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AGENDA ITEM NO.: 7 (Action Item – Public Hearing)

PLANNING COMMISSION MEETING DATE: January 27, 2020

SUBJECT: Conditional Use Permit (CUP) 2019-16/Inyo Face Cannabis Cultivation

EXECUTIVE SUMMARY

The applicant has applied for a CUP for the cultivation of cannabis on an approximate 2.5-acre parcel located along the Old Spanish Trail Highway in the community of Charleston View, in southeast Inyo County. The project includes the construction of an 18,504-sqft building for the growing, harvesting, dry and curing of cannabis plants. This project has been applied for concurrently with a retail cannabis business to be located on a parcel directly north of the cultivation project.

PROJECT INFORMATION.

Supervisory District: 5

Project Applicant: Inyo Face – Ken Sobel, 2152 Crownhill Road, San Diego 92109

Property Owner: Inyo Face – Ken Sobel, 2152 Crownhill Road, San Diego 92109

Site Address: 800 East Old Spanish Trail Highway

Community: Charleston View

A.P.N.: 048-391-12

General Plan: Residential Rural Medium Density (RRM)

Zoning: Rural Residential with a 2.5-acre minimum (RR-2.5)

Size of Parcel: Approximately 2.5-acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Vacant	Residential Rural Medium Density (RRM)	Rural Residential with a 2.5-acre minimum (RR-2.5)
North	Vacant	Resort Recreational (REC)	Highway Services and Tourist Commercial (C2)
East	Vacant	Resort Recreational (REC)	Open Space with a 40 acre minimum (OS-40)
South	Residential – single family home	Residential Rural Medium Density (RRM)	Rural Residential with a 2.5-acre minimum (RR-2.5)
West	Vacant	Residential Rural Medium Density (RRM)	Rural Residential with a 2.5-acre minimum (RR-2.5)

Staff Recommended Action: **1.) Approve the Conditional Use Permit (CUP) 2019-16/Inyo Face Cannabis Cultivation and certify the Mitigated Negative Declaration under CEQA.**

Alternatives:

- 1.) Deny the CUP.
- 2.) Approve the CUP with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

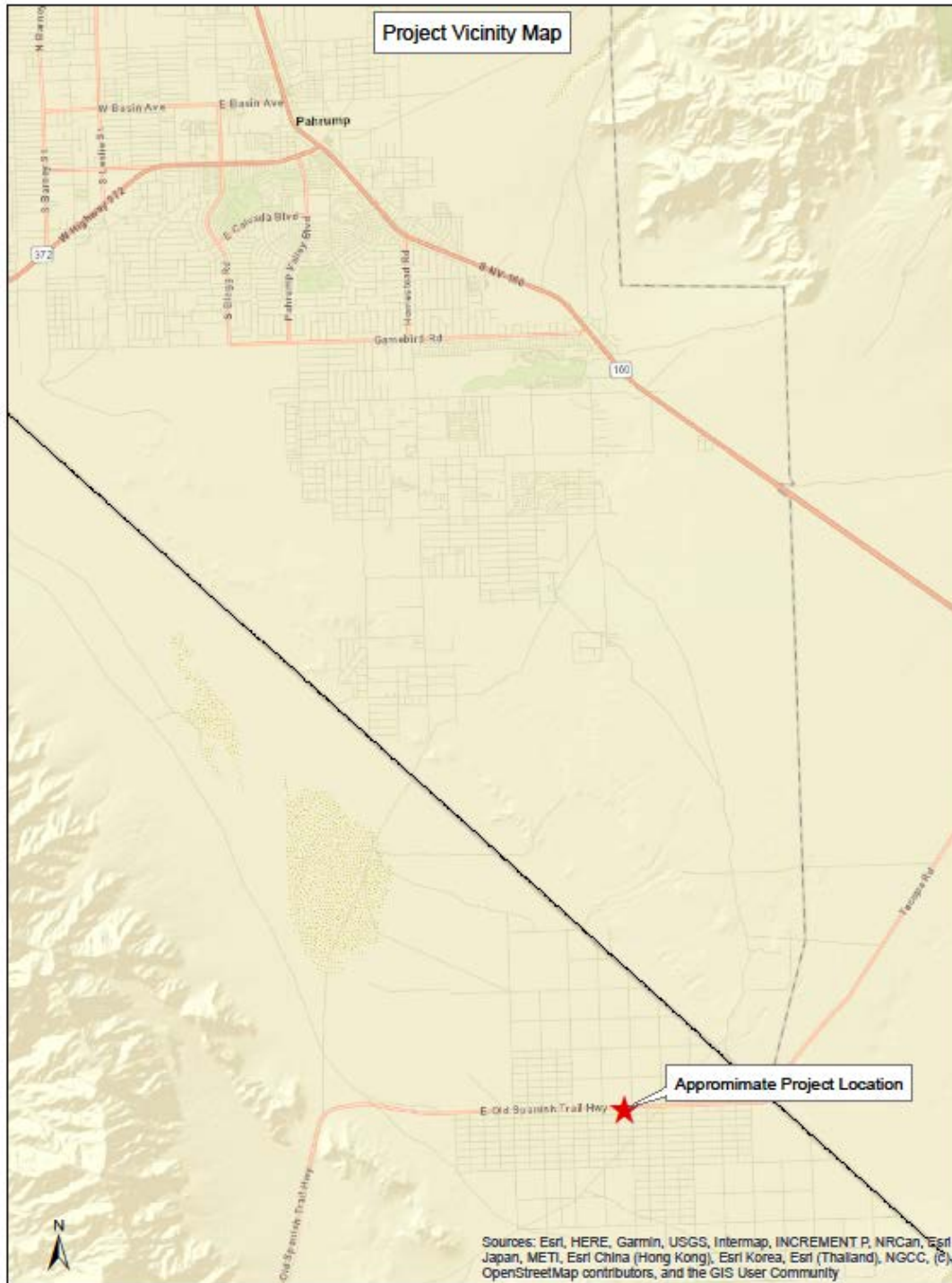
Project Planner: Cathreen Richards

STAFF ANALYSIS

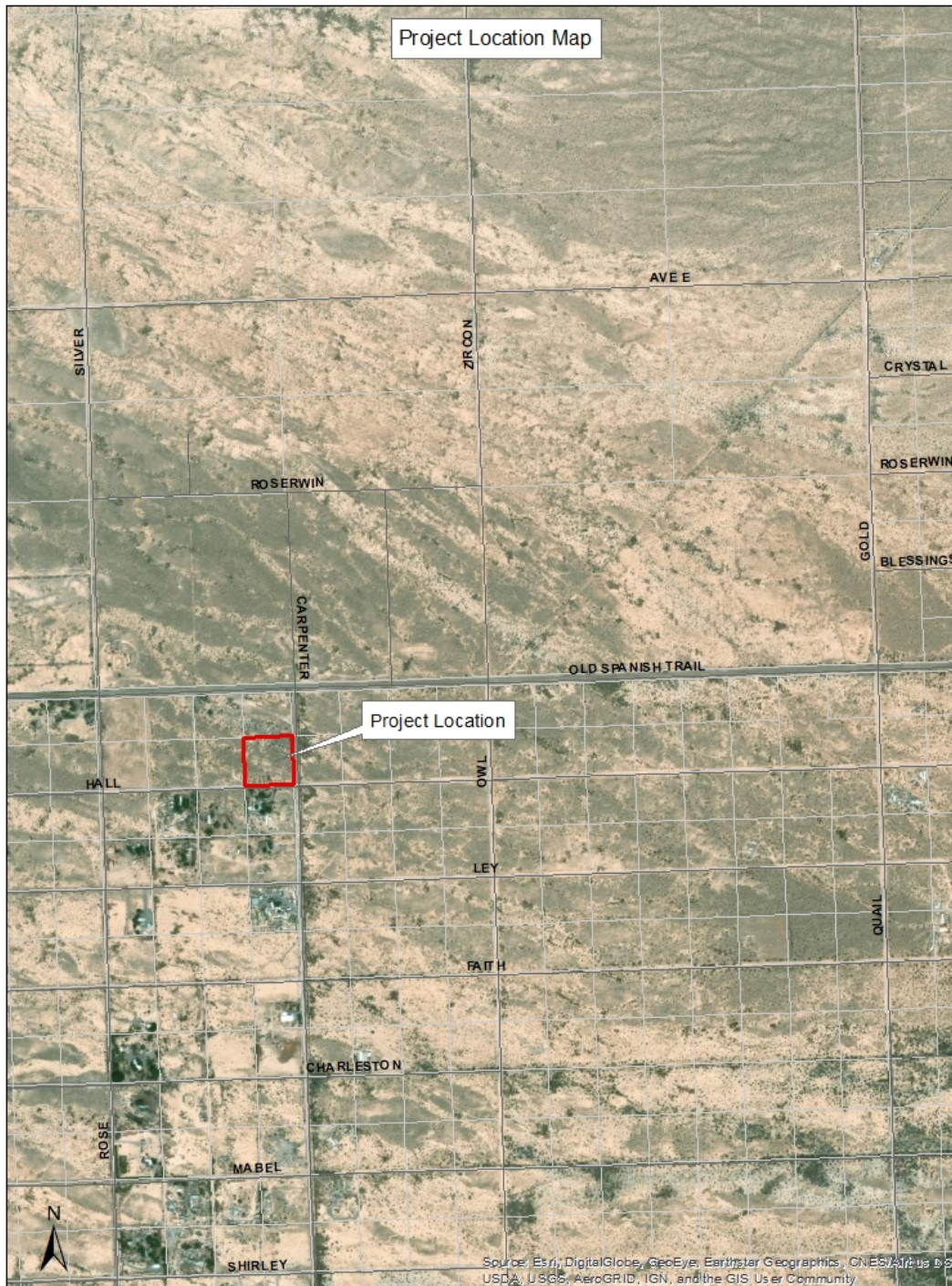
Background and Overview

The applicant has applied for a CUP to operate a commercial cannabis cultivation operation located on the Old Spanish Trail Highway, in the community of Charleston View. This operation proposes to grow, harvest, dry and cure cannabis plants at an approximate 18,500sqft facility at the project site (Site Plan attached). The property is zoned Rural Residential, which allows for cannabis cultivation on parcels 2.5-acres and above in Charleston View, with a CUP. This is a remote area of the County that primarily has open, vacant, land with some scattered residential development. The proposed location is not within 600-feet of a school, daycare, park or library; and therefore, is not prohibited by state or county cannabis exclusion regulations.

Vicinity Map



Project Location



General Plan Consistency

The goal of this project is to allow for a cannabis cultivation operation in a remote part of the County with minimal development. The project is consistent with the General Plan

designation of RRM as it provides for the continuation of the rural characteristics of an area by allowing for a mix of large lot residential, public quasi-public and similar compatible uses. This project is for a type of agriculture that does promote the rural nature of Charleston View as the overall development is minimal. It will employ about 5 people and will not create a significant increase in population. The RRM General Plan designation is compatible with the existing RR zoning designation, which allows for cannabis cultivation in Charleston View. It is also compatible with the General Plan's Conservation and Open Space Element's Goal Agriculture (AG) 1.0: Provide and maintain a viable and diverse agriculture industry in Inyo County. The applicant is proposing to grow cannabis. This activity is consistent with Goal AG 1.0, as it provides for a more diverse agriculture industry than currently exists in the County.

Zoning Ordinance Consistency

The proposed project is a CUP to allow for the commercial cultivation of cannabis. The RR zone allows for commercial cannabis cultivation on parcels 2.5-acres and above in Charleston View, with a CUP. The Rural Residential zone, within its purpose statement, states: single family rural residential and estate type uses where certain agricultural activities can be successfully maintained in conjunction with residential uses on relatively large parcels. This project is agriculture in nature and is on the periphery of residential use activities. The actual growing will take place indoors and the applicant has provided for the setback requirements of the RR zoning district, except in the rear where it is larger (approximately 70-feet). The 70-feet, as well as a local road, between the cannabis cultivation building and the residential property located to the south of it creates a good buffer between the two uses. Cannabis cultivation projects on RR parcels in Charleston View that are 2.5-acres and greater do not have specific setback requirements and it is at the discretion of the Planning Commission to apply more or less in the way of setbacks as they see fit for the particulars of specific projects.

ENVIRONMENTAL REVIEW

Conditional Use Permit 2019-16/Inyo Face-Cultivation is a Mitigated Negative Declaration under CEQA. This project incorporates several mitigation measures (listed below) as conditions of approval for the issuance of the conditional use permit.

TRIBAL CONSULTATION

In compliance with AB 52, SB 18, and Public Resource Code Section 21080.3.1(b), tribes identified as being local to Inyo County, were notified via a certified letter on August 25, 2020 about the project and the opportunity for consultation. The tribes notified were as follows: the Twenty-Nine Palms Band of Mission Indians, Big Pine Paiute Tribe, Bishop Paiute Tribe, Cabazon Band of the Mission Indians, Fort Independence Paiute Tribe, Lone Pine Paiute-Shoshone Tribe, Timbisha Shoshone Tribe, and the Torres Martinez Desert Cahuilla Indians.

None of the Tribes requested consultation.

NOTICING & REVIEW

The application for CUP 2019-16/Inyo Face - Cultivation has been reviewed by the appropriate county departments and no issues were reported. This included reviews by the Environmental Health, Public Works and Road Department and the Inyo/Mono Agricultural Commission.

Public review of the CEQA document was noticed in the Inyo Register and submitted to the State Clearinghouse on December 5, 2020. Comments were received by the California State Water Board – Lahontan; the California Department of Food and Agriculture (CDFA); and the California Department of Fish and Wildlife (CDFW) (Attached). Substantive comments included:

Lahontan Waterboard - regarding wastewater disposal, wastewater from cannabis cultivation cannot be discharged into a septic system. A condition of approval was added that the applicant shall work with Lahontan and the Inyo County Environmental Health Department on a proper wastewater disposal plan prior to attaining a building permit.

CDFW – CDFW provided both substantive and non-substantive comments. Conditions of Approval have been added to address substantive comments. Since biological surveys already conducted found no special status species on the 2-parcels (approximately 5-acres, as shown on the maps provided in the ISMND) and that a large part of these two parcels are highly disturbed, the suggested mitigation measures from CDFW have been somewhat adjusted, these include:

- Burrowing Owl - A pre-construction survey shall be conducted, per CDFW's most recent version of the Staff Report on Burrowing Owl Mitigation, and submitted to the Planning Department for review. If burrowing owls are detected during the surveys a relocation plan will be prepared in consultation with, and approved by CDFW and US Fish and Wildlife.
- Desert Tortoise - A pre-construction survey shall be conducted per the US Fish and Wildlife's Desert Tortoise (Mojave Population) Field Manual and submitted to the Planning Department. If tortoises are detected the applicant shall work with CDFW on appropriate mitigation and/or an Incidental Take Permit.
- Nesting Birds - A pre-construction survey will be conducted for nesting birds, no more than 3-days prior to vegetation clearing or ground disturbance activities, and submitted to the Planning Department. If active nests are found, a Nesting Bird Plan shall be prepared and implemented by a qualified avian biologist, per CDFW requirements and any grubbing or vegetation removal shall occur outside peak nesting season (February 1 – September 1).
- If any special status wildlife species are identified during the pre-construction surveys, a qualified biologist shall conduct an education program for all persons employed or otherwise working on-site that addresses the particular biology and habitats of the species that are present.
- Special Status Plants – A pre-construction survey will be conducted per CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Native Communities, 2018. If any state listed plants are found the applicant shall work with CDFW on appropriate mitigation plans and/or an Incidental Take Permit.

- Artificial Lighting (indoor) – night time indoor lighting shall be blocked to prevent light escape to mitigate possible affects to wildlife.
- Water – based on the biological survey, Section 3.3.6: The project site does not support any jurisdictional waters of the U.S. or State as defined by the US Army Corps of Engineers, CDFW, and the Regional Water Quality Control Board, nor could staff verify an ephemeral stream on the project location, per ESRI California Stream mapping or USGS Topographical maps; therefore, mitigations include that the applicant shall obtain all State, Federal and local permits as required by CDFA for licensing.

None of the comments from the CDFA were related to a specific impact, nor provided particular potential conditions addressing an impact. They have been noted for future reference.

The public hearing for this CUP was noticed on January 9, 2021 in the Inyo Register and mailed to property owners within 1,500-feet of the project location as required by 18.78.360(F). No additional comments have been received to date.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2019-16/Inyo Face – Cannabis Cultivation, with the following Findings and Conditions of Approval:

FINDINGS

1. Based upon the Initial Study and all oral and written comments received, adopt the Mitigated Negative Declaration of Environmental Impact and certify that the provisions of the California Environmental Quality Act have been satisfied.

[Evidence: An Initial Study and Draft Negative Declaration of Environmental Impact were prepared and circulated for public review and comment pursuant to the provisions of the California Environmental Quality Act. The 30-day public comment period ended on January 4, 2021. Comments were received by the Lahontan Water Board and CDFA. Lahontan’s comments included potentially significant environmental impacts regarding wastewater conditions have been added to the project addressing this potential impact to a level of non-significant.]

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Rural Residential Medium Density (RRM).

[Evidence: The goal of this project is to allow for a cannabis cultivation operation in a remote part of the County with minimal development. The project is consistent with the General Plan designation of RRM as it provides for the continuation of the rural characteristics of an area by allowing for a mix of large lot residential, public quasi-public and similar compatible uses. This project is for a type of agriculture that does promote the rural nature of Charleston View as the overall development is minimal. It will employ about 5 people and will not create a significant increase in population. The RRM General Plan designation is

compatible with the existing RR zoning designation, which allows for cannabis cultivation in Charleston View. It is also compatible with the General Plan's Conservation and Open Space Element's Goal Agriculture (AG) 1.0: Provide and maintain a viable and diverse agriculture industry in Inyo County. The applicant is proposing to grow cannabis. This activity is consistent with Goal AG 1.0, as it provides for a more diverse agriculture industry than currently exists in the County.]

3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits cannabis cultivation activities, as a conditional use, in the Rural Residential zone on parcels 2.5-acres or greater in Charleston View.
[Evidence: The proposed project is a CUP to allow for the commercial cultivation of cannabis. The RR zone allows for commercial cannabis cultivation on parcels 2.5-acres and above in Charleston View, with a CUP. The Rural Residential zone, within its purpose statement, states: single family rural residential and estate type uses where certain agricultural activities can be successfully maintained in conjunction with residential uses on relatively large parcels. This project is agriculture in nature and is on the periphery of residential use activities. The actual growing will take place indoors and the applicant has provided for the setback requirements of the RR zoning district, except in the rear where it is larger (approximately 70-feet). The 70-feet, as a well as a local road, between the cannabis cultivation building and the residential property located to the south of it creates a good buffer between the two uses. Cannabis cultivation projects on RR parcels in Charleston View that are 2.5-acres and greater do not have specific setback requirements.]
4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: The General Plan's Economic Development Element states: 'Inyo County's wealth is...highly dependent on a number of activities that occur throughout the County...including grazing, mining, water transportation, and the growing of crops. These activities are expected to continue in the long term, and are expected to remain stable throughout the time horizon of this General Plan.' The applicant has stated that Inyo Face expects to produce cannabis plants that will serve County businesses and consumers, as well as, other markets in the State making this a desirable project with regard to the County's economy.]
5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed conditional use permit is for a commercial cannabis cultivation establishment to operate in a remote, rural, area. It is related to the current and historic rural, agriculture and open space nature of the area and will not cause impacts on transportation or service facilities in the vicinity as the project does not create a significant amount of additional people or vehicles in the area. Parking areas will be located on the project parcel and road facilities are already established in the area and provide access to the property.]

6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
[Evidence: The proposed conditional use permit is to allow for cannabis cultivation. This agricultural use will not change or increase the current level or general type of allowed uses in the Charleston View area. The proposed security plan for Inyo Face – cannabis cultivation was reviewed by the Sheriff's Department as a business license requirement and the project was evaluated by the Southern Inyo Fire District. Neither had any comments of concern; therefore, it has been determined that the project will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]
7. Operating requirements necessitate the Conditional Use Permit for the site.
[Evidence: Cannabis cultivation activities require a conditional use permit per Inyo County Code Section 18.45.030(P) and it is therefore necessary for the operation of Inyo Face, LLC.]

CONDITIONS OF APPROVAL

1. Hold Harmless

The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. CUP 2019-16/Inyo Face – Cannabis Cultivation. The County reserves the right to prepare its own defense.

2. Compliance with County Code

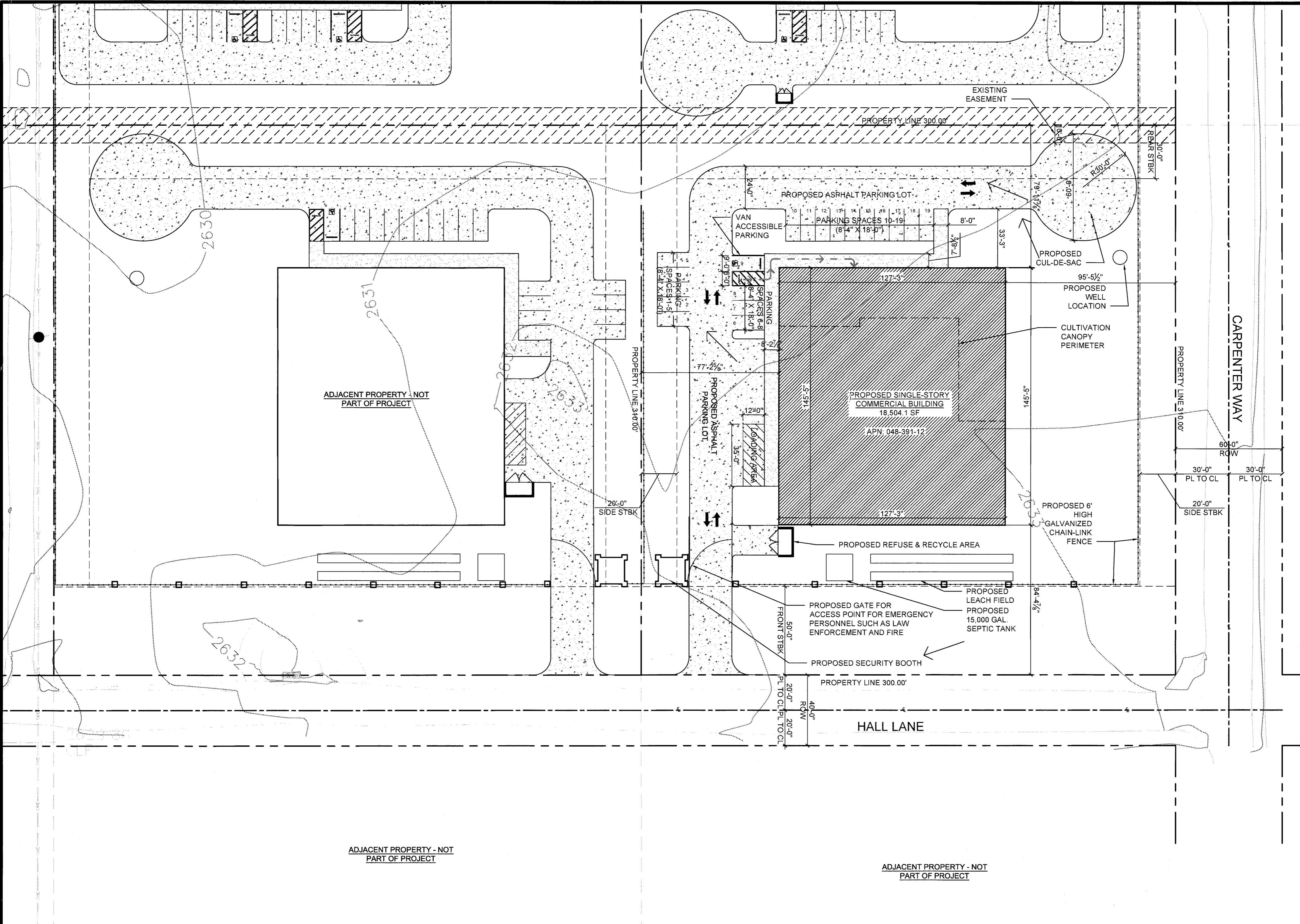
The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations including but not limited to building, grading and public health and safety. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

3. Visual Resources - The applicant shall adhere to Inyo County's General Plan Visual Resources requirement (VIS-1.6-Control of Light & Glare), which requires all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward (i.e., lighting shall not emit higher than a horizontal level) and are fully shielded.
4. Air Quality - The applicant shall follow best management practices to control for dust and odors & will consult with the Great Basin Air Pollution Control District to minimize potential air quality effects during construction and from the Cannabis crop's VOC emissions (Terpenes).

5. Biological

- Burrowing Owl - A pre-construction survey shall be conducted, per CDFW's most recent version of the Staff Report on Burrowing Owl Mitigation, and submitted to the Planning Department for review. If burrowing owls are detected during the surveys a relocation plan will be prepared in consultation with, and approved by CDFW and US Fish and Wildlife.
 - Desert Tortoise - A pre-construction survey shall be conducted per the US Fish and Wildlife's Desert Tortoise (Mojave Population) Field Manual and submitted to the Planning Department. If tortoises are detected the applicant shall work with CDFW on appropriate mitigation and/or an Incidental Take Permit.
 - Nesting Birds - A pre-construction survey will be conducted for nesting birds, no more than 3-days prior to vegetation clearing or ground disturbance activities, and submitted to the Planning Department. If active nests are found, a Nesting Bird Plan shall be prepared and implemented by a qualified avian biologist, per CDFW requirements and any grubbing or vegetation removal shall occur outside peak nesting season (February 1 – September 1).
 - If any special status wildlife species are identified during the pre-construction surveys, a qualified biologist shall conduct an education program for all persons employed or otherwise working on-site that addresses the particular biology and habitats of the species that are present.
 - Special Status Plants – A pre-construction survey will be conducted per CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Native Communities, 2018. If any state listed plants are found the applicant shall work with CDFW on appropriate mitigation plans and/or an Incidental Take Permit.
 - Artificial Lighting (indoor) – night time indoor lighting shall be blocked to prevent light escape that may affect wildlife.
 - Water – The applicant shall obtain all State, Federal and local permits regarding Lake or Stream bed alteration, as required by CDFA for licensing.
6. Wastewater - The applicant shall provide evidence that a proper wastewater plan for the project is in place prior to obtaining a building permit, approved by the County Environmental Health Department. Per the Lahontan Waterboard, the plan shall show that either:
1. Wastewater will be collected in a sealed container and hauled for disposal at a permitted facility; or,
 2. Separate regulatory authorization is obtained for onsite disposal of the cannabis wastewater by enrollment under the Small Industrial General Order. Disposal to land is prohibited unless this authorization is obtained.
7. Environmental Health - The applicant shall consult with the County Environmental Health Department and follow any regulations provided for by them regarding well and septic development.

- The applicant shall prepare a plan approved by the County Environmental Health Department for any possible pesticide and fertilizer use for the cultivation activities.
- 8.** Public Works - Prior to ground disturbing activities, the applicant shall work with the County Public Works Department and/or Building and Safety on a grading plan to ensure best management practices, for proper water drainage that meets all applicable state and federal regulations, are in place.



ADJACENT PROPERTY - NOT PART OF PROJECT

ADJACENT PROPERTY - NOT PART OF PROJECT

Comments

From: InyoPlanning
Sent: Monday, December 21, 2020 12:03 PM
To: Cathreen Richards
Subject: FW: Conditional Use Permit (CUP) 2019-16/Inyo Face - Cannabis Cultivation

From: Bindl, Kathleen@Waterboards [mailto:Kathleen.Bindl@waterboards.ca.gov]
Sent: Monday, December 21, 2020 11:52 AM
To: InyoPlanning
Subject: Conditional Use Permit (CUP) 2019-16/Inyo Face - Cannabis Cultivation

CAUTION: This email originated from outside of the Inyo County Network. DO NOT click links or open attachments unless you recognize and trust the sender. Contact Information Services with questions or concerns.

Good afternoon,

Thank you for the opportunity to comment on the (CUP) 2019-16/Inyo Face - Cannabis Cultivation. The project proposes an indoor cannabis cultivation facility. My comment is in regards to the disposal of cannabis cultivation wastewater at the site.

Cannabis cultivation wastewater is prohibited from being discharged to a septic tank, due to the potential to contaminate groundwater. Cannabis wastewater includes irrigation runoff, wastewater from water filtration such as a reverse osmosis system, or any other wastewater produced during cultivation activities.

There are two options for alternative wastewater disposal

1. Wastewater may be collected in a sealed container and hauled for disposal at a permitted facility or
2. Separate regulatory authorization may be obtained for onsite disposal of the cannabis wastewater by enrollment under the Small Industrial General Order. Disposal to land is prohibited unless this authorization is obtained.

Thank you for your consideration of the above comment.

Kathleen

Kathleen Bindl | Environmental Scientist
Cannabis Regulatory Unit
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd, South Lake Tahoe, CA 96150
Direct 530.542.5487 | Main 530.542.5400



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd. Ste. C-220
Ontario, CA 91762
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



January 04, 2021
Sent via email

Cathreen Richards
Planning Director
Inyo County Planning Department
168 North Edwards St.
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Independence, CA 93526

Inyo Face Cannabis Retail and Cultivation (Project)
Initial Studies and Draft Mitigated Negative Declarations (IS/MNDs)
SCH#s 2020120074 and 2020120075

Dear Cathreen:

The California Department of Fish and Wildlife (CDFW) received two Notices of Intent to Adopt an MND from Inyo County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife; CDFW appreciates the opportunity to respond to both Draft IS/MNDs in one letter. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Inyo Face, LLC.

Project Description: A complete project description is not provided in the Draft IS/MNDs. The Project consists of cannabis cultivation and a retail cannabis business to be located on the parcel directly north of the cannabis cultivation. Although there are separate Draft IS/MNDs for the cultivation and retail businesses, they rely on a single Biological Resources Report and the content of Section IV Biological Resources (p 8) of the Draft IS/MNDs is identical. Therefore, CDFW is commenting on both Draft IS/MNDs in this letter. According to the two Draft IS/MNDs, construction is proposed for a 1,335 sq.ft. retail cannabis store that is 13-feet 6-inches in height and an 18,504 sq.ft. cannabis cultivation and processing building that is 22-feet in height on two adjacent parcels.

According to the Biological Resources Report (accessed at the Inyo County website, <https://www.inyocounty.us/services/planning-department/current-projects>), the Project would consist of one single-story commercial building, parking lots, a secure staging area, and landscaping. Access to the site would be from East Old Spanish Trail Highway, with emergency access from Hall Lane. Utility access will be provided from East Old Spanish Trail Highway, water will be from a proposed well, and sewage will be handled with an on-site septic system.

Location: 800 East Old Spanish Trail Highway in the unincorporated community of Charleston View of southeastern Inyo County. APNs 048-391-05-00 and 048-391-12-00. 35°58'15.61"N, 115°53'44.26"W. The Project parcels are bordered on the North by East Old Spanish Trail Highway, on the East by Carpenter Rd, on the South by Hall Ln. and on the West by two additional parcels planned for later development by the same project proponent. The area around the Project consists primarily of open desert land with a few single-family homes and graded roads. The Project site is located within the Stump Springs-Calvada Springs watershed, in an alluvial basin which drains towards a dry lakebed in the lower Pahrump Valley. The Project location is approximately 20 miles East of Tecopa and 45 miles West of Las Vegas, NV.

Timeframe: No timeframe given in the Draft IS/MNDs.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Inyo County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. CDFW is also concerned that potential cannabis related biological impacts and corresponding mitigation are not identified in the Draft IS/MNDs.

In addition to the sections below, CDFW is concerned with the lack of detail in the Project descriptions provided in the Draft IS/MNDs, the lack of a clear site diagram that shows where on the parcels planned construction will take place, as well as conflicting Project descriptions in the Draft IS/MNDs and the Biological Resources Report. The Project descriptions do not provide enough information to fully assess potentially significant impacts. The Draft IS/MNDs do not mention parking, driveways, fencing, paving, utility installation, drainage plans, landscaping, or other Project infrastructure. Additionally, no timeline for construction and implementation of the Project was given in the Draft IS/MNDs. If the start date for Project activities is delayed, the biological assessment and surveys could be outdated and site conditions may have changed when the Project begins. CDFW generally considers survey results valid for one year. To evaluate the project impacts on biological resources, CDFW requests that the Draft IS/MNDs is revised to include a detailed project description addressing the above comments including a detailed site map and a project timeline.

CDFW is concerned that mitigation was deferred in the Draft IS/MNDs. Section IV Biological Resources (p 8) of the Draft IS/MNDs states that impacts to species identified as a candidate, sensitive, or special status species will be less than significant only with mitigation incorporation, but no mitigation measures have been provided. CDFW requests that specific mitigation measures are included in the Draft IS/MNDs prior to adoption of the MNDs.

ASSESSMENT OF IMPACTS ON BIOLOGICAL RESOURCES

California Endangered Species Act (CESA)

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate species of plant and animal species, pursuant to CESA. CDFW recommends that an incidental Take Permit (ITP) be obtained if the Project has potential to "take" (California Fish and Game Code Section 86 defines "take" as hunt, pursue, catch, capture, or kill or attempt to hunt, pursue, catch, capture, or kill) state-listed CESA species, either through construction or over the life of the property. CESA ITPs are issued to protect, conserve, enhance, and restore state-listed CESA species and their habitats.

Biological Surveys

A general biological survey was conducted from 1500-1800 on April 14, 2020 and from 1500-1500 (zero hours) on April 15, 2020 (Biological Resources Report, Table 1, p 6) on

the 9.65-acre site. A single biologist cannot reasonably be expected to complete focused, protocol-level surveys for burrowing owl, desert tortoise, nesting birds, and rare plants, nor adequately survey 9.65 acres for all species in one three-hour general survey. CDFW is concerned about the adequacy of the biological surveys to identify fish and wildlife resources on the Project site and requests biological surveys be conducted as specified in proposed mitigation measures BIO-1 through BIO-4 below.

Burrowing Owl (*Athene cunicularia*)

The Draft IS/MNDs conclude, based on the biological survey completed, that there is potential for burrowing owl to occur on the Project site (p 9). According to the Biological Resources Report (p 14), “Approximately 9.65 acres of suitable burrowing and wintering habitat for burrowing owl is present and impacts to breeding individuals could occur if the species begins to use the site during the breeding season. Impacts to wintering and breeding individuals would be considered significant.” CDFW recommends that focused surveys be conducted, as the general biological surveys completed in April of 2020 are not adequate to assess current burrowing owl presence on the parcel. The Biological Resources Report (Table 1, p 6) establishes that the surveys conducted by RECON Environmental, Inc. biologist Jason R. Sundberg did not follow the protocol established by the CDFW *Staff Report on Burrowing Owl Mitigation* (2012). The survey was completed before the recommended peak breeding season window (April 15 through July 15) for breeding season surveys; the surveys were not conducted at least three weeks apart; and the surveys were conducted by a single biologist over 9.65 acres in only 3 hours while completing surveys for other biological resources such as desert tortoise and rare plants. CDFW requests that focused burrowing owl surveys be conducted according to the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version; <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>).

Preconstruction surveys are also required because suitable burrowing owl habitat was confirmed on site. Preconstruction surveys should also be conducted using the *Staff Report on Burrowing Owl Mitigation* (2012). CDFW recommends that the following mitigation measure be added to the Draft IS/MNDs:

MM BIO-1: Suitable burrowing owl habitat has been confirmed on the site, therefore focused burrowing owl surveys shall be conducted in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). If the focused burrowing owl surveys detect active burrowing owl burrows outside the breeding season (September 1 through January 31), or within the breeding season (February 1 through August 31) but owls are not nesting or in the process of nesting, active and/or passive relocation may be conducted following consultation with CDFW and U.S. Fish and Wildlife Service (USFWS). A relocation plan will be required by CDFW and USFWS if active and/or passive relocation is necessary. The relocation plan will outline the basic process and provide options for avoidance and mitigation, identify short- and long-term habitat management needs of the receiver site, and identify the entity responsible for all financial costs associated

with the relocation plan and long-term management of the receiver site.

Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version).

Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with USFWS and CDFW to conduct an impact assessment to develop avoidance, minimization, and mitigation measures to be approved by CDFW prior to commencing Project activities.

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for proposed MM BIO-1. The draft MMRP with MM BIO-1 through MM BIO-8 is enclosed as Attachment 1 at the end of this letter.

Desert Tortoise (*Gopherus agassizii*)

Desert tortoises are listed as Threatened under CESA and the Draft IS/MNDs concludes that there is potential for desert tortoise to occur on the Project site (p 9). According to the Biological Resources Report (p 14), "Approximately 9.65 acres of suitable foraging habitat for desert tortoise is present and impacts could occur if the species begins to use the site. Impacts to individuals and their habitat would be considered significant." A general biological survey for multiple species, including desert tortoise, was conducted over the course of three hours by RECON Environmental, Inc. biologist Jason R. Sundberg on April 14 and 15, 2020 on the Project site. While no evidence of living tortoises was found at that time, the Project site occurs within the Eastern Mojave Recovery Unit (USFWS 2011; Biological Resources Report, p 12). With average temperatures in the high 50s and low 60s Fahrenheit, desert tortoise may not have been very active in the weeks preceding the surveys. The most recent update to USFWS *Mojave Desert Tortoise Pre-project Survey Protocol* states, "The most effective way to estimate abundance of tortoises is to conduct surveys when tortoises are most active" (USFWS 2018). Given the potential for desert tortoise to be found on the site during the life of the Project, CDFW requests that a qualified biologist conduct a protocol level survey according to the USFWS Desert Tortoise (Mojave Population) Field Manual. CDFW recommends the following mitigation measure be added to the Draft IS/MNDs:

MM BIO-2: A qualified biologist shall conduct a protocol level presence or absence survey no more than 14 days prior to initiating Project activities in accordance with procedures described in Chapter 6 of the US Fish and Wildlife Service Desert Tortoise (Mojave Population) Field Manual. In addition, the survey shall utilize perpendicular survey routes and 100-percent visual coverage of the Project area and 50-foot buffer zone for desert tortoise and their sign. If the survey confirms absence,

a qualified biological monitor shall remain on-site during all Project activities to confirm desert tortoise do not enter the Project site. If the survey confirms presence, the Project Proponent shall obtain an Incidental Take Permit (ITP) for desert tortoise prior to the start of Project activities. If the biological monitor during the life of the Project encounters a desert tortoise, work shall be suspended, and the Project Proponent shall obtain an ITP for the species prior to the restarting Project activities.

Nesting Birds

The Draft IS/MNDs proposes no mitigation measures to avoid or minimize potentially significant impacts to nesting birds. CDFW is concerned that although the Draft IS/MNDs mentions a general preconstruction survey (p 9), no timing or details are provided and it is unclear if the survey would include nesting birds. CDFW requests that preconstruction nesting bird surveys be conducted and recommends that the following mitigation measure be added to the Draft IS/MND:

MM BIO-3: Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal shall occur outside peak breeding season (February 1 through September 1).

Special Status Plants

The Draft IS/MNDs should include measures to fully avoid and otherwise protect rare and sensitive plant species from Project related direct and indirect impacts. Plants constituting California Rare Plant Ranks 1A, 1B, 2A, and 2B generally meet the criteria of a CESA-listed species and should be considered as an endangered, rare or threatened species for the purposes of CEQA analysis. According to a California Natural Diversity Database (CNDDDB) query using BIOS mapping software, Goodding's phacelia (*Phacelia pulchella* var. *gooddingii*, CNPS 2B.2 plant species), Nye milk-vetch (*Astragalus nyensis*, CNPS 1B.1 plant species), and gravel milk-vetch (*Astragalus sabulonum*, CNPS

2B.2 plant species) are likely to occur within or near to the Project site. CDFW recommends that the Draft IS/MNDs include information describing how the Project will avoid impacts to these species.

After reviewing the Biological Resources Attachment 3 (Sensitive Plant Species Observed or with the Potential to Occur), CDFW is concerned with the presumption of low likelihood of occurrence for many sensitive plant species in the project area. CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (2018 or most recent version; <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>) states, "The failure to locate a known special status plant occurrence during one field season does not constitute evidence that this plant occurrence no longer exists at this location, particularly if adverse conditions are present." CDFW is concerned that the rare plant survey was not conducted properly as it took place as part of a general biological survey over the span of three hours across 9.65 acres by a single biologist. CDFW requests that a thorough assessment of special status plant species and communities be conducted prior to Project activities. CDFW recommends the following mitigation measure be included in the Draft IS/MNDs:

MM BIO-4: A thorough floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW 2018) or most recent version shall be performed by a qualified biologist prior to commencing Project activities. Should any state-listed plant species be present in the Project Area, the Project Proponent shall obtain an ITP for those species prior to the start of Project activities. Should other special status plants or natural communities be present in the Project Area, a qualified restoration specialist shall assess whether perennial species may be successfully transplanted to an appropriate natural site or whether on-site or off-site conservation is warranted to mitigate Project impacts. If successful transplantation of perennial species is determined by a qualified restoration specialist, the receiver site shall be identified, and transplantation shall occur at the appropriate time of year. Additionally, the qualified restoration specialist shall perform seed collection and dispersal from special status annual plant species to a natural site as a conservation strategy to minimize and mitigate Project impacts. If these measures are implemented, monitoring of plant populations shall be conducted annually for 5 years to assess the mitigation's effectiveness. The performance standard for mitigation shall be no net reduction in the size or viability of the local population.

Pesticides, Including Fungicides, Herbicides, Insecticides, and Rodenticides

Cannabis cultivation sites (whether indoor or outdoor) often use substantial quantities of pesticides, including fungicides, herbicides, insecticides, and rodenticides. Wildlife, including beneficial arthropods, birds, mammals, amphibians, reptiles, and fish, can be poisoned by pesticides after exposure to a toxic dose through ingestion, inhalation, or

dermal contact (Fleischli et al. 2004, Pimentel 2005, Berny 2007). They can also experience secondary poisoning through feeding on animals that have been directly exposed to the pesticides. (Even if used indoors, pesticides such as rodenticides may result in secondary poisoning through ingestion of sickened animals that leave the premises or ingestion of lethally poisoned animals that are disposed of outside.) Even nonlethal doses of pesticides can negatively affect wildlife; pesticides can compromise immune systems, cause hormone imbalances, affect reproduction, and alter growth rates of many wildlife species (Pimentel 2005, Li and Kawada 2006, Relyea and Diecks 2008, Baldwin et al. 2009).

CDFW recommends minimizing use of synthetic pesticides, and, if they are used, to always use them as directed by the manufacturer, including proper storage and disposal. Toxic pesticides should not be used where they may pass into waters of the state, including ephemeral streams, in violation of Fish and Game Code section 5650(6). Anticoagulant rodenticides and rodenticides that incorporate “flavorizers” that make the pesticides appetizing to a variety of species should not be used at cultivation sites. Alternatives to toxic rodenticides may be used to control pest populations at and around cultivation sites, including sanitation (removing food sources such as pet food, cleaning up refuse, and securing garbage in sealed containers), and physical barriers (e.g., sealing holes in roofs and walls). Snap traps should not be used outdoors as they pose a hazard to nontarget wildlife. Sticky or glue traps should be avoided altogether as these pose a hazard to nontarget wildlife and result in a prolonged/inhumane death. In addition, the California Department of Pesticide Regulation (CDPR) stipulates that pesticides must certain criteria to be legal for use on cannabis. For details, visit: <https://www.cdpr.ca.gov/docs/cannabis/questions.htm> and <https://www.cdpr.ca.gov/docs/county/cacltrs/penfltrs/penf2015/2015atch/attach1502.pdf>. The Draft IS/MND states that pesticides may be used in the cultivation process, therefore CDFW recommends the following mitigation measure:

MM BIO-5: Prior to construction and issuance of any grading permit, Inyo Face, LLC shall develop a plan, to be approved by Inyo County, with measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage, and disposal of pesticides, in accordance with manufacturers’ directions and warnings. (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams. (3) Avoidance of pesticides that cannot be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation. (4) Avoidance of anticoagulant rodenticides and rodenticides with “flavorizers”. (5) Avoidance of sticky/glue traps. (6) Inclusion of alternatives to toxic rodenticides, such as sanitation (removing food sources such as pet food, cleaning up refuse, and securing garbage in sealed containers), and physical barriers.

Artificial Light

Cannabis cultivation operations often use artificial lighting or “mixed-light” techniques in indoor operations to increase yields. If not disposed of properly, these lighting materials pose significant environmental risks because they contain mercury and other toxins (O’Hare et al. 2013). In addition to containing toxic substances, artificial lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication (e.g., birdsong; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavioral thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Phototaxis, a phenomenon that results in attraction and movement toward light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004). The Draft IS/MNDs do not address light usage on the Project, but typical cannabis projects include use of artificial light for nighttime function and security lighting. CDFW recommends the following mitigation measure:

MM BIO-6: Light shall not be visible outside of any structure used for cannabis cultivation. Employ blackout curtains where artificial light is used to prevent light escapement. Eliminate all nonessential lighting from cannabis sites and avoid or limit the use of artificial light during the hours of dawn and dusk, as these windows of time are when many wildlife species are most active. Ensure that lighting for cultivation activities and security purposes is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.

Role of Lake and Streambed Alteration (LSA) Program in Cannabis Licensing

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may adversely impact any river, stream, or lake. An unnamed ephemeral stream has been mapped on the Project site using ArcGIS software and County Waterboard data, and according to the biological survey the soil is primarily made of alluvium which is evidence of water flow across the parcels. The California Department of Food and Agriculture (CDFA) requires cannabis cultivators to demonstrate compliance with Fish and Game Code section 1602 prior to issuing a cultivation license (Business and Professions Code, § 26060.1). To qualify for an Annual License from CDFA, cultivators must have an LSA Agreement or written verification from CDFW that one is not needed. Cannabis cultivators may apply online for an LSA Agreement through the Environmental Permit Information Management System (EPIMS; <https://epims.wildlife.ca.gov>). Cannabis cultivators may learn more about cannabis cultivation permitting at <https://wildlife.ca.gov/Conservation/Cannabis/Permitting>. CDFW recommends the following mitigation measure:

MM BIO-7: Prior to construction and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

Employee Awareness of Wildlife Resources

CDFW is concerned that large development projects in this area of Inyo County could have lasting impacts on local wildlife and plant species. The area surrounding the Project is primarily open land, thus Project development will bring biological hazards common to urban-wildland interface areas. Waste management must be a priority as accessible waste can encourage opportunistic species such as rats, ravens, and coyotes to become more prevalent, posing a substantial predation hazard to wildlife. Predators like ravens (reported as present in the general biological survey) and coyotes (likely to occur in the area) are both known to prey on desert tortoise. Waste management plans should include waste receptacles with closing, lockable lids and a waste removal schedule that does not allow for excess waste to accrue. Increased traffic may also pose a hazard to species in the form of vehicle-animal collisions which often lead to the death of the animal. For slow moving species like desert tortoise, busy roads in their territory can have a significant impact on populations.

Project activities, including construction and routine work for the life of the Project, will affect local wildlife. Part of the Project Proponent's responsibility is to educate individuals that will be on-site, whether they are employees of Inyo Face, LLC. or contractors, on the wildlife species that may be present and how to limit impacts to wildlife species in the area. CDFW recommends that the following Employee Education Program be added to the Draft IS/MNDs as a mitigation measure:

MM BIO-8: A qualified biologist shall conduct an education program for all persons employed or otherwise working on the Project site prior to performing any work on-site. The program shall consist of a presentation that includes a discussion of the biology of the habitats and species that may be present at the site. The qualified biologist shall also include as part of the education program information about the distribution and habitat needs of any special status species that may be present, legal protections for those species, penalties for violations, and mitigation measures. The Employee Education Program should include, but not be limited to: (1) Best practices for managing waste and reducing activities that can lead to increased occurrences of opportunistic species and the impacts these species can have on wildlife in the area, (2) Protected species that have the potential to occur on the Project site including desert tortoise, burrowing owl, rare and sensitive plants, and nesting birds, and (3) The location of the

ephemeral stream that crosses from the east to the northwest side of the parcels and the importance of ensuring that no refuse or pollution enters the streambed habitat. Interpretation shall be provided for any non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing any work on-site.

Hydrology and Water Quality

The Draft IS/MNDs do not fully address impacts to hydrological and water resources during construction and for the life of the Project. Impacts to these resources could directly or indirectly impact local wildlife species and ecosystem function. Regarding impacts to surface or ground water quality (Section X, Hydrology and Water Quality, subsection (a), p 12) Inyo Face, LLC. defers to later coordination to determine NPDES/SWPPP needs. The Draft IS/MNDs should include information on their proposed SWPPP and Best Management Practices. For groundwater management (Section X, Hydrology and Water Quality, subsection (b), p 12) no specific hydrological data on groundwater at the site or a well analysis is provided; this is of particular concern for the cannabis cultivation portion of the Project. Regarding site drainage impacts, the Draft IS/MNDs (Section X, Hydrology and Water Quality, subsection (c), p 13) find that the Project will be constructed on an area that is virtually flat and not in proximity to any streams. As mentioned in the above LSA section of this letter, there is a mapped ephemeral stream that crosses the Project site. Also, increasing the impermeable area of the site poses concerns for increased runoff and decreased drainage. The Draft IS/MNDs (Section X, Hydrology and Water Quality, subsection (c), p 13) state that "In the unlikely event issues are found at pre-construction, they will be addressed during building review." CDFW is concerned about the deference of drainage plans or mitigation measures and recommends that prior to adoption of the MND Inyo Face, LLC should work with the appropriate entities to develop plans to avoid, minimize, and mitigate impacts to hydrological and water resources.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the

Cathreen Richards, Planning Director
Inyo County
January 04, 2021
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Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND for Inyo Face, LLC. to assist Inyo County in identifying and mitigating Project impacts on biological resources. CDFW has assessed the Draft IS/MNDs and found that they do not adequately identify or mitigate for all of this Project's impacts on biological resources. CDFW recommends that prior to the adoption of this MND, Inyo County revise the document to include a more complete project description and assessment of impacts to biological resources on the Project parcels and adjacent parcels, as well as appropriate avoidance, minimization, and mitigation measures.

Questions regarding this letter or further coordination should be directed to Kevin Francis, Environmental Scientist at (909) 239-0895 or Kevin.Francis@wildlife.ca.gov, or to Marissa Caringella, Senior Environmental Scientist (Specialist) at (909) 544-1177 or Marissa.Caringella@wildlife.ca.gov.

Sincerely,

DocuSigned by:

DF423498814B441...

For
Scott Wilson
Environmental Program Manager I

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec: HCPB CEQA Program
Habitat Conservation Planning Branch
CEQAcommentletters@wildlife.ca.gov

Office of Planning and Research
State Clearinghouse, Sacramento
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Kevin Francis, Environmental Scientist
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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation Measure	Schedule	Responsible Party
<p>MM BIO-1: Burrowing Owl Surveys Suitable burrowing owl habitat has been confirmed on the site, therefore focused burrowing owl surveys shall be conducted in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version). If the focused burrowing owl surveys detect active burrowing owl burrows outside the breeding season (September 1 through January 31), or within the breeding season (February 1 through August 31) but owls are not nesting or in the process of nesting, active and/or passive relocation may be conducted following consultation with CDFW and U.S. Fish and Wildlife Service (USFWS). A relocation plan will be required by CDFW and USFWS if active and/or passive relocation is necessary. The relocation plan will outline the basic process and provide options for avoidance and mitigation, identify short- and long-term habitat management needs of the receiver site, and identify the entity responsible for all financial costs associated with the relocation plan and long-term management of the receiver site.</p> <p>Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version). Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with USFWS and CDFW to conduct an impact assessment to develop avoidance, minimization, and mitigation measures to be approved by CDFW prior to commencing Project activities.</p>	<p>Focused Surveys: Breeding Season Surveys: 1 survey prior to breeding season and 3 surveys during breeding season spaced at least 3 weeks apart. Non-breeding Season Surveys: At least 4 surveys evenly spread throughout the non-breeding season. Pre-construction Surveys: No less than 14 days prior to start of any Project activities and within 24 hours prior to ground disturbance.</p>	<p>Inyo Face, LLC.</p>
<p>MM BIO-2: Desert Tortoise A qualified biologist shall conduct a protocol level presence or absence survey no more than 14 days prior to initiating Project activities in accordance with procedures described in Chapter 6 of the US Fish and Wildlife Service Desert Tortoise (Mojave Population) Field Manual. In addition, the survey shall utilize perpendicular survey routes and 100-percent visual coverage of the Project area and 50-foot buffer zone for desert tortoise and their sign. If the survey confirms absence, a qualified biological monitor shall remain on-site during all Project activities to confirm desert tortoise do not enter the Project site. If the survey confirms presence, the Project Proponent shall obtain an Incidental Take Permit (ITP) for desert tortoise prior to the</p>	<p>No more than 14 days prior to beginning any Project activities. Ongoing throughout Project activities.</p>	<p>Inyo Face, LLC.</p>

<p>start of Project activities. If the biological monitor during the life of the Project encounters a desert tortoise, work shall be suspended, and the Project Proponent shall obtain an ITP for the species prior to the restarting Project activities.</p>		
<p>MM BIO-3: Nesting Birds Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal shall occur outside peak breeding season (February 1 through September 1).</p>	<p>Within 3 days of beginning any vegetation clearing or ground disturbing activities.</p>	<p>Inyo Face, LLC.</p>
<p>MM BIO-4: Special Status Plants A thorough floristic-based assessment of special status plants and natural communities, following CDFW's <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities</i> (CDFW 2018) or most recent version shall be performed by a qualified biologist prior to commencing Project activities. Should any state-listed plant species be present in the Project Area, the Project Proponent shall obtain an ITP for those species prior to the start of Project activities. Should other special status plants or natural communities be present in the Project Area, a qualified restoration specialist shall assess whether perennial species may be successfully transplanted to an appropriate natural site or whether on-site or off-site conservation is warranted to mitigate Project impacts. If successful transplantation of perennial species is determined by a qualified restoration specialist, the receiver site shall be identified, and transplantation shall occur at the appropriate time of year. Additionally, the qualified restoration specialist shall perform seed collection and dispersal from special status annual plant species to a natural site as a conservation strategy to minimize</p>	<p>Prior to construction and issuance of any grading permit. Ongoing throughout Project activities.</p>	<p>Inyo Face, LLC.</p>

<p>and mitigate Project impacts. If these measures are implemented, monitoring of plant populations shall be conducted annually for 5 years to assess the mitigation’s effectiveness. The performance standard for mitigation shall be no net reduction in the size or viability of the local population.</p>		
<p>MM BIO-5: Pesticides Prior to construction and issuance of any grading permit, Inyo Face, LLC shall develop a plan, to be approved by Inyo County, with measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage, and disposal of pesticides, in accordance with manufacturers’ directions and warnings. (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams. (3) Avoidance of pesticides that cannot be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation. (4) Avoidance of anticoagulant rodenticides and rodenticides with “flavorizers”. (5) Avoidance of sticky/glue traps. (6) Inclusion of alternatives to toxic rodenticides, such as sanitation (removing food sources such as pet food, cleaning up refuse, and securing garbage in sealed containers), and physical barriers.</p>	<p>Prior to construction and issuance of any grading permit.</p>	<p>Inyo Face, LLC.</p>
<p>MM BIO-6: Artificial Light Light shall not be visible outside of any structure used for cannabis cultivation. Employ blackout curtains where artificial light is used to prevent light escapement. Eliminate all nonessential lighting from cannabis sites and avoid or limit the use of artificial light during the hours of dawn and dusk, as these windows of time are when many wildlife species are most active. Ensure that lighting for cultivation activities and security purposes is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.</p>	<p>Ongoing throughout Project activities.</p>	<p>Inyo Face, LLC.</p>
<p>MM BIO-7: LSA Program Prior to construction and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</p>	<p>Prior to construction and issuance of any grading permit.</p>	<p>Inyo Face, LLC.</p>

<p>MM BIO-8: Employee Education Program A qualified biologist shall conduct an education program for all persons employed or otherwise working on the Project site prior to performing any work on-site. The program shall consist of a presentation that includes a discussion of the biology of the habitats and species that may be present at the site. The qualified biologist shall also include as part of the education program information about the distribution and habitat needs of any special status species that may be present, legal protections for those species, penalties for violations, and mitigation measures. The Employee Education Program should include, but not be limited to: (1) Best practices for managing waste and reducing activities that can lead to increased occurrences of opportunistic species and the impacts these species can have on wildlife in the area (2) Protected species that have the potential to occur on the Project site including desert tortoise, burrowing owl, rare and sensitive plants, and nesting birds, and (3) The location of the ephemeral stream that crosses from the east to the northwest side of the parcels and the importance of ensuring that no refuse or pollution enters the streambed habitat. Interpretation shall be provided for any non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing any work on-site.</p>	<p>Prior to any person performing work on-site. Ongoing throughout Project activities.</p>	<p>Inyo Face, LLC.</p>
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December 22, 2020

Inyo County Planning Department
Cathreen Richards
Post Office Drawer L
Independence, CA 93526
email: inyoplanning@inyocounty.us

Subject: Initial Study/Mitigated Negative Declaration (SCH#2020120075) –
Conditional Use Permit 2019-16/Inyo Face – Cannabis Cultivation

Dear Ms. Richards:

Thank you for providing the California Department of Food and Agriculture (CDFA) CalCannabis Cultivation Licensing Division (CalCannabis) the opportunity to comment on the Initial Study/ Mitigated Negative Declaration (IS/MND) (SCH#2020120075) prepared by Inyo County for the proposed Conditional Use Permit 2019-16/Inyo Face – Cannabis Cultivation (Proposed Project).

CDFA has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California. CDFA issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries and cannabis processor facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a)(2).) All commercial cannabis cultivation within California requires a cultivation license from CDFA. For a complete list of all license requirements, including CalCannabis Licensing Program regulations, please visit: [https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text 01162019 Clean.pdf](https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text%201162019%20Clean.pdf).

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



CDFA offers the following comments concerning the IS/MND.

General Comments (GCs)

GC 1: Proposed Project Description

Certain comments provided in the comment table below relate to the need for additional detail regarding the description of the Proposed Project. In general, a more detailed project description would be helpful to CDFA. The following information would make the IS/MND more informative:

1. Description of the size and location of any existing natural features, such as vegetation, water features, and topography of the Proposed Project site.
2. Specific information describing the proposed 18,504 square foot building to be used for cannabis cultivation, as well as any other structures that may be existing or constructed as part of the Proposed Project, and any other proposed features (e.g., waste collection areas, employee break and restroom facilities, hazardous materials storage, septic system).
3. Description of the proposed canopy size and the cultivation techniques to be used.
4. Specifics on the Proposed Project's operations and routine maintenance. This would include:
 - a. Hours of operation;
 - b. Number of employees, including the estimated number of daily trips to and from the site for employee commuting, delivery of materials or supplies, and shipment of products;
 - c. Any heavy equipment that will be used for cultivation operations, including tractors, forklifts, mowers, etc.;
 - d. Any water efficiency equipment that would be used;
 - e. Utilities that would serve the project; and
 - f. Source(s) and amounts of energy expected to be used in operating the project, including any generators that may be used, as well as any energy management and efficiency features incorporated into the Proposed Project.
5. The IS/MND should include local street maps, topographic maps, aerial photographs, site plans, property diagrams, and/or other graphics to show the existing site conditions, the Proposed Project, and the surrounding area. This would allow CDFA to understand the general location and surrounding features, as well as to visualize the layout of existing and Proposed Project features. Most importantly, these figures would help document some of the information that is described in the document.

GC 2: Mitigation Measures

The document is titled as a “Draft Mitigated Negative Declaration of Environmental Impact and Initial Study.” The “Environmental Factors Potentially Affected” section indicates that the Proposed Project may result in Potentially Significant Impacts to Biological Resources and Air Quality. However, the document does not specify any mitigation measures in any sections throughout the document, nor does it provide a Mitigation Monitoring and Reporting Plan (MMRP).

The document would be improved by clarifying which potential impacts may require mitigation to reduce potentially significant impacts to less than significant levels, designating specific mitigation measures to reduce those impacts, and providing an analysis of how the proposed mitigation measures would reduce impacts to less than significant levels. Measures should provide both standards (e.g., performance criteria) by which the effectiveness of the mitigation will be evaluated, and actions that will be taken should the mitigation fail to meet the standards. In addition, the IS/MND would be improved by including an MMRP.

GC 3: Acknowledgement of CDFA Regulations

The IS/MND does not acknowledge that CDFA is a public agency whose approval is required for the Proposed Project. The IS/MND would be more informative by acknowledging that CDFA is responsible for the licensing of cannabis cultivation, as well as that CDFA is responsible for regulation of cannabis cultivation and enforcement, as defined in the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) and CDFA regulations related to cannabis cultivation (Bus. & Prof. Code, § 26103(a)). The IS/MND’s analysis would also benefit from discussion of the protections for environmental resources provided by CDFA’s regulations. In particular, the impact analysis would be further supported by an explicit identification of the state regulations that are being relied on to reduce the severity of impacts on the following resource topics:

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

- Cumulative Impacts (related to the above topics).

GC 4: Page Numbers

The IS/MND does not include page numbers and/or line numbering. For the purposes of this letter, CDFA's comments have, therefore, referred to sections or headings within the document to provide context. For future CEQA documents, it would be easier to review and provide comments on the IS/MND if page numbers and/or line numbers could be specified.

GC 5: Impact Analysis

Several comments provided in the comment table below relate to the absence of information or support for impact statements in the document. CEQA requires that Lead Agencies evaluate the environmental impacts of proposed projects and support factual conclusions with "substantial evidence." Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. In general, the IS/MND would be improved if additional evidence (e.g., regulatory setting, environmental setting, impact analysis and methodology, impact assessment, etc.) was provided to support the impact statements in the checklist, including the sources of information relied upon to make conclusions.

Specific Comments and Recommendations

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

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
1	Introduction	Project Description	The project consists of the construction of an 18,504-sqft building for cannabis cultivation greater than 5,000-sqft that includes growing, harvesting and processing (drying, curing and trimming).	The Project Description indicates the cultivation canopy will be greater than 5,000 square feet; however, it does not specify the proposed canopy size. The document would be improved if it described the square footage of the cultivation area, including the canopy size, the processing area, and any additional features of the site (see General Comment 1).
2	Appendix G Introduction, Question 10	Other Public Agencies Whose Approval is Required	N/A (General Comment)	The IS/MND would be improved if it listed all agencies requiring approval and what type of permit is required from each agency listed. This would include a cultivation license from CDFA, and a Lake and Streambed Alteration Agreement from California Department of Fish and Wildlife, or a statement that one is not required.
3	I(a) and I(b)	Aesthetics	N/A (General Comment)	The document would be improved if it provided a description of all scenic vistas and scenic resources in the vicinity of the Proposed Project and provided an analysis of how and whether the Proposed Project may impact such resources.
4	I(d)	Aesthetics	No, the project is required to meet State	The IS/MND would be improved if it described County General Plan policies

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
			regulations and County General Plan policy, related to light and glare; therefore, will not affect day or nighttime views.	that would apply to light and glare, and if it referenced CDFA's requirements that all outdoor lighting for security purposes must be shielded and downward facing, and that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare (Cal. Code Regs., tit. 3 §§ 8304(c), 8304(g)). Then, the document should describe how the Proposed Project will comply with these policies and regulations.
5	III(a)	Air Quality	No, there is not an air quality plan for the area in which the project is proposed.	The IS/MND would be improved if it described local, regional, state, and federal air quality standards, and provided a description of any project operations or equipment that may contribute to air emissions, including generators, ventilation equipment, carbon scrubbers, heavy machinery, and vehicles. The document should provide an analysis of whether the Proposed Project will meet such standards.
6	III(b)	Air Quality	No, there are not air quality standards being violated in the area for the area in which the project is proposed.	The IS/MND would be improved if it included a list of applicable air quality standards and an analysis of whether project operations would be in compliance with such standards.

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
7	III(d)	Air Quality	N/A (General Comment)	The document would be strengthened if it described the type and location of sensitive receptors in the vicinity of the Proposed Project, then provided an analysis of how compliance with County Environmental Health Department and State regulations would ensure a less than significant impact for those sensitive receptors.
8	III(e)	Air Quality	No, although the project is cannabis cultivation that does produce odors, the project is conditioned with the use of an odor suppression strategy that will filter exhaust through a carbon scrubber. It will also have an HVAC system with negative and positive pressure rooms to control airflow that prevents odors from escaping the building.	The checkbox for this section indicates that impacts would be less than significant with mitigation incorporated. However, no mitigation measures are specified. If the Proposed Project would result in potentially significant impacts related to odor, the document should specify mitigation measures to reduce impacts to less than significant levels, as appropriate. Then, the IS/MND should provide an analysis of how the mitigation measures would reduce impacts to less-than-significant levels.
9	IV(a)	Biological Resources	N/A (General Comment)	The IS/MND would be improved if it identified the listing status of Goodding's phacelia, Nye and Gravel's milk-vetch, desert tortoise, and burrowing owl..

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
				Specifically, it should indicate whether these species are identified as candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
10	IV(a)	Biological Resources	Because of these factors, the project is conditioned with a pre-construction survey to verify that there are still none of these plant and/or animal species on the site prior to ground breaking activities. If any candidate, sensitive or special status plant or animal species are observed during the pre-construction survey, the project will be suspended until mitigation measures are implemented.	The checkbox for this section indicates that impacts would be less than significant with mitigation incorporated. However, no mitigation measures are specified. If the Proposed Project would result in potentially significant impacts related to biological resources, the document should clearly specify mitigation measures to reduce impacts to less than significant levels, as appropriate. Then, the IS/MND should provide an analysis of how the mitigation measures would reduce impacts to less-than-significant levels.
11	IV(a)	Biological Resources	A Biological Resources Report was prepared by	To ensure that CDFA has supporting documentation for the IS/MND, CDFA

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
			applicant-supplied biologists who work for RECON Environmental, Inc.	requests that the County advise the applicant to provide a copy of the Biological Resources Report with its state application package for annual cultivation license to CDFA.
12	IV(b)	Biological Resources	No, there is no identified riparian habitat on the project site based on the USFWS National Wetlands Inventory Mapping Tool, or in close proximity, that would be affected by the project.	The document would be more informative if it identified whether there are any sensitive natural communities identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.
13	IV(d)	Biological Resources	No, although the project site could potentially have occurrences of wildlife species, the project will not interfere with migratory fish or wildlife species.	The IS/MND would be more informative if it included an analysis of how this conclusion was reached.
14	V(a)	Cultural Resources	No, a cultural study was conducted by RECON Environmental Inc. on the project site including a records request to the	To ensure that CDFA has supporting documentation for the IS/MND, CDFA requests that the County advise the applicant to provide a copy of the Biological Resources Report with its state

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
			California Historical Resources Information System and a field survey was conducted on April 13-14, 2020.	application package for annual cultivation license to CDFA.
15	VI(a)	Energy	No, the project is a commercial cannabis cultivation facility. It will not require large amounts of energy and is required to meet California Building Standards including Green and Title 24 Standards.	<p>The IS/MND would be improved if it provided an analysis of all equipment that uses energy, including lighting, generators, ventilation equipment, carbon scrubbers, heavy machinery, and vehicles. The document should provide a description of the energy source(s) that will supply the Proposed Project, and a description of any energy conservation features that may be a part of the Proposed Project.</p> <p>In addition, the document would be strengthened if it described how the Proposed Project will comply with CDFA regulations relating to the use of renewable energy in cultivation projects. (Cal. Code Regs., tit. 3 §§ 8203(g), 8305).</p>
16	VIII(a)	Greenhouse Gas Emissions	No, the proposed cannabis cultivation project will not generate greenhouse gas emissions that will	The IS/MND would be improved by providing support for this statement. Additionally, operational impacts should be discussed, such as a description of any equipment to be used in cultivation,

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
			have a significant impact. Temporary construction-related emissions will occur, but such dust related impacts will be minimized through best management practices.	delivery of materials, and shipment of product from the Proposed Project site. The IS/MND should also identify what threshold of significance is being used to make this determination, and analyze whether and how the activities described would fall below the threshold.
17	VIII(b)	Greenhouse Gas Emissions	No, the proposed project will not cause conflicts with a plan, policy or regulation adopted for the purpose of reducing greenhouse gasses.	The IS/MND would be more informative if the plans, policies, and regulations referenced here were listed.
18	IX(a) and (b)	Hazards and Hazardous Materials	N/A (General Comment)	The IS/MND would be more informative if it described the hazardous materials that would be used at the facility, including fertilizers, pesticides, and fuels, and described how compliance with County Environmental Health Department and State regulations would ensure a less than significant impact.

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
19	IX(f)	Hazards and Hazardous Materials	No, the proposed project will not physically interfere with an adopted emergency plan or emergency evacuation plan.	The IS/MND would be improved if it provided support for this statement.
20	X(a)	Hydrology and Water Quality	The applicant will coordinate with Inyo County's Environmental Health Department, the Inyo County Building and Safety Department, as well as the Regional Water Quality Board, to determine what is required in terms of the NPDES/SWPPP process (waste discharge requirements for the project), based on regulatory criteria and site characteristics (soils, slopes, etc.).	The IS/MND would be improved if it listed the possible waste discharge requirements for the Proposed Project and how these requirements would ensure there would be no impacts to hydrology or water quality. If this is a mitigation measure, it should be identified as such.

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
21	IX(b)	Hydrology and Water Quality	N/A (General Comment)	<p>The IS/MND would be improved if it provided more information regarding the proposed use of groundwater at the site. The document should indicate the source for its estimate of water used annually for the Proposed Project.</p> <p>In addition, the document indicates that water for the Proposed Project will be sourced from a well. The document should include well data or other data that supports its conclusion that the Proposed Project will not substantially decrease groundwater supplies.</p>
22	X(c)	Hydrology and Water Quality	There are some off site run-off areas east and southeast of the project location.	The document would be improved if it described the location, nature, and capacity of the runoff areas and how the placement or use of these runoff areas will ensure that the Proposed Project will not result in significant impacts related to drainage and erosion.
23	XIII(a)	Noise	N/A (General Comment)	The document would be improved if it described the sources of noise (e.g., equipment, operation and maintenance activities) expected to occur during project operations and the levels of noise those sources are likely to generate.

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
				Additionally, the document should include a description of sensitive receptors, and their distances from the Proposed Project site, and an analysis of whether the Project would result in noise-related impacts on sensitive receptors. Sources of noise may include delivery trucks, employee vehicles, HVAC equipment, and generators.
24	XIV	Population and Housing	N/A (General Comment)	The document would be more informative if it provided an estimate of the number of employees expected to work at the Proposed Project.
25	XV	Public Services	N/A (General Comment)	The IS/MND would be improved by providing support for the conclusions in this section.
26	XVII(a)	Transportation and Traffic	The concurrent cultivation and retail projects were both reviewed together by the County Road Department, with regard to the roadway, a condition for the applicant to obtain an encroachment permit for the Old Spanish	If this is intended to be a mitigation measure, it should be specified as such, and the IS/MND should provide an analysis of how the mitigation measures would reduce impacts to less-than-significant levels.

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
			Trail Highway (a County Road) will be included, as well as, a requirement to meet the weight restrictions on it.	
27	XVII(b)	Transportation and Traffic	Therefore, the Project will result in less than significant impacts to this resource.	The “No Impact” box is checked for this impact topic. However, the IS/MND analysis indicates that Proposed Project impacts would be “Less Than Significant.” The document would be improved if the text and the check box was made consistent.
28	XIX(b)	Utilities and Service Systems	N/A (General Comment)	The document would be improved if it provided an analysis, supported by data, of whether the Proposed Project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. (See Specific Comment 21.)
29	XIX(f)	Utilities and Service Systems	Solid waste needs for the project will be minimal.	The document would be improved by providing an analysis of impacts resulting from all sources of waste described. In addition, the “No Impact” box is checked for this impact topic. However, the IS/MND analysis indicates that Proposed

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
				Project impacts would be “Less Than Significant.” The document would be improved if the text and the check box was made consistent.
30	XXI(a)	Mandatory Findings of Significance	N/A (General Comment)	This IS/MND would be improved if mitigation measures were made clear throughout the document in their specific sections.
31	XXI(b)	Mandatory Findings of Significance	N/A (General Comment)	The IS/MND would be improved by identifying whether any other cannabis growing operations exist or have been proposed in the vicinity of the Proposed Project. The IS/MND should analyze whether the Proposed Project would make a considerable contribution to any cumulative impacts from these other projects.

Conclusion

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

Sincerely,

Lindsay Rains
Licensing Program Manager