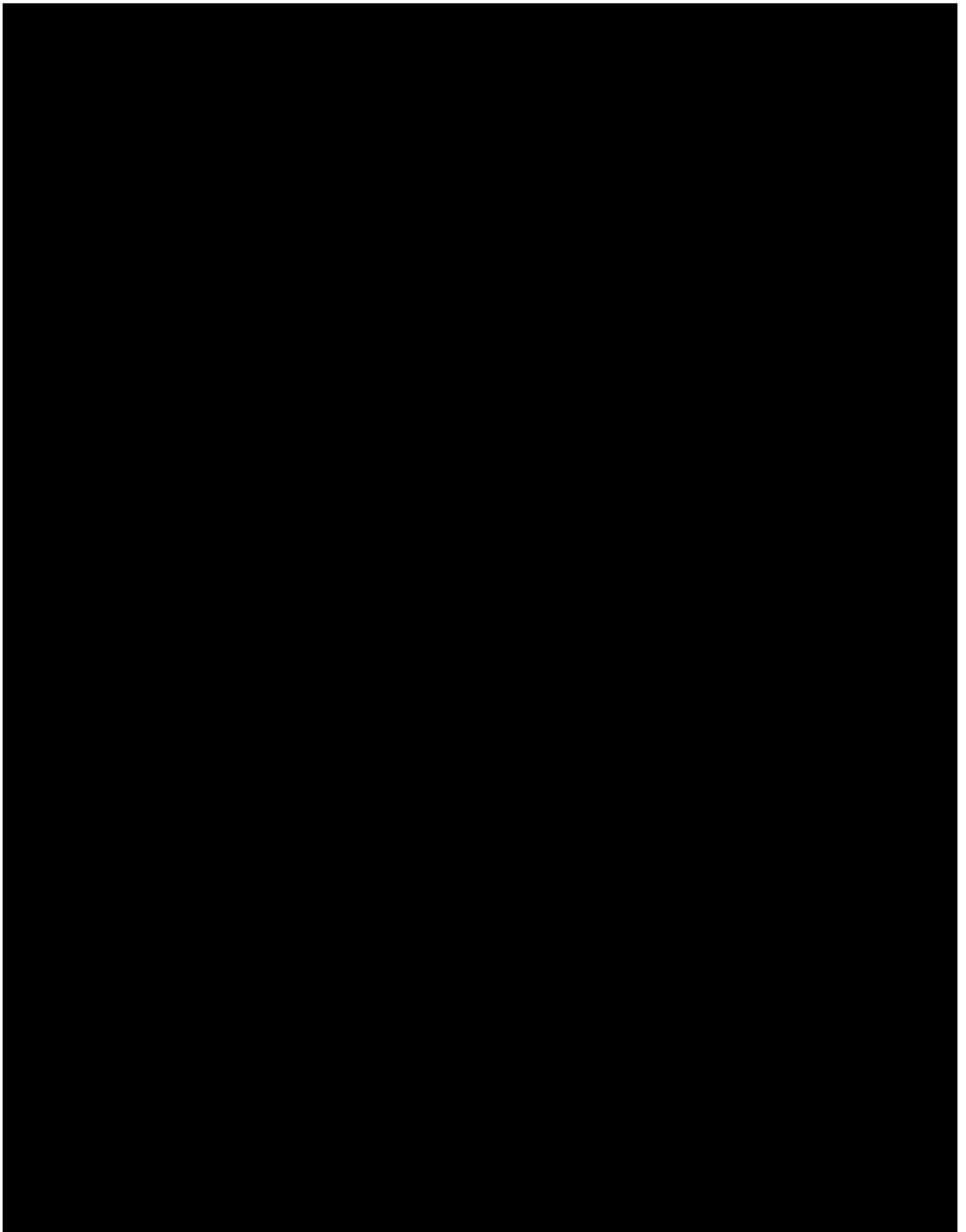


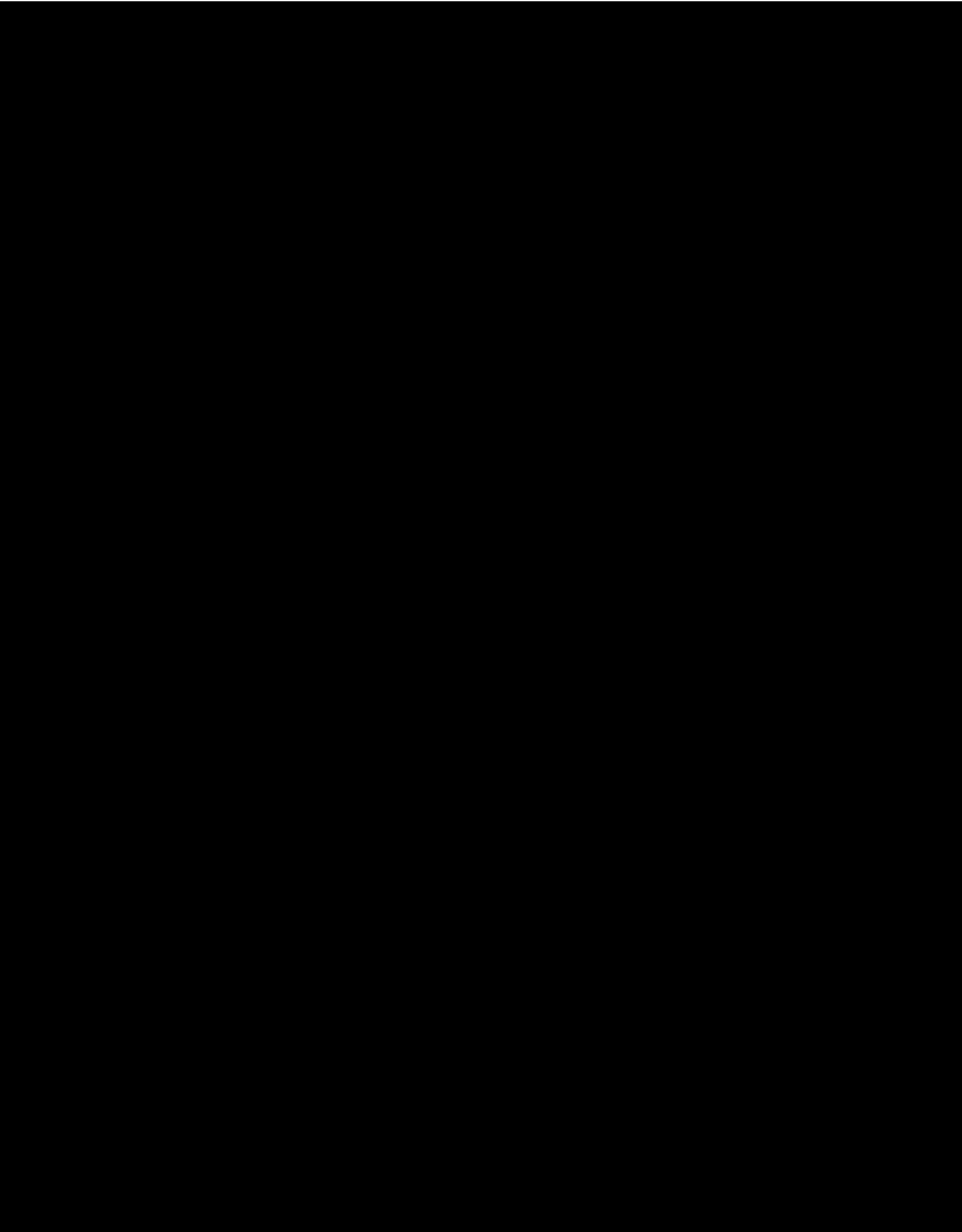


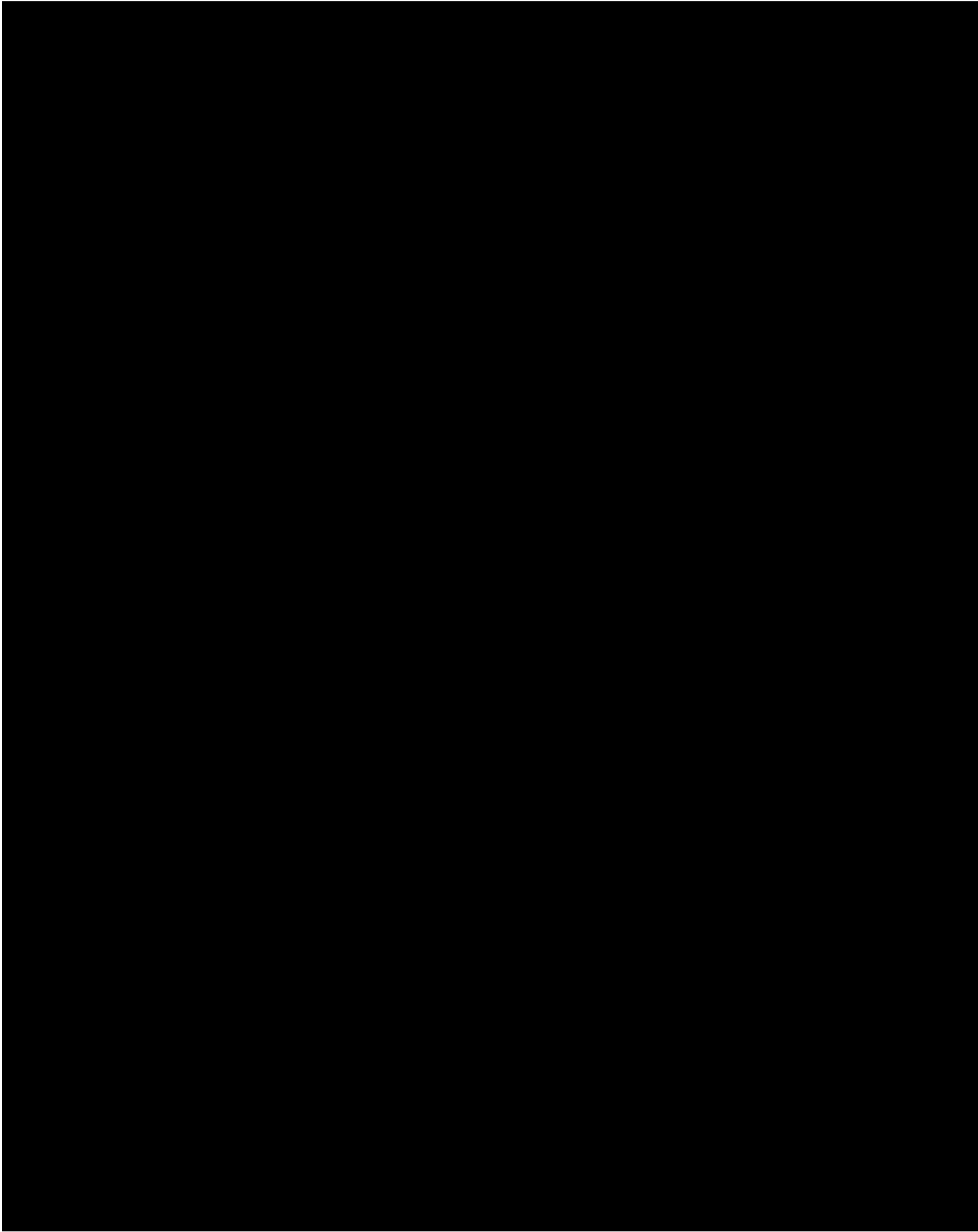


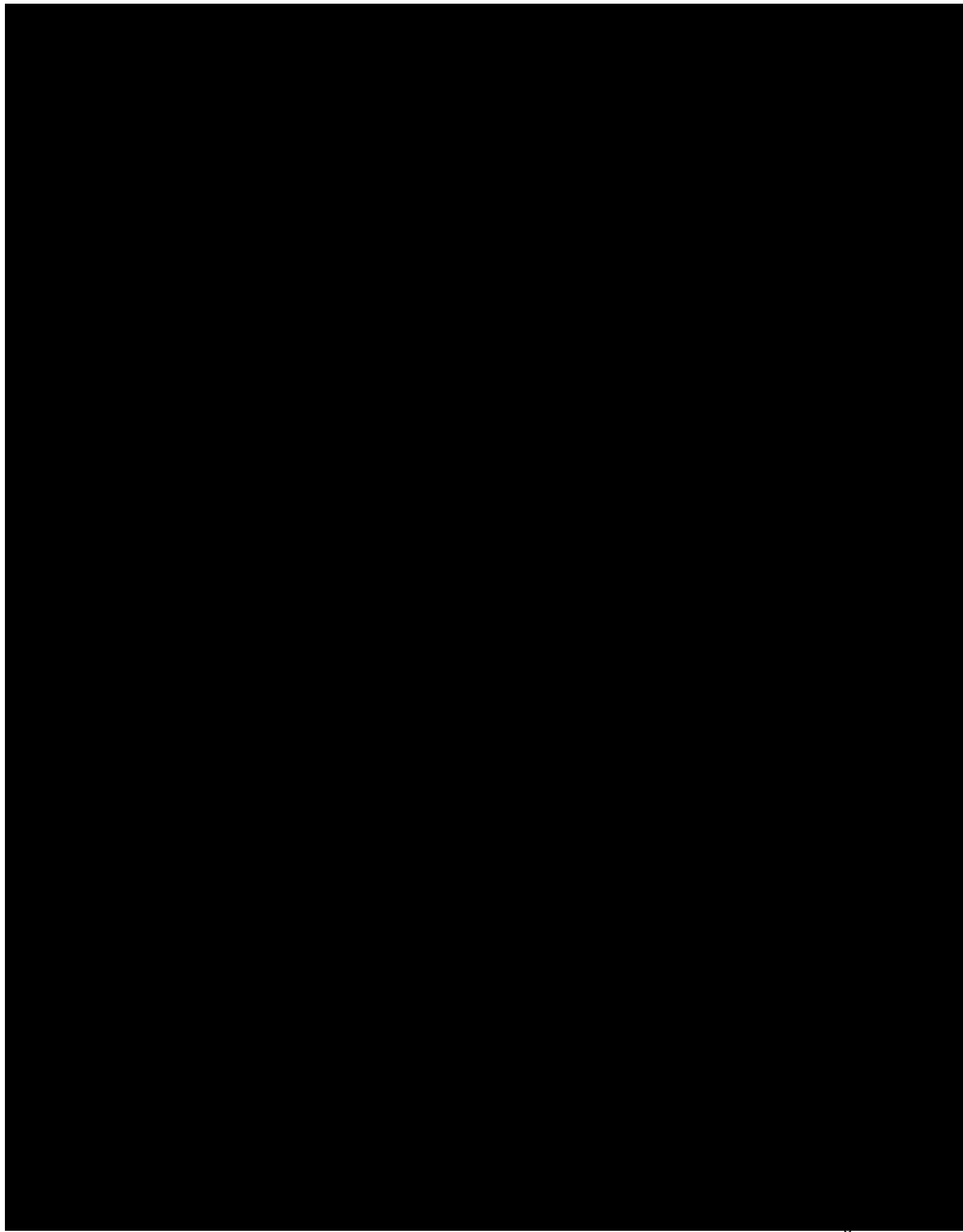


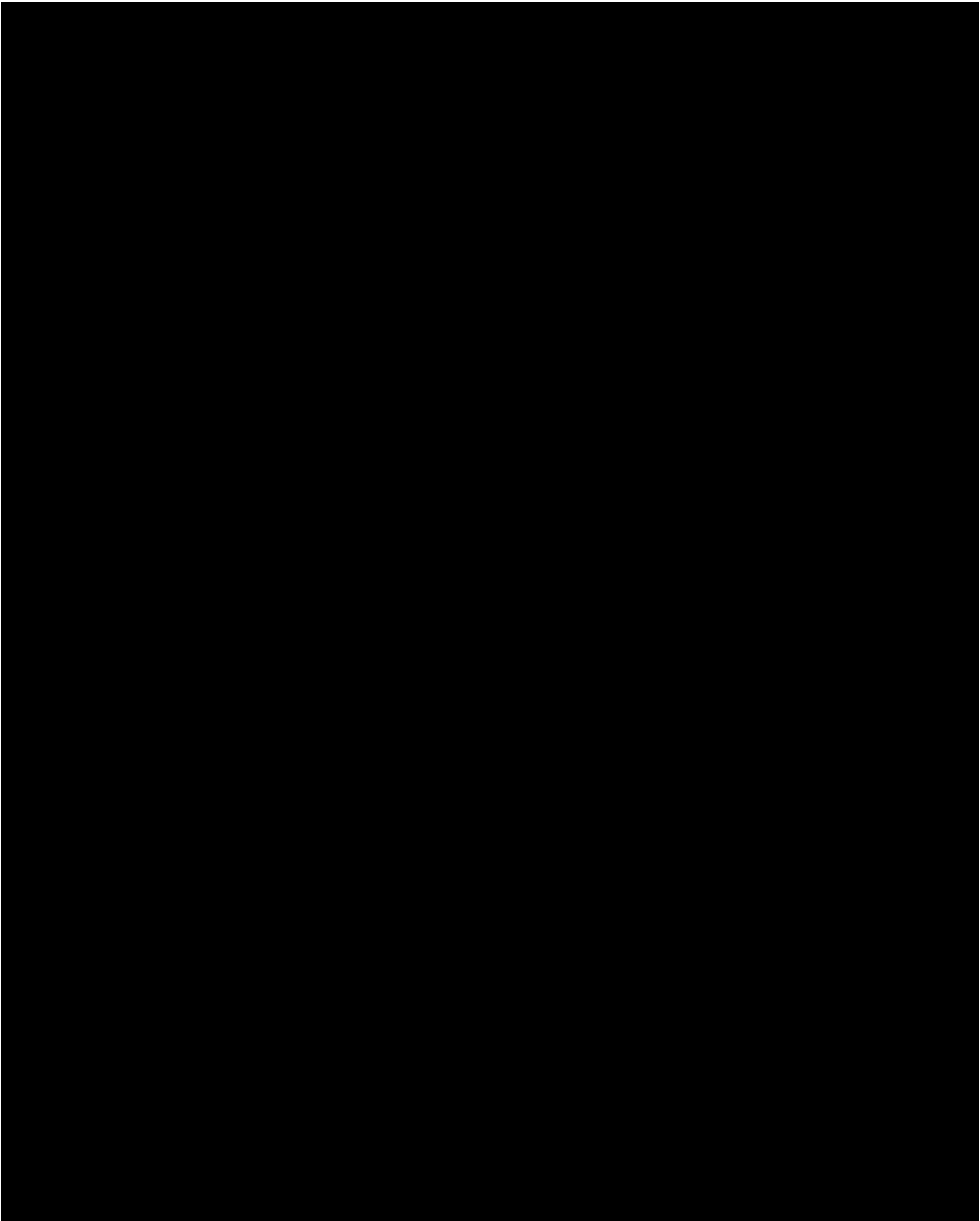


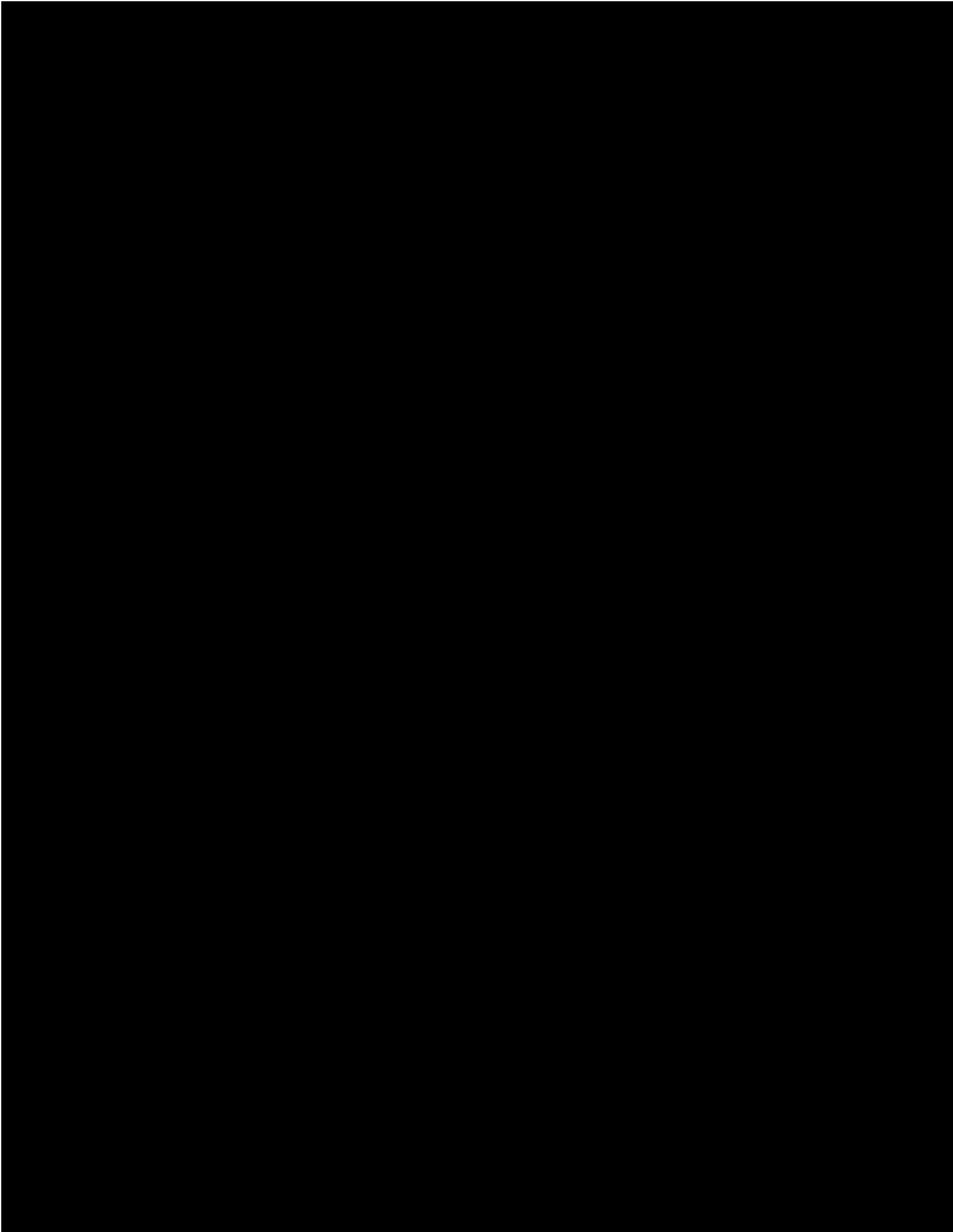












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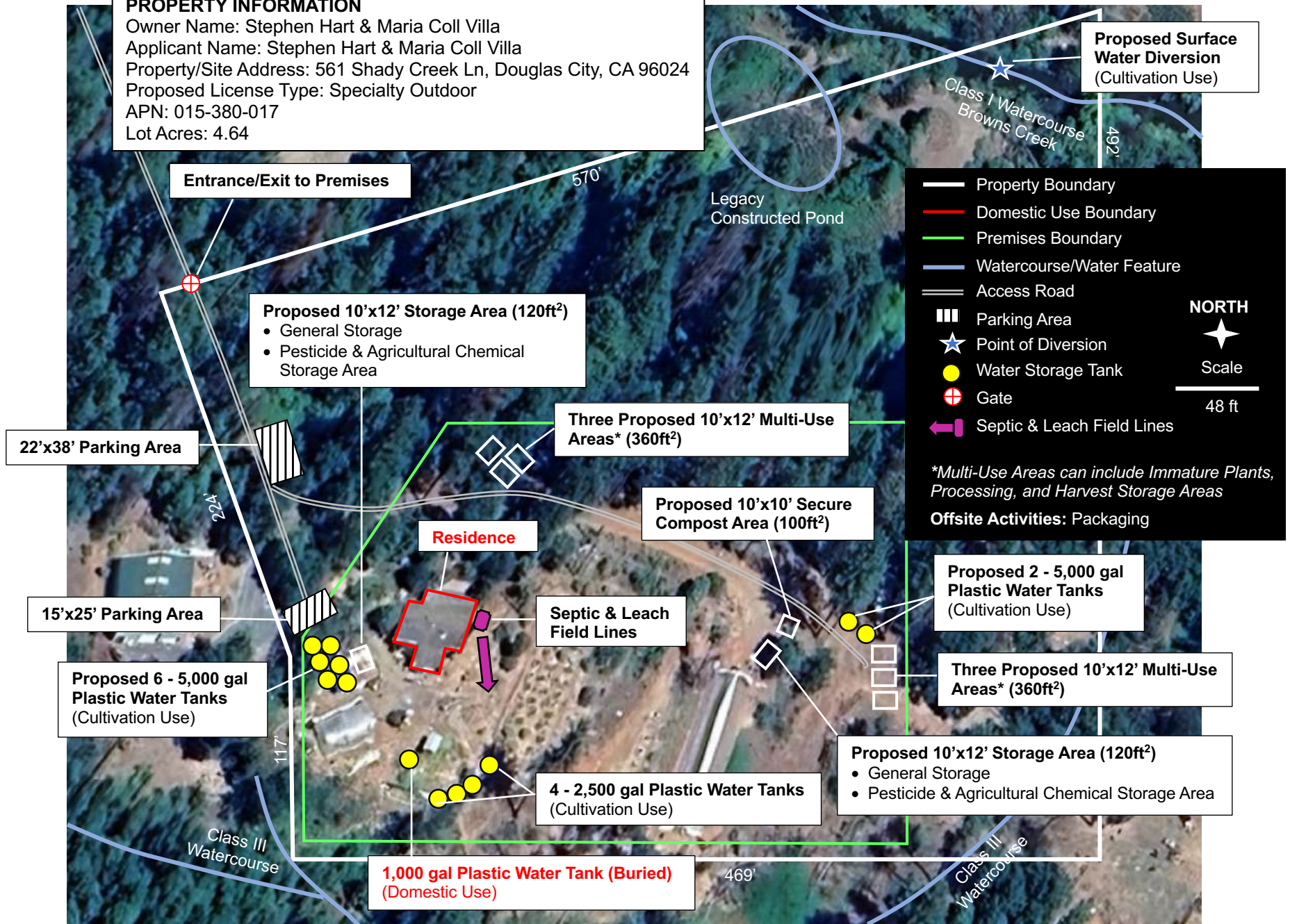
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APPENDIX A
Property Map, APN 015-380-017-00

PROPERTY INFORMATION

Owner Name: Stephen Hart & Maria Coll Villa
Applicant Name: Stephen Hart & Maria Coll Villa
Property/Site Address: 561 Shady Creek Ln, Douglas City, CA 96024
Proposed License Type: Specialty Outdoor
APN: 015-380-017
Lot Acres: 4.64



Prepared by Gold Country Consulting on 9/10/24



PREMISES DIAGRAM

Owner Name: Stephen Hart & Maria Coll Villa
Applicant Name: Stephen Hart & Maria Coll Villa
Property/Site Address: 561 Shady Creek Ln, Douglas City, CA 96024
Proposed License Type: Specialty Outdoor
APN: 015-380-017
Lot Acres: 4.64

NORTH



Scale

30 ft

- Premises Boundary
- Proposed Cultivation Area

Aggregate Square Footage

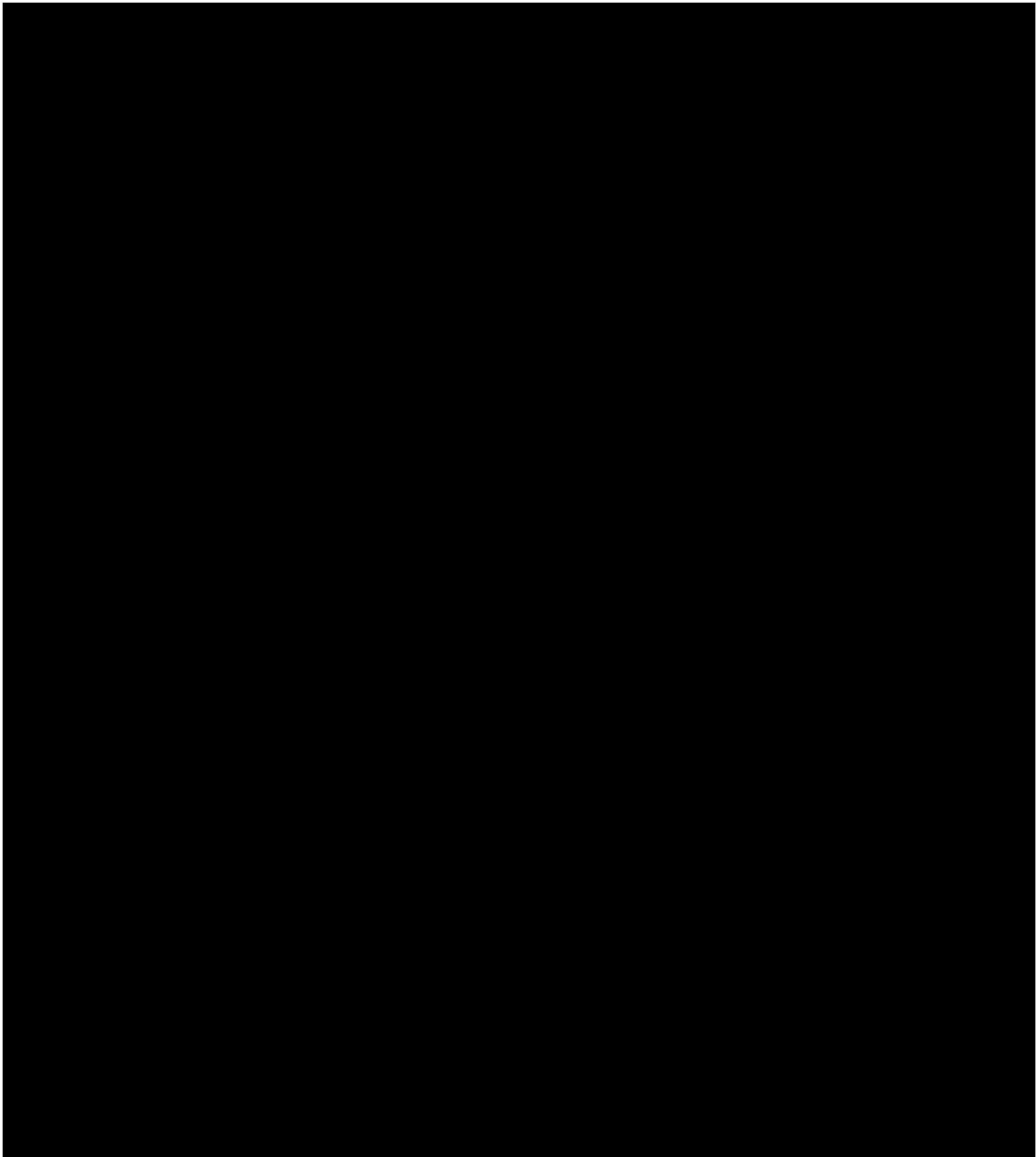
- Proposed Mature Canopy Area (up to 5,000ft²)

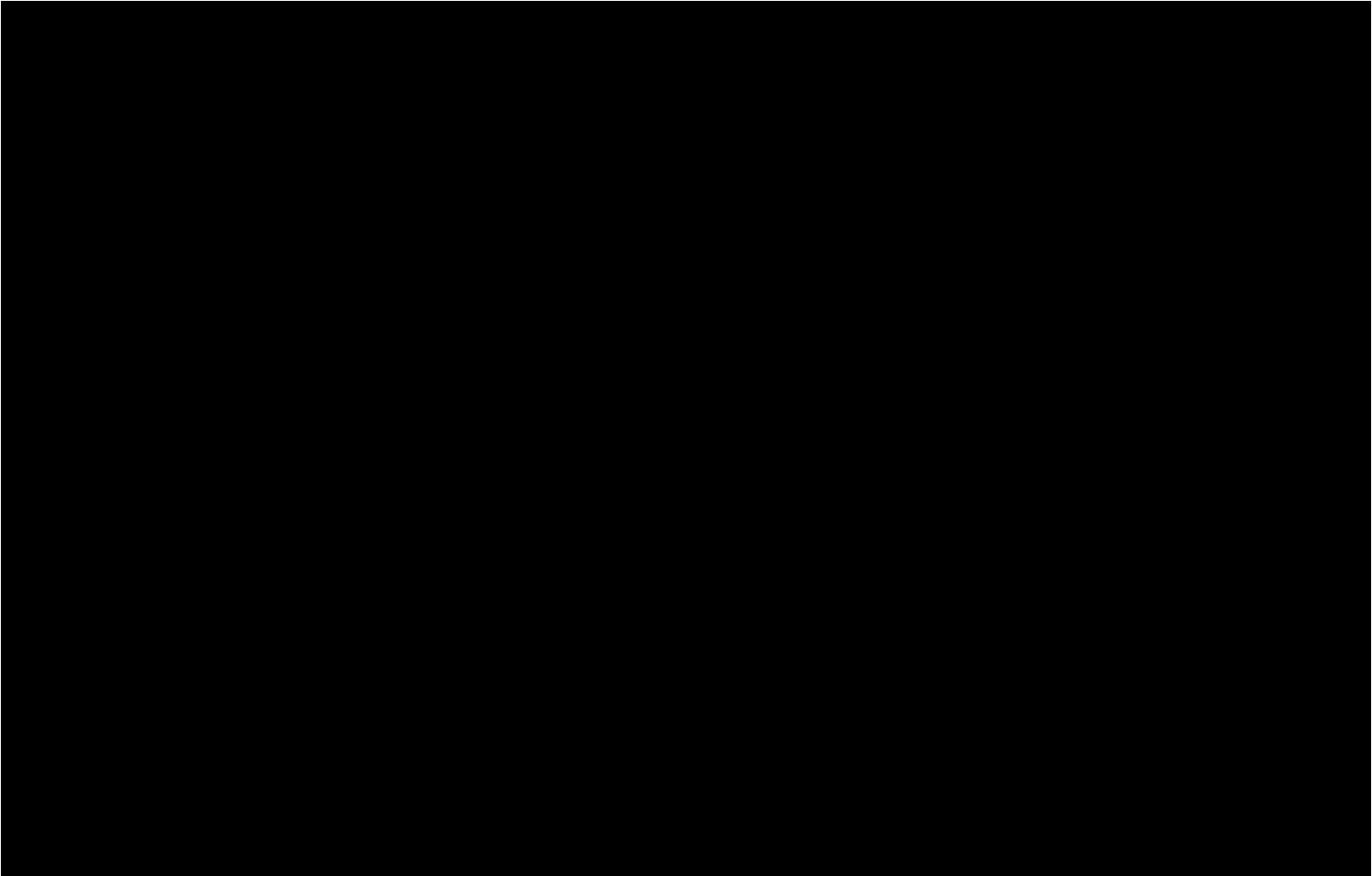


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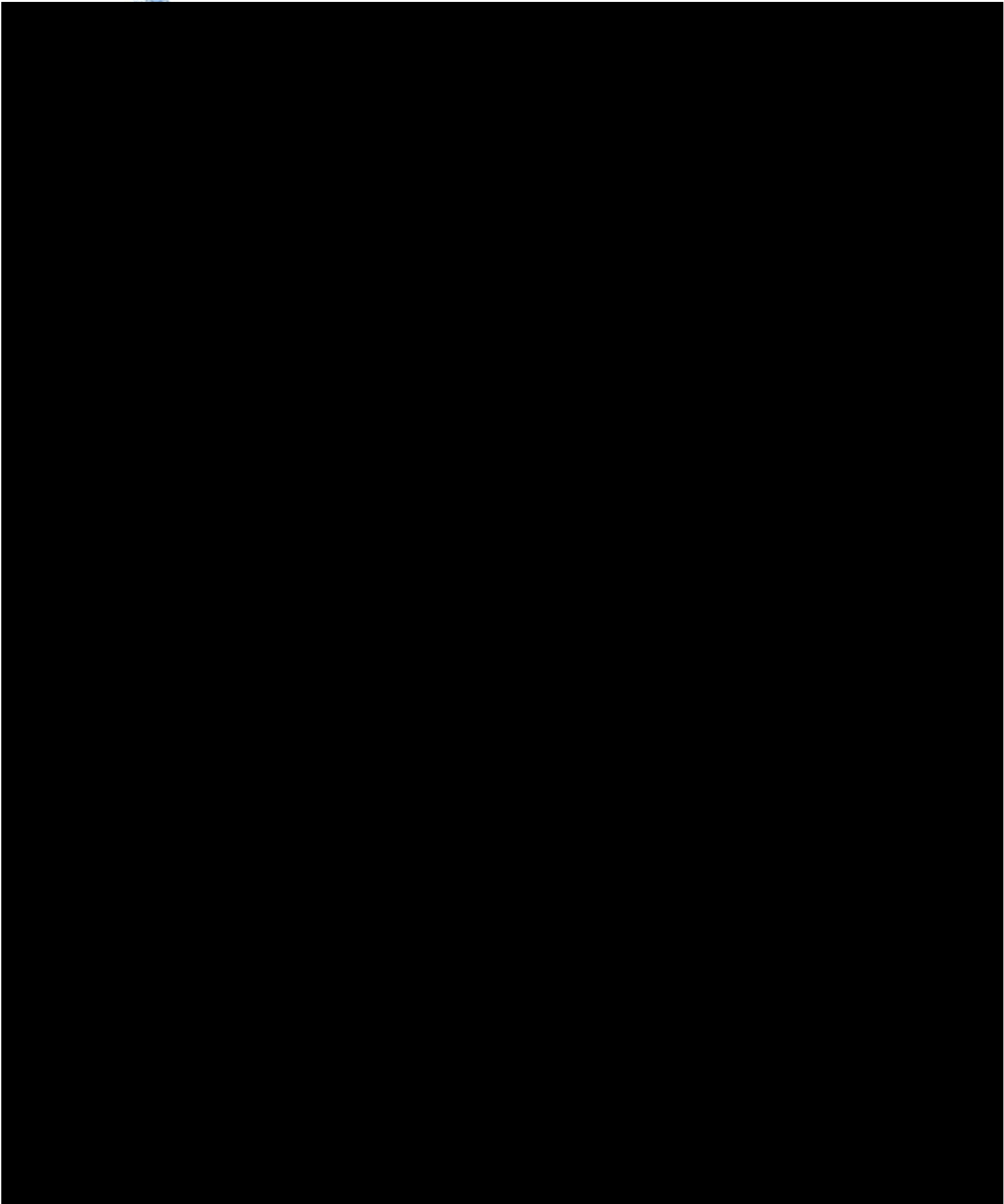


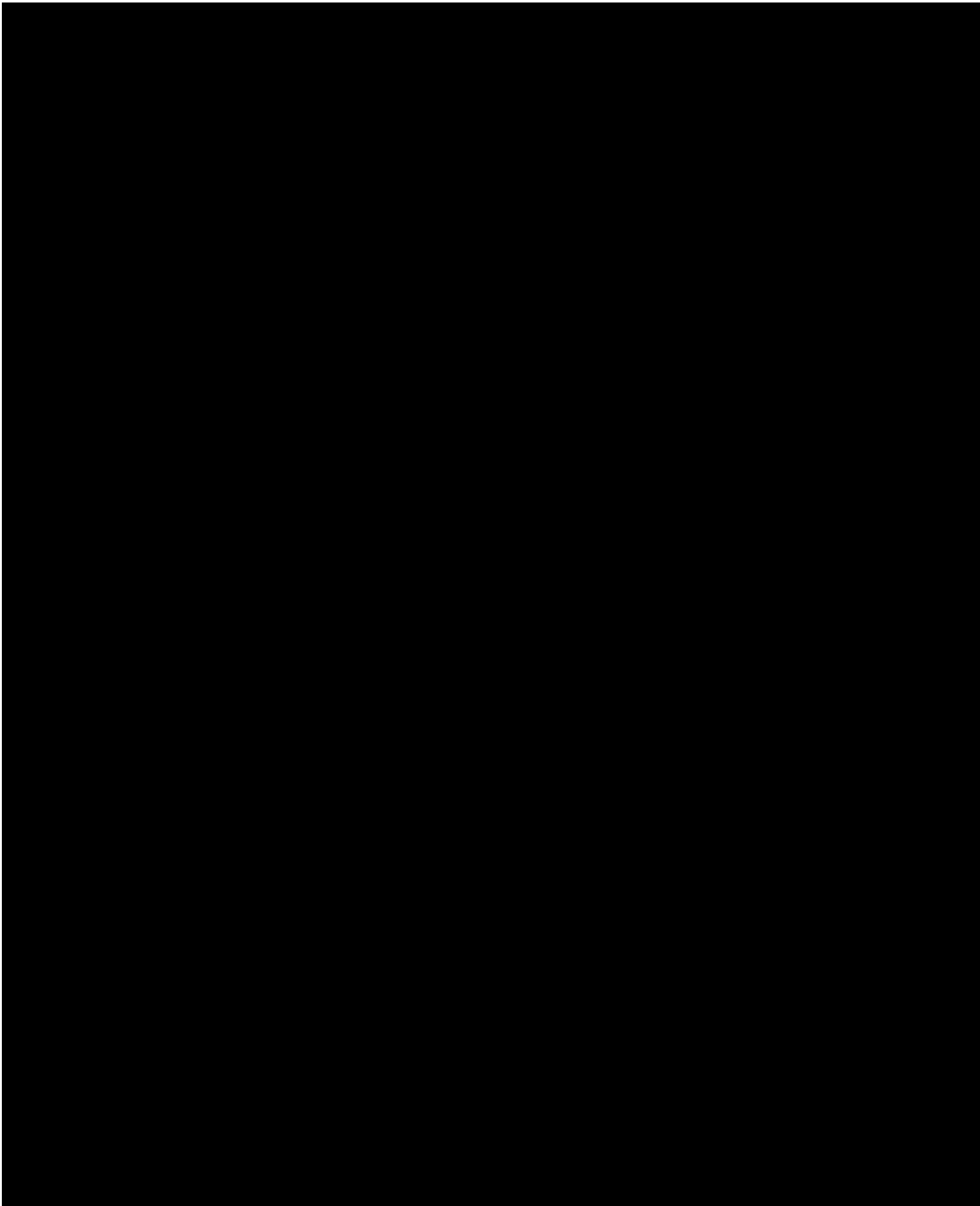
APPENDIX B
Native American Correspondence

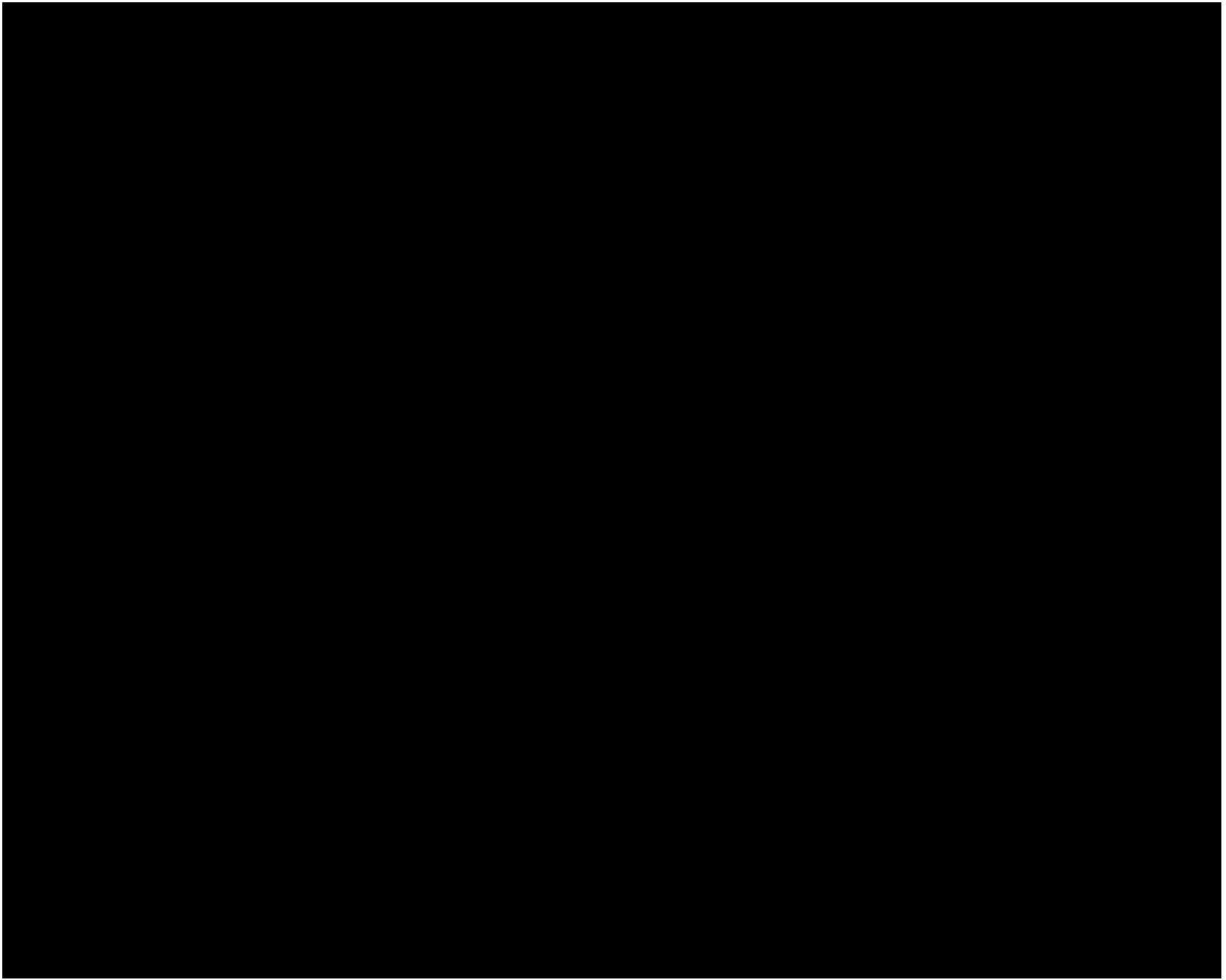




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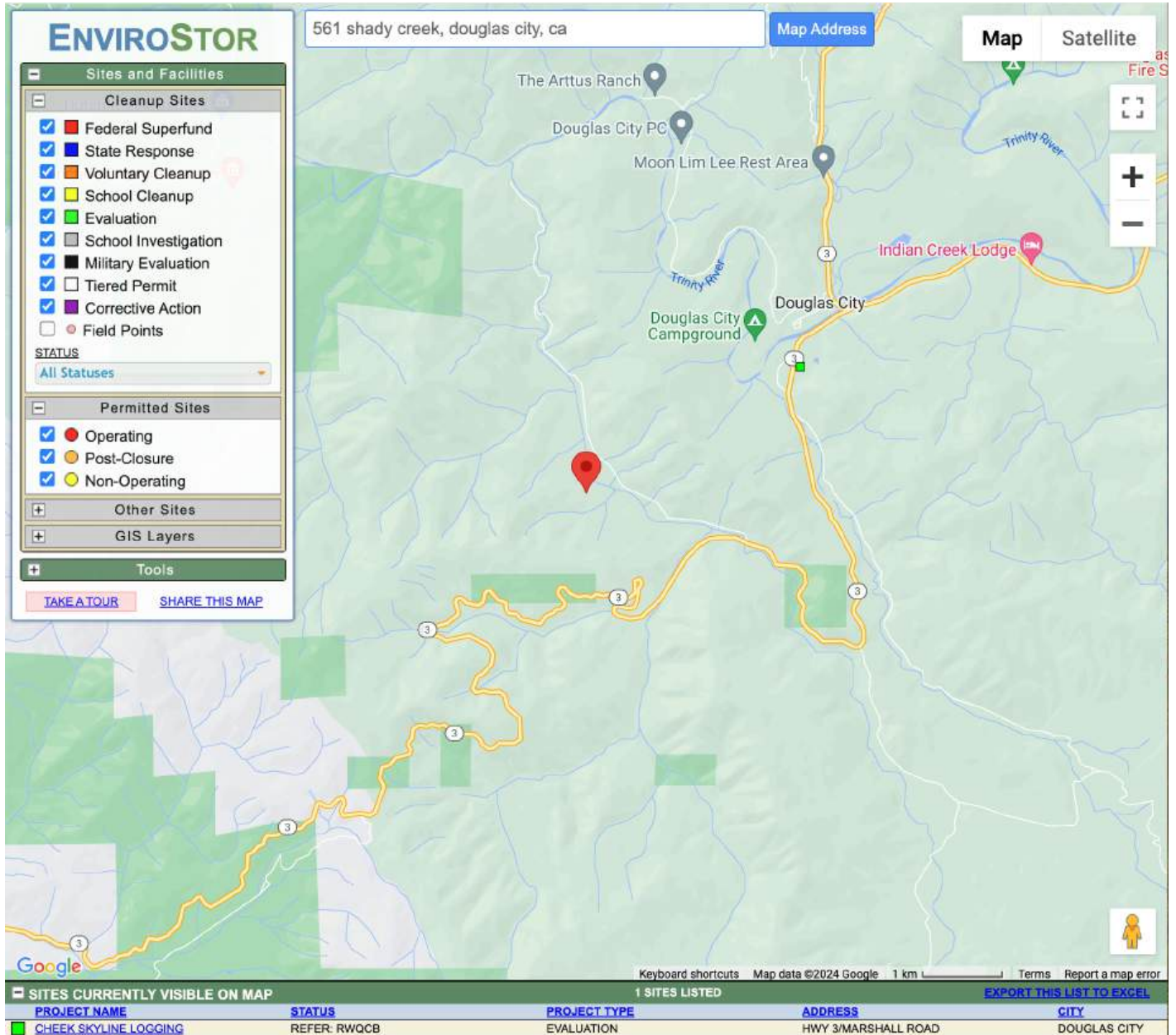




7.7 ENVIROSTOR HAZARDOUS WASTE SITE MAP

Hazardous Waste Site Map for 561 Shady Creek Cannabis Cultivation

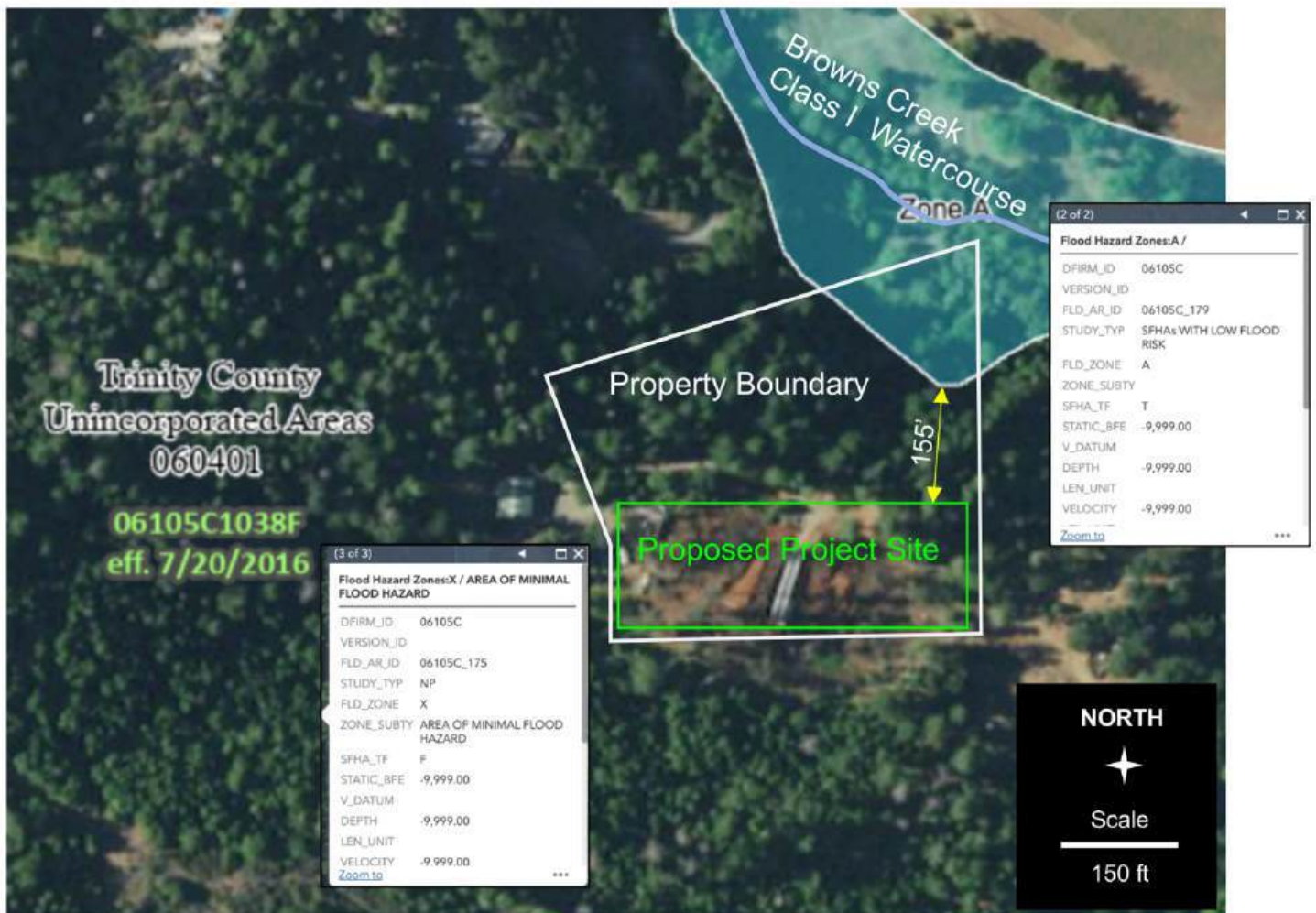
The project is not located on a hazardous waste site.



7.8 FLOODPLAIN MAP

Floodplain Map for 561 Shady Creek Cannabis Cultivation

Using FEMA's National Flood Hazard Layer Viewer, the project site is shown in "Zone X" of the Trinity County Unincorporated Areas. A "Zone X" designation is used for areas with minimal flood hazard. Section 29.4 of the Trinity County Zoning Ordinance defines flood hazard areas to have a FEMA Flood Insurance Zoning designation of AO, AH, or A. A "Zone X" designation demonstrates that the project does not occur within a determined floodplain.



7.9 FIRE PLAN

Fire Plan for 561 Shady Creek Cannabis Cultivation

Introduction

561 Shady Creek Cannabis Cultivation is a proposed Cannabis Cultivation site on a 4.64-acre parcel zoned Agriculture 10 Acre Min in Douglas City, Trinity County. The project is bordered by a mix of forested and developed parcels with a variety of different zoning designations, including Timber Production Zone, Agricultural Forest, Rural Residential, and Agriculture 10 Acre Min. Forests predominant the greater area of Douglas City, necessitating the need for a robust fire protection plan for individuals and the community.

Cultivation Site Maintenance

The project site will be maintained to be free and clear of trash and debris piles, which will be removed within two weeks of their accumulation throughout the year.

Agricultural Chemical Storage

All agricultural chemicals and petroleum products (if used) will be stored in a secure storage area, where they will be fully sheltered on all sides and inaccessible to children and wildlife. Products and chemicals will be stored in their original containers on-top of an impervious floor. When chemicals or fuels are used on-site during the operation, they will be immediately returned to the storage area following use. When in use, they will be stored on level ground, with lids tightly secured, and a spill kit on hand in case of an emergency spill.

Indoor Smoke Alarm

Smoke detectors will be installed in the buildings used for the operation.

Fuel Modification Measures

The project site is surrounded by other forested parcels. Basic wildland fire protection practices and measures will be implemented to create defensible space, including the removal of dead vegetation, thinning, and removal of ladder fuels in the forested areas bordering the project site. Vegetation is burned in piles on allowable burn days, following the requirements outlined in the North Coast Unified Air Quality Management District Burn Permit.

Mitigation Measure 3.3-1a prohibits the burning of vegetation that has been cleared for cultivation purposes. The implementation of the project does not require the removal of vegetation, therefore, there will be no burning of vegetation that has been cleared for cultivation purposes. Additionally, there will be no burning of cannabis waste, as California Department of Food and Agriculture regulations prohibit the burning of cannabis waste.

Emergency Vehicle Access

The project site is accessed via Shady Creek Lane, a graveled private road. As per CalFire regulations, there are vehicle pull outs to allow access to multiple entering and exiting emergency vehicles at a time. At the site, there is ample room for emergency response vehicles to enter the gate, park, and turn around.

Emergency Water Reserves

The project proposes eight 5,000 gallon and four 2,500 gallon plastic water tanks for cultivation use (total 50,000 gallons storage). The site has one buried 1,000 gallon plastic water tanks for domestic use.

All tanks will be maintained full of water to the best extent and will be left available for fire suppression operations should the need arise.

On-site Construction and Maintenance Activities

In the event of the use of outdoor motorized equipment, the following safety protocols will be followed:

- A fire watch personnel will be identified and responsible for watching the equipment to ensure that no fires are started during or after use
- Equipment operator will ensure that exhausts are not discharging against combustible materials
- Refueling will only occur while the equipment is not operating and has cooled down
- Before equipment use, equipment operator or fire watch personnel will confirm that enough water is present in the fire reserve tanks, and that proper hosing is attached and extended to the work site
- Smoking only occurs in designated areas and cigarettes are disposed in burn resistant receptables

7.10 CANNABIS WASTE COMPOSTING MANAGEMENT PLAN

Cannabis Waste Composting Management Plan for 561 Shady Creek Cannabis Cultivation

Introduction

561 Shady Creek Cannabis Cultivation is a proposed Cannabis Cultivation site on a 4.64-acre parcel zoned Agricultural 10 Acre Min in Douglas City, Trinity County. As in any agricultural operation, green waste will be generated in varying quantities throughout the year. The project proposes an onsite 10'x10' composting area to handle its cannabis waste products. Though the operation does not include full-time employees, any seasonal staff will be trained to comply with the State guidelines on measuring and reporting waste prior to it being added to the compost area. The project manager monitors the composting operation by maintaining the security of the area and ensuring that best management practices are adequately in place to protect water quality. Additionally, the project manager is responsible for conducting pest management and odor control measures, should any arise.

State Requirements on Record Keeping

The State requires cannabis cultivation licensees to record all cannabis waste generated by the operations, and to enter it into the state's track-and-trace system (METRC) accurately and within 3 days of generating waste. Seasonal employees will be trained to follow procedures on collecting, weighing, and recording all cannabis waste generated throughout the operations. The scales used will be regularly inspected for accuracy, as required by the County. METRC will store all waste data, including where the waste was generated, for what reason, the weight, the date the waste was generated, and the means by which it was discarded (compost or self-haul to waste management facility).

Cannabis Waste Generating Activities

Cannabis waste is generated anytime a plant gets pruned or deceases, and during post-harvest processing. Pruning waste consists mainly of non-THC plant material, such as leaves and stems. Pruning waste does not include any flowering material, and therefore does not emit strong odors or pose a security or safety concern (as THC containing material may). In rare cases, plants may turn into waste if they die because they are unable to thrive or grow properly. Most commonly, plants tend to die or be culled well before they are flowering, so generally they do not possess strong odor or THC material. After plants have finished drying following harvest, the flowering material is removed from the stem and separated. The non-THC containing waste material from the stems is composted and recorded. After a plant has been fully harvested, there may be stalks left in the ground if the whole plant wasn't taken at harvest, and these stems and root balls would also be removed and composted.

If cannabis is determined to be contaminated and or otherwise unsellable, it is composted like the other non-THC containing waste inside of the secure 10'x10' composting area and recorded in METRC.

Composting Site Location and Features

The composting site will be a 10'x10' fenced in area located between two of the terraced flats on the lower section of the project site. Its proposed location is on flat ground that is surrounded by well-established vegetation. The plant material will be collected in a heap in the center of the area.

Water Quality Control Features

The composting area will be located on flat ground in an area surrounded by well-established ground cover utilized to slow the flow of runoff, control erosion, and filtrate any nutrient rich runoff. The nearest watercourse is approximately 170 feet southeast of the composting area.

Odor Control Measures

The cultivation operations will work to reduce the amount of flowering material that may enter the compost by attempting to eliminate contamination or degradation of flowering product that would render it unsellable. Most cannabis flowering product is able to be processed by manufactures, even in the unlikely event that it is contaminated by mold. The cultivator will not use any agricultural products that would contaminate the plants, and will employ a variety of practices that ensure the overall health and quality of the cannabis flower product. The compost will likely consist mainly of vegetative material that is significantly less odorous than flowering product material.

Compost Management Practices

The compost area will be secured by a fence, preventing wildlife from entering the area. Dry hay will be added in addition to the wet cannabis waste as needed in order to achieve a desirable wet to dry ratio of composting materials. As needed and throughout the season, the pile may be turned to ensure even rates of decomposition. The area surrounding the compost area will be maintained free of combustible materials, in an effort to reduce the potential of vulnerability to fire. As the compost breaks down to a point where it is ready for use within the operations, it may be distributed amongst the garden beds as an amendment to the soil prior to plantings. If new best practice measures become available or necessary to implement, the operation will adapt new measures to improve its composting management.