

MONO COUNTY PLANNING COMMISSION

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
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SPECIAL MEETING AGENDA

December 15, 2022– 9:00 a.m.

Hybrid Meeting: Zoom, Teleconference, & Mono Lake Room

Mono Lake Room-Mono County Civic Center
1290 Tavern Rd
Mammoth Lakes, CA

Teleconference Location- Bridgeport CAO conferences room
First floor Annex 1 74 N. School Street
Bridgeport CA, 93517

This meeting will be held in person and via teleconferencing, and members of the Commission may attend from separate, remote locations. As authorized by AB 361, dated September 16, 2021, a local agency may use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency and local officials have recommended or imposed measures to promote social distancing.

Members of the public may participate in person and via the Zoom Webinar, including listening to the meeting and providing comment, by following the instructions below.

TELECONFERENCE INFORMATION

1. Joining via Zoom

You may participate in the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below.

To join the meeting by computer

Visit: <https://monocounty.zoom.us/j/81728469252>

Or visit <https://www.zoom.us/> and click on “Join A Meeting.” Use Zoom Meeting ID: 817 2846 9252

To provide public comment (at appropriate times) during the meeting, press the “Raise Hand” hand button on your screen and wait to be acknowledged by the Chair or staff. Please keep all comments to 3 minutes.

To join the meeting by telephone

Dial (669) 900-6833, then enter Webinar ID: 817 2846 9252

To provide public comment (at appropriate times) during the meeting, press *9 to raise your hand and wait to be acknowledged by the Chair or staff. Please keep all comments to 3 minutes.

DISTRICT #1
COMMISSIONER
Patricia Robertson

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Jora Fogg

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

2. Viewing the Live Stream

You may also view the live stream of the meeting without the ability to comment **by visiting:**

http://monocounty.granicus.com/MediaPlayer.php?publish_id=68fb45e2-fcab-4482-9645-d9822387662a

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

2. **PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda

3. MEETING MINUTES

- A. Review and adopt minutes of November 17, 2022, AB361 meeting. (pg. 1)
- B. Review and adopt minutes of November 17, 2022, Special meeting. (pg. 2)

4. PUBLIC HEARING

- A. **9:00 Use Permit 22-009/Chalfant Cell Tower** The project proposes to install, operate, and maintain a proposed cell tower to be located at 500 Locust Road in Chalfant (APN: 026-200-044-000) in order to improve the cell service in the Chalfant Valley and along US 6.
Staff Michael Draper and Laura Stark (pg. 6)
- B. **9:10 USE PERMIT 22-010/Olson.** Consider approval of a Use Permit application for overhead power to serve a single-family residence located at 162 Wunderlich Way in Walker (APN 002-440-030-000). Overhead powerlines with two overhead poles on the property are supported by a pole spanning from Wunderlich Way approximately 380' onto the property; then powerlines are underground the remaining distance approximately 180' to the applicant's home. A Categorical Exemption under CEQA guideline 15303(d) is proposed.
Staff: April Sall (pg. 38)
- C. **9:30 Use Permit 21-006/Sierra High.** Commercial cannabis activity including ten-acres of outdoor cultivation, and indoor cultivation of no more than 10,500 square-foot (SF) of mature plant canopy for year-round operation within four structures. The project also includes onsite cannabis processing (trimming, packaging, and labeling), wholesale distribution, and non-storefront retail. The project is located on a 124-acre parcel designated Agriculture (AG) at 7761 Eastside Lane, Topaz (APN 001-150-004-000). Supporting structures to be constructed may include: a well-house, a water tank-house, hoop-houses, storage containers, a drying shed, and a nursery/processing building. The property has previously been used for cattle grazing, has two private water wells on the property and energy will be provided by a combined heat and power system. A Mitigated Negative Declaration (MND) is proposed for compliance with the California Environmental Quality Act (CEQA).
Staff Michael Draper (pg. 63)

5. WORKSHOP

No item

6. REPORTS

A. Director

- 1. Summary of Brown Act requirements (pg. 418)

B. Commissioners

7. INFORMATIONAL

8. ADJOURN to January 19, 2023

NOTE: Although the Planning Commission generally strives to follow the agenda sequence, it reserves the right to take any agenda item – other than a noticed public hearing – in any order, and at any time after its meeting starts. The Planning Commission encourages public attendance and participation.

In compliance with the Americans with Disabilities Act, anyone who needs special assistance to attend this meeting can contact the Commission secretary at 760-924-1804 within 48 hours prior to the meeting to ensure accessibility (see 42 USCS 12132, 28CFR 35.130).

*The public may participate in the meeting at the teleconference site, where attendees may address the Commission directly. Please be advised that Mono County does its best to ensure the reliability of videoconferencing but cannot guarantee that the system always works. If an agenda item is important to you, you might consider attending the meeting in Bridgeport.

Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available for public review at the Community Development offices in Bridgeport (Annex 1, 74 N. School St.) or Mammoth Lakes (Minaret Village Mall, above Giovanni's restaurant). Agenda packets are also posted online at [www.monocounty.ca.gov / departments / community development / commissions & committees / planning commission](http://www.monocounty.ca.gov/departments/community%20development/commissions%20&%20committees/planning%20commission). For inclusion on the e-mail distribution list, send request to hwillson@mono.ca.gov.

Commissioners may participate from a teleconference location. Interested persons may appear before the Commission to present testimony for public hearings, or prior to or at the hearing file written correspondence with the Commission secretary. Future court challenges to these items may be limited to those issues raised at the public hearing or provided in writing to the Mono County Planning Commission prior to or at the public hearing. Project proponents, agents or citizens who wish to speak are asked to be acknowledged by the Chair, print their names on the sign-in sheet, and address the Commission from the podium.

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AB361 Draft Minutes

November 17, 2022 – 9:00 a.m.

COMMISSIONERS: Chris Lizza, Roberta Lagomarsini, Jora Fogg, Scott Bush, Patricia Robertson

STAFF: Wendy Sugimura, director; Heidi Willson, planning commission clerk; Michael Draper, planning analyst; April Sall, planning analyst; Emily Fox, Counsel; Laura Stark, planning analyst; Sean Robison, Public Works

PUBLIC: Bartshe Miller; Darrol and Kevin Brown, DV8 Digital; Elin Ljung; Essra Mostavi, Geode Environmental; Jake Suppa; Jen; Mark; Michael Paiva; Mike Light; Stevekaramitros; Susan; 760-965-6254; 805-570-1943.

**Agenda sequence (see note following agenda).*

1. **CALL TO ORDER at 9:06am**
2. **PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda. Please refer to the Teleconference information section to determine how to make public comment for this meeting.
3. **CONSIDER ADOPTION OF RESOLUTION 22-11 AB 361 TO CONTINUE DIGITAL MEETINGS**
Motion: Approve Resolution 22-11 to continue digital meetings.
Lagomarsini motion; Bush second.
Roll-call vote – Ayes: Lizza, Bush, Fogg, Lagomarsini, Robertson.
Motion passed 5-0.
4. **ADJOURN** to Regular Meeting of November 17, 2022, at 9:08 am.

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Draft Minutes

November 17, 2022 – 9:00 a.m.

COMMISSIONERS: Chris Lizza, Roberta Lagomarsini, Jora Fogg, Scott Bush, Patricia Robertson

STAFF: Wendy Sugimura, director; Heidi Willson, planning commission clerk; Michael Draper, planning analyst; April Sall, planning analyst; Emily Fox, Counsel; Laura Stark, planning analyst; Sean Robison, Public Works

PUBLIC: Bartshe Miller; Darrol and Kevin Brown, DV8 Digital; Elin Ljung; Essra Mostavi, Geode Environmental; Jake Suppa; Jen; Mark; Michael Paiva; Mike Light; Stevekaramitros; Susan; 760-965-6254; 805-570-1943

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Meeting called to order at 9:08 am and the Commission led the pledge of allegiance.
2. **PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda.

No public comment.
3. **CONSENT ITEMS**
 - A. Review and adopt minutes of October 3, 2022, special meeting.
 - B. Review and adopt minutes from October 3, 2022, AB361 meeting.

Motion: Approve the minutes as presented.

Lizza motion; Fogg second.

Roll-call vote – Ayes: Lizza, Bush, Fogg, Lagomarsini, Robertson.

Motion passed 5-0.

4. PUBLIC HEARING

- A. **9:00 a.m. USE PERMIT 22-007/Paiva.** Consider approval of a Use Permit application for overhead power to serve a single-family residence and accessory structures located at 650 Eastside Lane in Walker (APN 002-430-018-000). Overhead powerlines on the property are supported by three poles spanning from Eastside Lane approximately 600' onto the property; then powerlines are underground the remaining distance approximately 300' to the applicant's home and accessory structures. A Categorical Exemption under CEQA guideline 15303(d) is proposed. *Staff: Michael Draper*

Draper gave a presentation and answered questions from the Commission.

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Chris I. Lizza

The Chair opened the public hearing at 10:12 am. Comments:

- Applicant Michael Paiva gave an opening and closing statement.
- In opposition from Mark to fire safety.
- In support from Susan due to financial hardship.

Public hearing closed at 10:18 am.

Motion: Find that the project qualifies as a Categorical Exemption under CEQA guidelines 15303 and instruct staff to file a Notice of Exemption. Make the required findings in the staff report and approve UP 22-007 subject to Conditions of Approval.

Bush motion; Lagomarsini second.

Roll-call vote – Ayes: Lizza, Bush, Fogg, Lagomarsini, Robertson.

Motion passed 5-0.

- B. 9:05 a.m. GENERAL PLAN AMENDMENT 22-02 & USE PERMIT 21-007/D&S Waste.** Consider a General Plan Amendment to change the land use designation of 7937 Highway 167 in the Mono Basin (APN 013-210-028) from Resource Management to Industrial; and a Use Permit to build and operate a waste transfer station at the site. The General Plan Amendment must be approved for the Use Permit to be enacted. A Negative Declaration is proposed. *Staff: Bentley Regehr*

Regehr gave a presentation and answered questions from the Commission.

Public hearing opened at 11:28 am. Comments:

- Applicant gave a opening and closing statement.
- In support from Jake Suppa: applicant is a part of the Mono Basin extended business community and takes great care of the land.
- In opposition from Mike Light due to the noise concerns.

Public hearing closed at 11:43 am.

During discussion, the Commission modified or added the following conditions of approval:

19. Water use on the project site shall be provided from the existing onsite well, and limited to one onsite bathroom and **dust mitigation during construction** ~~the misters used inside the warehouse for odor control~~. Onsite use of process water shall at all times be prohibited. The project shall be in full compliance with all requirements of the Mono County Environmental Health Department.
25. Project lighting shall fully comply with lighting requirements of Mono County General Plan Land Use Element Chapter 23. Additionally, inasmuch as the southern project boundary adjoins SR-167, a County-designated Scenic Highway, project lighting shall fully comply with lighting requirements of the Mono County Scenic Combining Element, including provisions that prohibit glare, require proper maintenance, minimize allowed contrast in lighting levels, require full cut-off luminaires with the light source downcast and fully shielded and prohibit light trespass onto neighboring properties or the public right of way. Light intensity should aim for an intensity of **2700K-2400K**, and in no event shall exceed 3000K.

30. Within two years of issuance of the use permit, the County shall initiate a General Plan Amendment to change the land use designation of the parcel to Specific Plan and craft a Specific Plan limiting the uses to those proposed in the subject Use Permit for consideration of approval.

Motion: For General Plan Amendment 22-02, certify the Negative Declaration and make the findings as contained in the Resolution as presented, and adopt Resolution R22-12 recommending the Mono County Board of Supervisors approve the GPA and certify the Negative Declaration. For Use Permit 21-007, make the findings in the staff report, certify the Negative Declaration, and approve Use Permit 21-007 subject to the modified conditions of approval, which requires the approval of GPA 22-02 by the Board of Supervisors.

Bush motion; Lagomarsini second.

Roll-call vote – Ayes: Lizza, Bush, Fogg, Lagomarsini, Robertson.

Motion passed 5-0.

- C. **9:20 a.m. GENERAL PLAN AMENDMENT 22-03 & USE PERMIT 22-011/Nichols.** Consider a General Plan Amendment to change the land use designation of 171 Aurora Canyon Road, Bridgeport (APN 008-210-003) from Multi-Family Residential-Moderate to Mixed Use; and a Use Permit to conduct transient rental of the existing duplex. The duplex contains one one-bedroom unit and one two-bedroom unit. The General Plan Amendment must be approved for the Use Permit to be enacted. The property is 0.34-acres and contains a two-story duplex and garage. An Addendum to the 2015 Mono County General Plan EIR is proposed. *Staff: Michael Draper*

Draper gave a presentation and answered questions from the Commission.

Public hearing opened at 1:27 pm.

- Applicant gave an opening and closing statement.
- No public comment.

Public hearing closed at 1:28 pm.

Motion: Find that the Commission cannot make all the findings, especially (c) and (d), contained in the Resolution and deny GPA 22-03 and UP 22-011.

Robertson motion; Lizza second.

Roll-call vote – Ayes: Lizza, Bush, Fogg, Lagomarsini, Robertson.

Motion passed 5-0.

5. WORKSHOP

No Item

6. REPORTS

- A. Director
Sugimura gave a brief update on staffing and projects.
- B. Commissioners
No reports

7. INFORMATIONAL

No Item

8. ADJOURN at 1:46pm to December 15, 2022

**Mono County
Community Development Department**

P.O. Box 347
Mammoth Lakes, CA 93546
(760) 924-1800, fax 924-1801
commdev@mono.ca.gov

Planning Division

P.O. Box 8
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Date: December 08, 2022

To: Mono County Planning Commission

From: Laura Stark, CDD Analyst
Kelly Karl, Assistant Planner
Michael Draper, Principal Planner

Re: Use Permit 22-009/Eukon Group for AT&T mobility

RECOMMENDATION

That the Planning Commission take the following actions:

1. Find that the project qualifies as a Class 3 Categorical Exemption.
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit 22-009 subject to the Conditions of Approval.

BACKGROUND

Mono County has made efforts to facilitate the development and increased reliability of cellular phone service in the Chalfant Valley for many years. The main barrier cited by previous project proponents was a lack of a suitable project site in the Chalfant Valley. To address this barrier, Mono County has made available a portion of the closed Chalfant Landfill (currently operating as the Chalfant Transfer Station) as a potential site for a telecommunications tower for the community (See Attachment 2 – Plan Set/Site Plan & Figure 1).

- The Board of Supervisors held a special meeting at the Chalfant Community Center on October 21, 2014, during which they discussed the possibility of moving forward with this solution by releasing a request for proposals (RFP) and bid package. The Board approved the bid package without modifications and directed staff to issue a call for bids (via unanimous vote).
- The first call for bids went out in 2014/2015 and resulted in a License Agreement with Skyway Towers, LLC.
- The County entered into an agreement with Skyway, but by 2019 Skyway had not made any progress on the project (no Conditional Use Permit (CUP) application), no amendment to the Joint Technical Documents(JTD)), so the County terminated the agreement with Skyway.
- The County sent out an RFP again in June of 2021 and the call for bids closed in July 2021. One bid was received from AT&T who was awarded the project.

- On November 16, 2021 the Board of Supervisors authorized the Mono County IT Department to post a notice of intent to award (via unanimous vote).
- Subsequently, on November 1, 2022 the Board of Supervisors approved the agreement with EukonGroup on behalf of New Cingular Wireless/AT&T to lease the site proposed for the new cellular tower at the Chalfant Transfer Station.

The next step for AT&T to move forward with building and operating the cell tower is to acquire a Use Permit per GP LUE §4.050.B.(1) Uses permitted subject to Use Permit: “Towers erected for the purposes of providing communications through wireless or cellular technologies”.

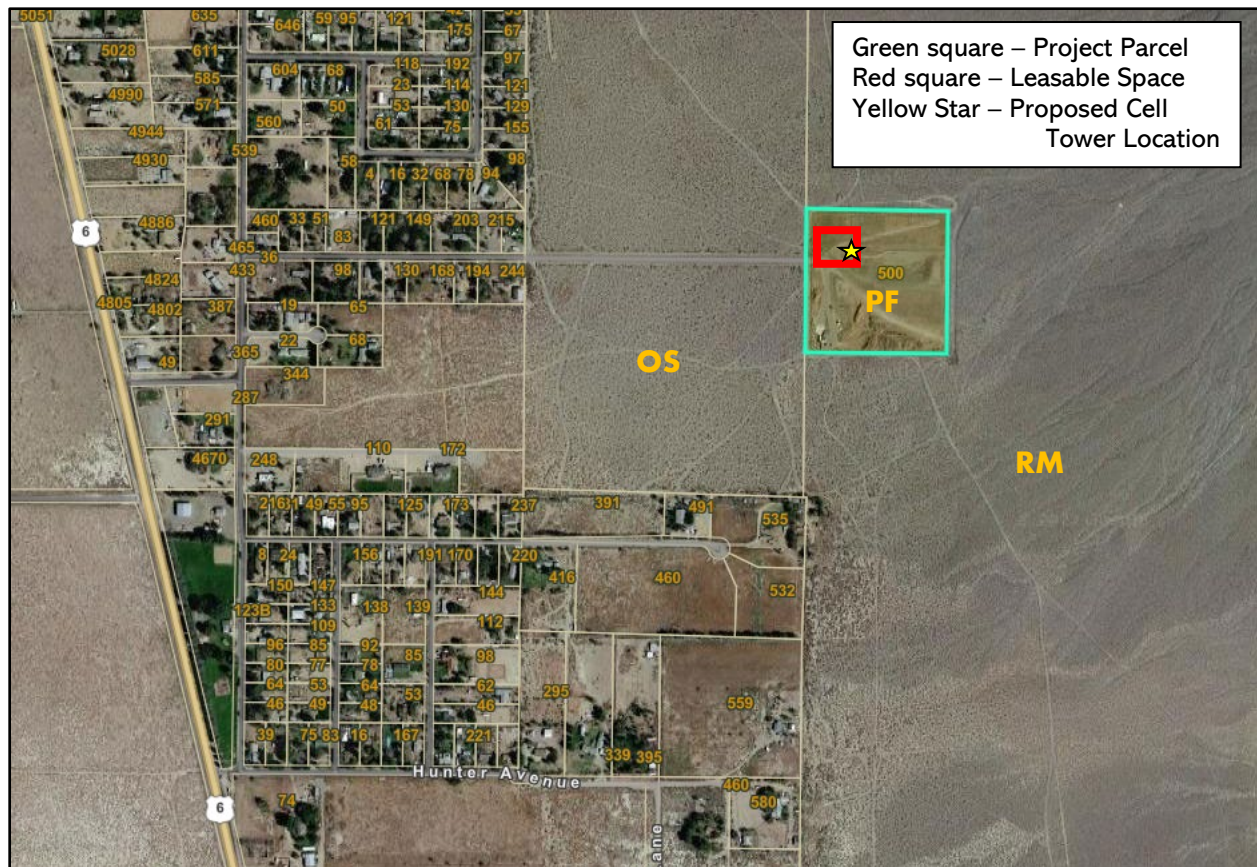


FIGURE 1: Proposed Project Location

LDTAC

AT&T submitted a Preapplication which was reviewed by the Land Development Technical Advisory Committee (LDTAC) at the March 16, 2020 meeting. The committee discussed and determined the best location for the proposed cell tower and lease area on the parcel to balance the need for cellular service while also meeting the intent of cell tower setback regulations and minimizing visual impacts to the greatest extent possible. As a result of the discussion, AT&T revised the proposed lease area location to the recommended location (See Figure 2). The recommended site is located as far as possible from the edge of the parcel while maintaining the necessary setbacks for an existing well and the existing covered waste pits that occupy much of the parcel and which cannot be built upon. No public comments on this project were received before, during, or after this meeting. Conditions of approval are scheduled to be reviewed and approved at the December 12, 2022 LDTAC meeting.

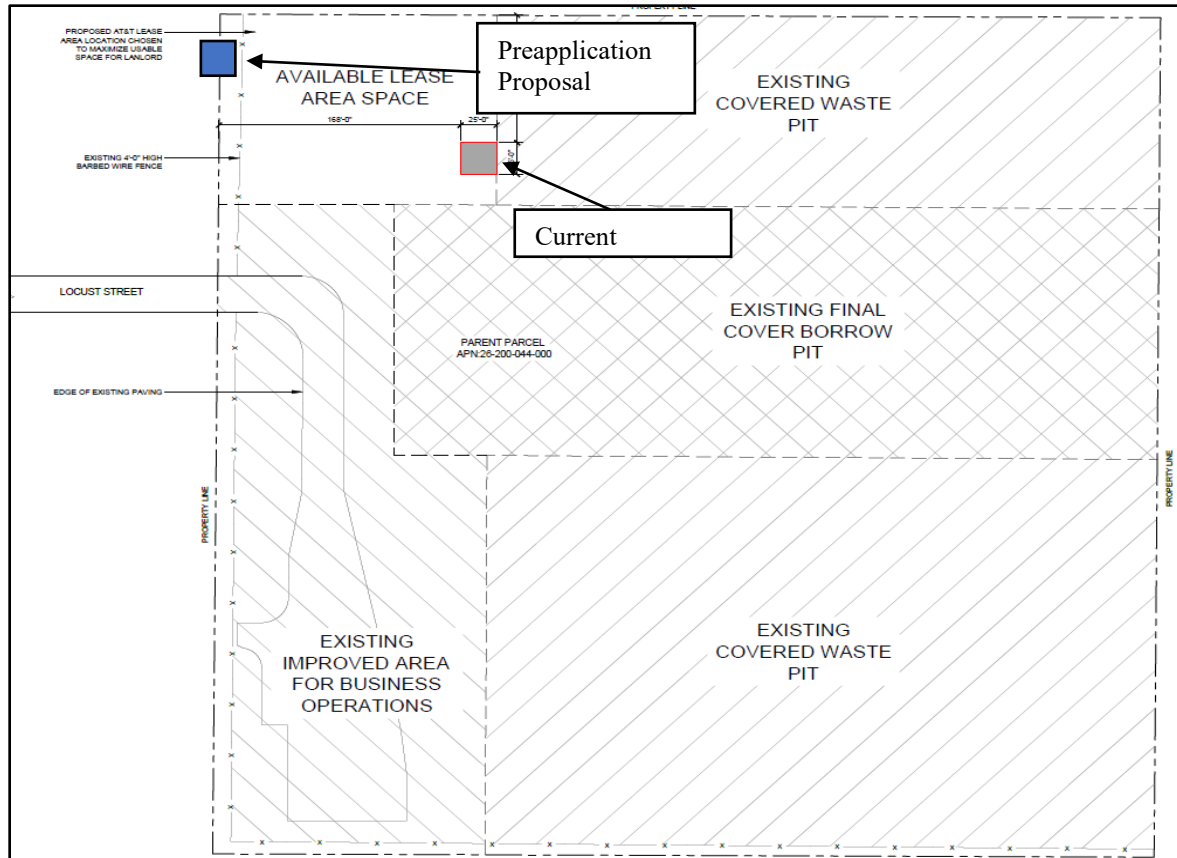


FIGURE 2 – Preapplication location v. current proposal

FEDERAL TELECOMMUNICATIONS ACT OF 1996

The Federal Telecommunications Act of 1996 (47 U.S.C. § 332(c)(7)) (the “Act”) applies to this project; thus the Planning Commission’s discussion is pre-empted by federal law on certain topics. While the Act generally preserves local zoning and land use authority over cellular towers (“personal wireless service facilities”); it specifically preempts or limits local authority in the following specified areas:

1. Local agencies are limited with respect to regulation of radio frequency (RF) emissions. Local agencies may not regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental/health effects of radio frequency (RF) emissions, to the extent that such facilities comply with Federal Communications Commission (FCC) emission standards. **In other words, local agencies may not deny approval (or otherwise regulate the placement, construction, or modification) of wireless service facilities on the basis of RF emissions, provided the facility complies with FCC emission standards. This project complies with FCC emissions standards (See Attachment 2 – FCC Compliance Letter).**

2. Local agencies may not unreasonably discriminate among providers of functionally equivalent services. Discrimination occurs when a provider of personal wireless service facilities can show that it has been treated differently from other providers whose facilities are similarly situated in terms of structure, placement, and impacts.
3. Local agencies/regulation may not have the effect of prohibiting the provision of personal wireless service. A local agency “prohibits the provision of personal wireless service” when its decision results in a significant gap in a provider’s service coverage. A significant gap is more than just a dead spot in an area otherwise covered. In order for a provider to show that a local agency’s decision has resulted in a significant gap in personal wireless service, it must demonstrate that the manner in which it proposes to fill an identified gap (i.e., the proposal which it brought to the local agency) is the least intrusive on the values the denial sought to serve. In other words, if no alternatives for filling the gap exist that offer lesser impacts than the impacts associated with the proposal, then the denial has the effect of prohibiting the provision of personal wireless service.
4. A local agency’s denial must be in writing and supported by substantial evidence in a written record. A decision by a local agency to deny a request to place, construct, or modify personal wireless service facilities must be in writing and must be supported by substantial evidence contained in a written record. There must be a written denial that is separate from the record, which contains a sufficient explanation of the reasons for the denial to allow a reviewing court to evaluate the evidence in the record supporting the decision maker’s reasons. Substantial evidence includes such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

PROJECT DESCRIPTION

The project site is located at the Chalfant Valley Transfer Station at 500 Locust Street, which is 0.64 miles east of U.S. Highway 6 (US 6) and the residential area of Chalfant Valley. The parcel (APN 026-200-044-000) is designated Public and Quasi-Public Facilities (PF) and is 10.07 acres currently developed with sections of landfill as well as facilities for operation of the landfill and transfer station (see Figure 1 & Attachment 1 – Plan Set/Site Plan).

The project proposes to install, operate, and maintain a wireless telecommunications facility tower to improve the service levels in the Chalfant Valley and along US 6 (see Attachment 3 – Coverage/Propagation Maps). Currently service levels throughout most of Chalfant Valley are rated in the lower-level service categories: “outdoor – 98dBm” or “in vehicle – 85dBm”. The added tower is expected to provide the highest level of service, “indoor – 75dBm” to most residents in Chalfant Valley.

The project proposes to install the following on the lease site (see Figure 3 and Attachment 1 – Plan Set/Site Plan):

- (1) 80’ High Monopole
- (12) Panel Antennas
- (36) Remote Radio Units (RRU)

- (4) DC-9 Surge Suppressors
- (3) DC-12 Surge Suppressors
- (1) 20kW Backup Generator with 125gal Tank
- (1) 6' x 6' Steel Walk In Cabinet (W.I.C.)
- (1) Utility Trench
- (1) Chain-link Fence Enclosure
- (1) Ciena Cabinet
- (1) Telco Cabinet
- (1) 6' Microwave Antenna
- (1) 12' Wide Chain-link Access Gate
- (1) 12' Wide Wrought Iron Access Gate

Project Setting

A 308-acre parcel designated as Resource Management (RM) wraps around the north, east and south side of the project parcel (See Figure 1). To the west, a 79-acre parcel designated as Open Space (OS) separates the project parcel from the residential area of Chalfant by approximately one quarter of a mile. Further to the east are the White Mountains and large parcels owned by Bureau of Land Management (BLM) and Inyo National Forest (INF).

The proposed lease site is accessed via U.S. Hwy 6 onto paved residential roads (Brown's Subdivision Road to Valley Road to Locust Street and then onto an existing gravel road located on the Chalfant Transfer Station parcel. The 25' x 25' lease area on the parcel would be surrounded by an 8' chain-link fence with a 12' wide chain-link access gate (see Attachment 1 – Site Plan) and would include an 80' monopole (a high steel pole to be painted either dark brown or green) designed as a co-location facility which other carriers could lease.

The leased site will connect to existing electrical power. All new utility lines will be installed underground in compliance with Mono County Land Development Regulations; a utility trench approximately 18" wide and 1850' feet long will be required to connect the facility to the existing power lines. No other utilities will be required for the site.

The site will include information signage as required by governing authorities, such as the (FCC); signs will be placed on the metal gate. All signs will comply with current FCC and (OSHA) guidelines. Sign dimensions, text size and placement and coloring will meet current (ANSI) standards for information signage.

Once construction is complete, the site will be unmanned. There will be no regular hours of operation and no regular daily traffic to the leased site. One equipment shelter approximately 10' x 10' will be used for housing necessary radios and equipment associated with the antennas. No night lighting or security lighting is proposed.

Because the elevation of the site is east of the community of Chalfant and US 395, neither the fencing nor equipment shelter will be visible from the highway. The pole will be partly visible, but adjacent mountains provide a backdrop that minimizes pole visibility (see Attachment 4 - photo simulation of the site). The antenna will be flush mounted and painted to blend in with the pole.

PUBLIC HEARING NOTICE

A hearing notice was published in the December 3, 2022 edition of The Sheet. (Attachment 5 – Public Hearing Notice).

CEQA COMPLIANCE

The project qualifies as a Class 3 Categorical Exemption for the installation of new small equipment and facilities. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

- (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.
- (d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.
- (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

This project qualifies as a Class 3 Exemption because it consists of the installation of utility extensions, accessory structures (fences) which are specifically listed as exempt. The facility will not involve the use of significant amounts of hazardous substances and the total lease area is 25' x 25' or 625-square feet which is significantly less than the 2,500-square foot max permitted under 15303(c). Thus, the project is not expected to cause any significant environmental impacts.

Per *Title 14 California Code of Regulations (CCR) §15300.2 - Exceptions*, projects would not qualify for a Class 3 categorical exemption if any of the six Exceptions apply to the project. Analysis of the Exceptions to the Class 3 Exemption is below; the project remains qualified for a Class 3 Exemption because none of the six exceptions (below) apply to the project.

1. *Location - Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located--a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

The project is located at the Chalfant Transfer Station and closed Chalfant landfill which is not an environmentally sensitive area. Jill Kearny with the Environmental Health Department confirmed the location is not a hazardous waste site

2. *Cumulative Impact - All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

At the time this staff report was written there are no reasonably foreseeable cell tower projects in Chalfant that would have cumulative impacts in the community

3. *Significant Effect - A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

The project is located on the site of a closed landfill and existing transfer station. Mono County Solid Waste deemed the project site (see Attachment 1 – Site Plan) acceptable with no unusual circumstances.

4. *Scenic Highways - A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

Per the Mono County Regional Transportation Plan, Appendix B: County Designated Scenic Highway System (https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/9617/rtp_w-appdx_2015_final.pdf; page 170-171), there are no State or County designated scenic highways in Chalfant that would be impacted by the proposed cell tower project.

5. *Hazardous Waste Sites - A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

The project parcel is not on any of the state lists of contaminated hazardous waste sites. Correspondence from Jill Kearney with Mono County Public Health Department was obtained confirming this fact.

6. *Historical Resources - A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

The project is located at the Chalfant Transfer Station and closed Chalfant landfill. Therefore, there would be no additional impacts to historical or cultural resources.

This project qualifies as a Class 3 Exemption because it consists of the installation of utility extensions, accessory structures (fences) which are specifically listed as exempt and because none of the six Exceptions to the Exemption apply to the project.

REQUIRED FINDINGS

Required findings for the project are:

1. Chapter 11, Utilities Consistency
2. Consistency with Mono County Design Guidelines, Chapter 4
3. Use Permit Findings

All findings can be met, and each is reviewed in the following sections.

CHAPTER 11, UTILITIES CONSISTENCY

Towers shall exhibit substantial compliance with the following, unless such substantial compliance would result in an effective prohibition of the provision of wireless communication facilities, or in unreasonable discrimination against a provider of wireless communication facilities, as defined in the Telecommunications Act of 1996, or in non-compliance with any other applicable federal laws:

1. *Visual mitigations strategies included in the Mono County Design Guidelines;*

Please see “Mono County Design Guidelines Consistency” analysis below.

2. *Cellular and wireless towers shall bond for the reclamation of the site in the event that the infrastructure has not been utilized for a period of three years. Infrastructure shall be removed within one year of abandonment;*

Pursuant to the lease agreement with New Cingular Wireless PCS, LLC, “Licensee shall furnish and maintain in effect a faithful performance bond, letter of credit, or other financial assurance reasonably acceptable to Mono County and approved as to form by the Mono County Counsel, in an amount determined by engineer’s estimate (or \$125,000 whichever is greater) to guarantee removal of the Licensee Communications Facilities from the site and site reclamation in accordance with the License and any land use permit conditions or conditions of approval.”

3. *Towers shall be sited only when there is an identified service provider who has proved a need for the facility;*

AT&T has provided propagation maps which demonstrate the need for the facility. See Attachment 3 – Propagation Maps.

4. *Facilities shall be co-located to minimize the number of towers, and new sites shall include capacity for additional providers to utilize the facility;*

The site includes capacity for additional providers to utilize the facility. See Attachment 1 – Plan Set/Site Plan.

5. *New sites shall reference the County’s inventory of shadow areas and coverage gaps, when available, and provide coverage maps/data demonstrating a reduction in areas without coverage;*

AT&T has provided propagation maps which demonstrate the lack of coverage in the Chalfant Valley area and further demonstrate how the proposed tower could reduce or eliminate those coverage gaps. See Attachment 3 – Coverage/Propagation Maps.

6. *Height shall be mitigated by siting towers on high ground but below ridgelines or hilltops. The impacts of increased height through a proposed modification shall also be evaluated. Heights greater than 60' may be allowed in Public Facilities (PF) land use designations subject to the following use permit finding, but in no case shall the height exceed 80':*

a. The additional height shall not result in substantial detrimental effects on the enjoyment and use of surrounding properties.

The height of the proposed tower is 80' to be sited on PF land. The visual impacts of the tower have been mitigated by citing the tower at the furthest edge of the community at the Transfer Station. The tower is situated below ridgelines. See Attachment 4 – Photo Simulations.

In addition, at least one of the two following findings must be made in the use permit, and in no case shall additional height be granted above the minimum necessary to provide for the finding:

b. The increased tower height is necessary to provide line-of-sight and service coverage that significantly reduces shadow areas and coverage gaps as demonstrated by coverage maps/data; and/or

See Attachment 3 – Propagation maps

c. The increased tower height is necessary to support multiple carriers on one tower with adequate line-of-sight and service coverage as demonstrated by coverage maps/data.

See Attachment 3 – Propagation maps and Attachment 1 -Plan Set/Site map

7. *Perch deterrents and other sensitive-species mitigations shall be required consistent with policies in the Conservation/Open Space Element; and*

There is no mapped sage grouse in the area.

8. *Cell tower operators shall be required to verify compliance with the FCC's RF Emission Standards.*

Cell tower operator has verified compliance with the FCC's RF Emission Standards. See Attachment 2 – FCC Compliance Letter

MONO COUNTY DESIGN GUIDELINES CONSISTENCY

Mono County Land Use Element, Chapter 11 Utilities, Section 11.010.J. requires compliance with the visual mitigation strategies included in the Mono County Design Guidelines. For telecommunications facilities, the design guidelines encourage the siting, design, and construction of telecommunications facilities in a manner that minimizes potential adverse visual impacts. Specifically, the guidelines suggest the following design elements for telecommunications towers:

- a. *All applicants for building permits to construct a telecommunications facility or antenna should submit visual impact demonstrations using photo simulations of the proposed facility as it would be seen from residential areas, public rights of way, and public parks and other sites as deemed appropriate by the Planning Division.*

The applicant provided photo simulations that are included in Attachment 4.

- b. *Towers and antennae may be approved on or near communities and designated scenic highway corridors by use permit and only if so concealed as to be substantially invisible. The views of, and vistas from, communities and corridors should not be impaired or diminished by the placement of cell phone towers and antennae.*

US 6 is not a State or County-designated scenic highway. The project will not have any significant visual impacts to the community due to the site's location at the farthest edge of the existing community. To further mitigate any visual impacts, conditions of approval for this project require the project to utilize non-reflective materials and to paint relevant project components a dark muted color that is compatible with the surrounding environment, similar to Dunn-Edwards Paints, Shaker Gray DE623 which has been used by other cell tower projects in Mono County. Thus, due to the above the project is concealed as to be substantially invisible and will not impair or diminish the views and vistas in and around the Chalfant community.

- c. *Applicants are encouraged to use topography to allow for lower tower heights, but to avoid creating silhouettes against the skyline.*

The project utilizes the flat topography east of Chalfant to avoid placement on ridgelines which would create a silhouette against the skyline and cause significant visual impacts.

- d. *No new telecommunications facility should exceed 60 feet in height.*

The Mono County General Plan, Land Use Element, Chapter 11 Utilities, allows for cell towers up to 80' tall on Public Facilities and Quasi Public Facilities (PF). The project is in compliance with Chapter 11 height requirements.

- e. *Telecommunications facilities should simulate objects that typically occur in landscapes similar to the proposed location (except billboards, electrical transmission, or telecommunications towers). Examples include hay barns, agricultural water towers, and trees.*

A monopole was chosen for this site rather than a monopine because there are no trees on site and few trees in the background when the site is viewed from most directions. The contrast of the tree against the surrounding background would be greater than that of the pole with arrays against the surrounding background. The monopole is to be painted a

dark, muted color similar to Dunn-Edwards Paints, Shaker Gray DE623 that blends in with the surrounding environment. Although the monopole will be visible from most vantage points in the surrounding area, the design of the project will reduce visual impacts to a less than significant level.

- f. *Telecommunications facilities located atop or within existing buildings or structures may result in an overall increase in height of the structure of no more than ten percent of the structure's height without the facility or the maximum height allowed in the zoning district in which the structure is located, whichever is less.*

The project does not propose locating a telecommunications facility atop or within existing buildings or structures.

- g. *In all applications for construction of a new facility, the applicant should prove by substantial evidence that a bona fide need exists for the facility and that no reasonable combination of locations, techniques, or technologies will obviate the need. The applicant must further prove that it has made all reasonable efforts to procure antenna space on existing facilities and that the cost of co-location exceeds the cost of a new facility by at least fifty percent.*

There are currently no existing facilities; therefore there is no option to co-locate. Propagation maps demonstrate the bona fide need for the facility to improve and/or establish service levels in the Chalfant Valley (see Attachment 3 – Propagation Maps). The propagation maps demonstrate that cell service in the Chalfant Valley is mostly limited to the lower service levels or is non-existent; the proposed tower would provide the highest level of service to most residents in the Chalfant Valley which would improve safety for those residents and also provide better cellular coverage for the safety of those travelling along US 6.

- h. *All applicants should include a map of alternative sites (including Federal property) that have been investigated, as well as reason why those sites could not be used.*

Mono County selected the site in 2014 after reviewing options where County owned land could best be utilized to improve cell service; therefore the applicant is not responsible for investigating alternative locations. The applicant has provided propagation maps which demonstrate the site is appropriate to the goal of improving cell service in the Chalfant Valley.

- i. *If additional towers/facilities are associated with the proposed facility, the applicant must provide visuals/mapping of the entire system in Mono County, not just the single tower, as part of a comprehensive visual assessment/mitigation approach.*

No additional towers or facilities are proposed.

- j. *No new tower should be constructed without a setback from the tower's base of at least 1.5 times the tower height to a public or private road and at least 2.5 times the tower height to the nearest property line.*

PF land use designation requires 0' setbacks; however, after the initial LDTAC preapplication process, the applicant moved the proposed tower location to increase setbacks. The new proposed location provides a 100' setback from the BLM owned,

Resource Management designated property to the north; and provides a 168' setback from the Open Space designated property to the west owned by the City of Los Angeles and Department of Water and Power. The proposed tower location is setback at least 450' from the Resource Management parcel to the east and south of the subject parcel. The proposed tower would be located over 1300' from any residential parcel.

The setback outlined in the Mono County Design Guidelines is intended to mitigate visual impact. A determination can be made that there is a less than significant visual impact because the parcel is located on the outskirts of the community and surrounded by Open Space and Resource Management parcels. Therefore, the design setback guidelines do not apply to this tower project because no impact from the project exists that needs to be mitigated.

Mono County Design Guidelines would still provide protection to mitigate visual impacts in other cell tower cases where visual impact and increased setback is an issue. In other such cases it could be found that the impact would be significant without the mitigation of the increased setback; however due to the location of this project Mono County Design Guideline setbacks do not apply because it is surrounded by parcels designated Open Space and Resource Management which create a 0.75 mile buffer between the project and the nearest residential parcels.

- k. No equipment shed for a telecommunications facility should exceed 750 square feet in area nor 12 feet in height. All such sheds should be painted dark colors to blend with the surroundings and screened with vegetation or other aesthetically pleasing materials. Furthermore, all such sheds should be secured with approved fencing and a locked gate.*

A 10' x 10' (100-square foot) walk in cabinet (W.I.C) is proposed and is well under the 750-square foot threshold. The W.I.C. does not exceed 12' in height and a condition of approval requires a dark muted color, such as Dunn-Edwards Paints, Shaker Gray DE623 which has been used by other cell tower projects in Mono County. The shed is surrounded by approved fencing and a locked gate.

- l. The owner of a facility should establish a \$10,000 cash security fund or provide the County with an irrevocable letter of credit in the same amount to secure the cost of removing an antenna, antenna array, or tower that has been abandoned. In the event of a transfer of ownership, the seller will be responsible for notifying the buyer of this requirement and for notifying the County of the transfer.*

Pursuant to the license agreement, licensee shall furnish and maintain in effect a faithful performance bond, letter of credit, or other financial assurance reasonably acceptable to County and approved as to form by the Mono County Counsel, in an amount determined by engineer's estimate (or \$125,000 whichever is greater) to guarantee removal of the Licensee Communications Facilities from the site and site reclamation in accordance with the License and any land use permit conditions or conditions of approval.

USE PERMIT FINDINGS

The Planning Commission shall make all of the following findings in granting the use permit:

1. *All applicable provisions of the Mono County General Plan, Land Use Element are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use, all yards, walls and fences, parking, loading, landscaping and other required features because:*

Adequate site area exists for the placement of the proposed antenna pole. The pole will not exceed 80' in height. The potential visual concerns of the proposed 8' high security fencing and equipment structures will not present a visual problem at this location, as the site is located at the transfer station on the outskirts of the community. The placement of the antenna poles is in compliance with the setback requirements. The pole will be visible, but adjacent mountains provide a backdrop that minimizes pole visibility. This finding can be made.

2. *The site of the proposed use relates to streets and highways adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*

Access is off US 6 via paved residential roads (Brown's Subdivision Road to Valley Road to Locust Street). The traffic generated by the proposed project will not significantly affect traffic circulation, as the site is to be an unmanned, uninhabitable communication site. Site inspections are made about once a month. Traffic generation is not expected to exceed the current residential use. This finding can be made.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*

The applicant has placed the proposed antenna pole in an area already developed within a landfill and transfer station, and in a manner to reduce visibility of the communication equipment and antenna arrays as much as possible. The proposed pole has a backdrop of mountains to minimize visual impact. The pole is situated to avoid adverse impacts to nearby properties and all nearby residential parcels are separated from the proposed tower site by at least 3/4 of a mile via the 79-acre parcel designated as Open Space. The project will improve cell service and safety for residents of Chalfant Valley and travelers on US 6, and therefore would not be detrimental to public welfare or injurious to property or improvements in the area. This finding can be made.

4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*

The General Plan regulates the placement of public and quasi-public developments through the Use Permit process. The proposed project lies within the Public and Quasi-Public Facilities land use designation which is intended to provide for a variety of public and quasi-public facilities and uses including public utility buildings, structures and uses and therefore complies with the standards of the Land Use Element. Finding #4 can be made.

ATTACHMENTS:

1. Plan Set/Site Plan
2. FCC Compliance
3. Coverage/Propagation Maps
4. Photo Simulations
5. Public Hearing Notice – Proof of Publication

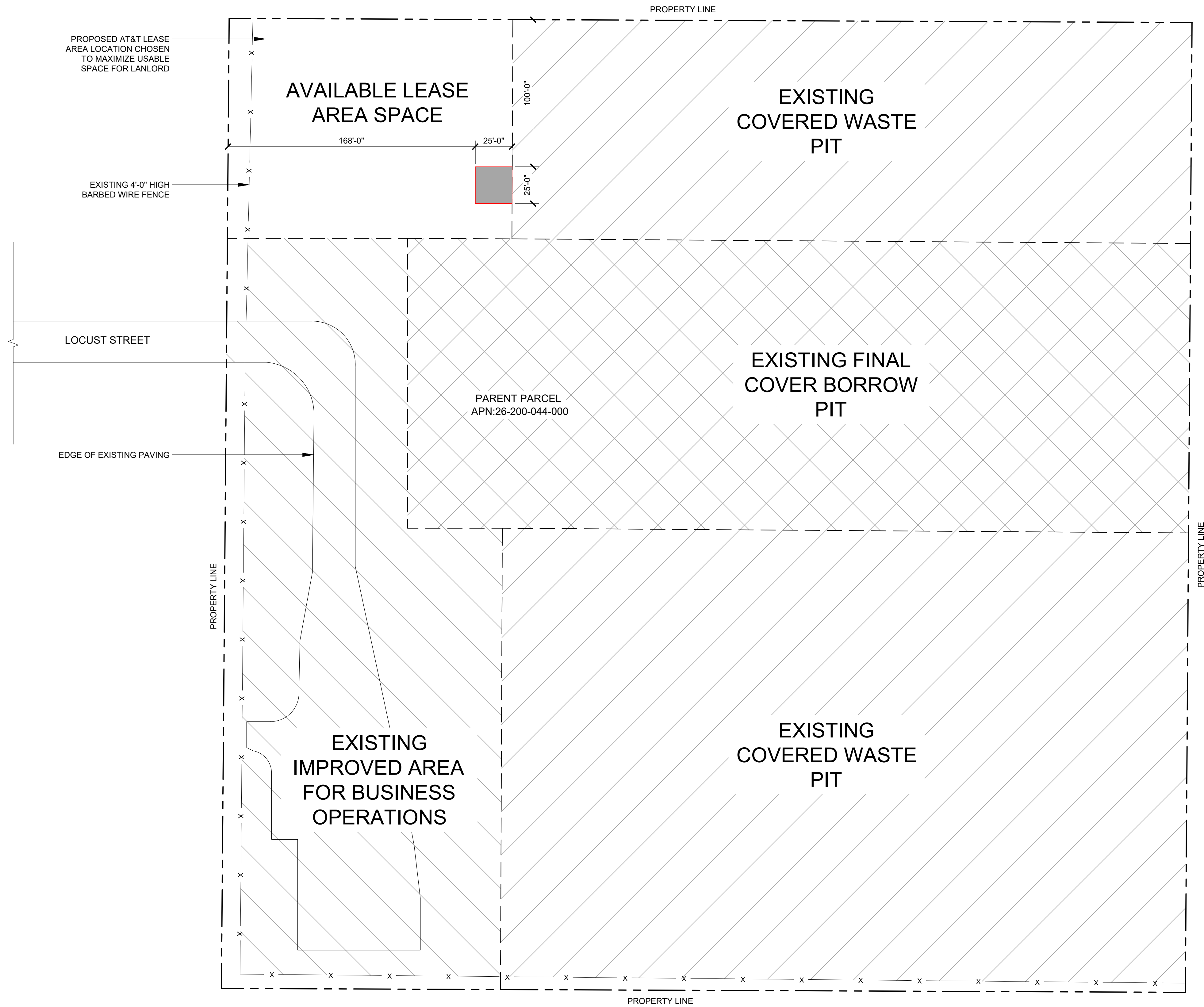
Conditions of Approval

1. To the extent permissible by relevant Telecommunications law, project shall comply with all Mono County regulations including , but not limited to, the Building Division, Planning Division, Public Works Department, and Environmental Health Department.
2. The design, color and building materials for equipment structures shall be compatible with the surrounding natural environment. No reflective construction materials shall be used in the monopole, antenna pole(s), antennas and equipment shelters to house necessary radio and associated equipment. The design, color and building materials for equipment shelters shall be a dull finish in a dark muted color, similar to Dunn-Edwards Paints, Shaker Gray DE623, approved by the Community Development Department.
3. Minor variations in the design, color, and Building materials for equipment shelters that are visible above site fencing may be approved by the Community Development Department. Facility components other than the equipment shelters that are visible above or outside the wall shall be a dull finish in a dark muted color, similar to Dunn-Edwards Paints, Shaker Gray DE623, compatible with the surrounding natural environment.
4. No general nighttime lighting is proposed. Any new lighting must be approved by the Community Development Department, shall comply with Chapter 23 – Dark Sky Regulations, and include the use of downward, shielded lighting that does not exceed 3000K.
5. The site shall be restored with the removal of all equipment upon the non-functionality of the site or upon the termination of the lease agreement.
6. No signs are permitted, except those required by the FCC and other relevant Telecommunications law.
7. Except for the subject tower, all new utilities shall be installed underground, in conformance with applicable provisions of the General Plan.
8. Earthwork, grading, and vegetative removals shall be minimized for site development.
9. The lease site shall be an unmanned, uninhabitable communication site.
10. No noise, odor or vibrations shall be emitted that exceed the general level of noise, or odor or vibration emitted by uses outside of the lease site.
11. Licensee shall furnish and maintain in effect a faithful performance bond, letter of credit, or other financial assurance reasonably acceptable to County and approved as to form by the Mono County Counsel, in an amount determined by engineer's estimate (or \$125,000 whichever is greater) to guarantee removal of the Licensee Communications Facilities from the site and site reclamation in accordance with the License and any land use permit conditions or conditions of approval. In the event of a transfer of ownership, the seller


will be responsible for notifying the buyer of this requirement and for notifying the County of the transfer.

12. Appeal. Appeals of any decision of the Planning Commission may be made to the Board of Supervisors by filing a written notice of appeal, on a form provided by the division, with the Community Development director within 10 calendar days following the Commission action. The Director will determine if the notice is timely and if so, will transmit it to the clerk of the Board of Supervisors to be set for public hearing as specified in Section 47.030.7)
13. Termination: The use permit shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
 - A. There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the Director Review.
 - B. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted.
 - C. No extension is granted as provided in Section 31.080.
14. Extension: If there is a failure to exercise the rights of the Director Review within one year of the date of approval, the applicant may apply for an extension for an additional one year. Any request for extension shall be filed at least 60 days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary and schedule it for public hearing. Conditions of Approval for the use permit may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also recommend that the Commission deny the request for extension. Exception to this provision is permitted for those use permits approved concurrently with a tentative parcel or tract map; in those cases the approval period(s) shall be the same as for the tentative map.
15. Revocation: The Commission may revoke the rights granted by a use permit and the property affected thereby shall be subject to all of the provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the use permit or the violation by the owner or tenant of any provision pertaining to the premises for which such use permit was granted. Before the Commission shall consider revocation of any permit, the Commission shall hold a public hearing thereon after giving written notice thereof to the permittee at least 10 days in advance of such hearing. The decision of the Commission may be appealed to the Board of Supervisors in accordance with Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.

SCALE NOTE:
IF DIMENSIONS SHOWN ON PLAN DO NOT SCALE
CORRECTLY, CHECK FOR REDUCTION OR
ENLARGEMENT FROM ORIGINAL PLANS.



APPLICANT:



The new **at&t**

1452 EDINGER AVENUE,
3RD FLOOR
TUSTIN, CA 92780

ENGINEER:



Eukon
an SFC Communications, Inc. Company

65 POST, SUITE 1000
IRVINE, CA 92618
TEL: (949) 553-8566
www.eukongroup.com

DRAWN BY: DS/MP/BW
CHECKED BY: AG

REVISIONS:

REV	DATE	DESCRIPTION
6	05/25/2022	REVISED ANTENNA DESIGN
5	06/25/2021	DRM COMMENTS
4	06/15/2021	ANTENNA CHANGE
3	10/13/2020	MICROWAVE DESIGN
2	05/01/2020	DRM COMMENTS
1	04/15/2020	PLANNING COMMENTS
0	03/06/2020	100% ZONING DRAWING
A	02/18/2020	90% ZONING DRAWING

LICENSER:

NOT FOR CONSTRUCTION

PROJECT INFORMATION:

CSL02379

500 LOCUST STREET
CHALFANT, CA 93514

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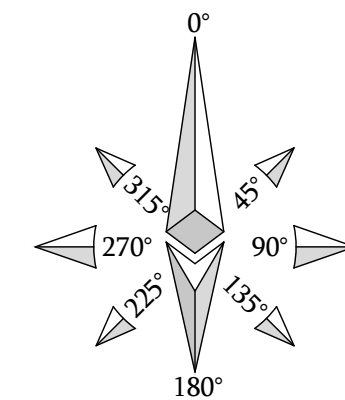
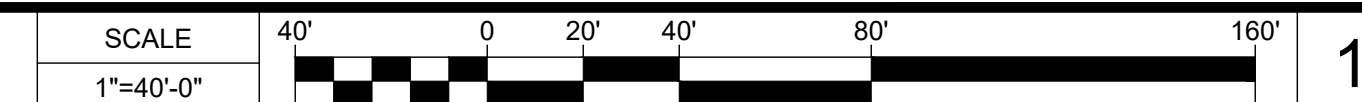
OVERALL SITE PLAN

SHEET NUMBER:

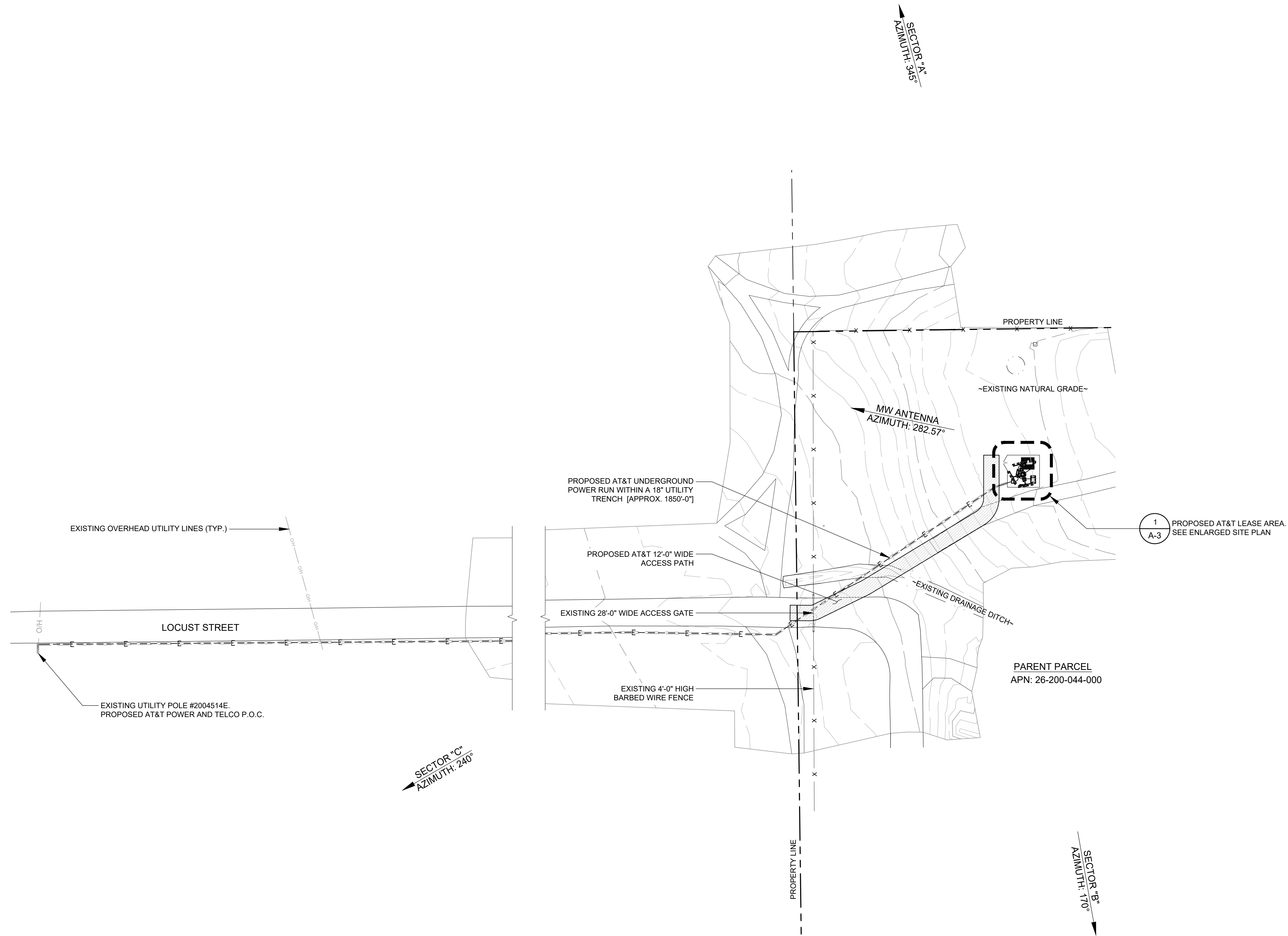
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EUKON AT&T TEMP V2.0

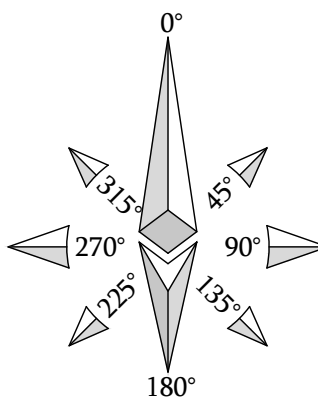
OVERALL SITE PLAN



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1
A-3 PROPOSED AT&T LEASE AREA.
SEE ENLARGED SITE PLAN



SCALE
NONE 1

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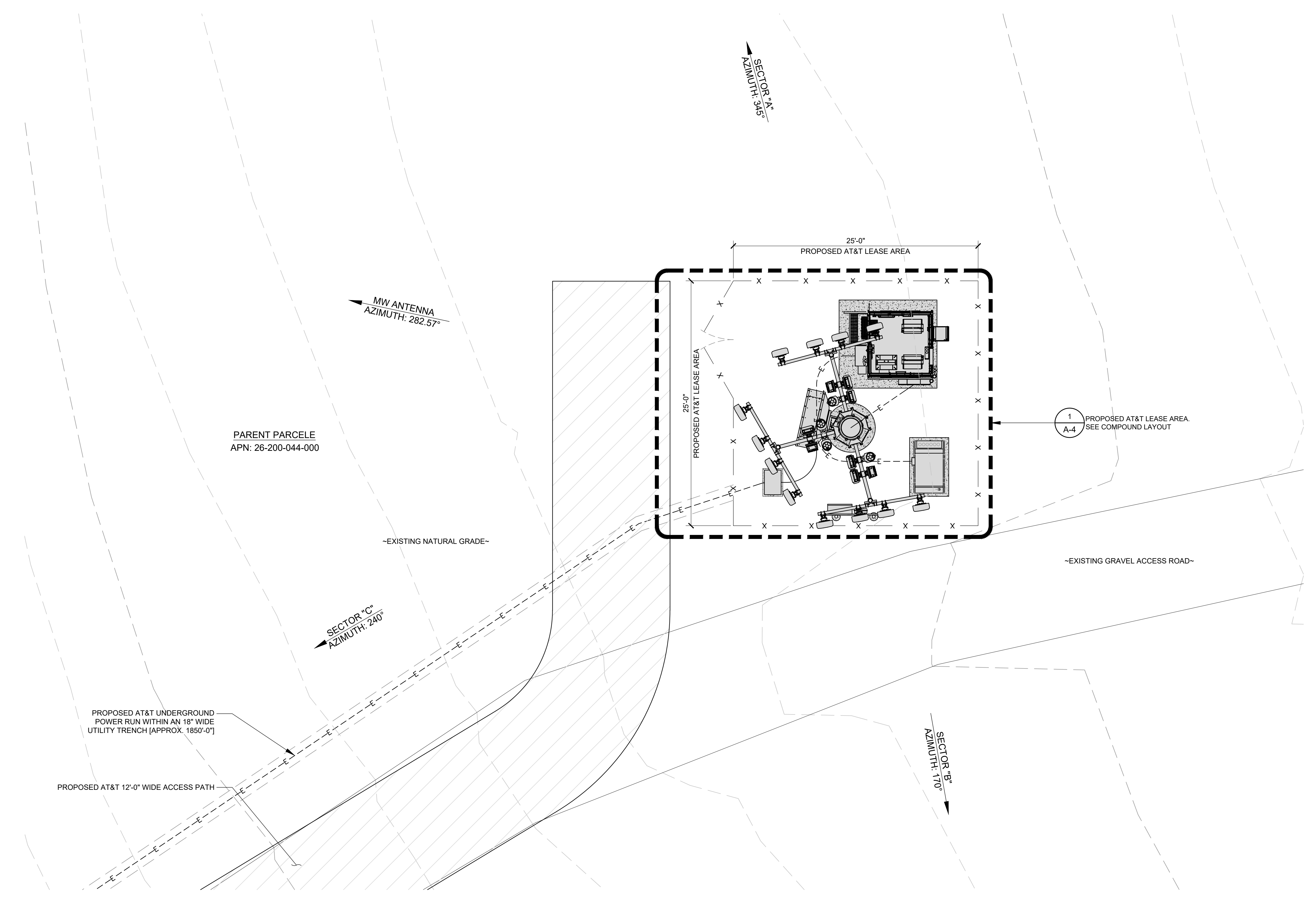
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SITE PLAN

SHEET NUMBER:

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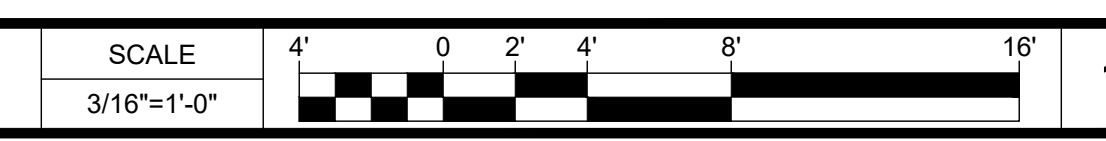
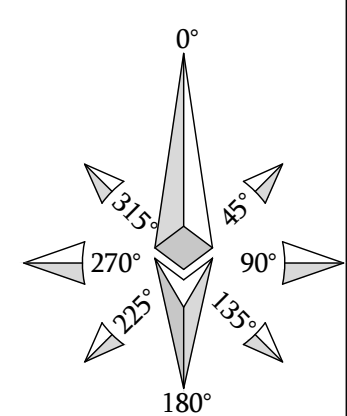
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PARENT PARCELE
APN: 26-200-044-000

PROPOSED AT&T UNDERGROUND
POWER RUN WITHIN AN 18" WIDE
UTILITY TRENCH [APPROX. 1850'-0"]

PROPOSED AT&T 12'-0" WIDE ACCESS PATH



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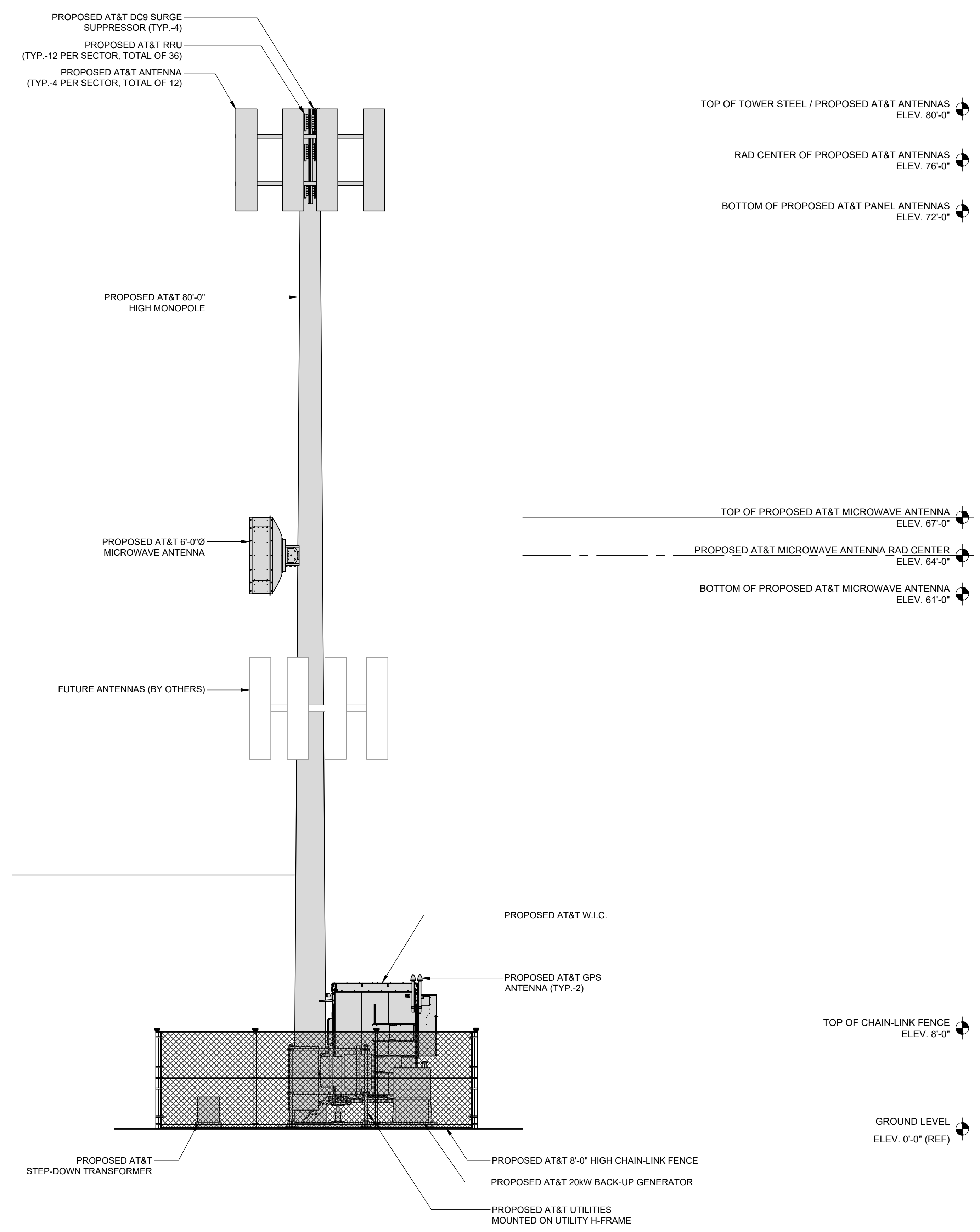
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ENLARGED
SITE PLAN

SHEET NUMBER:

A-3

SCALE NOTE:
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TOP OF TOWER STEEL / PROPOSED AT&T ANTENNAS
ELEV. 80'-0"

RAD CENTER OF PROPOSED AT&T ANTENNAS
ELEV. 76'-0"

BOTTOM OF PROPOSED AT&T PANEL ANTENNAS
ELEV. 72'-0"

TOP OF PROPOSED AT&T MICROWAVE ANTENNA
ELEV. 67'-0"

PROPOSED AT&T MICROWAVE ANTENNA RAD CENTER
ELEV. 64'-0"

BOTTOM OF PROPOSED AT&T MICROWAVE ANTENNA
ELEV. 61'-0"

PROPOSED AT&T W.I.C.

PROPOSED AT&T GPS ANTENNA (TYP.-2)

TOP OF CHAIN-LINK FENCE
ELEV. 8'-0"

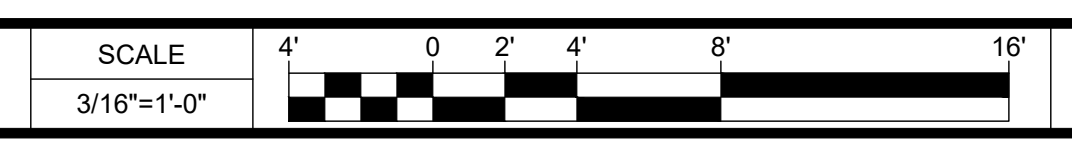
GROUND LEVEL
ELEV. 0'-0" (REF)

PROPOSED AT&T STEP-DOWN TRANSFORMER

PROPOSED AT&T 8'-0" HIGH CHAIN-LINK FENCE

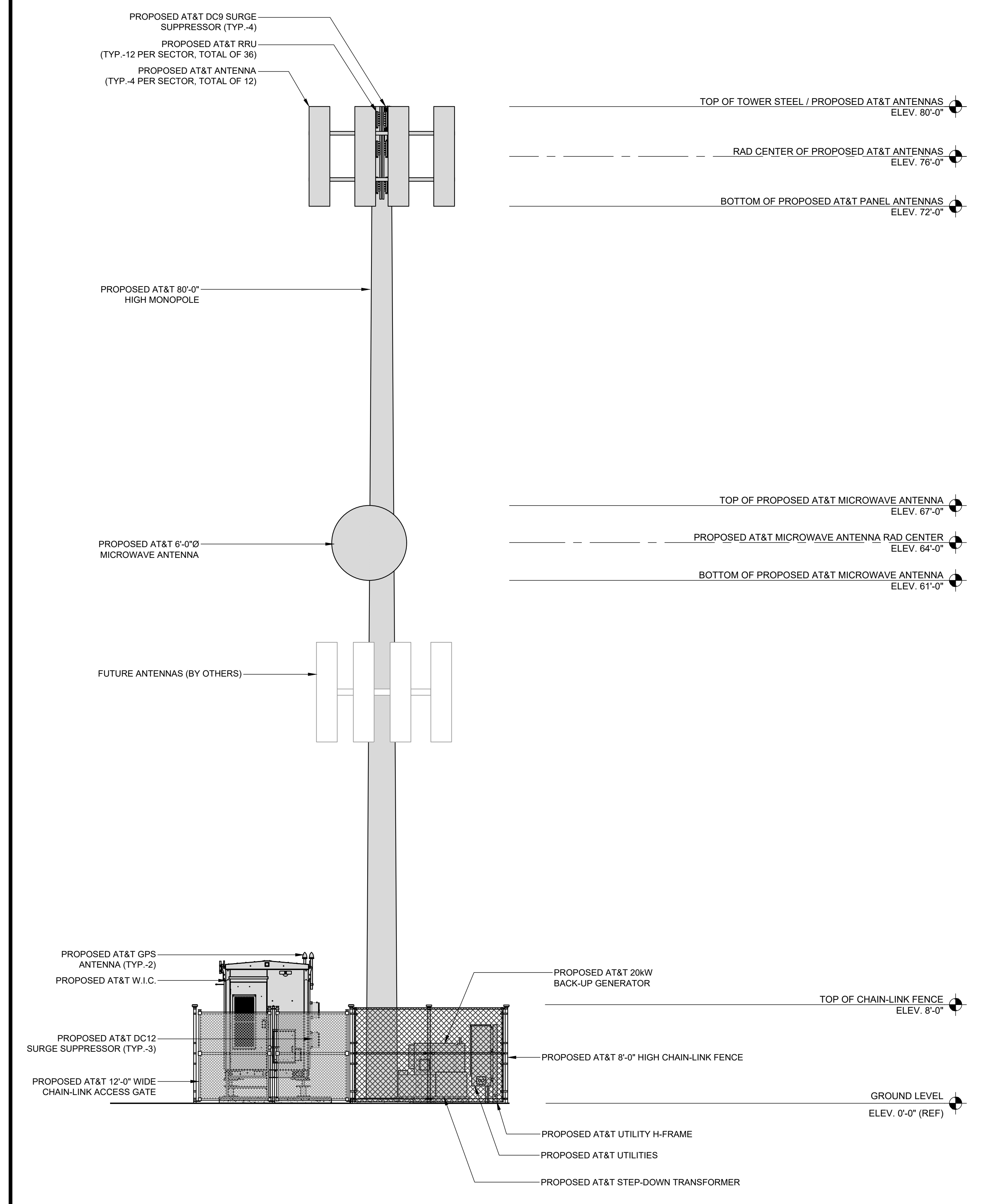
PROPOSED AT&T 20kW BACK-UP GENERATOR

PROPOSED AT&T UTILITIES MOUNTED ON UTILITY H-FRAME



2

PROPOSED WEST ELEVATION



TOP OF TOWER STEEL / PROPOSED AT&T ANTENNAS
ELEV. 80'-0"

RAD CENTER OF PROPOSED AT&T ANTENNAS
ELEV. 76'-0"

BOTTOM OF PROPOSED AT&T PANEL ANTENNAS
ELEV. 72'-0"

TOP OF PROPOSED AT&T MICROWAVE ANTENNA
ELEV. 67'-0"

PROPOSED AT&T MICROWAVE ANTENNA RAD CENTER
ELEV. 64'-0"

BOTTOM OF PROPOSED AT&T MICROWAVE ANTENNA
ELEV. 61'-0"

PROPOSED AT&T GPS ANTENNA (TYP.-2)

PROPOSED AT&T W.I.C.

PROPOSED AT&T DC12 SURGE SUPPRESSOR (TYP.-3)

PROPOSED AT&T 12'-0" WIDE CHAIN-LINK ACCESS GATE

PROPOSED AT&T 20kW BACK-UP GENERATOR

TOP OF CHAIN-LINK FENCE
ELEV. 8'-0"

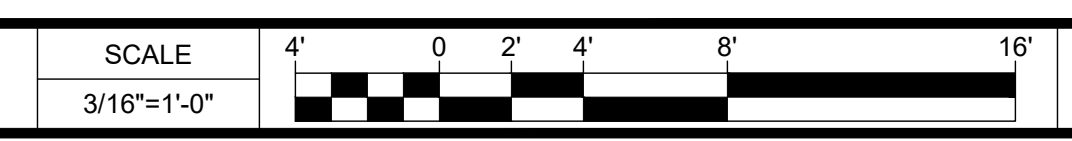
GROUND LEVEL
ELEV. 0'-0" (REF)

PROPOSED AT&T 8'-0" HIGH CHAIN-LINK FENCE

PROPOSED AT&T UTILITY H-FRAME

PROPOSED AT&T UTILITIES

PROPOSED AT&T STEP-DOWN TRANSFORMER



1

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LICENSER:

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PROJECT INFORMATION:

CSL02379

500 LOCUST STREET
CHALFANT, CA 93514

SHEET TITLE:

PROPOSED WEST
AND SOUTH
ELEVATION

SHEET NUMBER:

A-6

EUKON AT&T TEMP V2.0



October 31, 2022

To Whom **It May Concern:**

FAA & FCC Compliance Statement Statements, AT&T Wireless hereby certifies the following statement:

AT&T Wireless is in full compliance with all regulations of the Federal Communications Commission, specifically those regulations detailed in 47 CFR 1.65 Regulating the placement and operation of wireless telecommunication facilities.

AT&T Wireless is also in full compliance with all Federal Aviation Association telecommunication siting and height requirements and properly registers all facilities that fall within the following categories:

Notification to the FAA (as prescribed in Title 47 of the Code of Federal Regulations, Chapter 1, Part 17.7) and, thus, registration with the Commission is required for any of the following:

1) Any construction or alteration of more than 60.96 meters (200 feet) in height above ground level at its site.

2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(a) 100 to 1 for a horizontal distance of 6.10 kilometers (20,000 feet) from the nearest point of the nearest runway of each airport as specified in paragraph 3(a, b, and c) below with its longest runway more than 0.98 kilometers (3,200 feet) in actual length, excluding heliport and seaplane bases without specified boundaries.

(b) 50 to 1 for a horizontal distance of 3.05 kilometers (10,000 feet) from the nearest point of the nearest runway of each airport as specified in paragraph 3(a, b, and c) below with its longest runway no more than 0.98 kilometers (3,200 feet) in actual length, excluding heliport and seaplane bases without specified boundaries.

(c) 25 to 1 for a horizontal distance of 1.52 kilometers (5,000 feet) from the nearest point of the nearest landing and takeoff area of each heliport specified in paragraph 3(a, b, and c) below.

NOTE: Applicants can access the FCC's TOWAIR program via the Antenna Homepage on the Internet (<http://wireless.fcc.gov/antenna>) to determine if a proposed construction or alteration meets the above criteria.

3) Any construction of an antenna structure (or any alteration of an antenna structure that would increase its height) on any of the following airports (including heliports):

(a) An airport that is available for public use and is listed in the Airport Directory or current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.

(b) An airport under construction that is the subject of a notice or proposal on file with the Federal Aviation Administration and, except for military airports, it is clearly indicated that the airport will be available for public use.

(c) An airport that is operated by one of the armed forces of the United States.

4) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed an obstruction standard of the FAA.

Certified this 31st day of October 2022

LTE Justification Plots

Market Name: Los Angeles

Site ID: CSL02379

Site Address: 500 Locust Street, Bishop CA 93514

ATOLL Plots Completion Date: Jan 26, 2022

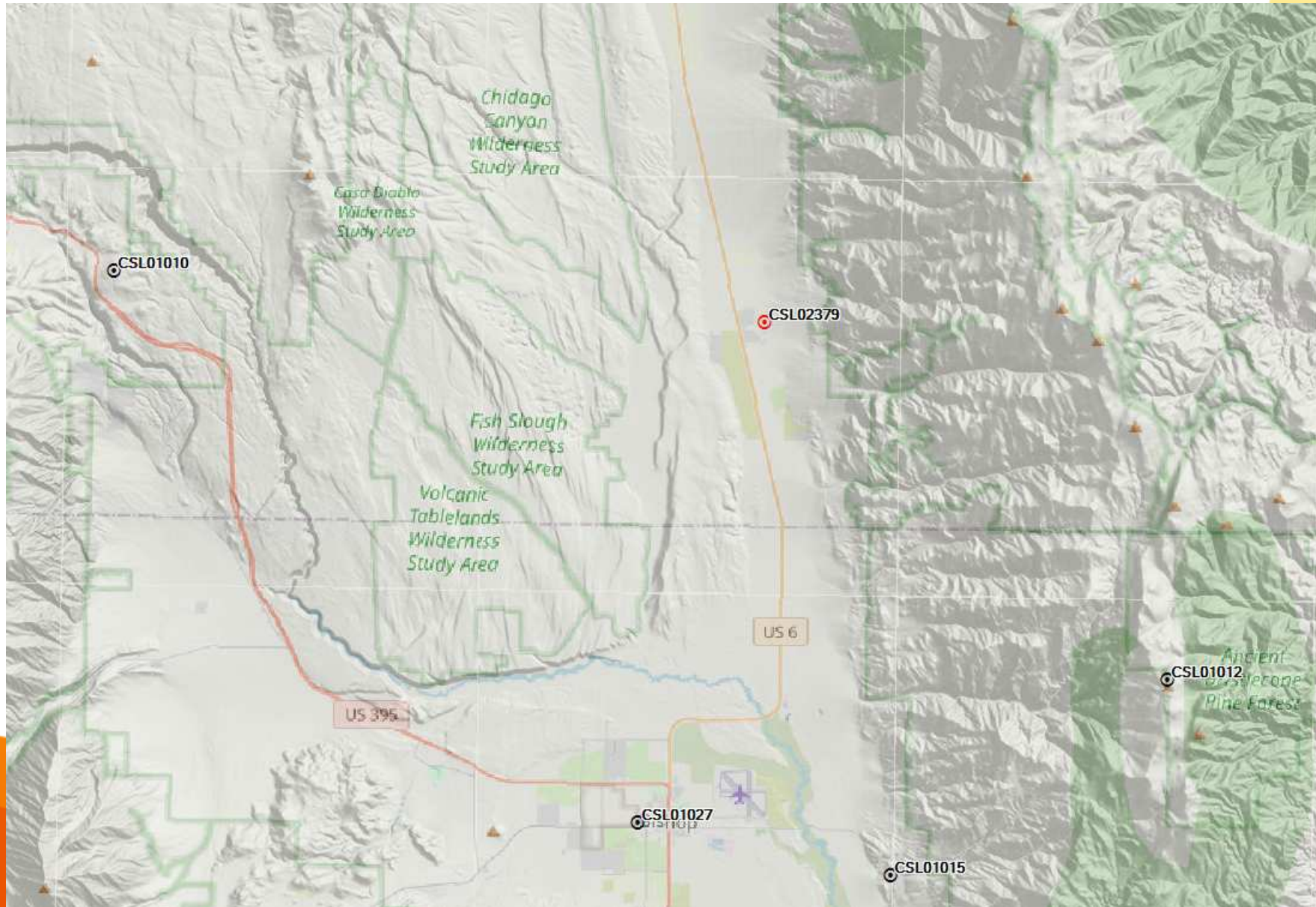


Assumptions

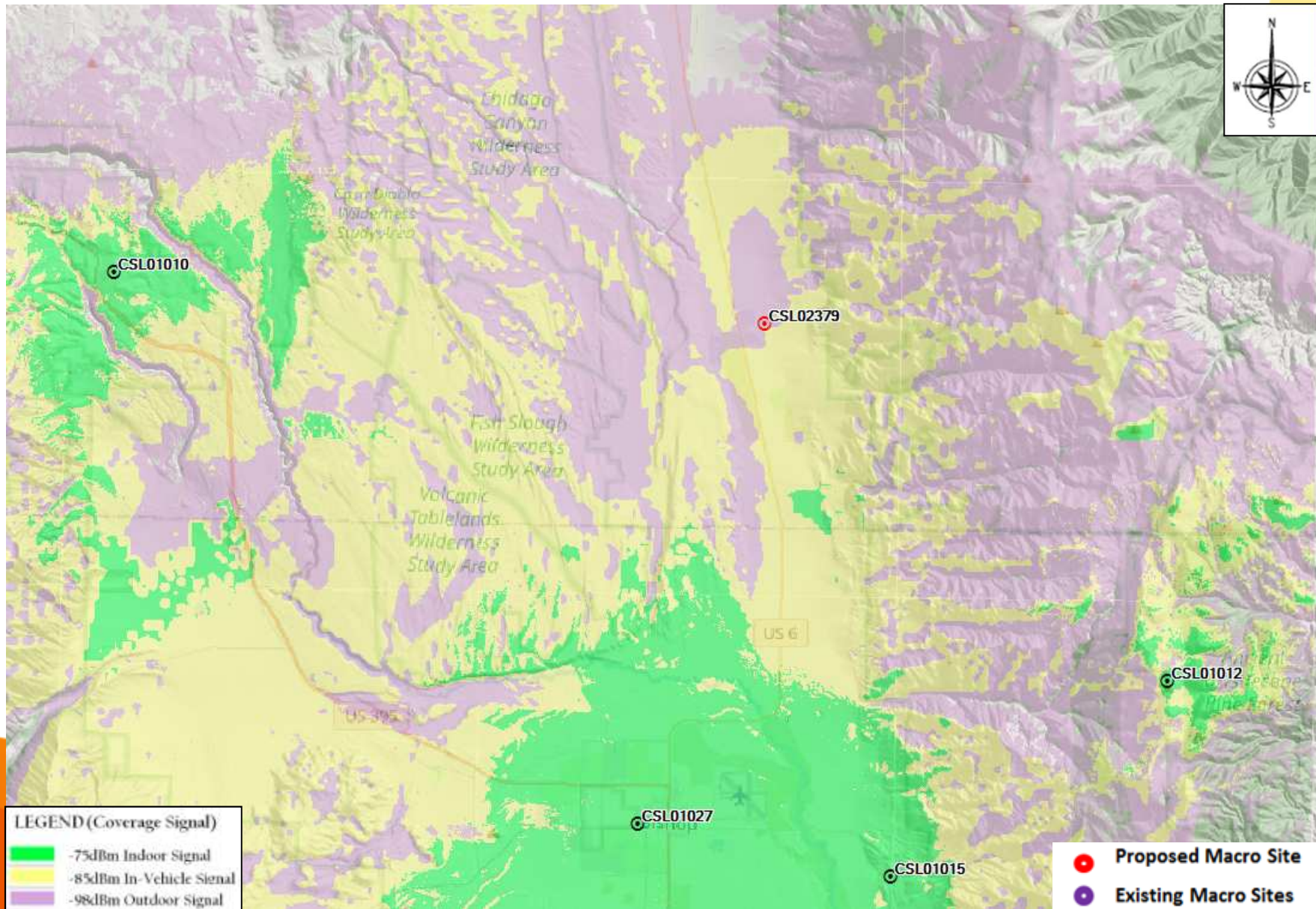
- ∇ Propagation of the site plots are based on our current Atoll (Design tool) project tool that shows the preferred design of the AT&T 4G-LTE network coverage.
- ∇ The propagation referenced in this package is based on proposed LTE coverage of AT&T users in the surrounding buildings, in vehicles and at street level . For your reference, the scale shown ranges from good to poor coverage with gradual changes in coverage showing best coverage to marginal and finally poor signal levels.
- ∇ The plots shown are based on the following criteria:
 - Existing:** Since LTE network modifications are not yet **On-Air**. The first slide is a snap shot of the area showing the existing site without LTE coverage in the AT&T network.
 - The Planned LTE Coverage with the Referenced Site:** Assuming all the planned neighboring sites of the target site are approved by the jurisdiction and the referenced site is also approved and **On-Air**, the propagation is displayed with the planned legends provided.
 - Without Target site:** Assuming all the planned neighboring sites are approved by the jurisdiction and **On-Air** and the referenced site is **Off-Air**, the propagation is displayed with the legends provided.



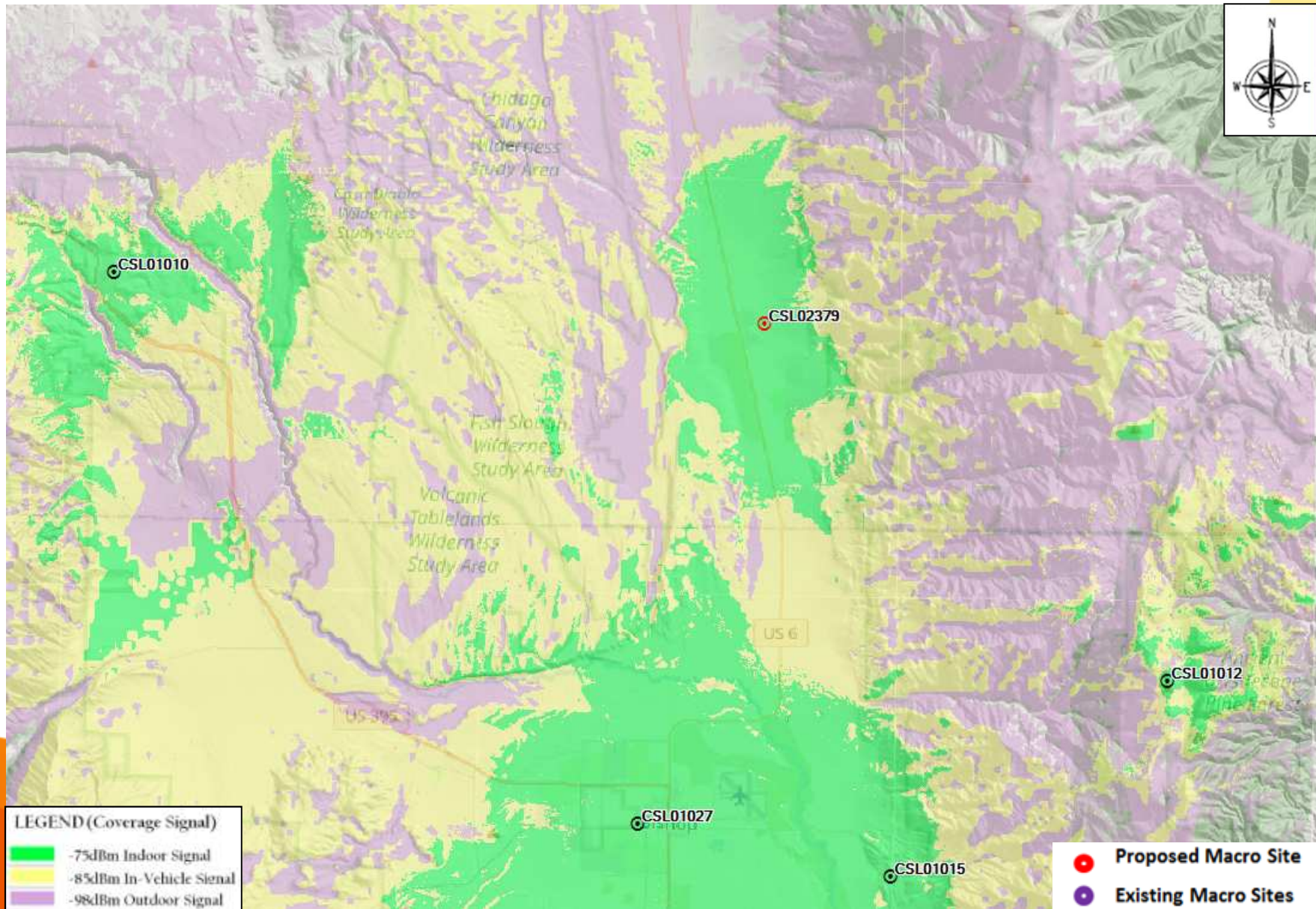
CSL02379



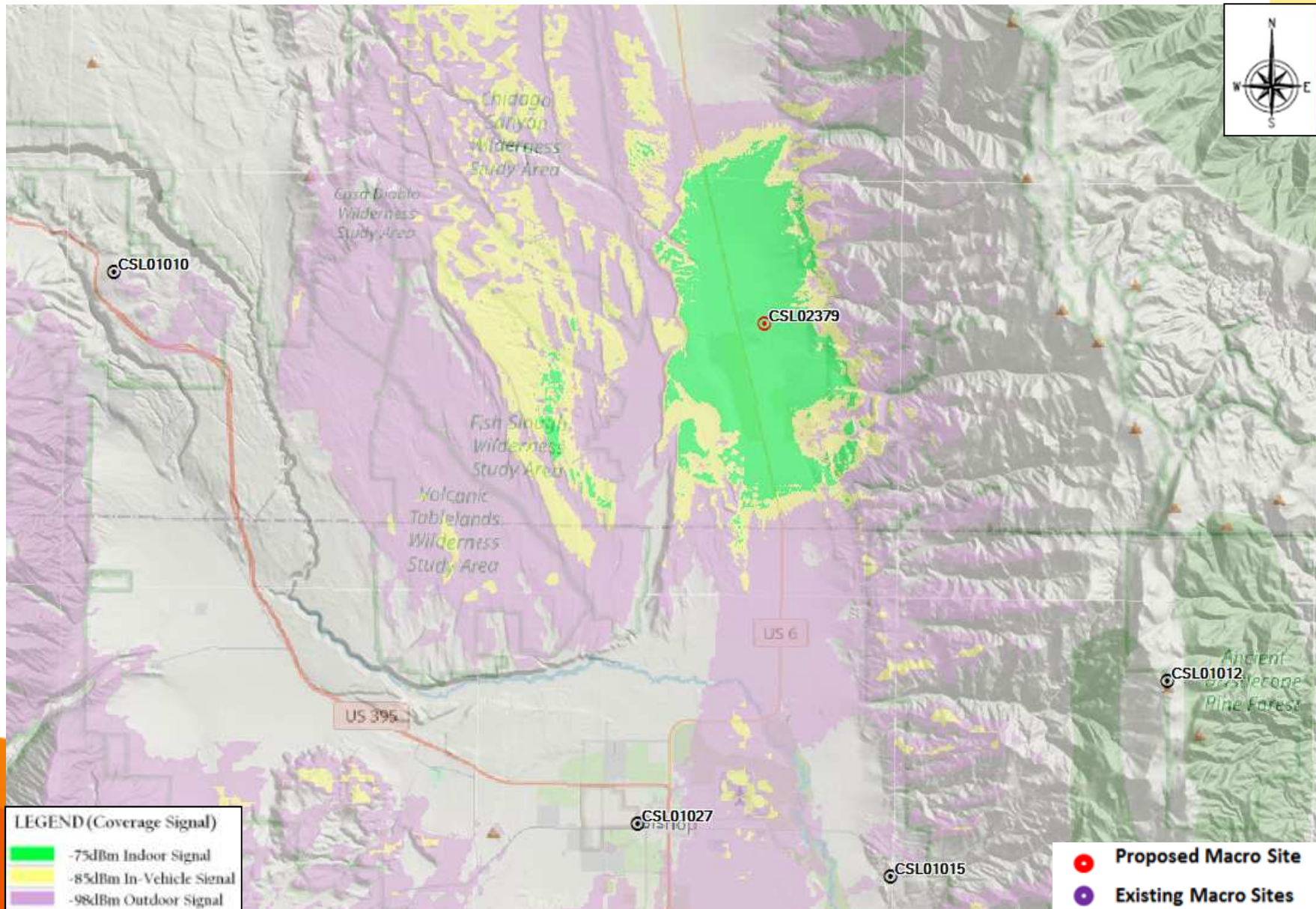
LTE Coverage Before site CSL02379



LTE Coverage After site CSL02379



LTE Coverage standalone site CSL02379



Coverage Legend

Rethink Possible®



In-Building Service: In general, the areas shown in dark green should have the strongest signal strength and be sufficient for most in-building coverage. However, in-building coverage can and will be adversely affected by the thickness/construction type of walls, or your location in the building (i.e., in the basement, in the middle of the building with multiple walls, etc.)

In-Transit Service: The areas shown in the yellow should be sufficient for on-street or in-the-open coverage, most in-vehicle coverage and possibly some in-building coverage.

Outdoor Service: The areas shown in the purple should have sufficient signal strength for on-street or in-the-open coverage, but may not have it for in-vehicle coverage or in-building coverage.



CSL02379

500 LOCUST STREET CHALFANT CA 93514



VIEW 1



©2022 Google Maps



EXISTING



PROPOSED LOOKING SOUTHEAST FROM HIGHWAY 6



©2022 Google Maps



EXISTING



PROPOSED MONOPOLE

PROPOSED LOOKING NORTHEAST FROM HIGHWAY 6



CSL02379

500 LOCUST STREET CHALFANT CA 93514



VIEW 3



©2022 Google Maps



EXISTING



PROPOSED MONOPOLE

PROPOSED EQUIPMENT ENCLOSURE

PROPOSED

LOOKING EAST FROM LOCUST STREET

MONO COUNTY PLANNING COMMISSION

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

November 30, 2022

To: The Sheet
From: Laura Stark, Community Development Analyst
Re: Legal Notice for **December 3** edition

Invoice: Heidi Willson, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **December 15, 2022**. As authorized by AB 361, Mono County has declared a state of emergency, local officials have recommended or imposed measures to promote social distancing, and the legislative body has made such findings; therefore the meeting will be accessible remotely by livecast at: <https://monocounty.zoom.us/j/81728469252> and by telephone at: 669-900-6833 (Meeting ID# is 817 2846 9252) or by teleconference location either at the Bridgeport CAO conferences room, First Floor, Annex 1, 74 N. School St, Bridgeport, CA, 93517 or at the Mono Lake Room of the Mono County Civic Center, First Floor, 1290 Tavern Road, Mammoth Lakes, CA, 93546. Members of the public shall have the right to observe and offer public comment, to consider the following: **9:00 am – Use Permit 22-009/Eukon Group**. The project proposes to allow the installation, operation and maintenance of a wireless telecommunications facility tower on land owned by Mono County and leased to New Cingular Wireless, PCS, LLC in order to improve the cell service levels in the Chalfant Valley. The proposed project site is located at the Chalfant Valley Transfer Station, 500 Locust Street (APN 026-200-044-000), 0.64 miles east of U.S. Route 6. The parcel is designated Public and Quasi-Public Facilities (PF) and is 10.07 acres, currently developed with sections of landfill as well as facilities for operation of the landfill and transfer station. A Categorical Exemption compliant with the California Environmental Quality Act (CEQA) sections 15303 (c), (d) and (e) is proposed. Agenda packet can be found online: https://monocounty.ca.gov/meetings?field_microsite_tid_1=597 and hard copies are available for the cost of reproduction by calling 760-924-1800. INTERESTED PERSONS are strongly encouraged to attend the livecast meeting online or to attend in-person; and to **submit comments by 8 am on Thursday, December 15, 2022, to the Planning Commission Secretary, PO Box 347, Mammoth Lakes, CA 93546** or by email at cddcomments@mono.ca.gov or via the livecast meeting (technology permitting). If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Secretary of the Planning Commission at, or prior to, the public hearing. For additional questions, please contact Laura Stark, PO Box 347, Mammoth Lakes, CA 93546; lstark@mono.ca.gov; 760-924-1810.

Mono County
Community Development Department

P.O. Box 347
Mammoth Lakes, CA 93546
(760) 924-1800, fax 924-1801
commdev@mono.ca.gov

Planning Division

P.O. Box 8
Bridgeport, CA 93517
(760) 932-5420, fax 932-5431
www.monocounty.ca.gov

December 15, 2022

To: Mono County Planning Commission

From: April Sall, Planning Analyst II

Re: Use Permit 22-010 /Olson

RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303 and instruct staff to file a Notice of Exemption;
2. Recommended Project – Approved Building Permit: Approve the overhead lines as depicted in the approved building permit site plan and make the required findings as contained in the project staff report.

OR

3. Alternative #1 – As-built Project: Make the alternative findings and approve Use Permit 22-010 as built subject to Conditions of Approval on the basis of the financial hardship finding per Chapter 11.D.3. of the Mono County General Plan.

OR

4. Alternative #2 – Disapproval: Find that the required findings cannot be made, deny the Use Permit, and require the entire line to be undergrounded on the parcel, per Chapter 11.

BACKGROUND

Chapter 11.010 Utilities require lines to be undergrounded to an individual development but provides for overhead lines to be approved, subject to a Director Review permit, if at least one of four findings in Mono County General Plan (MCGP) Land Use Element (LUE) §11.010.D. can be made. During review of the Director Review permit application, the Director may determine the project to be controversial or environmentally sensitive and elevate the project to require a Use Permit (MCGP LUE §31.010). Due to the controversial nature of overhead power lines stemming from concerns about wildfire, the Director has determined all current requests for overhead power lines will be escalated to use permits for review by the Planning Commission during a public hearing.

The project site was issued a building permit in December 2018 for the construction of a single-family residence. The site plan for the building permit identified one new power pole on the property with approximately 130 feet of new overhead line, and then the line was undergrounded to the residence within the driveway alignment (Attachment 1). The building permit includes a Condition of Approval to install all utilities underground.

The unauthorized installation of overhead powerlines in this area came to the Community Development Department's (CDD's) attention when a formal complaint was received for two properties on Wunderlich Way. Mono County Code Enforcement determined that unauthorized overhead lines had been installed on both properties. Use Permit 21-001/Hemminger authorized some overhead lines and required some undergrounding of lines on the second property.

Code Enforcement notified the subject property owner in Oct. 2020 that the lines must be undergrounded or a Use Permit application submitted. The owner submitted a Use Permit application in March 2021 but then withdrew it a few weeks later. Code Enforcement formally issued a Notice of Violation (NOV) in June 2021 followed by a citation in April 2022. The current application before the Planning Commission was submitted in October 2022.

Throughout this time, staff has been attempting to clarify the General Plan regulations, the condition imposed on the building permit, and the approved building plans with the property owner. Some of the confusion and challenge has arisen from the fact that the condition requiring undergrounding of utilities was not directly included on the approved site plan or shown as a redline correction. Regardless, compliance by either undergrounding of the lines or approval through a Use Permit is required and was stated in the NOV. Another challenging point has been clarifying that a contract between a property owner and contractor, such as Liberty Utilities, is a private agreement and a civil matter. The County does not review or approve private contracts; ultimately, the property owner is responsible for ensuring any contracts for work comply with approved permits and applicable regulations.

PROJECT DESCRIPTION

The project is located at 162 Wunderlich Way (APN 002-440-030; Figure 1) in Coleville and proposes approval of two power poles with overhead powerlines pursuant to the undergrounding exemptions provided in Chapter 11 – Utilities of the MCGP LUE. Wunderlich Way is a private dirt road off U.S. Highway 395 (US 395) serving a small subdivision of four parcels. The property is 7.94 acres and is designated Rural Residential (RR). The overhead power lines were installed to a 1,450 square foot (sf) single-family residence (SFR). A paved driveway from Wunderlich Way provides access to the residence, and all yard setbacks and lot coverage requirements are met. Two overhead power poles were installed by Liberty Utilities at the owner's request (see Figure 2, 3 and 4), extending overhead power line service from the edge of the parcel for approximately 330 feet before undergrounding the last 180 feet to the SFR.

The topography of the parcel has some features relevant to the project. The parcel has relatively steep slopes on the southern and eastern sides becoming more gradual toward the top elevation of the parcel where the SFR is constructed on a bluff. There is also a relatively deep drainage (see Figures 5 and 6 below) with spring-fed perennial flowing water bisecting the southern half of the parcel. It is not a blue line stream; however, the steep sides are approximately 25-30 feet deep and water does appear to flow most of the year supporting riparian vegetation and habitat. The overhead power currently stretches across the drainage to another pole on the uphill side and then is undergrounded from that second pole, approximately 180 feet to the SFR.



FIGURE 1. Project location: 162 Wunderlich Way, Coleville



FIGURE 2. The two poles serving the Olson residence are indicated by red arrows. The other poles are along Wunderlich Way.



FIGURE 3: Olson Residence showing the two new unauthorized overhead power poles.



FIGURE 4: Olson Residence from the south looking north. Picture shows the two poles from the driveway. The line is undergrounded the last 180+ feet from the second pole to the residence.

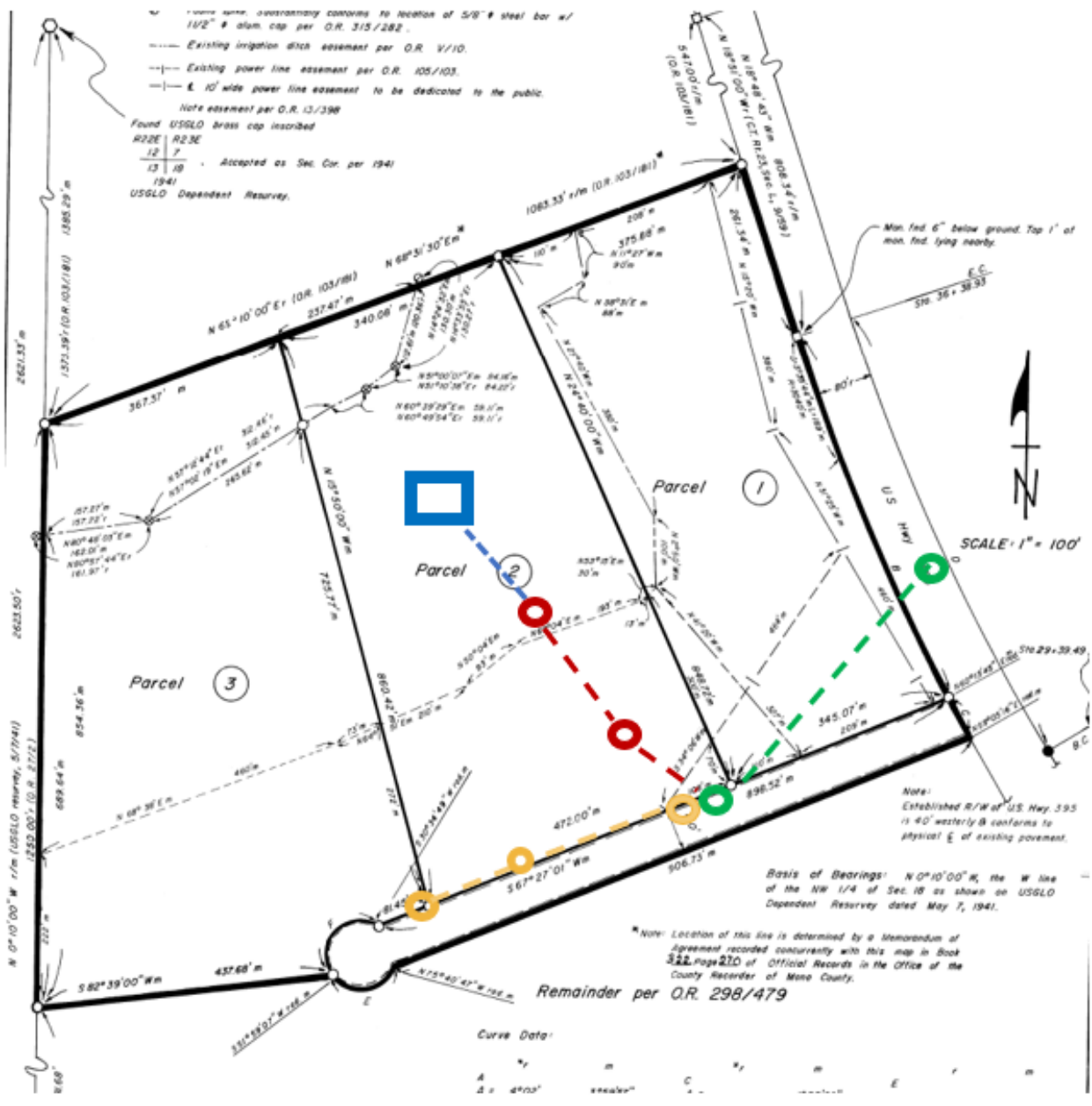


FIGURE 5: Picture of both Olson power poles spanning across the steep riparian drainage (view from Highway 395).



FIGURE 6: Picture of both power poles looking from the second service pole, closest to Olson Residence, looking across the steep riparian drainage toward the southeast.

FIGURE 7: PARCEL MAP EXHIBIT



- New overhead power line extension
- New Power poles
- Pre-existing/ original power poles
- Undergrounded line from last/2nd "new" pole to Olson residence
- New Residence/ Olson
- Wunderlich overhead poles (approved by PC in March 2021)

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)

The LDTAC reviewed and accepted the Use Permit application for processing on October 17, 2022. The draft conditions of approval for this project were reviewed and approved with edits by LDTAC on November 28, 2022.

PUBLIC HEARING NOTICE

A hearing notice was published in the December 3, 2022, edition of The Sheet (Attachment 2). Notices were also mailed November 30, 2022, to property owners within a 300' radius of the site (Attachment 3). No comments were received at the time this staff report was written.

GENERAL PLAN CONSISTENCY

The project is consistent with the intent and permitted uses of the Rural Residential (RR) land use designation which allows for a single-family residence. To approve any overhead lines, one of the four potential findings in MCGP LUE Chapter 11 – Utilities must be made along with the standard Use Permit findings for consistency with MCGP LUE Chapter 32.

CEQA COMPLIANCE

The project qualifies for a categorical exemption under California Environmental Quality Act (CEQA) Guideline 15303(d), New Construction or the Conversion of Small Structures. The exemption allows for construction of new facilities and water main, sewage, electrical, gas, and other utility extension of reasonable length to serve new construction.

CEQA Guidelines 15303 construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.

Therefore, the extension of overhead utility lines to a new single-family residence as proposed under this use permit qualifies under this exemption.

REQUIRED FINDINGS

§11.010.D. Findings

In granting a permit for overhead utility lines, the Planning Commission must **make at least one of the following findings** from MCGP LUE §11.010.D. and require anticipated impacts from all four findings be avoided, minimized, or mitigated to the extent possible:

1. *The overhead line placement will not significantly disrupt the visual character of the area. In making this determination, the Director or the Commission shall consider the following:*
 - a. *In areas without a number of existing overhead lines in the immediate vicinity, would overhead lines create the potential for a significant cumulative visual impact; i.e., would allowing an overhead line be likely to result in future requests for additional overhead lines in the area? If so, it may be determined that an overhead line will have a significant impact on the visual character of the area.*
 - b. *Does the topography or vegetation in the area effectively screen the proposed lines? If so, then an additional line may not significantly disrupt the visual character of the area.*
 - c. *Are there other potential alignments that would have less visual impact?*
 - d. *Does the project reduce the overall number of overhead lines and poles in the area; are the lines co-located with existing facilities; and/or do design features such as height of lines, size, color, reflectivity, tension in line, or other features reduce visual impacts? If so, it may be determined that an overhead line will not have a significant impact on the visual character of the area.*

The Director or the Commission may consider additional information pertaining to the visual character of the area that is deemed relevant to the application.

Recommended Project and Alternative #1:

Although the poles and lines on the property may have a visual impact for the local vicinity or from specific viewpoints/properties, the overall impact of a single 180' or 330' overhead line as proposed in the Approved Building Permit or As-Built projects, respectively, on the viewshed of the entire valley, which is approximately 15-miles long by 8-miles wide, is minimal to unnoticeable. There are also some existing overhead power lines in the area and in the subdivision as evidenced in Figures 2 and 7 (above). This project would not cause a proliferation of overhead lines because it only serves the single residence and adjacent properties are either already developed or this line is not appropriately located to service those properties. This finding can be made.

Alternative #2:

The project would approve additional overhead power lines. The project does not reduce the number of overhead power lines or poles in the area, is located on a bluff and silhouetted against the sky from certain viewpoints, and the line is not co-located with existing facilities. This finding cannot be made.

2. *The placement of utility lines above ground is environmentally preferable to underground placement and does not create public health and safety impacts. In making this determination, the Director or the Commission shall consider the following:*
 - a. *Will underground placement disturb an environmentally sensitive area, including but not limited to the following: cultural resource sites, significant wildlife habitat or use areas, riparian or wetland areas, or shallow groundwater? If so, above-ground placement may be preferable;*

- b. *Will overhead placement cause impacts to sensitive species, such as the Bi-State Distinct Population Segment of Greater Sage-Grouse, or other environmental impacts? If so, aboveground placement may not be preferable, or perch deterrents and other mitigations may be required (see policies in the Conservation/Open Space Element);*
- c. *Will underground placement require disturbance of a waterway, including perennial, intermittent and seasonal streams? If so, above-ground placement may be preferable;*
- d. *Will underground placement increase the utility line's exposure to environmental hazards, such as flood hazards, fault hazards or liquefaction? If so, above-ground placement may be preferable;*
- e. *Are there other potential alignments that would avoid potential environmental impacts?;*
and
- f. *Are there adequate provisions for long-term maintenance and fire-hazard mitigation? If so, above-ground placement may be acceptable.*

The Director or the Commission may consider additional information pertaining to the environmental sensitivity of the area that is deemed relevant to the application.

Recommended Project and Alternative #2:

The Commission may determine this finding cannot be made because underground placement per the approved site plan or of the entire line would not disturb a blue line stream or delineated wetland, or other known environmentally sensitive habitat. Had the project been built to the submitted site plan, the alignment would have followed the installed driveway and thus minimized additional crossings of the drainage. Therefore, underground placement per the Recommended Project or Alternative #2 is preferable. Further, allowing the line overhead exposes the line to high winds, which has the potential to down power lines and poles.

Alternative #1:

The Commission may determine this finding can be made because the current overhead line placement spans a steep drainage with a spring-fed water source and water has been seen flowing above ground on several site visits (see parcel topography description above and Figures 5 and 6), and therefore overhead placement may be preferable to undergrounding. The placement of overhead lines is not expected to cause any impacts to sensitive species such as the Bi-State Sage Grouse (BSSG), as the site is not within an identified BSSG habitat area.

Regarding (f), Liberty has a wildfire mitigation program for long-term maintenance and fire-hazard mitigation. Per information obtained from Liberty Utility:

“There are three main pillars or actions Liberty is taking to reduce the possibility of an electrical infrastructure-ignited wildfire. The first pillar is vegetation management, which aims to eliminate combustible fuel under and around power lines. The second pillar is infrastructure hardening or upgrading and/or replacing infrastructure that could potentially cause a spark or ignition. Third, and used as a last resort, are Public Safety Power Shutoffs, which are implemented when weather conditions become an extreme fire risk and shutting power off to some or all of the electrical grid is deemed a necessary precaution to prevent a fire start.

1. **Vegetation Management** - Liberty crews are deployed year-round throughout the region to inspect trees and vegetation in the vicinity of power lines. In order to comply with state law and safety best practices, trees and vegetation that have grown too close to power lines will be trimmed or removed to mitigate wildfire risk. Liberty arborists can inspect a vegetation power line-related issue for customers who believe there may be a hazard to the electrical infrastructure.

2. **Infrastructure Hardening** - Infrastructure hardening is an ongoing system infrastructure improvement and replacement process aimed at lowering the potential of fires sparked by electric infrastructure. Over the next several years, Liberty will conduct the following improvements to support this process:

- Install covered conductors (insulated wire)
- Replace conventional fuses with limiting fuses
- Test and replace aging poles
- Enhance grid topology

3. **Public Safety Power Shutoffs** - A Public Safety Power Shutoff (PSPS) is a safety procedure utilized by electric utilities to proactively turn off power when and where conditions present an increased wildfire risk. The practice of de-energization as a last resort for public safety is regulated by the California Public Utilities Commission (CPUC).”

Liberty Utilities was unresponsive to staff inquiries about the specific hardening measures associated with the subject power poles. Therefore, in an effort to mitigate the risk of wildfire, a use permit condition would require defensible space and vegetation management around any overhead poles approved on the parcel.

3. *The installation of underground utilities would create an unreasonable financial hardship on the applicant due to the unique physical characteristics of the property. In making this determination, the Director or the Commission shall consider the following:*

- a. Is the cost of the line to be installed excessive?*
- b. Will the installation of underground utilities require trenching under a stream bed?*
- c. Will the installation of underground utilities require unreasonable trenching or blasting through rock?*
- d. Are there alternate alignments that would eliminate or significantly lessen the financial hardship? The Director or the Commission may consider other site specific financial hardships deemed relevant to the application.*

The Director or the Commission may consider other site-specific financial hardships deemed relevant to the application.

Cost Estimates

The applicant contacted Liberty Utilities and private contractors to collect bids for undergrounding the existing service. Only one contractor (Cruz Construction) responded, as of the drafting of this staff report. Their bid for trenching and laying conduit for undergrounding is included as Attachment 4.

According to a conversation with the contractor, the cost estimate is approximately \$183,646 to underground from the first pole on Wunderlich to the applicant's driveway, then up the driveway to the existing underground line (which starts at the second pole which is closest to the residence in the Figures 2, 3, 4, 5, and 7). The estimate provided by Cruz Construction includes approximately \$148,000 for trenching and laying conduit, plus approximately \$21,000 to remove and repave the existing driveway. The applicant has been requested to seek a modified bid that reflects the approved building permit site plan (Recommended Project) or undergrounding directly from Wunderlich Way (Alternative #2). If those cost estimates are received, an update will be provided verbally to the Planning Commission at the meeting.

The cost of the home was about \$575,000 to construct, including approximately \$38,000 for the existing overhead lines.

Recommended Project:

The Commission may determine this finding cannot be made. The financial burden is the cost of not building the project to approved building permit. The undergrounding cost should have been taken into account during construction planning, and therefore the only relevant increased cost is \$21,000 to remove and repave the existing driveway to follow the originally proposed alignment.

Alternative #1:

The Commission may determine this finding can be made because the expense to modify the as-built project to either conform with the approved building permit site plan or underground all lines is significant and several times that of the overhead currently installed.

The submitted bid was for an alignment including both poles on Wunderlich Way and traveling up the driveway to the residence. The cost of this scope of work is approximately \$198,646¹ and represents approximately 32% of the total home cost. This cost is a modified form of Alternative #2 where the use permit is denied and the entire line is required to be undergrounded, along with two of the poles along Wunderlich Way. However, Use Permit 21-001/Hemminger approved the overhead lines along Wunderlich Way and so those two poles should not need to be undergrounded for this project. Although this bid does not specifically reflect the proposed alternatives, it clearly demonstrates that the cost of undergrounding is significant, allowing this finding to be made.

There are no blue-line streambeds along the path of underground trenching for this project, however the existing drainage with spring-fed above-ground water and riparian vegetation would need to be crossed. The project should not require blasting through rock or unusual trenching, however the soil

¹ In addition to the trenching bid, there would be at minimum \$15,000 additional cost paid to Liberty Utilities to pull new line through the underground conduit. (Note: this is a 2020 estimate as Liberty did not provide an updated estimate at the time of this staff report.)

type is rocky and gravelly from alluvial fan deposits for the top three to four feet. Lastly, the as-built alignment is the most direct path available, with trenching occurring from Wunderlich Drive to the residence in a direct line.

Alternative #2:

This finding cannot be made. The cost of undergrounding the line, which is anticipated to exceed \$236,646 or 41% of the cost of the home, is the cost of development in Mono County.

4. *The exclusive purpose of the overhead line is to serve an agricultural operation. For the purposes of this section, agricultural operations are defined as use of the land for the production of food and fiber, including the growing of crops and grazing of livestock. Above-ground utility lines may be permitted for agricultural uses such as pumps and similar uses.*
 - a. *Impacts to sensitive species, such as the Bi-State Distinct Population Segment of Greater Sage-Grouse shall be avoided, minimized, or mitigated consistent with policies in the Conservation/Open Space Element.*

This finding cannot be made for any of the potential actions because the parcel is not designated Agricultural and does not include an agricultural operation.

Use Permit Findings

In accordance with Mono County General Plan, Chapter 32, Processing-Use Permits, the Planning Commission may issue a Use Permit after making certain findings.

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*

Recommended Project and Alternative #1:

The property has a land use designation of Rural Residential (RR) which allows for residential uses, and the proposed use can comply with all applicable requirements of the RR designation and Land Development Regulations. The property is in compliance for all yard setbacks and other development requirements. If one of the findings listed in MCGP LUE §11.010.D. can be made and any other anticipated impacts mitigated, minimized, or avoided, then this use permit finding can also be made.

Alternative #2:

If none of the findings in MCGP LUE §11.D. can be made and anticipated impacts mitigated, minimized or avoided, then this finding cannot be made and the project should be denied.

2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*

No new impacts to streets and highways are expected. The property has a residential land use designation, with a constructed single-family residence. The overhead or undergrounding of power is not expected to impact the traffic in any way. This finding can be made for all alternatives.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area on which the property is located because:*

Recommended Project and Alternative #1:

The area is a residential neighborhood, and the original electrical services to this neighborhood were via overhead utilities. If any portion of the project has overhead power approved, the only issue with potential to be detrimental to public welfare or injurious to property could be increased fire risk, but that has been addressed above in the §11.010.D. findings for wildfire risk mitigation. Additionally, a single overhead power line of approximately 180 or 330 feet within the broader visual field of the entire valley is unlikely to impact the viewshed significantly or be damaging to personal property, also as set forth in §11.010.D.

Fire hazard associated with overhead power lines has been an increasing concern. Past incidents and increased risk appear to be associated more significantly with transmission lines that are under the jurisdictional authority of the Public Utilities Commission of California, which pre-empts Mono County authority, and not smaller distribution lines associated with individual developments.

This finding can be made.

Alternative #2:

If the visual and fire hazard findings under MCGP LUE §11.010.D. cannot be made, then this finding cannot be made because the project would be injurious to properties in the area in terms of both aesthetics and fire hazards.

4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*

Recommended Project and Alternative #1:

The Commission may determine that this finding can be made for the Approved Building Permit or As-Built projects because the appropriate finding can be made under §11.010.D. above. Both projects are also consistent with Mono County General Plan policies, including:

Policy 4.A.5. *Encourage the use of alternative energy and communications innovations.*

This is a policy and not a regulatory requirement, therefore overhead lines and conventional electrical connections are not in conflict.

Policy 4.B.1; *“Maintain and enhance scenic resources in the Antelope Valley.”*

The overall impact of a single 180' or 330' overhead line as proposed in the Approved Building Permit or As-Built projects, respectively, on the viewshed of the entire valley, which is approximately 15-miles long by 8-miles wide, is minimal to unnoticeable. There are also some existing overhead power lines in the area and in the subdivision as evidenced in Figures 2 and 7 (above).

The property has a land use designation of Rural Residential (RR). The existing use is for a single-family residence.

Alternative #2:

This finding cannot be made if findings under §11.010.D. cannot be made, and overhead lines are potentially inconsistent with the following General Plan policy:

Policy 4.B.1; “*Maintain and enhance scenic resources in the Antelope Valley.*”

Allowing additional overhead power lines may impact the scenic resources from specific viewpoints and properties, as two of the poles are silhouetted from US 395 because of the topography of the parcel.

This staff report has been reviewed by the Community Development Director.

ATTACHMENTS

- Attachment 1: Olson building permit site plan (BP17-052)
- Attachment 2: Published Public Hearing Notice
- Attachment 3: Public Hearing Notice Mailer
- Attachment 4: Construction bids from Cruz Construction and Liberty Utilities

—

CONDITIONS OF APPROVAL
Use Permit 22-010/Olson

- 1) The property owner shall maintain defensible space around the on-site power poles.
- 2) Future development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- 3) Project shall comply with the utility undergrounding and overhead placement specified in the approved building permit site plan and with all Mono County Building Division, Public Works, and Environmental Health requirements.
- 4) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.
- 5) Termination: A use permit shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
 - a. There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof or as specified in the conditions. If applicable, time shall be tolled during litigation. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the use permit;
 - b. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted; and
 - c. No extension is granted as provided in Section 32.070.
- 6) Extension: If there is a failure to exercise the rights of the Director Review within one year of the date of approval, the applicant may apply for an extension for an additional one year. Any request for extension shall be filed at least 60 days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary. Conditions of Approval for the Director Review may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also deny the request for extension. Exception to this provision is permitted for those Director Reviews approved concurrently with a tentative parcel or tract map; in those cases, the approval period(s) shall be the same as for the tentative map.
- 7) Revocation: The Commission may revoke the rights granted by a use permit and the property affected thereby shall be subject to all of the provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the use permit or the violation by the owner or tenant of any provision pertaining to the premises for which such use permit was granted. Before the Commission shall consider revocation of any permit, the Commission shall hold a public hearing thereon after giving written notice thereof to the permittee at least 10 days in advance of such hearing. The decision of the Commission may be appealed to the Board of Supervisors in accordance with Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.

- 8) Appeals: Appeals of any decision of the Planning Commission may be made to the Board of Supervisors by filing a written notice of appeal, on a form provided by the division, with the Community Development director within 10 calendar days following the Commission action. The Director will determine if the notice is timely and if so, will transmit it to the clerk of the Board of Supervisors to be set for public hearing as specified in Section 47.030.

OLSON RESIDENCE

OWNER:
ANGELA OLSON
3396 S. UPPER TRUCKEE RD.
SO. LAKE TAHOE, CA. 96150

DESIGN BY:
GS CONCEPTS
P.O. BOX 18971
SO. LAKE TAHOE, CA. 96151

ENGINEERING BY:
HAEN ENGINEERING
P.O. BOX 550336
SO. LAKE TAHOE, CA. 96155

PARCEL 2
PARCEL MAP No. 31-47
MONO COUNTY, CALIFORNIA
APN 02-440-30

MONO COUNTY BUILDING DIVISION
JOB COPY

BUILDING CODE DATA

CONTRACTOR SHALL SEE THAT ALL WORK IS IN ACCORDANCE WITH THE APPLICABLE CODES, SUCH AS:

- 2016 CALIFORNIA BUILDING CODE
- 2016 CALIFORNIA ELECTRICAL CODE
- 2016 CALIFORNIA PLUMBING CODE
- 2016 CALIFORNIA MECHANICAL CODE
- 2016 CALIFORNIA FIRE CODE
- 2016 CALIFORNIA ENERGY CODE
- 2016 CALIFORNIA RESIDENTIAL CODE
- 2016 CALIFORNIA GREEN BUILDING CODE

THE STRUCTURAL DESIGN AND DETAILS FULLY CONFORM TO ALL APPROPRIATE REQUIREMENTS OF THE CALIFORNIA RESIDENTIAL CODE (CRC)

THE FULL STRUCTURAL DESIGN IS IN CONFORMANCE WITH THE STRUCTURAL REQUIREMENTS OF THE CALIFORNIA BUILDING CODE (CBC)

DESIGN LOADS:

GROUND SNOW LOAD	55 psf
REDUCED SNOW LOAD	38 psf
ROOF DEAD LOAD	15 psf
FLOOR LIVE LOAD	40 psf
FLOOR DEAD LOAD	10 psf
DECK DEAD LOAD	5 psf
SEISMIC DESIGN CATEGORY	D
WIND SPEED	90 mph
EXPOSURE	C

INDEX:

- 1 SITE PLAN
- 2 GENERAL NOTES
- 3 FOUNDATION PLAN
- 4 FLOOR/ELECTRICAL PLAN
- 5 UPPER LEVEL FLOOR FRAME/ROOF FRAME PLAN
- 6 TYPICAL SECTION/SHEARWALL/DETAIL PLAN
- 7 ELEVATION PLAN
- 8 CAL GREEN REQUIREMENTS/GENERAL NOTES
- 9 TITLE 24
- 10 TITLE 24 MANDATORY MEASURES

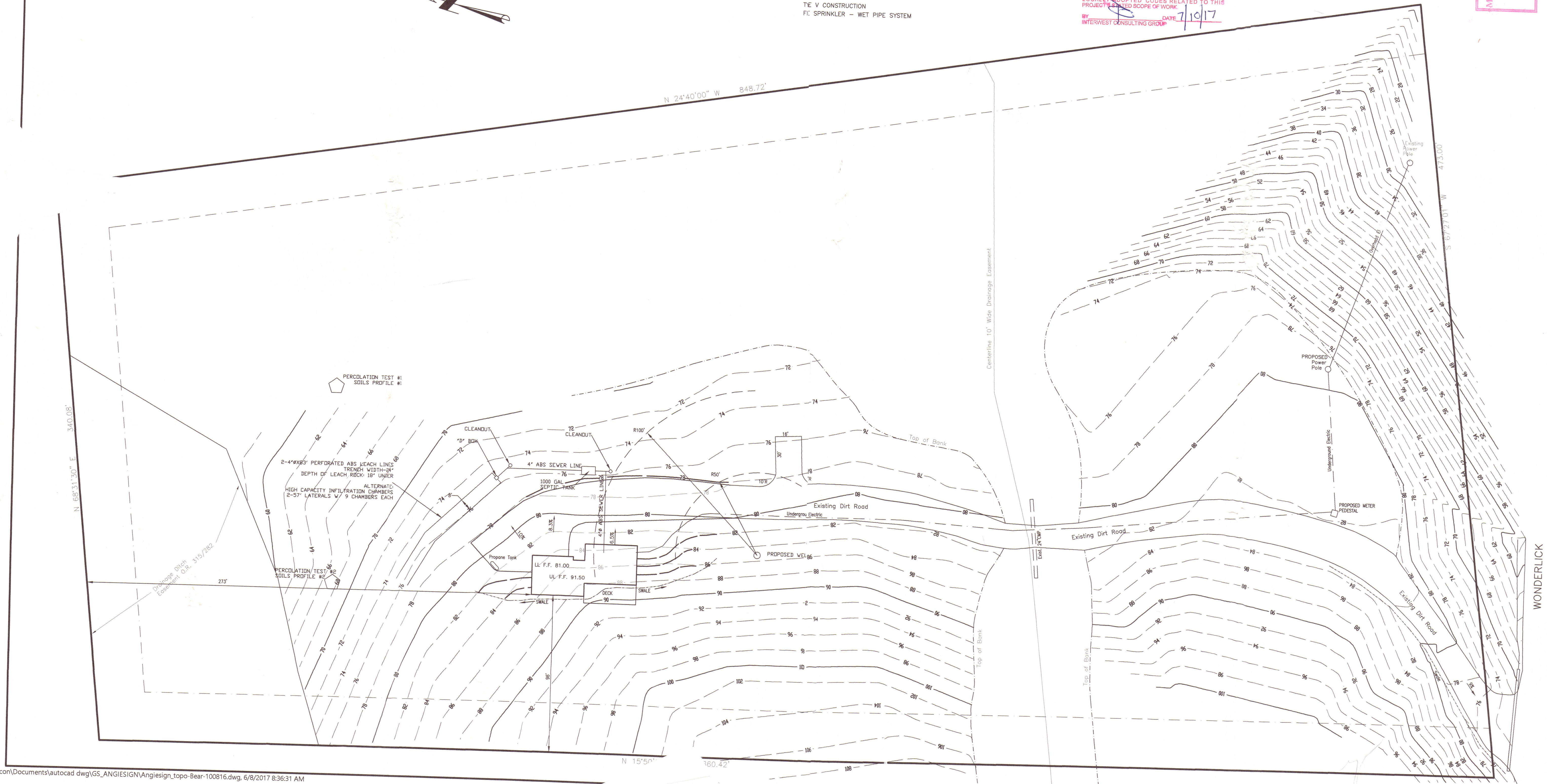
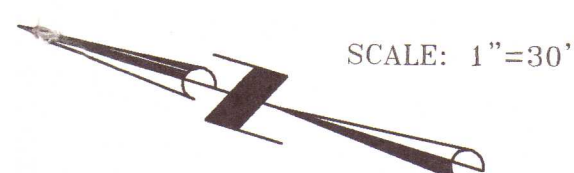
SCOPE OF WORK:

CONSTRUCT A TWO STORY STRUCTURE WITH THE GARAGE/WORKSHOP/LAUNDRY AND MECHANICAL ROOMS BELOW AND THE LIVING AREAS ABOVE.
CONSTRUCT DECK.

OCCUPANCY: PROPOSED

LIVING AREA R3 -1632 Sq. Ft.
GARAGE/WORKSHOP U -1440 Sq. Ft.
DIX/PORCH - 426 Sq. Ft.
2 STORY STRUCTURE
TYPE V CONSTRUCTION
FI SPRINKLER - WET PIPE SYSTEM

BUILDING CODE COMPLIANCE REVIEW
THIS SET OF PLANS AND SPECIFICATIONS HAVE BEEN REVIEWED FOR COMPLIANCE WITH THE LOCALLY ADOPTED CODES RELATED TO THIS PROJECT LIMITED SCOPE OF WORK.
BY: [Signature] DATE: 7/10/17
INTERWEST CONSULTING GROUP



REVISIONS: BY
5/26/17 GS

GS CONCEPTS
P.O. BOX 18971
3001 LAKE TAHOE CA 96151
(530) 542-2001
www.gsconcepts.com

OLSON RESIDENCE

DRAWING: SHEET
SITE PLAN

MONO COUNTY PLANNING COMMISSION

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

November 30, 2022

To: The Sheet
From: April Sall, Planning Analyst II
Re: Legal Notice for **December 3rd** edition

Invoice: Heidi Willson, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **December 15, 2022**. As authorized by AB 361, Mono County has declared a state of emergency, local officials have recommended or imposed measures to promote social distancing, and the legislative body has made such findings; therefore the meeting will be accessible remotely by livecast at: <https://monocounty.zoom.us/j/81728469252> and by telephone at: 669-900-6833 (Meeting ID# is 817 2846 9252) or by teleconference location either at the Bridgeport CAO conferences room, First Floor, Annex 1, 74 N. School St, Bridgeport, CA, 93517 or at the Mono Lake Room of the Mono County Civic Center, First Floor, 1290 Tavern Road, Mammoth Lakes, CA, 93546. Members of the public shall have the right to observe and offer public comment and to consider the following: **9:10 am – Use Permit 22-010/Olson**. The project is located at 162 Wunderlich Way, Coleville (APN 002-440-030) and proposes to use two overhead power poles, with overhead lines extending 350' onto the southside of the property to provide electricity to the single-family residence constructed on the property. The project qualifies as a Categorical Exemption under CEQA guideline sections 15303 (d). Project materials are available for public review online at <http://monocounty.ca.gov/planning-commission> and hard copies are available for the cost of reproduction by calling 760-924-1800. INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online or to attend in-person; and to submit comments to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA 93546 or by email at cddcomments@mono.ca.gov, by **8 am on Tuesday, December 13, 2022**, or via the livecast meeting (technology permitting) at the time of the public hearing. If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Secretary to the Planning Commission at, or prior to, the public hearing.

Mono County Community Development Department Planning Division

PO Box 347
Mammoth Lakes, CA 93546
760-924-1800, fax 924-1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
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For more information please contact:

April Sall, Planning Analyst II
PO Box 347, Mammoth Lakes, CA 93546
asall@mono.ca.gov; 760-932-5423



Project location

Mono County
Community Development Department
Planning Division

PO Box 347
Mammoth Lakes, CA 93546
760-924-1800, fax 924-1801
commdev@mono.ca.gov

Mono County Community Development Dept.
PO Box 347
Mammoth Lakes, CA 93546

Planning / Building / Code Compliance / Environmental / Collaborative Planning Team (CPT)
Local Agency Formation Commission (LAFCO) / Local Transportation Commission (LTC) / Regional Planning Advisory Committees (RPACs)

CRUZ

CONSTRUCTION CO., INC.

19 Cygnet Drive

Mound house, NV 89706

Tel: (775)883-6161 Fax: (775)246-5556

Proposal/Contract

General Contractor

Commercial - Industrial - Residential

NV License No. 41648

CA License No. 741126

Submitted to: Angela Olsen	Telephone: Email:
Street: P.O. Box 243	Job Description Overhead Electrical To Underground
City, State, Zip: Coleville, Ca 96107	Job Location: 162 Wunderlich Way, Coleville, Ca 96107
Estimator: Billy Dunn	Date: 11/07/2022

Job Description:

Mobililzaiton: In/Out (Shared Portion) \$13,800.00

Electrical Trenching: Shared 365/lf section and 445/lf section to residence.

Excavate and install 4" conduit and 7ea. secondary pullboxes with sweeps. Install rigid pipe at telephone pole including standoffs (supplied by others) and weather head.

\$148,464.00

Asphalt R&R: Approx. 1,755/sf

Remove existing ac driveway for electrical trenching.

Install new 3" compacted asphalt section after trenching is complete.

\$21,382.00

*NOTE - Cost increase are due to inflation since previous bid was given. Mobilization increase is added since we are no longer at a previous project in that area at the time of bidding before. Additional increases in materials and trucking cost are due to closing of asphalt/aggregate pit in Gardnerville. All aggregate materials to be hauled from Carson City now. (Main supplier, Bing Materials, is no longer in business.)

We hereby agree to furnish material and labor to complete job in accordance with the above specifications for the sum of: **\$183,646.00**

30% down - \$55,093.80

Payment Terms: 30% deposit due upon acceptance of proposal. Balance due upon completion of work.

A service charge of 0.75% bi-weekly or 18% annually will be assessed for payments over 15 days. There is a \$20.00 returned check fee.

Cruz rejects any requirement that payment shall be delayed until Hiring Party is paid by others.

All material is guaranteed to be as specified. All work will be completed in a workmanlike manner according to standard practices. All extra work done beyond the above job description will be an addition to this Proposal/Contract. We are not responsible for any damage caused by snow removal equipment, structural settling, erosion, or Acts of God. No Warrantee for crack patching and crack filling. Due to inflation in material pricing, any increases in fuel or material cost will be passed on to owner or GC. No permits are included.

Authorized Signature: *Billy Dunn*

Date: 11/07/2022

The offer on this Proposal/Contract is good for ten days only from the above stipulated date if accepted and signed by client.

Client Signature:

Date:

Acceptance of Proposal/Contract:

The above prices, specifications, and conditions are satisfactory and are hereby accepted. Cruz Construction Co. Inc. is authorized to do the work as specified. Payment will be made as outlined above

ALL WORK GUARANTEED FOR ONE YEAR

Mono County Community Development Department

P.O. Box 347
Mammoth Lakes, CA 93546
(760) 924-1800, fax 924-1801
commdev@mono.ca.gov

Planning Division

P.O. Box 8
Bridgeport, CA 93517
(760) 932-5420, fax 932-5431
www.monocounty.ca.gov

December 15, 2022

To: Mono County Planning Commission

From: Michael Draper, Principal Planner

Re: Use Permit 21-006/Sierra High

Recommendation

It is recommended the Planning Commission take the following actions:

1. Conduct a public hearing on Use Permit 21-006/Sierra High and the associated Mitigated Negative Declaration (MND) environmental report, receive any additional public comments, deliberate the project, and make any desired modifications.
2. Following the public hearing and project deliberations, consider the proposed MND with comments received and adopt the MND findings based on the whole record that there is no substantial evidence the project will have a significant effect on the environment, that the MND reflects the Planning Commission's independent judgement and analysis, and that the office of Community Development is the custodian of the record of proceedings on which the Planning Commission's decision is based.
3. Make findings as stated in the staff report (or as modified) and approve Use Permit 21-006 subject to the Conditions of Approval.
4. Adopt the Mitigation Monitoring and Reporting Plan (MMRP).

OR

1. Disapprove Use Permit 21-006 by determining the findings cannot be made for the MND and/or the Use Permit and state the rationale.

Background

In November 2016, California voters approved the Adult Use of Marijuana Act (Proposition 64) to legalize adult use of marijuana (in addition to medical uses that were legalized in 1996). Every precinct in Mono County passed Proposition 64 with margins as low as 1.4% in the Bridgeport area to a high margin of approximately 30% in the Mono Basin, June Lake, and Wheeler Crest areas.¹ The state's legalization of adult use marijuana presented local jurisdictions with several choices for regulating the new industry: 1) ban cannabis activities in whole or part; 2) adopt local regulations for cannabis activities; or 3) remain silent and defer to state laws and regulations.

¹ For clarification, the margin represents the amount over and above the 50% +1 required for passage of the proposition.

Mono County conducted a community-based planning effort for feedback on the most appropriate regulatory approach and, ultimately, to develop policies and regulations for legalized cannabis activities. In 2017, the following 12 Regional Planning Advisory Committee (RPAC) meetings and outreach sessions were conducted: two in Antelope Valley, three in Bridgeport, one in June Lake, two in the Mono Basin, two in Long Valley, and two in Tri-Valley. Three workshops were held with the Planning Commission, and feedback from the Commission and RPACs were incorporated into the development of the policies. Concurrently, the Cannabis Joint Committee, which is comprised of 10 County departments/divisions, reviewed the policies and public feedback, and provided additional input that was incorporated as policies were developed.

At a formally noticed public hearing in October 2017, the Commission recommended Mono County General Plan (MCGP) policies pertaining to cannabis activities for adoption by the Board. The Board of Supervisors held five workshops, including one with the Town of Mammoth Lakes and one specific to cannabis taxation, to consider the public feedback received through RPAC, Planning Commission, and Joint Committee discussions, and provide direction to staff. In December 2017, the Board held a public hearing adopting the General Plan policies recommended by the Planning Commission.

Following the adoption of guiding policies, specific regulations in both the General Plan and Mono County Code were developed through another community-based planning effort. The RPACs again held a total of 12 meetings where cannabis regulations were discussed: two in Antelope Valley, three in Bridgeport, two in the Mono Basin, one in June Lake, two in Long Valley, and two in the Tri-Valley. The Planning Commission also again held three workshops to both incorporate RPAC feedback into the regulations and provide additional input and direction to staff, and the staff-level Cannabis Joint Committee provided additional feedback.

The Commission made a recommendation to the Board to adopt new regulations in March 2018. The Board of Supervisors heard two minor updates and held four discussions on cannabis taxation, in addition to three workshops on cannabis regulations where specific policy issues were considered. The Board adopted the new General Plan and Mono County Code regulations at a formal public hearing on April 17, 2018.

Project Setting

The proposed Sierra High Farms cannabis project is located at 7761 Eastside Lane, Topaz (APN 001-150-004) in the Antelope Valley along the California-Nevada state line, approximately three-miles east of US Route 395 (US 395). The property is 124-acres and designated Agriculture-10 (AG with a 10-acre minimum parcel size), and the project will occupy approximately 15-acres. The California-Nevada State border is the north property line of this parcel. See Figures 1 and 2.

The area may be characterized as low-density, with most properties being used for agriculture operations including the grazing of livestock,

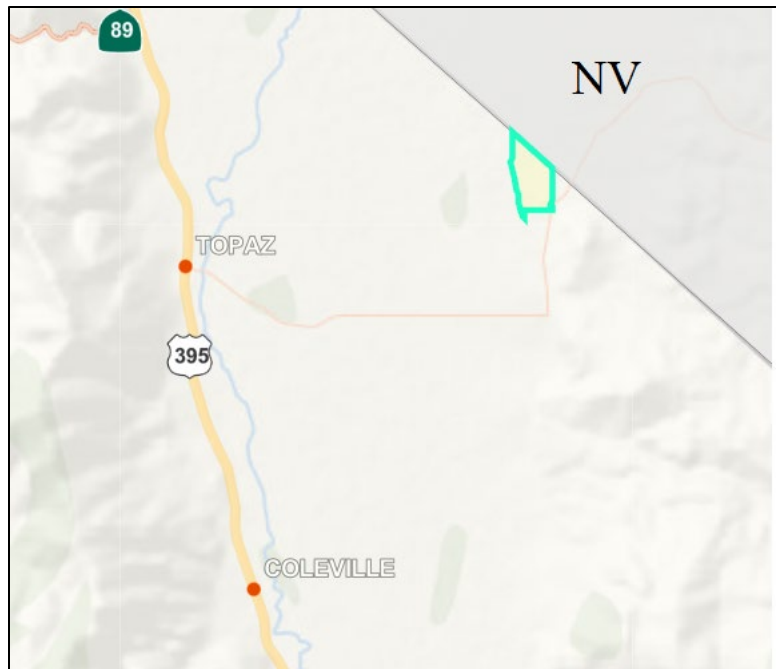


Figure 1. Project vicinity map.



Figure 2. Project parcel.

production of garlic seed, and production of alfalfa. Common and regular usage of the land and roads surrounding the project include large tractors with tilling instruments; harvesting machinery; semi-trucks delivering supplies and hauling hay, garlic, and cattle to market; heavy equipment maintaining irrigation canals; fuel trucks and storage; diesel irrigation pumps; and power generation. Adjacent parcels include metal buildings, silage mill processing, and storage structures.

The surrounding California properties can be described as follows (see Figure 3):

	Owner	Designation	Size	Use
East	Private	Agriculture-10	645-acres	Agricultural operation: pasture/graze land, crops, private dirt roads.
Southeast	Private	Agriculture-10	445-acres	Agricultural operation: pasture/graze land, crops, two residences, private dirt roads.
South	Public, Bureau of Land Management	Resource Management	509-acres	Vacant, public recreational dirt roads.
West	Private (same owner as project parcel)	Agriculture-10	50-acres	Vacant.

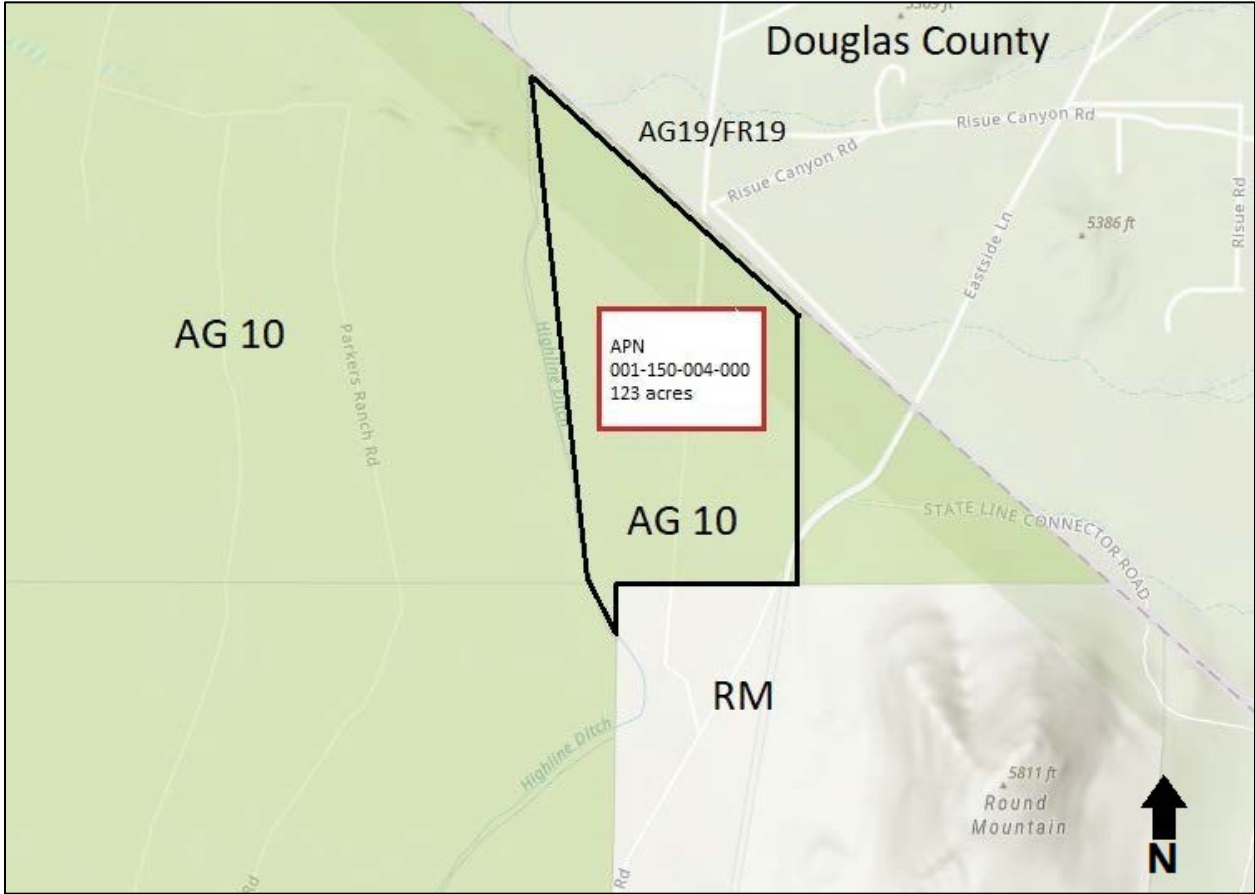


Figure 3. Surrounding properties map.

Mono County does not have jurisdictional authority in Douglas County, NV. Additionally, the guiding criterion for public decisions with respect to CEQA is to ensure protection of the environment, consistent with the provisions of a suitable living environment for every Californian (§21001.d). Consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian (§21000.g). A lead agency may

consult with another government when the project requires the jurisdiction's approval. This project is located within Mono County and no element of the operation shall occur outside of the State; therefore, consultation with Douglas County, NV is not required. Analysis of impacts to Douglas County, NV residents is not required and is not required to be considered in the approval of a CEQA document.

Residents of Douglas County, NV, who provided a written (emailed) request to staff for notification of public meetings regarding this project were provided emailed notification.

The project property has existing fences and was historically used for grazing cattle. The cannabis cultivation area is being leased by the property owner to Sierra High for this project. Agricultural operations continue to be conducted on contiguous properties to the east.

The west side of the property borders Highline Ditch, which is used to irrigate the pastures to the west. The Highline Ditch is a diversion of the Big Slough ditch which originates as a diversion of surface water from the West Walker River. Highline Ditch will not be disturbed by nor will water be diverted by the proposed project. There is one ephemeral stream channel that originates in the mountains to the east that flows west through the proposed outdoor cultivation area. The channel dissipates within the field and has no direct flow to Highland Ditch. Based on site reconnaissance completed on September 1, 2022, by environmental consultant Resource Concepts Inc., there are no wetlands, riparian habitat, or other sensitive natural communities on-site.

East of the project site in Nevada, there are four (4) large lot residences, the nearest is 1,700 ft from the project site. The nearest Mono County residence is 5,600 ft (one mile) southeast of the project site.

Access to the project site is by a dirt road that crosses the adjacent parcel, APN 001-150-005, originating from Eastside Lane, a County maintained road. Eastside Lane is a dirt road for 1.3-miles from the state border to Topaz Lane, where the pavement begins. Traveling north into Nevada, Eastside Lane is entirely a dirt road.

The adjacent parcel, where access to Eastside Lane is taken, is under the same ownership as the project parcel, therefore a formal access easement was never established. A Condition of Approval for the project will be to record an easement against the deed of APN 001-150-005 to memorialize access to the project site.

Project Description

The Sierra High Farms cannabis project is requesting a use permit to establish a commercial cannabis business at 7761 Eastside Lane, Topaz (APN 001-150-004). The cannabis business will consist of indoor and outdoor cultivation, a wholesale distribution facility, and non-storefront retail. No structures exist on the property; however, the site contains two private wells and three water storage tanks that will be relocated on the property if the project is approved. The project will be supported by various power sources, beginning with a propane combined heat and power (CHP) system during startup and then adding a solar array. The project originally included a request for overhead power lines, however, in response to the logistical and public concerns received, the applicant has decided to remove the request for overhead power lines. If grid-power is to be provided to the site, it shall be underground.

Indoor cultivation will consist of no more than 10,500 square-feet (sf) of mature plant canopy and outdoor cultivation will consist of no more than 10 acres. Onsite processing of cannabis will take place within facilities to prepare and package the product for distribution. There will be no public sales on site. The applicant requests approval for non-storefront retail to vend at state-wide cannabis events and conduct delivery sales.

The project will be constructed in phases beginning with the construction of a well-house and tank-house, roadbed improvements, and cultivation building pad excavation. This will be followed by one approximately 10,000-sf cultivation building housing 2,500-sf of mature plant canopy, a maintenance shop, and a lab capable of housing 400-sf of mature plant canopy, all powered by the propane-fueled CHP system.

The second phase will be the construction of three additional primary cultivation buildings similar to the first. The four primary cultivation buildings will also contain work areas for immature plants, processing, packaging, product labeling, and other plant-related activities. Each building will include employee restrooms, lockers, break room, and security office entrance. These buildings will be secured at all times with no public access allowed.

The third phase will establish the outdoor cultivation area and complete installation of the solar power system. The 10-acre area may, during the early and late season, contain unlit hoop houses to protect plants from frost/freeze. It may also use industry-standard light deprivation techniques over the hoops to trigger plants to flower earlier than they would naturally. Four storage containers will be installed to support outdoor cultivation, providing a location to store equipment. A 2,100-sf drying shed will also be constructed at this time, along with a 5,000-sf building for the nursery and a processing area supporting the outdoor cultivation.

The indoor cultivation project, when fully built out, is expected to employ 12-15 people, eight of those full-time and the rest part-time. The outdoor project will employ people seasonally with an expectation of 4-8 employees.

The non-storefront retail combined with the distribution license will serve both indoor and outdoor operations. Distribution activities will include transporting cannabis and cannabis products from the operation to retail and wholesale outlets, as well as quality-assurance review and storage.

Sierra High Farms intends to utilize solar power produced on-site at full build-out and will need to apply for a building permit to construct solar panels in the future. Cogeneration power will continue to be utilized in addition to solar power. Solar systems are ministerial permits, per the Solar Rights Act, Government Code §65850.5.b.

Phase	Project Elements
Phase 1	<ul style="list-style-type: none"> • Access road improvements (3,000' x 10'). • Grade indoor cultivation building pads. • Construct Cultivation Building 1 (approximately 10,000-sf). • Construct well-house (169'-sf). • Construct water tank-house (700'-sf) with three, 5,000-gallon tanks. • Construct maintenance shop (40' x 60') • Construct lab (40' x 60') • Install three, 1,000-gallon propane tanks. • Install septic system.
Phase 2	<ul style="list-style-type: none"> • Construct Cultivation Building 2, 3, and 4 (approximately 10,000-sf each).
Phase 3	<ul style="list-style-type: none"> • Create outdoor cultivation, maximum of 10 acres. • Construct 35' x 60' drying shed. • Construct 50' x 100' nurse and processing center. • Placement of four cargo containers. • Completion of solar power built out.

All cannabis waste will be handled on-site and recycled on the property for beneficial purposes. The state allows the reintroduction of cannabis waste back into agricultural operation through on-premises organic waste recycling methods including, but not limited to, tilling directly into agricultural land and no-till farming. Non-organic waste will be delivered to the local transfer station.

When complete, the project is expected to generate the following new traffic to and from the site on Eastside Lane and Topaz Lane, both of which are collector roads terminating at US 395: two wholesale product deliveries per week in passenger vehicles; one propane delivery once a week on average; one passenger vehicle trip per day for retail delivery to local customers; and three trips per week by passenger vehicles to a nearby community for supplies. Eastside Lane and Topaz Lane are capable of handling this traffic.

On an average day of employee and delivery traffic, about 18 vehicles, the majority of them being local residents driving to and from work, will visit the site. For a two-week period, once per year during outdoor harvest, there could be a peak of 25 vehicles per day.

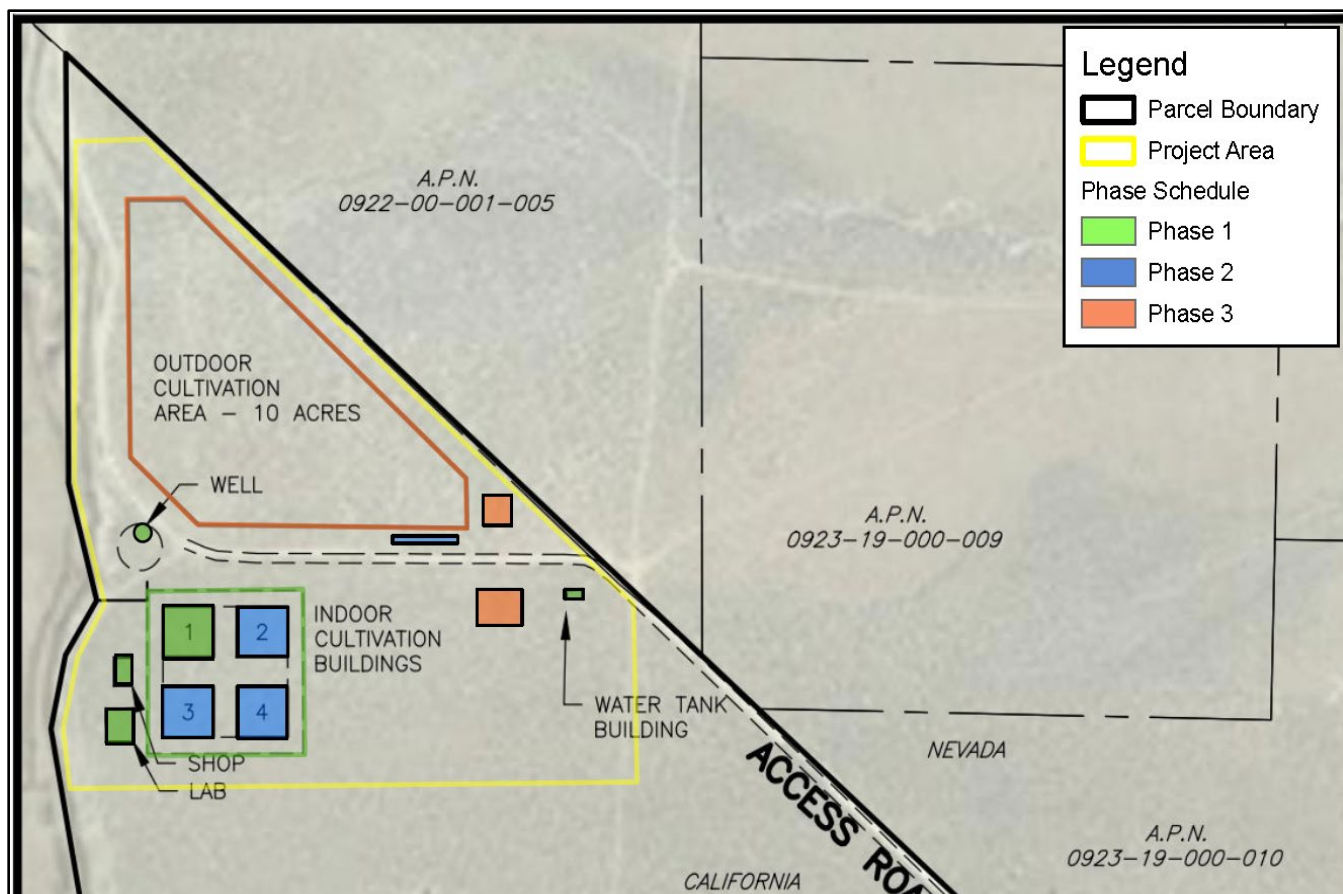


Figure 3. Site Plan.

General Plan Consistency

The project is consistent with General Plan Land Use Designation policies, Countywide Land Use policies, and Antelope Valley Area Plan policies contained in the Mono County General Plan Land Use Element. Use Permit approval for commercial cannabis also requires compliance with Chapter 13, Commercial Cannabis Activities.

The General Plan land use designation for this property is Agriculture-10 (AG-10), which allows for commercial cannabis cultivation subject to Use Permit and Cannabis Operation Permit (Mono County Code §5.60). The “AG” designation is intended to preserve and encourage agricultural uses, to protect agricultural uses from encroachment from urban uses, and to provide for the orderly growth of activities related to agriculture.

The project meets the development standards for the AG designation; all structures will be setback 50’ from property lines, lot coverage will be less-than 40%, and all structures will be 35’ or less in height. Development will also be setback a minimum of 30’ from the top of bank of Highline Ditch as required per MCGP LUE 04.120.F.1.b.

Cargo Containers

Chapter 20 of the General Plan regulates the use and placement of cargo containers. The intent of this chapter is to provide for the orderly placement of cargo containers throughout the county, to protect the character and visual quality of neighborhoods and communities through appropriate

aesthetic restrictions, and to address health and safety hazards through building permit requirements.

The project proposes to place four cargo containers on the property in support of outdoor cultivation. MCGP LUE §20.050, Visual Mitigation Requirements, limits the total number of cargo containers on properties of one to five acres to two containers, but is silent on regulating larger properties. Exceptions to these requirements may be granted with a Director Review (DR) with Notice (§20.050.A.4). To provide clarity on permitted uses, the four proposed cargo containers are included in this use permit due to the lack of specific regulatory direction. The cargo containers are subject to the applicable requirements in MCGP LUE §20.050.

The project does not identify the exact location or color of the four proposed cargo containers at this time; however, cargo containers require a standard Building Permit from the Community Development Department (20.050.B). Through this process, staff will be able to verify that the containers conform to height, setback, and lot coverage standards in addition to mitigation requirements a part of Chapter 20.050.A:

1. *Containers shall be placed in a manner to minimize visibility from adjacent properties and roadways.*
2. *Containers shall be painted a solid color that blends into the surrounding landscape, vegetation and/or structures.*

Compliance with MCGP LUE Chapter 13, Commercial Cannabis Activities

In addition to General Plan policies and regulations, commercial cannabis activities shall comply with Chapter 13. The following general standards and requirements apply to all commercial cannabis activities permitted in the county:

13.070 C. Site Control.

No commercial cannabis activity shall be allowed within six hundred (600) feet of schools providing instruction to kindergarten or any grades 1 through 12, day care or youth centers, parks, ballfields, playgrounds, libraries, community centers, and licensed childcare facilities.

None of the above-mentioned facilities are located within 600 feet of the site. The project site is over 4.75 miles from Antelope Elementary School and Coleville High School.

13.070 D. Setbacks.

All commercial cannabis activities shall meet existing setbacks established in General Plan Chapter 4 – Land Use Designations and 4.120 Yards and Setbacks.

The project meets all setbacks for the Agriculture (AG) land use designation, which are set at 50' front, 50' side, 50' rear for primary structures and 50' front, 30' side, 30' rear for accessory structures. Proposed structures and the installation of cargo containers requires an approved Building Permit. When a building permit application is submitted, staff shall verify compliance with California Building Code and applicable Mono County development standards.

13.070 E. Odor Control.

An odor mitigation plan is required to demonstrate that odors generated by the commercial cannabis activity shall not unreasonably impact adjacent properties and uses, or that odor

mitigation measures are not applicable due to lack of cannabis-related odor generation, location or siting, design features, or other factors.

Odor generated from outdoor cannabis cultivation is difficult to analyze due to several variables including peak concentrations, atmospheric conditions, and topography. Each project has a unique set of conditions. In the case of this proposal, the significant buffer from the grow site to the nearest receptor provides some level of confidence that no significant impacts related to odors will occur on a regular basis. Anecdotal evidence suggests that strong cannabis odors can be detected at least 600 feet away, although it also has been stated that the odor can be noticed up to 1 to 2 miles away from the source (Santa Barbara County, 2017).

The project site is in a rural area and surrounded by large agriculture parcels, with the smallest being 50 acres. The cultivation area is sited approximately 1,700' (0.32 miles) from the nearest residence, located in Nevada. The closest residence in Mono County is a mile away. There are three houses within a one-mile radius of the project. Odor nuisances are intended to be abated through these large buffers.

Use permit conditions require the applicant to post notice at the entrances of the property with contact information for Mono County Code Enforcement. If complaints are received, the County will investigate and determine the validity of complaints. The applicant is willing to accept requirements to install devices to mitigate offsite detection of cannabis odors by modifying indoor cultivation facilities' exhaust ventilation, routing, and diffusion; and installing mist-based commercial odor control systems.

If outdoor cultivation is determined to generate nuisance odors, the applicant will accept modifying the cultivation area to meet a 200' buffer to the Nevada border, resulting in an approximate 50% reduction in outdoor crop area, creating a mitigation of both distance and scale.

The MND analysis finds odor to be a less than significant impact because the project would not affect a "substantial number of people" due to the low density of residents in the area, whether in California or Nevada. Furthermore, any additional regulatory means, such as measuring odor intensity, would not apply to properties in Nevada as Mono County does not have jurisdictional authority in Nevada.

13.070 F. Signage.

A Sign Plan shall be required to demonstrate compliance with General Plan Land Development Regulations, Chapter 4.190 Signs, and Chapter 7 Signs.

The project does not propose any signage other than required sign posting County contact information.

13.070 G. Visual Screening.

All Cannabis, Cannabis Products and Cannabis Accessories shall be screened from view from a public right of way to the best of the Permittee's ability.

The proposed project is over three miles from US 395, approximately 1.3 miles from the nearest paved County road (Topaz Lane), and about half a mile from the nearest gravel County road

(Eastside Lane). It lies on the valley floor, not on any ridge or escarpment. Due to the remote location of the proposed site, visual screening issues are minimal. Other than views from across the valley, the project is visible from only two homes (both in Nevada and distant – at least 1,700 feet) and both of these homes are above the project with no sightlines impeded. Sage brush on the surrounding properties averages four to five feet high. The project features are consistent and blend with the other agricultural uses and operations in the valley. There are no visual screening elements proposed other than large natural buffers.



Figure 4. Looking west from Eastside Lane, NV onto the project site.

13.070 H. Lighting.

All commercial cannabis activities shall comply with General Plan Land Use Element Chapter 23 – Dark Sky Regulations regardless of activity type or Premise location.

The outdoor grow site will use natural lighting only. Any exterior lighting on the property will comply with Chapter 23, Dark Sky Regulations, and shall be downward directed and fully shielded, with lighting temperatures not to exceed 3,000K.

The General Plan and state law requires interior light systems to include window coverings to confine light and glare to the interior of the structure. Light mitigation measures shall be utilized from sunset to sunrise to avoid nighttime glare (MCGP 13.080.B).

13.070 I. Parking.

A Parking Plan depicting availability and requirements for parking shall be submitted. The Plan shall demonstrate the provision of adequate on-site parking for all employees and allow for loading and unloading.

All parking will be contained onsite, and the property is adequate in size to accommodate the required number of parking spaces. The project proposes eight parking spaces (including one ADA-compliant space) adjacent to the indoor cultivation buildings, and three parking spaces (including one ADA-compliant space) adjacent to the nursery and processing building for a total of 11 parking spaces.

General Plan Table 6.010 defines the number of parking spaces for different land uses however agricultural operations nor cannabis activities have prescribed requirements. For any uses not specifically mentioned, the Commission shall determine the number or amount of parking required.

The project proposes approximately 23 employees on site during peak season, although seasonal employment may result in a slight increase. The Commission may accept the 11 parking spaces to satisfy the project's demand, or condition approval of the project to include more.

13.070 J. Noise.

Noise generation shall comply with the Mono County General Plan Noise Element and Mono County Code, Chapter 10.16.

The project is not expected to generate noise beyond that of similar existing agriculture operations and common to this area. The existing agricultural operation to the east includes large tractors with tilling instruments; harvesting machinery; semi-truck deliveries and hauling of hay, garlic, and cattle to market; heavy equipment used in maintaining irrigation canals; fuel trucks; diesel irrigation pumps; and power generators.

13.080 Cannabis Cultivation Requirements*A. Setbacks*

1. *Outdoor cultivation areas and all associated structures located on or around the premises shall meet all applicable setback requirements set forth in the Land Use Designation Chapter 02-04.*

The project meets AG setback requirements. See section 13.070.D. Setbacks, above.

2. *Outdoor cultivation areas shall be set back three hundred (300) feet from:*

- 1) *existing habitable space under separate ownership, measured from the nearest boundary line of the cultivation area to the nearest point of the habitable space;*

The nearest habitable structure under separate ownership is over 1,700' away from the project site.

2) the property line of any neighboring parcel under a different land use designation;

The Commission will need to determine if the adjacent Nevada parcel constitutes a different land use. Requiring a 300' setback from the property line will reduce the outdoor cultivation by 74%, or from 10-acres to 2.6-acres.

The adjacent Nevada parcel is 40-acres, vacant, and designated Forest and Range, by Douglas County. The intent of this designation is to maintain the resource and open space use and value of the lands. Federally owned or controlled lands currently have a 40-acre minimal parcel size. Private lands have a 19-acre minimum parcel size.

This portion of Douglas County is considered the Antelope Valley Community and two designations make up the area: Agricultural and Forest and Range. It is the most sparsely populated community in Douglas County. The community's vision statement is; "Antelope Valley will remain a very low-density rural community focused on providing access to public lands, the Walker River, and other recreational use areas" (Douglas County Master Plan, 2020, p.94).

Because this parcel is in Nevada where Mono County does not have jurisdiction, the 300' setback requirement may be considered not applicable.

3) any public or private road or other vehicular path of travel serving, or intended to serve, as access for multiple properties; and

The project site is at the terminus of Fence Line Road, an unmaintained Douglas Co, NV, public road. The terminus of Fence Line Road is approximately 400' from the proposed outdoor cultivation area. The project meets the setback requirement from this road even if the requirement is considered inapplicable to a road in Nevada. See Figure 6.

The dirt road used to access the property has been called "Stateline Road," but it is not a County-maintained road or a recorded easement. Access to private properties in Nevada and Mono County do not rely on use of Stateline Road and this road may be used privately by the landowner.

The project site is approximately 0.5-miles (2,640') from Eastside Lane, the closest public road serving multiple properties.

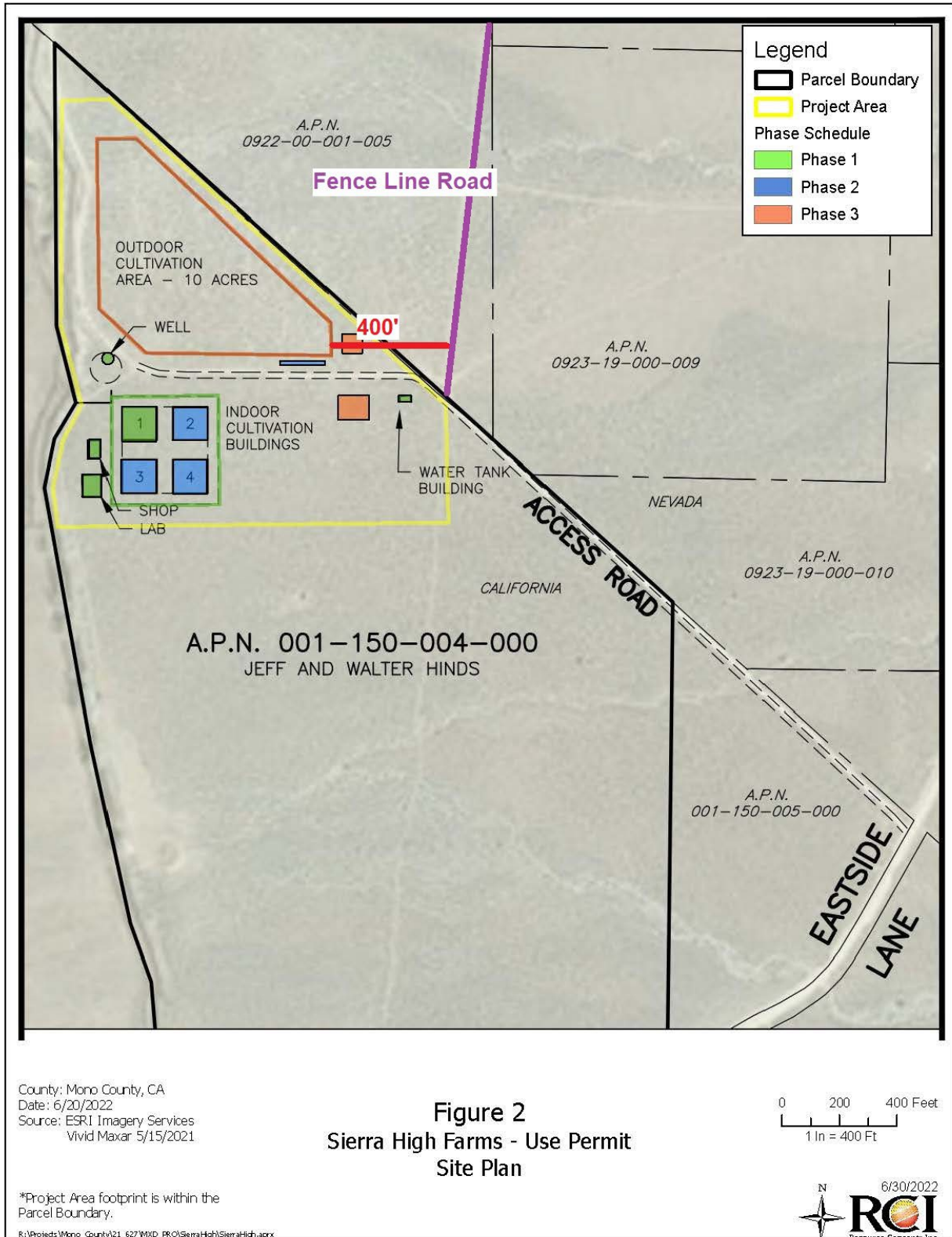


Figure 2
Sierra High Farms - Use Permit
Site Plan

Figure 6. Fence Line Road

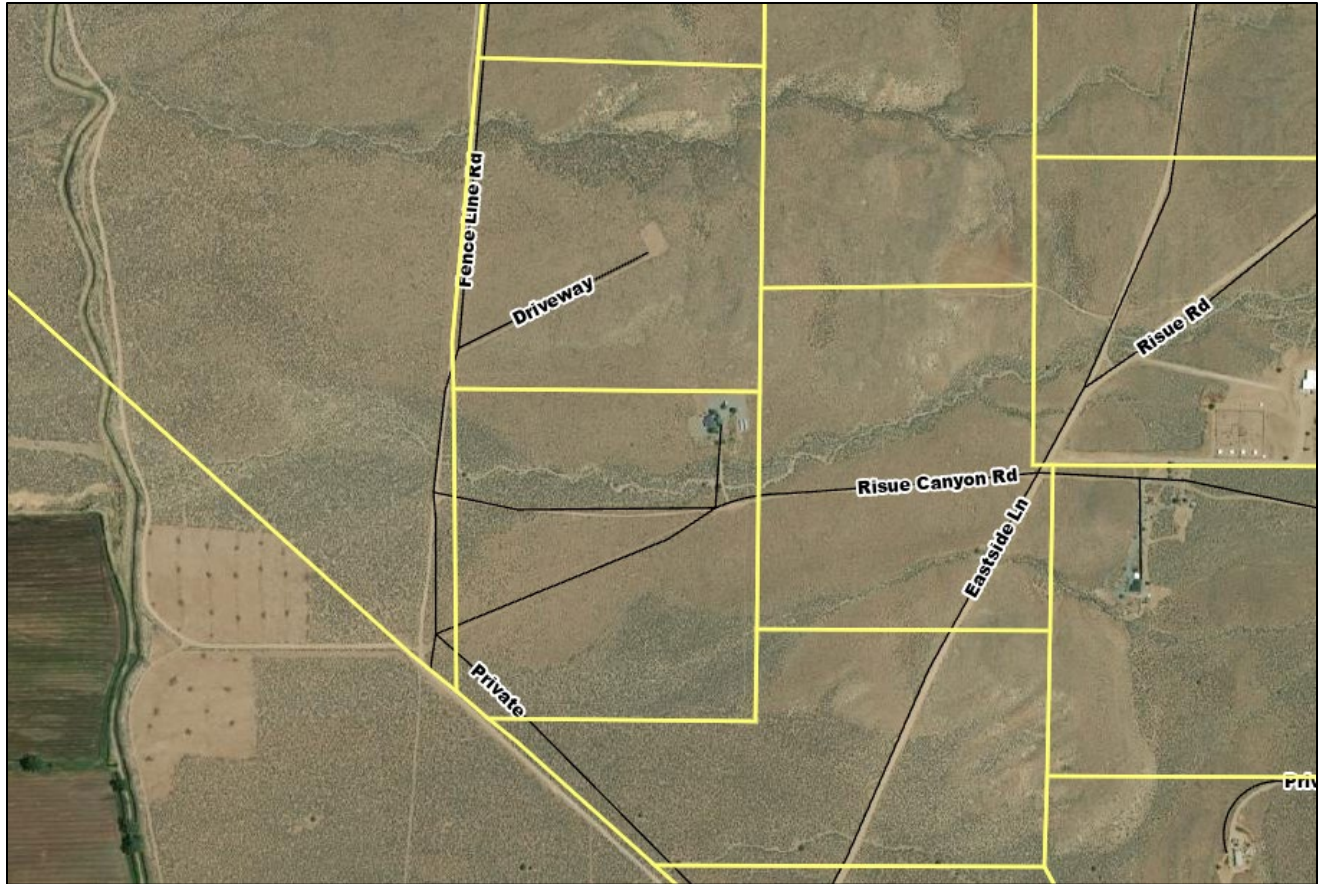


Figure 5. Douglas Co, NV parcels and roads

4) *any public and formally identified nonmotorized or multi-modal pathway.*

There are no formally identified nonmotorized or multi-modal pathways in the vicinity of the project site.

3. *All structures used for indoor cultivation and all structures used for drying, curing, grading, trimming or processing shall comply with the setbacks for the land use designation. There shall be no evidence of cannabis cultivation outside the structure (e.g., the use shall comply with the Visual Screening Plan, Sign Plan, and Mono County Code Chapter 5.60).*

All structures meet the AG setback requirements and there will be no evidence of cannabis cultivation from outside the structures.

4. *Cultivation within a “hoophouse” or shade-cloth structure shall be subject to the requirements of this chapter, including the parcel restrictions, setbacks, and all General Standards and Requirements (Section 13.070).*

The operation includes hoophouses for outdoor cultivation. Hoophouses shall comply with the requirements of the General Plan and County Code.

5. *The Planning Commission may modify the requirements if all of the following findings can be made for an alternative site plan:*
 - i. *The requested modification(s) improve security, visual mitigation, and/or odor mitigation of the cannabis activity without increasing or creating new impacts that otherwise would not have existed under the required standards;*
 - ii. *The approval of the alternative site plan will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the land use designation in which the property is situated; and*
 - iii. *The approval of the alternative site plan will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is situated.*

An alternative site plan is not proposed.

- B. *Lighting. Interior light systems shall include window coverings to confine light and glare to the interior of the structure and be detailed within the Lighting Plan. Light mitigation measure shall be utilized from sunset to sunrise to avoid nighttime glare, as required in California Department of Food and Agriculture State Code 8304.*

Interior light systems will be controlled and tested by the applicant. A Lighting Plan for the indoor cultivation facilities has been provided. The facilities will contain few windows so that cultivation is not disrupted by the exterior conditions, and all light mitigation measures shall be complied with to avoid nighttime glare.

Other than security/emergency lighting, no outdoor lighting is proposed. All outdoor lighting will comply with Mono County night sky requirements and provide mitigation measures required by State Code 8304.

- C. *Dust Control. Dust control measures shall be utilized on access roads and all ground-disturbing activities shall be conducted in compliance with the Great Basin Unified Air Protection Control District regulations and Mono County grading requirements.*

The project site is accessed by a private dirt road and Eastside Lane, which is dirt for 1.3 miles to the property. Abiding by the posted speed limits will reduce excessive dust generated by vehicles supporting the project.

An irrigation sprinkler will be used for dust control along sections of the road while disturbance activities take place. The sprinkler will follow the progression of road work. Downhill of grading and uphill of the Highline irrigation ditch, silt fencing/wattles will be installed to prevent any erosion into the Highline.

To minimize erosion potential, all cut-and-fill slopes shall be a maximum grade of 2:1 and all areas of temporary disturbance will be stabilized upon project completion. The project proposes approximately three acres of soil disturbance that will require

authorization under the State's General Construction Permit, which includes the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that would minimize site erosion and loss of topsoil. Implementation of the SWPPP will include installation of effective Best Management Practices (BMPs), including minimization of vegetation removal and installation of temporary erosion and sediment controls that would reduce erosion and sediment loss. Additionally, any areas of temporary disturbance will be reseeded with a locally sourced native seed mix upon completion of construction and protected by installation of an erosion control fabric or suitable alternative. GBUAPCD Mono County Grading Permit regulations may also apply.

- D. The Permittee shall provide a site plan identifying all cultivation area(s) to ensure that the total canopy size of cannabis cultivation does not individually exceed the amounts authorized by County permits and State law.*

A site plan with cultivation areas identified has been provided, see Attachment 1. The project is required to remain consistent with the provided plans.

- E. In no case shall any hazardous, flammable, or explosive substances be used to process or manufacture Cannabis Products on the premises unless all necessary permits have been obtained from all appropriate agencies.*

Use of hazardous, flammable, or explosive substances is not being proposed, if products are to be used on the premise, all necessary permits are required to be obtained.

- F. Closed to general public. Cannabis cultivation premises shall be inaccessible by the general public unless supervised by the permittee.*

The project site will be closed to the general public.

- G. In no case shall a building intended for residential use be used for cultivation.*

The property contains no residential structures at this time. All facilities will be used for the cannabis operation and not residential uses.

- H. In reviewing an application for a Use Permit to cultivate cannabis, the following additional information may be requested: 1. Projected energy demand and proposed renewable energy generation facilities; and 2. Unique identifier, inventory, and quality control procedures.*

The applicant will use a propane cogeneration power system that produces heat and electricity simultaneously in a single plant. The applicant shall install a solar array onsite capable of meeting a portion of the electrical demand of the project prior to operating Phase 3.

13.090 Cannabis Distribution and/or Processor. In addition to 13.070 requirements, a permit for distribution is subject to the following additional requirements:

A. Indicate truck parking and loading areas;

Truck parking and loading areas are indicated on the site plan.

B. Storage and handling plans; and

A concrete vault will be in each cultivation building for storage. The operation will only move product from the concrete vaults on an as-needed basis for retail. The Retail license will purchase product from the Distribution license as needed. The retail storage cabinet will not stock product and will remain empty until being used as a momentary holding point when transferring to delivery vehicles.

C. Closed to general public. Cannabis distribution premises shall be fully enclosed and inaccessible by the general public unless supervised by the permittee.

The distribution premise shall be closed to the general public. Packaging and storage of product will be with facilities. The loading of product into distribution vehicles will occur in a designated area within the premise.

D. Any other relevant information requested by the Director of the Community Development Department, or his or her designee.

E. The information provided may be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a).

Use Permit Findings

In accordance with Mono County General Plan, Chapter 32, the Planning Commission may issue a Use Permit after making all findings in the affirmative.

Section 32.010, Required Findings:

- 1. All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*

The project complies with all applicable provisions of the Mono County General Plan (MCGP). The site is adequate in size to accommodate the proposed structures, septic system, parking, loading, and all setbacks and requirements for the Agriculture (AG) land use designation (LUD), as shown in the site plan (Attachment 1) and described in this staff report. The project complies with General Plan Chapter 13, Commercial Cannabis Activities and is required to receive a Cannabis Operation permit from the Board of Supervisors in compliance with Mono County Code Chapter 5.60, Cannabis Operations. This finding can be made.

ALTERNATIVE

The project does not comply with all applicable provisions of the MCGP. The proposed outdoor cultivation area does meet the required setback of 300' from the property line of the neighboring parcel under a different land use designation (east parcel in Douglas County, NV). Additionally, the purpose of MCGP Chapter 13, Commercial Cannabis Activities, is to protect the public health, safety and welfare, protect neighborhood character, and minimize potential negative impacts on people, communities and the environment in the unincorporated areas. Based on received public comment, the project is not consistent with the neighborhood character and generates new potential negative impacts on the people and community. This finding cannot be made.

2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*

The parcel is accessed by Eastside Lane, a County-maintained road. All transportation of product shall be within California, traveling south on Eastside Lane for approximately 1.3 miles to the intersection of Topaz Lane. At this point, Eastside Lane and Topaz Lane are paved. The expected traffic generated by the project includes employee vehicles, delivery from FedEx/UPS, one propane delivery per week, two wholesale deliveries per week, one non-storefront delivery per week, and three supply trips to town per week. The majority of vehicles used will be employee passenger vehicles. The level of traffic is similar to non-cannabis agricultural operations that include employees for harvesting and truck traffic for distribution. Eastside Lane supports the surrounding agricultural operations and can support this project. This finding can be made.

ALTERNATIVE

Eastside Lane is not adequate to carry the quantity and kind of traffic generated by the proposed use because the existing road surface (dirt) will be impacted due to increased year-round use. This finding cannot be made.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*

The project is consistent with the rural character of the Antelope Valley. The setbacks are adequate to reduce impacts to surrounding property owners. By implementing the proposed mitigation measures, the project will not produce any significant impacts. The project is a significant distance away from sensitive receptors in the community of Topaz, Coleville, and Walker, including schools and the community center, and from the nearest Mono County resident.

ALTERNATIVE

The project will be detrimental to the public welfare because it will generate nuisance odors objectionable to at least one nearby residential property in Nevada.

4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
- a. The proposed use is consistent with the General Plan and the Antelope Valley Community Policies and meets the requirements of MCGP Chapter 13, Commercial Cannabis Activities (see discussion in the General Plan Consistency section above).
 - b. Outdoor commercial cannabis cultivation is permitted in Agriculture land use designations, given they meet the criteria set forth by Chapter 13 and subject to Mono County Code 5.60.
 - c. The project is located within the Antelope Valley Planning Area. The Antelope Valley Community Plan encourages businesses that create diversity, while being consistent with the rural character of the area.

Notice of Public Hearing

A public hearing notice was published in the December 3, 2022, issue of The Sheet (See Attachment 3) and was mailed to surrounding California property owners within 300 feet of the proposed project. Notice was also emailed to 19 individuals who requested to be notified.

At the time of this staff report five public comments were received (see Attachment 4). The following concerns were raised:

- The project will increase traffic on Eastside Lane, impacting wildlife and recreation in the area.
 - The increase in traffic is not anticipated to impact wildlife or recreation and is similar to other agricultural operations requiring harvesting in the area. The project will generate new traffic such as employee vehicles, passenger cars, and weekly utility trucks, similar to the existing use of the area's roads. Thirteen (13) acres of native vegetation was previously cleared from the project area. Long standing pastures and agricultural fields in the area have lost much of their former habitat value for native wildlife (See "3.3 Vegetation" of the MND, Attachment 2).
- The project will generate urban sprawl.
 - No residential development is proposed at the property at this time. The property's designation, Agriculture-10, may not be subdivided into parcels less than 10-acres.
- The project increases fire risk to the area.
 - The project does not have any ignition sources more hazardous than a typical agricultural operation in the area. The project will comply with MCGP Chapter 22, Fire Safe Regulations. The parcel is in a Local Responsibility Area and is within the Antelope Valley Fire Protection District service area. The project is required to receive a Will-Serve letter for fire protection. All structures and storage of flammable substances is required to meet California Building Code standards.
- Installing overhead power poles is not justified.
 - Overhead power poles are no longer proposed. Any future utility connection is required to be underground.

- The amount of water used by the project is too much and will impact surrounding properties.
 - Indoor cultivation will use up to 2.9 acre-feet per year. Outdoor cultivation will use 4.48 acre-feet per year. The estimated groundwater recharge in the Antelope Valley is between 15,600 acre-feet to 22,800 acre-feet per year. The water demand for the project will have a less than significant impact on groundwater supplies.
- The project will impact water quality.
 - All structures will be setback a minimum of 30' from the Highline Ditch's top-of-bank. Storm water runoff will be retained in a stormwater detention basin on site.
- Structures will negatively impact the visual character of area.
 - Structures shall not exceed 35' in height. The design of structures were selected to invoke an agricultural feel rather than industrial with raised center aisles typically seen in horse barns. The proposed structures and number are consistent with agricultural uses in the area.
- Odors from the project will impact neighbors.
 - Prevailing winds, large buffer distances from neighbors, and mitigation measures included in the MND will mitigate odors generated by the project.
- The project will diminish the quality of life in the area.
 - The project is similar to existing agricultural operations in the area. Analysis and mitigation measures have been provided to minimize impacts to surrounding properties.
- Marijuana production serves the illicit drug trade.
 - Marijuana production is permitted within Mono County and the State of California. The County and State have established regulations permitting the activity. Marijuana businesses are required to obtain both County and State licenses prior to operating. Production, transportation, and sales are tracked through the State's licensing program. Illegal operations are subject to enforcement by State and local authorities.
- The project is of an industrial-style production.
 - The project is similar to other agricultural operations and does not include industrial manufacturing.
- The project site lacks infrastructure.
 - The project proposes the infrastructure necessary to support the use.
- The access route to the project serves as access and evacuation route from Douglas County residents.
 - The access route to the project site, Stateline Road, is not a public road or recorded easement. Use of Stateline Road may be considered trespassing. Douglas County residents are served by public roads originating in Douglas County.
- Impacts to the Sheriff Department is not addressed.

- The Mono County Sheriff does not review land use permits. The Sheriff will review the applicant's Cannabis Operation Permit application and is required to approve the project's security plan at that time. The Sheriff's Department has been advised of the project to facilitate review under the Cannabis Operation Permit.

Similar concerns were raised in comments provided during public review of the Initial Study and Mitigated Negative Declaration. Responses to those comments can be found in Attachment 2.

In addition, members of the public attended an Antelope Valley Regional Planning Advisory Committee (RPAC) meeting this fall to request the RPAC oppose the project. The Antelope Valley RPAC noted their role is advisory on policy matters and the development of regulations. The RPAC requested the commenters suggest revisions to Mono County's cannabis regulations, which the RPAC would then consider, but that otherwise the Antelope Valley RPAC does not have a role in evaluating development applications. The commenters were asked to submit comments to the Planning Commission.

Land Development Technical Advisory Committee (LDTAC)

The applicants first attended LDTAC on August 16, 2021, for a pre-application review of the project. The project was accepted for processing on October 4, 2021. No public comments were received at either meeting. On December 12, 2022, the LDTAC reviewed and approved the draft conditions of approval.

CEQA Compliance

The County contracted with Resource Concepts, Inc. (RCI) to conduct an Initial Study and environmental reporting. The Initial Study determined the project could have potential impacts to the following resources: Biological resources, Cultural Resources, Hydrology/Water Quality, and Tribal Cultural Resources. A Mitigated Negative Declaration (MND) has been completed and proposed for the project. Mitigation measures are identified that would reduce all potentially significant impacts to less than significant levels. See Attachment 2.

On April 19, 2022, notice to tribes was provided in compliance with Assembly Bill 52, initiating a 30-day period to request consultation. No requests for consultation have been received to date.

On September 28, 2022, a notice of intent to adopt the MND was published in The Sheet newspaper. The Draft MND was made available to the public online and physical copies were available at the Coleville Library and Community Development Department office in Bridgeport. Notice was also submitted to the California Governor's Office of Planning and Research, State Clearinghouse, website. Additionally, notice was emailed to eight individuals who requested notification. The notice began a 36-day comment period ending November 3, 2022; 16 comments were received and responded to within the MND, see Attachment 2.

This staff report was reviewed by the Community Development Director.

ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: Mitigated Negative Declaration & Mitigation Monitoring and Reporting Plan

- Attachment 3: Public Hearing Notice
- Attachment 4: Public comments

MONO COUNTY
Planning Division

DRAFT NOTICE OF DECISION & USE PERMIT

USE PERMIT: 21-006

APPLICANT: Jeff and Walter Hinds

ASSESSOR PARCEL NUMBER: 001-150-004

PROJECT TITLE: Sierra High Commercial Cannabis

PROJECT LOCATION: 7761 Eastside Lane, Topaz

CONDITIONS OF APPROVAL
See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHeld AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

NOTICE IS HEREBY GIVEN PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 1094.6 THAT THE TIME WITHIN WHICH TO BRING AN ACTION CHALLENGING THE COUNTY'S DECISION IS 90 DAYS FROM THE DATE THE DECISION BECOMES FINAL. IF NO APPEAL IS MADE TO THE PLANNING COMMISSION THE PLANNING COMMISSION DECISION SHALL BECOME FINAL ON THE EXPIRATION OF THE TIME TO BRING AN APPEAL. NOTICE IS ALSO HEREBY GIVEN THAT FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES BY FILING AN APPEAL TO THE BOARD OF SUPERVISORS MAY BAR ANY ACTION CHALLENGING THE PLANNING COMMISSION'S DECISION.

DATE OF DECISION/USE PERMIT APPROVAL: December 15, 2022
EFFECTIVE DATE USE PERMIT: December 25, 2022

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

MONO COUNTY PLANNING COMMISSION

Dated: December 15, 2022

CC: X **Applicant**
 X **Public Works**
 X **Building**
 X **Compliance**

CONDITIONS OF APPROVAL

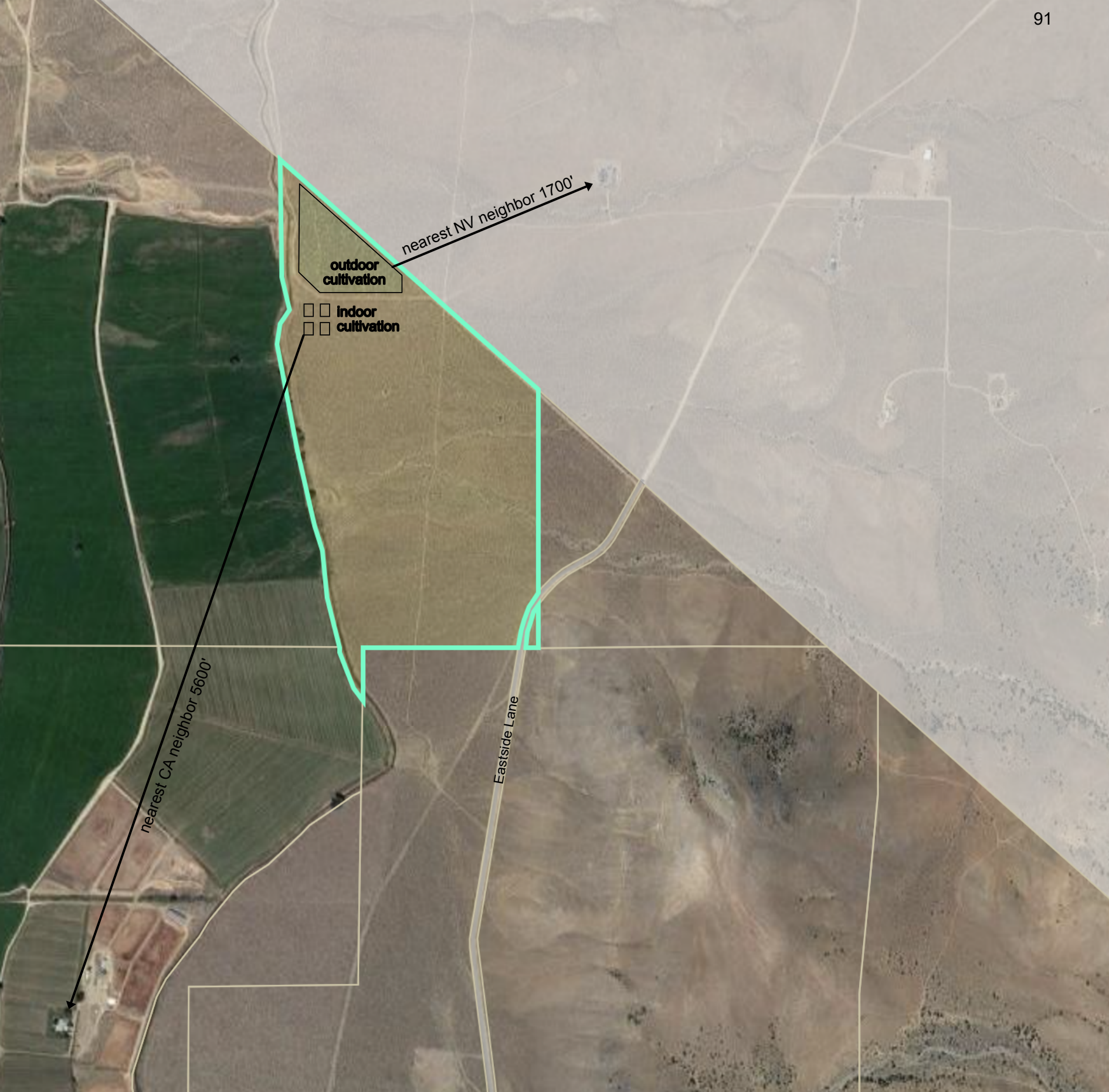
Use Permit 21-006/Sierra High

1. Project shall comply with the Mitigation Monitoring and Reporting Plan, as stated in the Sierra High Farms Mitigated Negative Declaration, Section 5.
2. An easement shall be recorded against the deed of property APN 001-150-005-000 to allow legal access to the project site. APN 001-150-005-000 is currently under the same ownership as the project site parcel.
3. All development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
4. The project shall install and connect to an onsite solar power system prior to completing the outdoor cultivation area (Phase 3). No outdoor cultivation shall take place before the solar power system is complete.
5. All utilities shall be installed underground (MCGP 11.010 D).
6. All structures shall maintain a minimum setback of 30' from Highline Ditch, measured from the top of the bank (MCGP 04.120).
7. Project shall comply with General Plan Chapter 13, Commercial Cannabis Activities.
8. Exterior lighting on the property will comply with Chapter 23, Dark Sky Regulations, and shall be downward directed, fully shielded, with lighting temperatures not to exceed 3,000K.
9. Required revegetation shall use a locally sourced, native seed mix upon completion of construction and protected by installation of an erosion control fabric or suitable alternative. If plant survival is not sufficient to prevent erosion or dust, as determined by the Community Development or Public Works Departments, the applicant shall be required to reseed until plant survival is sufficient.
10. The project is required to obtain a Mono County Cannabis Operations Permit pursuant to Mono County Code 5.60 and appropriate state licensing prior to commencing operation. A copy of state licenses shall be provided to the Mono County Community Development Department prior to commencing operations.
11. The project shall be in substantial compliance with the project description and the site plan of the staff report. Minor changes and/or deviations to the project may be approved by a Director Review permit and/or ministerial processing provided the change or deviation does not generate controversy, new environmental impacts, new cultivation area, or new construction, as determined by the Community Development Director.
12. There shall be no expansion of cannabis uses without approval from the Mono County Planning Commission.

13. Applicant must maintain an active business license and tax certificate requirements.
14. Project shall comply with all Mono County Building Division, Public Works, and Environmental Health requirements.
15. Appeal. Appeals of any decision of the Planning Commission may be made to the Board of Supervisors by filing a written notice of appeal, on a form provided by the division, with the Community Development director within 10 calendar days following the Commission action. The Director will determine if the notice is timely and if so, will transmit it to the clerk of the Board of Supervisors to be set for public hearing as specified in MCGP Section 47.030.
16. Termination. A use permit shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
 - A. There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof or as specified in the conditions. If applicable, time shall be tolled during litigation. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the use permit;
 - B. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted; and
 - C. No extension is granted as provided in Section 32.070.
17. Extension: If there is a failure to exercise the rights of the use permit within two years (or as specified in the conditions) of the date of approval, the applicant may apply for an extension for an additional one year. Only one extension may be granted. Any request for extension shall be filed at least 60 days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary and schedule it for public hearing. Conditions of approval for the use permit may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also recommend that the Commission deny the request for extension. Exception to this provision is permitted for those use permits approved concurrently with a tentative parcel or tract map; in those cases the approval period(s) shall be the same as for the tentative map.
18. Revocation: The Commission may revoke the rights granted by a use permit and the property affected thereby shall be subject to all of the provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the use permit or the violation by the owner or tenant of any provision pertaining to the premises for which such use permit was granted. Before the Commission shall consider revocation of any permit, the Commission shall hold a public hearing thereon after giving written notice thereof to the permittee at least 10 days in advance of such hearing. The

decision of the Commission may be appealed to the Board of Supervisors in accordance with Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.

Attachment 1**Site Plan****Phased Site Plan****Building Elevations****Grading Plans**



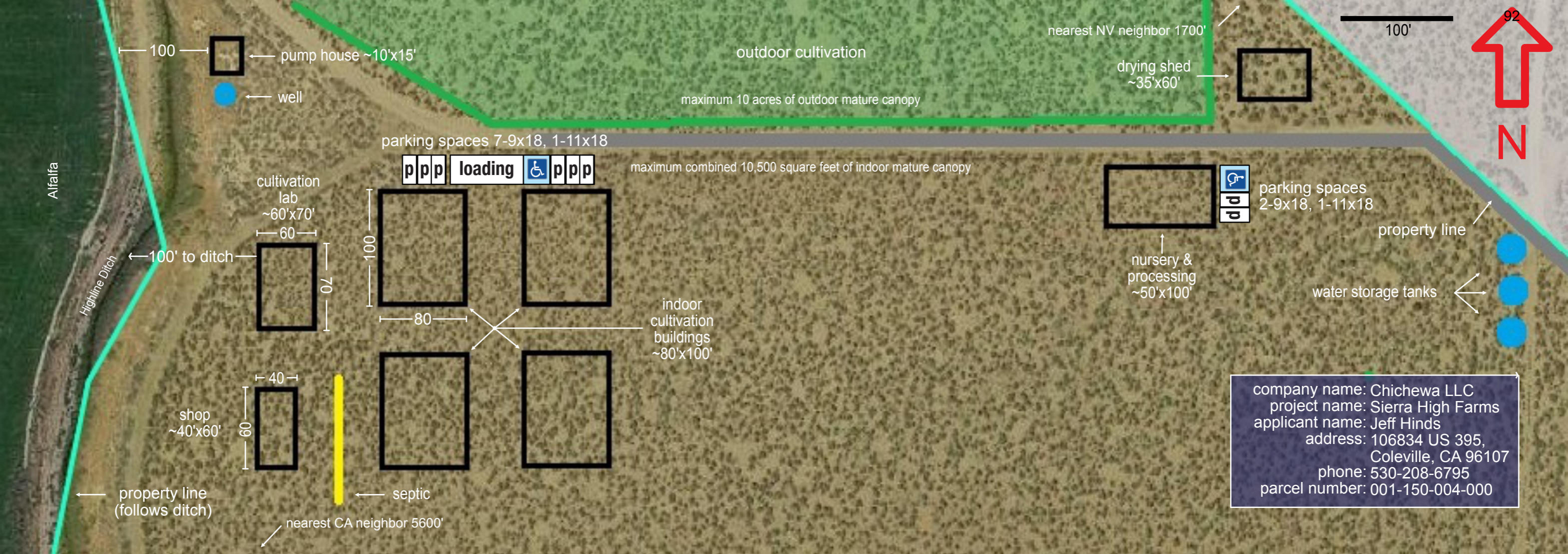
outdoor cultivation

indoor cultivation

nearest NV neighbor 1700'

nearest CA neighbor 5600'

Eastside Lane



company name: Chichewa LLC
project name: Sierra High Farms
applicant name: Jeff Hinds
address: 106834 US 395,
Coleville, CA 96107
phone: 530-208-6795
parcel number: 001-150-004-000

Sierra High Farms Incremental Implementation Phase 1 of 3

- roadbed improvements - We will improve the roadbed from Eastside Lane to our licensed area. Improvements will bring the road to CDF standards.
- grade building pad - We will grade for a building pad that can accommodate four cultivation buildings.
- build well-house and tank-house
- build Cultivation 1 - We will build our first cultivation building, powered by propane fueled cogen systems.
- build shop - We will build a 40' x 60' shop.
- build lab - We will build a 40' x 60' lab.

This is the initial phasing concept and deviations are permitted subject to Director approval and ministerial processing.



Sierra High Farms Incremental Implementation Phase 2 of 3

- build Cultivation 2, 3, and 4 - We will build the final 3 cultivation buildings on the initial pad. We will install a larger propane tank to power the cogeneration systems for these buildings.

This is the initial phasing concept and deviations are permitted subject to Director approval and ministerial processing.

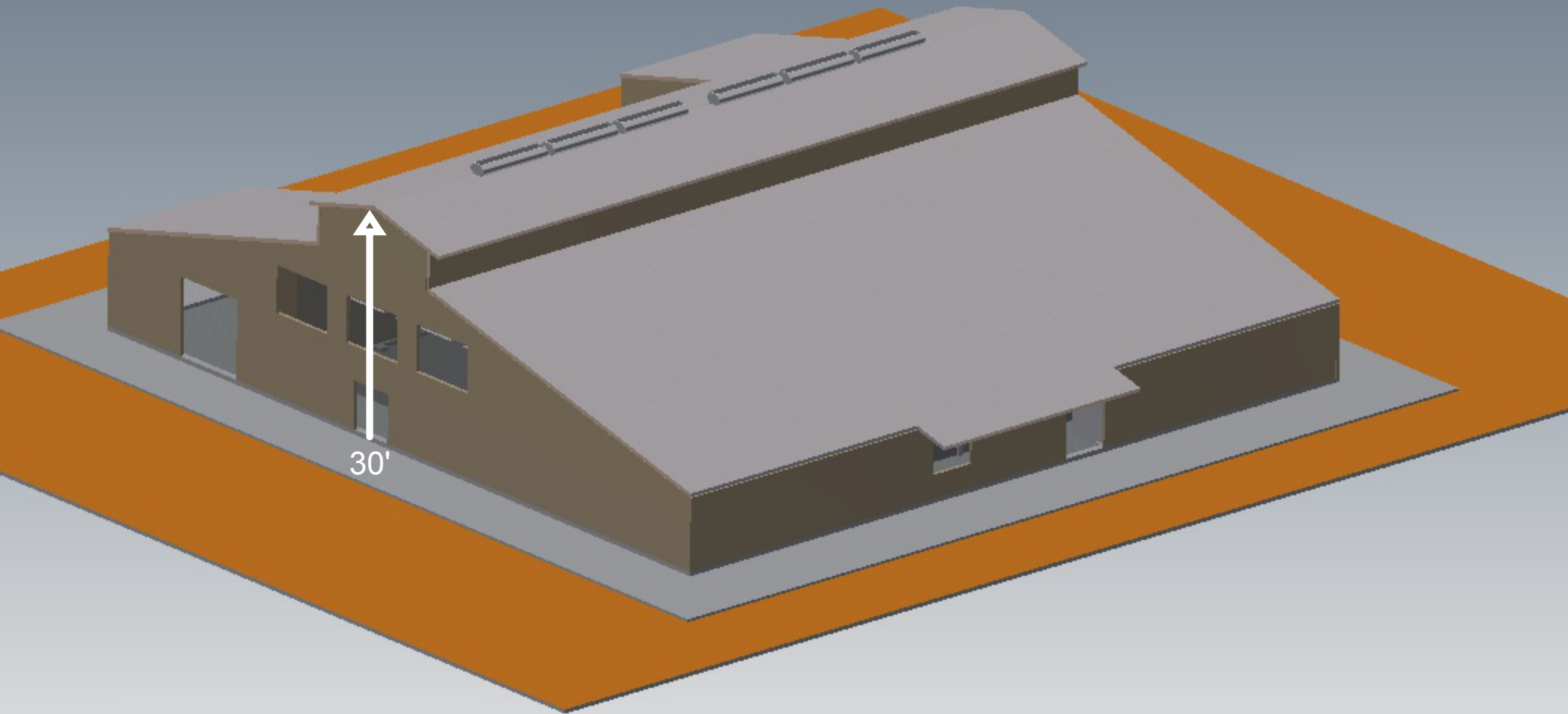


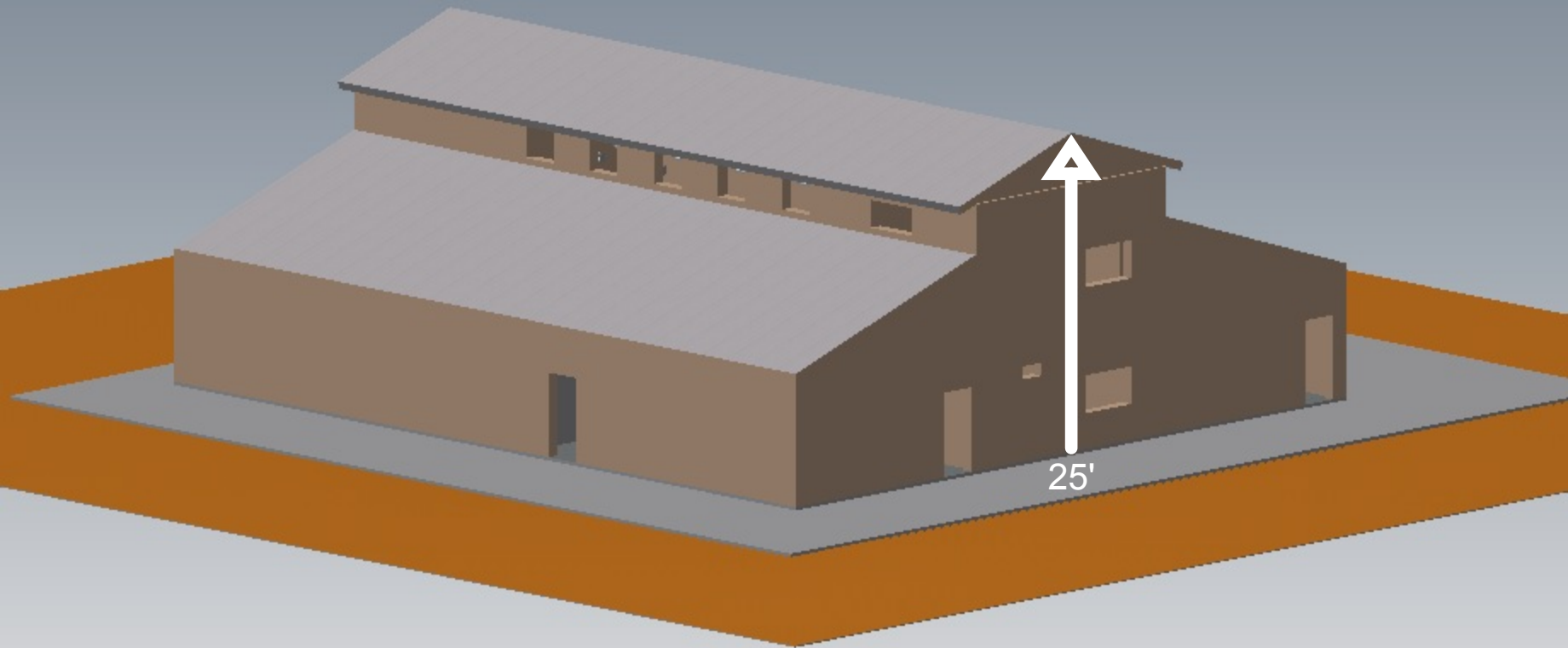
Sierra High Farms Incremental Implementation Phase 3 of 3

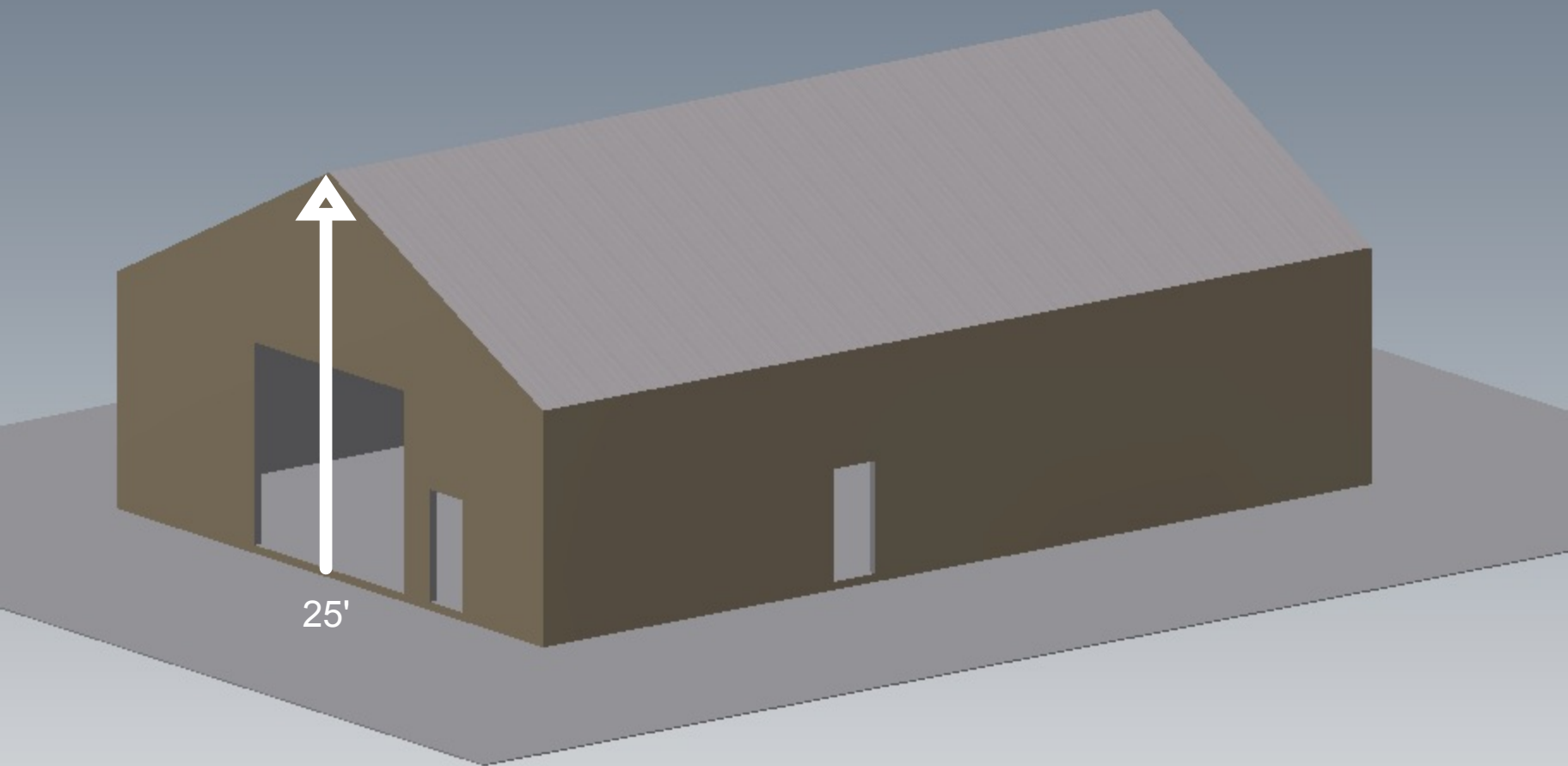
- create outdoor growth capacity - We will cultivate a maximum of 10 acres of mature cannabis canopy in the northernmost portion of our triangle.
- build drying shed - We will build an approximately 35' x 60' drying shed to support outdoor growth.
- build nursery and processing - We will build an approximately 50' x 100' nursery and processing center to support outdoor growth.
- Electrical connection will be made to Liberty Utilities as defined on the next page. Completion of this step is dependent on Liberty's completion of necessary capacity upgrades.

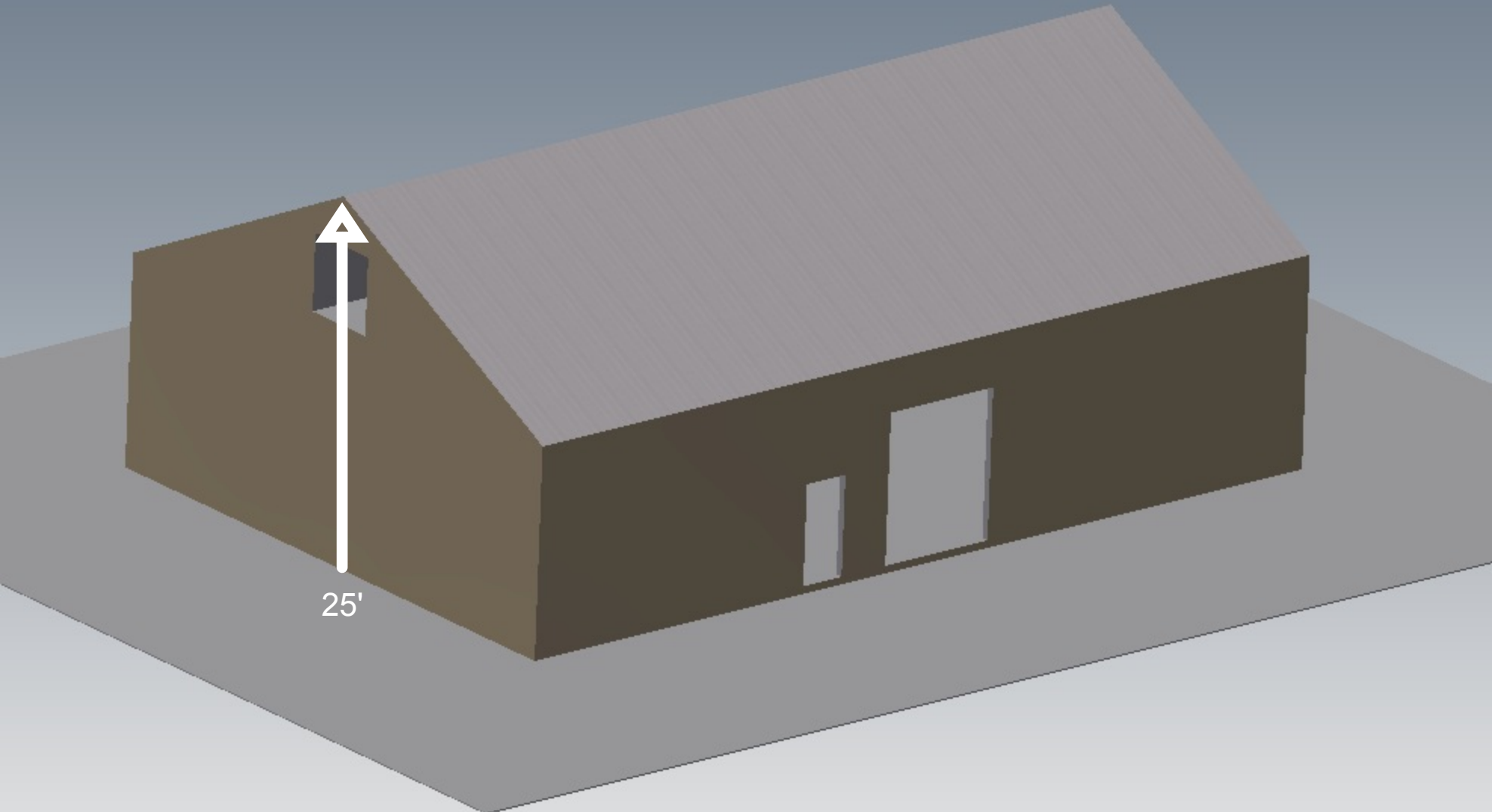
This is the initial phasing concept and deviations are permitted subject to Director approval and ministerial processing.



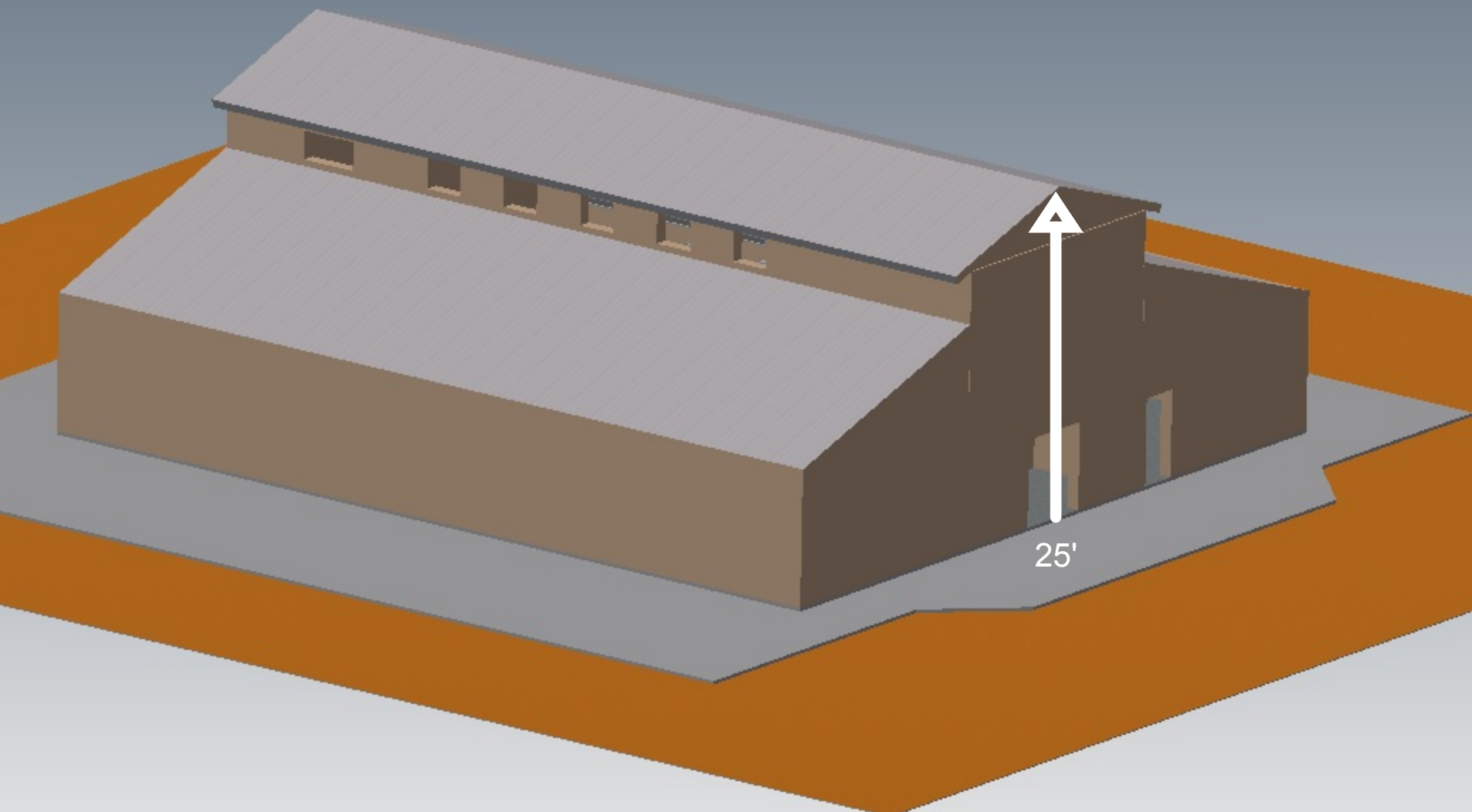








25'





December 1, 2022 - Final

Initial Study & Mitigated Negative Declaration

for –

Sierra High Farms Cannabis Cultivation

Project Name	Sierra High Farms Cannabis Cultivation
Lead Agency Name and Address	Mono County Community Development Department PO Box 347 Mammoth Lakes, California 93546 760-924-1800
Contract Person and Phone Numbers	Michael Draper, Planning Analyst II 760-924-1805 mdraper@mono.ca.gov
Project Location	7712 Eastside Lane Topaz, California 96107 Mono County APN 001-150-004-000
Project Applicant / Operator	Jeff Hinds, Walter Hinds
Prepared By	Resource Concepts, Inc. Contact: Zach Wood & JoAnne Michael 775-883-1600
General Plan Land Use Designation	Agriculture (AG-10)

Environmental Factors Potentially Affected

This Initial Study has determined that in the absence of mitigation the proposed project could have the potential to result in significant impacts associated with the factors checked below. Mitigation measures are identified in this Initial Study that would reduce all potentially significant impacts to less than significant levels.

- | | | |
|-------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------------|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture/Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housings | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreations | <input type="checkbox"/> Transportations | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Wildfires | <input type="checkbox"/> Mandatory Findings of Significance |

On the basis of this initial evaluation:

- I find that the project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier BIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier BIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Title

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Appendices

Appendix A	Figures
Appendix B	Biological Technical Report
Appendix C	Class III Archaeological Inventory
Appendix D	Response to Comments on the Draft IS/MND

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List of Acronyms

AG	Agriculture
AVFPD	Antelope Valley Fire Protection District
BLM	Bureau of Land Management
CEQA	California Environmental Quality Act
CNDDDB	California Natural Diversity Database
CO ₂ E	Carbon dioxide equivalent
CUPA	Certified Unified Program Agencies
CWA	Clean Water Act
CWPP	Community Wildfire Protection Plan
DCC	Department of Cannabis Control
EIC	California Historic Resource Information System Eastern Information Center
EIR	Environmental Impact Report
EOP	Emergency Operations Plan
ESA	Endangered Species Act
FHSZ	Fire Hazard Severity Zone
GBUAPCD	Great Basin Unified Air Pollution Control District
GHG	Greenhouse Gases
IPaC	US Fish and Wildlife Service Information for Planning and Consultation
LRWQCB	Lahontan Regional Water Quality Control Board
NAHC	Native American Heritage Commission
NDOW	Nevada Division of Wildlife
NOV	Notice of Violation
NPDES	National Pollution Discharge Elimination System
NVCRIS	Nevada Cultural Resource Information System
NWI	National Wetland Inventory
RTP	Regional Transportation Plan
SRA	State Responsibility Area
SWPPP	Storm Water Pollution Prevention Plan

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Section 1. Introduction

1.1 Introduction

The Sierra High Farms cannabis microbusiness project (project) is requesting approval of a use permit under Mono County's Cannabis Operations ordinance (County Code 5.60) and to install overhead utility lines, consistent with the Mono County General Plan Land Use Element Section 1.L and Development Standards Chapter 13 – Commercial Cannabis Activities.

The purpose of this draft Initial Study and Mitigated Negative Declaration (Draft IS/MND) is for evaluation by Mono County of potential environmental effects resulting from the project. Section 2, "Project Description" includes detailed project information.

This document has been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR] Section 15000 et seq.). Under CEQA, an IS can be prepared by a lead agency to determine whether a project may have a significant effect on the environment (CEQA Guidelines Section 15063[a]) and thus to determine whether an environmental impact report must be prepared. Mono County as lead agency has prepared the following analysis, which identifies the potential physical environmental impacts of the project and the mitigation measures that would reduce significant and potentially significant impacts to a less-than-significant level.

In accordance with the provisions of CEQA, Mono County is distributing a notice of intent (NOI) to adopt an MND to solicit comments on the analysis and mitigation measures presented in this Draft IS/MND. The NOI will be filed with the State Clearinghouse/Governor's Office of Planning and Research and each responsible and trustee agency. This Draft IS/MND will be available for review and comment from September 30, 2022 through ~~October 31~~ November 3, 2022.

Written comments (including those submitted via e-mail) must be received by close of business on October 31, 2022. Letters should be addressed to:

Mono County Community Development Department
P.O. Box 347
Mammoth Lakes, California 93546
Attn: Michael Draper

E-mail comments should be addressed to: mdraper@mono.ca.gov

Anyone with questions regarding the NOI or Draft IS/MND may call Michael Draper at 760-924-1805. Digital copies of the NOI and Draft IS/MND are available at <https://monocounty.ca.gov/community-development/page/cdd-public-hearing-ceqa-notices>. Hard copies of the NOI and Draft IS/MND are available for public review at the following location:

1290 Tavern Road.
Mammoth Lakes, California 93546

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The following checklist is to be completed for all projects that are not exempt from environmental review under the CEQA. The information, analysis, and conclusions contained in the checklist are the basis for deciding whether an Environmental Impact Report (EIR) or Negative Declaration is to be prepared. Additionally, if an EIR is prepared, the checklist shall be used to focus the EIR on the effects determined to be potentially significant.

1.2 Lead, Responsible & Trustee Agencies

Lead Agency

- Mono County
 - Conditional Use Permit (cannabis activities and overhead power)
 - Cannabis Operation Permit
 - Building Permit
 - Grading Permit
 - Encroachment Permit
 - Septic and Well Permits
 - Hazardous material storage business plan

Responsible Agencies

- State of California Department of Cannabis Control:
 - Issuance of state cannabis microbusiness license
- State Water Resources Control Board:
 - General Construction Permit
- Lahontan Regional Water Quality Control Board:
 - Water Quality Certification
- Great Basin Unified Air Pollution Control District
 - [Construction-Secondary Source Permits](#)
 - [Stationary Source Permits](#)

Trustee Agencies

- California Department of Fish and Wildlife
- Office of Historic Preservation
- Native American Heritage Commission

Section 2. Project Description

2.1 Project Description

Sierra High Farms is proposing a ten-acre outdoor and ~~24,000 square-foot (SF)~~ 10,500 sq ft canopy indoor commercial greenhouse cannabis cultivation operation (for year-round operation), with onsite cannabis processing (trimming, packaging, and labeling), and wholesale distribution. The applicant will also seek approval to conduct non-storefront retail sales, to conduct business at state-wide cannabis events. The total area of indoor cultivation buildings is 49,248 sq ft. The operation will employ eight fulltime and up to seven part time employees for indoor cultivation upon completion of Phases 1 and 2. There will be 4-7 seasonal employees for outdoor cultivation with implementation of Phase 3. The project is located within a 123-acre parcel (APN 001-150-004-000) that is owned by the project proponent. The General Plan land use designation of the parcel is Agriculture (AG) with a 10-acre parcel size minimum. The Location Map (Figure 1) and Site Plan (Figure 2) are provided in Appendix A.

A Mono County Use Permit and Operations Permit for cultivation will be submitted to conduct operations. Obtaining the required California state permits to cultivate cannabis will be conditions of both permits. The proposed project utilizes greenhouses indoor and outdoor cultivation to grow cannabis. The proposed project facilities and ancillary items are described below.

The site was historically used for cattle ranching; however, new wire fences have been installed along parcel boundary and Highland Ditch to keep cattle off the project area. The site contains no structures. The construction of a septic system was initiated in the summer of 2022. There are three temporary water storage tanks that will remain on-site until the new well is operational.

2.1.1 Proposed Buildings and Ancillary Structures

The project proposes to construct an adult recreation/medical cannabis production facility that includes both indoor and outdoor cannabis cultivation. The project includes construction and operation of the following project components:

Indoor Cultivation

- Four 12,312 square-foot indoor cultivation buildings greenhouses (108' by 114') \ (up to 10,500 sq ft indoor mature plant canopy)
- One cultivation lab (4,200 sq ft, 60' by 70')
- One maintenance shop (2,400 sq ft, 40' by 60')
- Stormwater detention basin

Outdoor cultivation

- Ten acres of outdoor cannabis cultivation area including hoop house structures; cultivation area to be prepared by grubbing existing vegetation and grading for drainage; installation of drip irrigation systems connected to a new groundwater well
- One nursery and processing building (5,000 sq ft, 50' by 100')
- One drying shed building (2,100 sq ft, 35' by 60')
- Four storage containers of approximately 8' by 40' for outdoor cultivation tools and storage use

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Supporting facilities and utilities

- One well pump building (169 sq ft, 13’ by 13’)
- One water tank building containing three 5,000-gallon tanks (700 sq ft, 17’ by 35’)
- One septic system (1,500 gallon holding tank, 190’ leach line)
- Two 70 kwh (100 hp) propane generators for primary power supply, backup (located within enclosure attached to an indoor cultivation building)
- Central propane tank (30,000 gallon)
- Access road improvements from project site to Eastside Lane. – Addition of approximately five vehicle turnouts of 10’ by 75’
- Parking and loading areas
 - Indoor cultivation area – Parking for 12 vehicles
 - Nursery parking area- Parking for three vehicles
- Above ground electrical power service connection to Liberty Utilities (1.6 miles), including installation of approximately thirty (30) new 20’ height utility poles along Eastside Lane and on the project property.

2.1.2 Project Phasing

The project is proposed to be implemented incrementally with the following phased improvements based on market conditions.

Table 2-1. Project Phasing

Phase 1
One (1) indoor cultivation building, maintenance shop, cultivation lab, access improvements, water tank, parking for indoor cultivation. <u>4 full time employees</u>
Phase 2
Three (3) indoor cultivation buildings, central propane tank. <u>4 full time employees; 4-7 part time</u>
Phase 3
Outdoor cultivation, drying shed, nursery, electrical service connection. <u>4-8 seasonal employees</u>

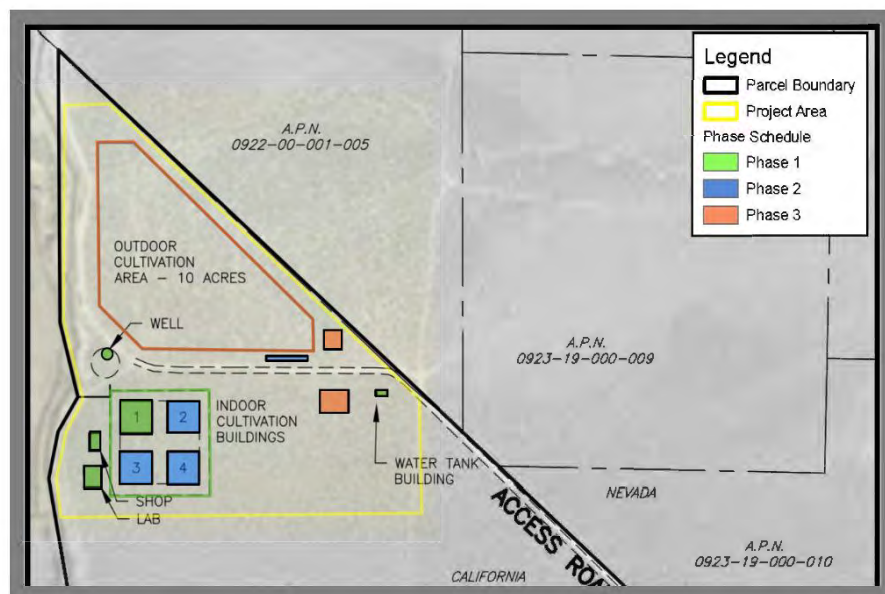


Figure 2-1. Project Phasing Plan

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2.1.3 Construction

Project construction is anticipated to take place for approximately three years (two years for Phases 1 & 2, one year for Phase 3). The project may not be constructed continuously. Construction timing of successive Phases 2 and 3 would ultimately be determined by market conditions and implementation may occur over a longer period. Minor alterations involving no expansion of square footage or intensification of uses and exempt from CEQA may be approved by a Director Review Permit. Construction equipment would be variable based on activity and would include graders, backhoes, compactors, bulldozers, trenchers, water trucks, excavators, scrapers, tractors, forklifts generators, rollers, welders, and air compressors.

Table 2-2. Construction Phasing and Duration

Construction Phase	Duration
Site grading – Phases 1 & 2	60 days
Phase 1 – Indoor cultivation building #1, shop, and lab	6 months
Phase 2 – Three Indoor cultivation buildings, propane tank	12 months
Phase 3 – Outdoor cultivation, drying shed, nursery, electrical service connection	12 months

Initial construction of minor site improvements occurred in 2022, including the installation of a septic system and vegetation removal. Additional site work to prepare for building construction includes excavation for utility services and grading of a three (3) acre building pad for the indoor cultivation buildings. The building pad would require 13,000 cubic yards of grading, which will be balanced on-site and not require the import or export of additional material. At the completion of site grading, development of the first cannabis cultivation building would start. Indoor cultivation buildings and ancillary buildings are expected to be concrete slab and prefabricated metal buildings with grouted masonry walls. Installation of approximately 1.6 miles of above ground electricity and telecommunications would occur during Phase 3.

2.1.4 Unpermitted work and code enforcement activities

On March 24, 2022, Mono County Community Development Department issued a Notice of Violation (NOV) for work without a permit on the subject property. The work consisted of approximately 13 acres of land clearing and vegetation grubbing. The NOV required that the property owner obtain a grading permit for work performed and to stabilize the disturbed area to prevent dust generation and soil erosion. The compliance actions of the NOV were completed July 2022 and the project is no longer in violation. Due to the unauthorized work, the existing site conditions were changed; however, for the purposes of the environmental analysis the unpermitted activity does not create a significant change to the baseline environmental conditions. The project site was vegetated with upland brush prior to grading. Both the NOV and the project mitigation measures require re-seeding areas of disturbance.

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Table 2-3. Timeline of site activity, environmental analysis, and code enforcement events.

Date	Activity\Action
June 2021	Land clearing, grubbing activities for approximately 13 acres
November 2021	Well permit (#26-21-19) issued; Well-constructed November 2021. Placement of water tanks
December 2021	CEQA environmental analysis began. Septic permit (#S21-39) issued December 2021
February 2022	Septic system constructed February 2022
March 2022	Cultural resources field work conducted by Great Basin Group
March 2022	Notice of Violation issued by Mono County Community Development
April 2022	Grading plan and permit application submitted to Mono County
July 2022	Abatement of NOV completed.

2.1.5 State and local regulation of cannabis uses

As a microbusiness the DCC allows multiple commercial cannabis activities under a single license. The proposed project activities are non-storefront retail, indoor cultivation, and distribution. Cannabis cultivation will occur all year for the indoor cultivation portion of the project and seasonally for the outdoor cultivation. The outdoor cultivation use requires a separate license as a Large Outdoor Cultivation of greater than one acre. Per DCC large cultivation permits shall not be issued until January 1, 2023.

Table 2-4. Required cannabis license by store type.

	Indoor cultivation up to 10,000 sq ft	Distribution	Non-storefront retail	Outdoor cultivation (greater than 1 acre)
Mono County Use permit	Use permit issued prior to County Operations Permit and DCC license			
Mono County Operations Permit	Operations permit issued after Use permit and prior to DCC license	Operations permit issued after Use permit and prior to DCC license	Operations permit issued after Use permit and prior to DCC license	Operations permit issued after Use permit and prior to DCC license
California Department of Cannabis Control	Type 12 – Microbusiness license			Large outdoor cultivation license

[California Department of Cannabis Control is responsible for licensing, regulation, and enforcement of commercial cannabis cultivation activities as defined in the Medicinal and Adult Use Cannabis Regulatory and Safety Act \(MAUCRSA\) and DCC regulations related to cannabis cultivation \(Bus. Prof. Code, § 26102\(a\)\).](#)

[DCC regulations include the following requirements related to addressing environmental impacts of cannabis cultivation. The requirements below may be discussed in more detail for a particular environmental factor.](#)

Table 2-5. DCC Environmental Regulations

DCC Regulation	Mono County Code	Requirement
15416		No transport outside State of California A delivery employee shall not leave the State of California while possessing cannabis goods.
16202 b		Prohibition of lighting for outdoor cultivation Outdoor cultivation licensees are prohibited from using light deprivation. Artificial lighting is permissible only to maintain immature plants outside the canopy area.
16304		General Environmental Protection Measures Water quality requirement of State Water Resources Control Board, Regional Water Quality Control Board, or California Department of Fish and Wildlife
16305		Renewable Energy Requirements Beginning January 1, 2023, all holders of indoor, tier 2 mixed-light license types of any size, and all holders of nursery licenses using indoor or tier 2 mixed-light techniques shall ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required by their local utility provider
16306		Generator Requirements Licensed cultivators using generators rated at fifty (50) horsepower and greater shall demonstrate compliance with the Airborne Toxic Control Measure for stationary or portable engines, as applicable, established in title 17, California Code of Regulations, sections 93115-93116.5
16307	5.60.130 C	Pesticide Use Requirements Licensed cultivators shall comply with all applicable pesticide statutes and regulations enforced by the Department of Pesticide Regulation
16310		Pest Management Plan The licensed cultivator shall develop a pest management plan
16311		Supplemental Water Source A copy of the well completion report filed with the Department of Water Resources pursuant to section 13751 of the Water Code.
17223	5.60.130	Waste management A licensee shall dispose of all waste in accordance with the Public Resources Code and any other applicable state and local laws.
17800	5.60.220	Enforcement

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2.1.6 Project operations

The project would operate between 8:00 am and 5:00 pm and would generate eight (8) full time employees and up to seven (7) part time employees for the indoor cultivation operation. The outdoor cultivation is expected to create up to eight (8) seasonal employees at build-out. Non-storefront retail activity would include use of passenger vehicles the transport of cannabis to licensed events within the State. Retail delivery is temporarily allowed in Mono County and staff are currently working to amend county code to permanently allow delivery sales. The operation is expected to perform deliveries infrequently. In addition to employee commutes and limited cannabis transportation, the project would require regular whole-sale shipping deliveries. Based on cultivation cycles the project would generate approximately one vehicle trip per week for distribution of cultivated cannabis within the State. No public sales will take place at the premises and the premise will be closed to the public.

Section 3. Project Location and Setting

3.1 Existing and Surrounding Land Uses

The 15-acre proposed project site is located within a 124-acre parcel adjacent to the Nevada state line and approximately three miles east of Coleville, Mono County, California. The property’s General Plan land use designation is Agriculture (AG 10). The project property outside of the 15-acre project site is undeveloped with the exception of access roads, irrigation ditches, and cattle fencing. The neighboring development around the site includes annual cropping systems and irrigated pastures to the west. East of the project site there are four (4) large lot residences, the nearest is 1,700 ft from the project site located in the state of Nevada. Access to the site is via a private, two-lane dirt road from Eastside Lane (a county-maintained road). Access to the site crosses a private property (APN 011-150-005) owned by the same family as the project parcel.

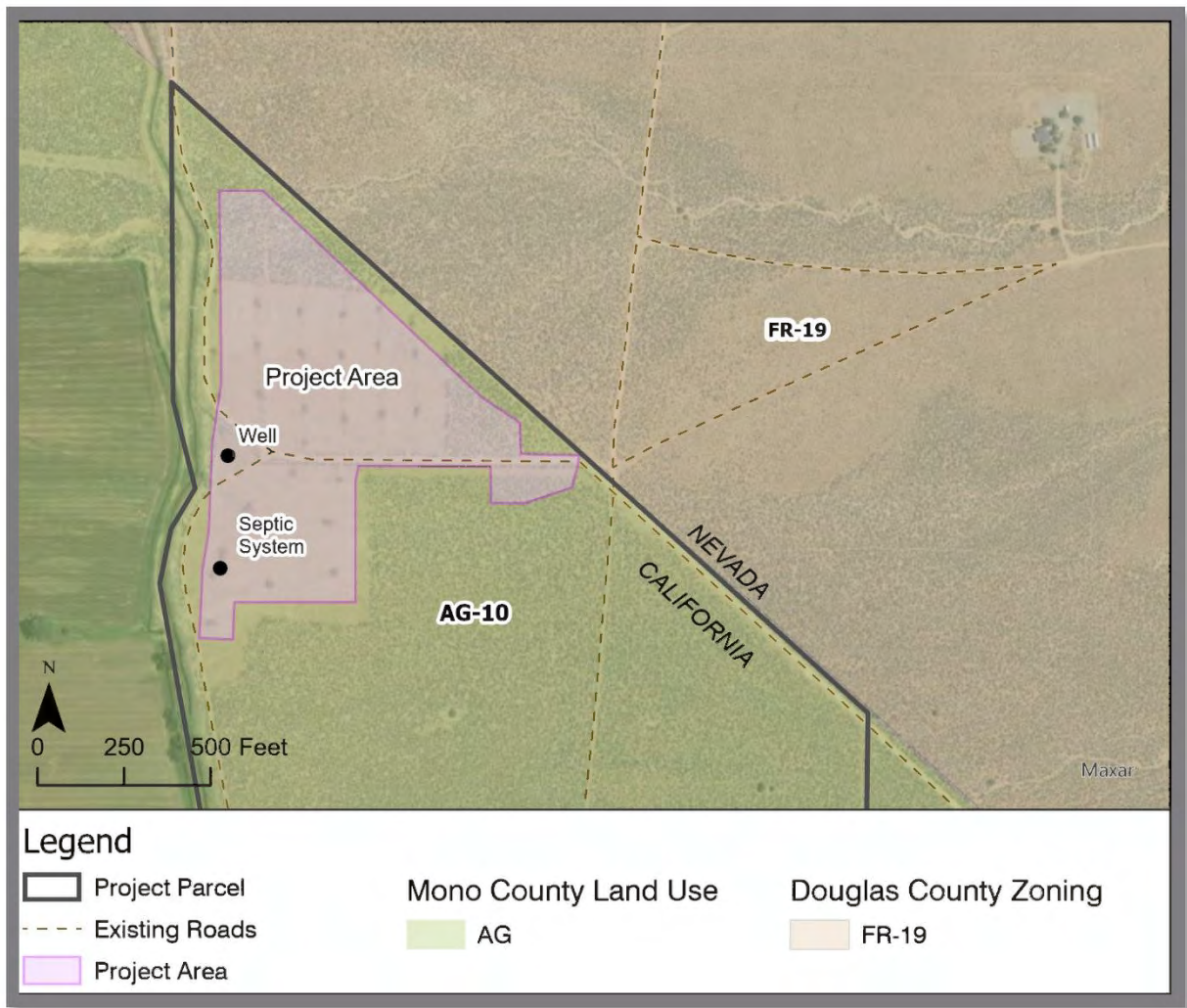


Figure 3-1. Existing and Surrounding Land Use Map

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The project site has limited development of agricultural access roads, ditches, and fences. With the exception of three temporary water tanks located at the west end of the private driveway, there are no buildings or structures on-site. There is one existing well located outside the project area in the southern portion of the parcel adjacent to Highline Ditch. A septic system was constructed in the summer of 2021 and is located to the west and downslope of the proposed building pad. Land clearing and vegetation removal occurred in 2021 and was subject to code enforcement activities as described in Section 2.1.2.



Photo 1. Overview of project area.

3.2 Topography, Soils, and Drainage

The site is relatively flat (2-4% slope) ranging in elevation from 5,290 feet at the western most edge to approximately 5,185 feet along Highline Ditch.

The west side of the property borders Highline Ditch, which is used to irrigate the pastures to the west. The Highline Ditch is a diversion of the Big Slough ditch which originates as diversion of surface water from the West Walker River. There is one ephemeral stream channel that originates in the mountains to the east that flows west through the proposed outdoor cultivation area. The channel dissipates within the field and has no direct flow to Highland Ditch. Based on site reconnaissance completed on September 1, 2022, by Resource Concepts Inc.'s Sr. Biologist, there are no wetlands, riparian habitat, or other sensitive natural communities on-site.

3.3 Vegetation

Site vegetation was surveyed on September 1, 2022. The site is uniformly dominated by upland shrubs consisting primarily of big sagebrush (*Artemisia tridentata* var. *wyomingensis*) with occasional four-winged (*Atriplex canescens*), antelope bitterbrush (*Purshia tridentata*), and Mormon tea (*Ephedra nevadensis*). There is one small juniper tree within the project site and no other tree species. The ~~six~~ **thirteen (13)** acres of native vegetation that was previously cleared from the project area has become

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revegetated with native grasses intermixed with a non-native, invasive tumble mustard (*Sisymbrium altissimum*).

Existing developments surrounding the project area include annual cropping systems and irrigated pastures in the areas between generally scattered housing. Long-standing pastures and agricultural fields in rotation have lost much of their former habitat value for native vegetation and wildlife in Mono County (2015 RTP/GPU).

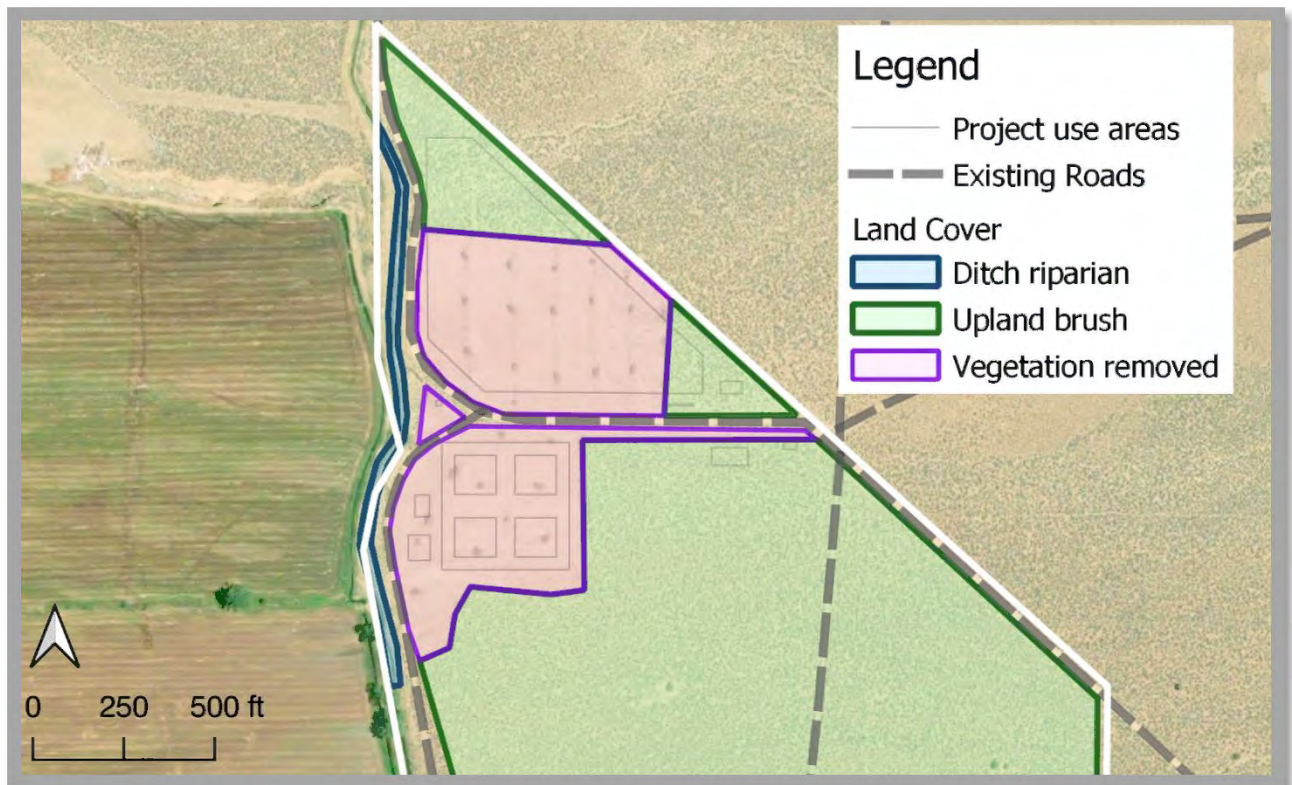


Figure 3-2. Project existing vegetation conditions map

Section 4. Environmental Impacts

Section 4 analyzes the potential for environmental impacts of the proposed project based on criteria set forth in the State CEQA Guidelines and the County's implementing ordinances and guidelines.

4.1 Aesthetics

Would the project:

- a) *Have a substantial adverse effect on a scenic vista?*

Less than significant. There are no designated scenic vistas within proximity of the project area. The project would have no impact on a scenic vista.

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

Less than significant. The Eastern Sierra Scenic Byway (i.e., Highway 395) and State Route 89 (Monitor Pass) are the nearest designated scenic highways located approximately eight (8) miles south of the project area. The project site is not visible from the terminus of the Byway in the West Walker River canyon. From Monitor Pass on eastbound State Route 89 Monitor Pass there would be distant views of the project site including building outlines and the outdoor cannabis cultivation. The portion of Highway 395 within Antelope Valley is not a State Scenic Highway but is eligible for designation. The proposed project is located within view of a State Scenic Highway corridor the view of the project site is at a distance of greater than 7 miles and will not damage scenic resources such as trees, rock outcroppings, or historic buildings within a scenic highway. The project would have no impact on scenic resources.

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

Less than significant. The proposed project area is located within land use designation (AG-10), and existing development around the site includes annual cropping systems and irrigated pastures in the areas between generally scattered housing. The project indoor cultivation buildings are proposed to be up to 30 feet high at the ridgeline. The proposed heights of the nursery, lab, shop, and drying shed buildings are 25 feet. Project buildings have been designed to replicate the architectural structure of a "raised center aisle" barn. The project includes a new 1.6 mile above-ground power line to connect to Liberty Utilities distribution at Topaz Lane and Eastside Lane. There are no above ground utilities along Eastside Lane as neighboring uses are off grid. Extension of the utilities to the project site would increase potential for new above ground utilities along the 1.6 miles of new utilities from the site to Topaz Lane. The visual quality of the project with utilities is compatible with neighboring agricultural land uses along Topaz Lane and Eastside Lane where above ground utilities along roads are visible. The project including installation of above ground utilities would have a less than significant impact on existing visual character or quality of public views.

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

Less than significant with mitigation. The proposed project would have security/emergency lighting as described in the Lighting Plan. No other outdoor lighting is proposed. Proper light shields and lighting design will be incorporated into the indoor cultivation buildings.

Commercial cannabis operations are required to comply with Dark Sky Regulations. Lighting specifications and designs shall be described in a Lighting Plan (Mono County General Plan – Land Use Element, 13.070 H and 13.080 B). Additionally, all DCC lighting requirements shall be met, these include shielded downward facing outdoor lights at all times and shielding for indoor lights from sunset to sunrise (DCC Code Regulations, title 4 §§ 16304(a)(6), 16304(a)(7)).

4.1.1 Mitigation Measures

AES-1: Require Lighting Plan. Project is subject to Chapter 23, Dark Sky Regulations. The Mono County Community Development Department shall confirm that project lighting meets the requirements of County Code Chapter 23 – Dark Sky Regulations. The applicant shall submit plans for lighting describing the location and details of proposed fixtures with building permit application or prior to installation of outdoor lighting.

4.2 Agriculture/Forest Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project, and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

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

No impact. The project area is not located within areas defined by the California Resources Agency as Prime Farmland or Farmland of Statewide Importance. There would be no impact to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

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

No impact. The project area has historic use of livestock grazing and is located within the agriculture land use designation (AG-10). Cannabis cultivation is an allowable use in the agriculture designation, subject to a Use Permit and Operation Permit. The project is not located on land that is part of a

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Williamson Act contract. The project would have no impact on agricultural use or land that is part of a Williamson Act contract.

- c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 1 2220(g)) or timberland (as defined by Public Resources Code section 4526)?*

No impact. The proposed project location is currently used for grazing and is within the Agriculture (AG 10) land use designation. Cannabis cultivation is an allowable use, per Use Permit, in AG 10 land use designation. The proposed project does not conflict with existing zoning or land use designation regulations.

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

No impact. The project is not located on forestland. The project would have no impact on forest land or convert forest land to non-forest uses.

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

No impact. The project is within the Mono County General Plan land use designation of Agriculture, which allows cannabis cultivation with the issuance of a use permit. The proposed project uses are consistent with surrounding agricultural uses of irrigated alfalfa pastures and upland livestock grazing. The proposed project would not change the existing environment.

4.2.1 Mitigation Measures

No mitigation measures are proposed.

4.3 Air Quality

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

Would the project:

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

No impact. The project area is located in unincorporated Mono County and air quality is regulated by the Great Basin Unified Air Pollution Control District (GBUAPCD). With exception of the Mono Basin area and Mammoth Lakes, rural Mono County generally has very good air quality and meets state air quality standards. There are no local air quality plans relevant to the site. The proposed project would not conflict or obstruct implementation of any air quality plans.

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

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Less than significant with mitigation. Mono County, in general, meets all state air quality standards with the exception of state PM10 in the Mono Basin and Ozone near Mammoth Lakes (Mono County 2015). The proposed project site is located in an attainment area, and federal and state air attainment levels would not be exceeded.

GBUAPCD Rules 401 and 402 require use of control measures to minimize fugitive dust and particulate matter emissions. Initial site clearing for construction of indoor grow facilities could temporarily generate fugitive dust during vegetation clearing and grading activity. Due prevent visible particulate matter from being airborne, standard BMPs in accordance with an erosion control plan and Stormwater Pollution Prevention Plan will be implemented and will include use of water for dust control, covering of soil stockpiles when not actively in use, and minimizing areas of disturbance under construction at one time (MM AQ-2). Areas that are temporarily disturbed will be reseeded with native seed mixes for long term soil stabilization (MM WQ-1).

Dust control measures shall be utilized on access roads and must be in compliance with Great Basin Unified Air Protection Control District regulations (Mono County General Plan – Land Use Element 13.080 C). To minimize fugitive dust generated from discing and tilling practices associated with outdoor cultivation, farming practices will be modified to avoid discing and tilling when wind speed are in excess of 15 miles.

On-site generator use for energy production would comply with California Air Resources Board and GBUAPCD regulations including acquiring a permit if the generator exceeds 900 horsepower and airborne toxic control measures for generators (CCR Title 17 §93115 and CCR Title 4 §16306). For operation of the 100 hp propane co-gen generator a Stationary Source permit is likely not required.

Based on CalEEMod emission modelling the project would have the following emission rates.

Table 4-1 Estimated Annual Construction Emissions

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u> <u>Total</u>	<u>PM 2.5</u> <u>Total</u>
	<u>Maximum Tons\yr</u>					
<u>Total</u>	<u>0.8264</u>	<u>0.7083</u>	<u>0.7355</u>	<u>1.4300e-003</u>	<u>0.0733</u>	<u>0.0462</u>

Table 4-2 Estimated Annual Operational Emissions

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u> <u>Total</u>	<u>PM 2.5</u> <u>Total</u>
	<u>Tons\yr</u>					
<u>Total</u>	<u>0.5531</u>	<u>0.3624</u>	<u>2.3950</u>	<u>4.3100e-003</u>	<u>0.4123</u>	<u>0.1135</u>

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

No impact. There are no sensitive receptors within proximity to the project area. Sensitive receptors include, but are not limited to, children, elderly, asthmatics, and others who are at a heightened risk or negative health outcomes to exposure to air pollution. Sensitive locations may include hospitals, schools, and day care centers (CARB 2022). The nearest occupied dwelling is approximately 1,700 feet

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(0.3 miles) to the east located at 4400 Risue Canyon Road in Douglas County, Nevada. Sensitive receptors will not be exposed to substantial pollutant concentrations.

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

Less than significant with mitigation. Cannabis cultivation can produce odorous compounds due to the presence of terpenoid within the vegetative material. The exact odor causing compounds vary by strain/specie of the plant. Typically, moderate cannabis odors start to appear between the first 4 to 6 weeks of growth and strong odors appear during weeks 7 to 9. The intensity of the odor to the receptor varies by the quantity of odors released, local wind speed and direction, atmospheric stability or inversion height, area topography, and receptor's distance from the odor source.

Cannabis cultivation and processing can create strong odors caused by chemicals called terpenes. The odor of terpene compounds is most commonly associated with cannabis and is produced by flowering plants. Cannabis odors can spread through the air and be sensed by surrounding receptors. Outdoor cultivation has the most potential to cause cannabis odors which are sensed by nearby receptors. Indoor cultivation can more effectively contain and/or filter cannabis odors, reducing strong odors. The project's indoor and outdoor cannabis cultivation uses would generate odors. Indoor cultivation and processing completely enclosed within buildings would be the only source of cannabis odor during Phases 1 and 2. However, as measured at the Walker RAWS, 4.2 miles south of the project site, prevailing winds in the area are predominately from the south and northwest and aren't directly aligned with neighboring residences or Eastside Lane.

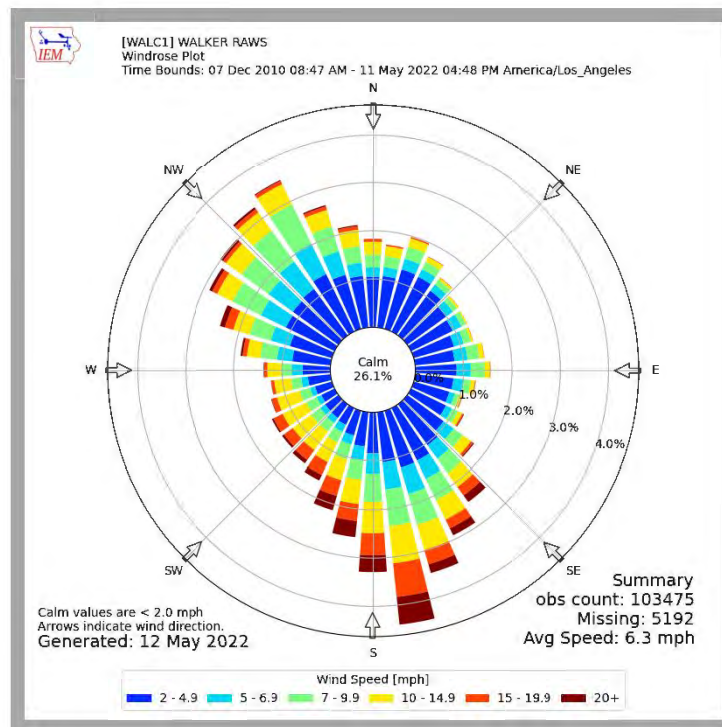


Figure 4-1. Windrose plot for Walker RAWS

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There are no numerical thresholds for cannabis odor established by the county or state. Mono County policies address potential impacts of off-site cannabis odors to sensitive receptors by requiring additional setbacks for cannabis uses from sensitive receptors and odor control measures. General Plan Land Use Element Section 4.120 requires that cannabis cultivation uses be setback a minimum of 50 feet from property boundaries and 300 feet from, habitable space under separate ownership and public roads.

Land Use Element

Policy 1.L.3. Avoid, reduce, and prevent potential issues specific to commercial cannabis activities that may adversely affect communities.

Action 1.L.3.e. Regulations shall provide for the limitation of odor nuisances for adjacent uses, which may include, but are not limited to, increased setbacks, minimum distances from existing structures under separate ownership, odor control filtration devices, and ventilation requirements.

Land Use Element Development Standards Chapter 13.070

E. Odor Control.

1. An odor mitigation plan is required to demonstrate that odors generated by the commercial cannabis activity shall not unreasonably impact adjacent properties and uses, or that odor mitigation measures are not applicable due to lack of cannabis-related odor generation, location or siting, design features, or other factors.

2. An odor mitigation plan shall ensure that cannabis odors are mitigated outside of the facility; on adjacent property or public right of way; on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public; or within any other unit located inside the same building as a commercial cannabis activity, and may include the following: i. Odor-control filtration and ventilation system(s) to control odors; ii. Devices and/or techniques incorporated into the facility or premise to mitigate the offsite detection of Cannabis odors.

3. An audit of the Odor Mitigation Plan and its effectiveness shall be conducted upon the issuance, and during annual inspections, of a Commercial Cannabis Operation Permit.

The project site is located away from existing habitable space under separate ownership and public roads. The distance between the project cultivation area and the nearest neighboring dwelling is 1,700 feet to the east-northeast and 0.4 miles southeast to the nearest road, Eastside Lane. There are five residences within one mile of the project area. In the vicinity of the project there are 19 residences within the Topaz Heights area of Douglas County. The distance between the project area and Topaz Heights residences is between 1,700 feet and 3.2 miles. There are six residences near Topaz Lane and Eastside Lane in Mono County between 1.0 and 1.5 miles from the project area. The project would not affect a substantial population due to the low density of residences in the vicinity. Prevailing winds are not directly aligned with neighboring residences or Eastside Lane. The project does not propose odor filtration or ventilation systems for indoor or outdoor cultivation; instead, the location of the project in relationship to receptors would not cause unreasonable impacts to receptors based on the siting of the cultivation areas. The cultivation use would generate cannabis odors detectible beyond the project

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property. Sensitivity to cannabis odor varies and adjacent uses may detect and find odors to be offensive which is a significant impact requiring mitigation. Mitigation Measure AQ-1 requires odor mitigation measures including posting notice, ambient odor monitoring, and reduction of outdoor cultivation area if odor is determined to be unreasonable.

4.3.1 Mitigation Measures

AQ 1: Odor Mitigation

- The applicant shall post signs at the property line that provide a 24-hour project contact phone number and County code enforcement phone number in the case of nuisance odors.
- The applicant shall report any complaints of nuisance odors to the County within 72 hours of the complaint.
- The County shall conduct ambient odor survey at the property boundary and ambient monitoring during annual inspections. Monitoring would include odor surveys using a Nasal Ranger field olfactometer within the Project area and at the property boundary to quantify odor strength at each monitoring location.
- If measured cannabis odor exceeds a seven dilution threshold (“DT”) when measured by the County with a field olfactometer at the property line for a minimum of two observations not less than 15 minutes apart within a one hour period.
- For indoor cultivation, if the County determines an unreasonable impact, it may require implementation of odor-control filtration and ventilation systems to control odors; Devices and/or techniques incorporated in the building for all indoor cultivation and processing buildings.
- For outdoor cultivation, if the County determines an unreasonable impact the County shall require reduction of outdoor cannabis cultivation area to meet 300’ buffer to easterly property boundaries.

AQ-2: Dust Control Mitigation Measures

- During construction, dust will be minimized through implementation standard BMPs consistent with CA Stormwater General Construction Permit and will include, but not limited to,
 - minimize the exposed working areas at one time,
 - covering soil stockpiles when not in actively in use or left overnight, and
 - use of on-site water for dust control during clearing and grading.
- Avoid discing and tilling when wind speeds are in excess of 15 miles per hour.
- Driving speeds will be reduced to slower than 15 mph when on dirt roads within ¼ mile of public highways and residences.

4.4 Biological Resources

Would the project:

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

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Less than significant with mitigation. A Biological Technical Report (BTR) was prepared for the proposed Sierra High Project (Appendix B) to evaluate the potential impacts from the project to special status wildlife, vegetation, sensitive communities, and regulated waters. Due to the project's location on the California / Nevada state border, both California and Nevada state agencies were consulted and queried for available biological resource data.

A literature search was conducted for the BA which included queries of the following databases:

- USFWS's Information Planning and Conservation (IPaC) System (2022a);
- USFWS's Critical Habitat Portal (2022b);
- California Natural Diversity Database (CNDDDB) search (CDFW 2022);
- Nevada Department of Wildlife (NDOW 2022); and
- Nevada Natural Heritage Program (NNHP 2022).

The BA evaluated potential impacts to the special status species. For the purposes of the evaluation, a special status species was considered to be:

- Species listed or proposed for listing as threatened or endangered under the ESA;
- Species that are candidates for possible future listing as threatened or endangered under the ESA;
- Species that are listed or proposed for listing by the State of California as threatened or endangered under the CESA;
- Plants considered by CDFW and CNPS to be "rare, threatened, or endangered in California" (Rare Plants Ranks as 1B and 2; California Department of Fish and Game, 2015a), and California Native Plant Society, (2015);
- Species that meet the definition of rare or endangered under the State CEQA Guidelines, Section 15380; and
- Animals fully protected in California (Fish and Game Code, §3511 for birds, §4700 for mammals, and §5050 for reptiles) and amphibians, or animal species of special concern to the CDFG (California Department of Fish and Game, 2011).

Additional species of concern that were analyzed within the BA included the Bi-State Distinct Population Segment (DPS) of Greater Sage-Grouse (*Centrocercus urophasianus*) and mule deer (*Odocoileus hemionus*).

Additionally, protection of migratory birds and their nests is regulated by the Migratory Bird Treaty Act (MBTA). Birds may forage and nest in multiple habitats and have potential to pass through the site in route to either. Therefore, potential impacts to migratory birds were also evaluated.

Special Status Plants

Based on review of the CNDDDB and USFWS IpaC list, two special status plant species were determined to have potential to occur within the project area. These species are beautiful cholla (*Grusonia pulchella*, state protected cactus/CNPS 2B.2) and Masonic rockcress (*Boechera cobrensis*, CNPS 2B.3). Both species are considered rare, threatened or endangered in CA by the California Native Plant Society (CNPS) and are associated with sandy soils within sagebrush communities. A field survey for special status plant species was completed on September 1, 2022, by RCI Sr. Biologist. All plant species encountered were identified to determine if it was a species of concern. Neither beautiful cholla or Masonic rockcress were observed during the survey (both are species of concern in the region – is this accurate? Maybe include the language to tell readers why these 2 species are mentioned). Based on the survey results

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and assessment of the site, the BTR determined that neither beautiful cholla or Masonic rockcress are likely to occur within the project site. Reference the BTR in Appendix B.

Based on the current site plan (Figure 2 in Appendix A), implementation of the proposed project would impact up to five acres of upland sagebrush shrub habitat from grading and construction of the four indoor cultivation buildings and associated support buildings (e.g., water tank, shop, and lab), and access road improvements. Additionally, approximately ten acres of upland shrub habitat will be impacted during Phase 3 of the project through removal of vegetation for outdoor cultivation. If present, direct effects to special status plant species or their potential habitat could occur when plants or habitat are physically impacted by activities associated with the proposed project. Direct impacts may include physically breaking, crushing, or uprooting sensitive plants by driving over them with construction equipment, trenching, filling, or other grading activities during site development. However, based on the results of the botanical survey, evaluation of on-site soils, and findings of the BTR, it was determined that it is unlikely for any special status plant species to occur within the project site. Impacts to special status plant species is determined to be less than significant.

Vegetation removal and soil disturbance construction of the indoor cultivation facility, improvements to the access road, and disturbance associated with power line construction could create conditions for the establishment of undesirable weed species. Once established, invasive and noxious weeds could negatively and indirectly affect native species by competing for resources such as water and light, production, and release of chemical compounds that inhibit the growth of other plants. In turn, this effect can change the community composition through elimination or reduction of native plant species, or by changing the vegetation structure. The changes in community composition or vegetation structure could affect fire regimes and can also negatively affect habitat for wildlife. These impacts would be reduced to less than significant with incorporation of Mitigation Measures BIO-2 and BIO-3.

Special Status Wildlife

The on-site sagebrush shrub community provides habitat for 12 special status wildlife species. These include seven state protected bat species and five special status bird species (reference the BTR in Appendix B).

There is suitable foraging habitat for bats on-site but no suitable roosting habitat present. Because of the abundance of similar foraging habitat surrounding the project area, it is determined there will be less than significant impacts to the seven bat species.

There is potential for five species of special status birds. Four of these species (Golden Eagle, Swainson's Hawk, Northern Harrier, and Prairie Falcon) may utilize the site for foraging, but there is no suitable nesting habitat for these species within the project area. Similar to the bat species, the proposed project will have less than significant impact on these four species.

The Brewer's sparrow is identified as having potential to nest on-site. The Brewer's sparrow is listed as a USFWS Bird of Conservation Concern and given a S3 ranking by the State due to its declining population. Brewer's sparrow tend to nest in low sagebrush and other shrubs. Therefore, Brewer's sparrow, along with other nesting birds, have the potential to be impacted by clearing and grading activities that remove potential nesting habitat. If clearing occurs during the nesting season, the project could result in direct impacts to the Brewer's sparrow and other nesting birds should they be present. Indirect effects from elevated noise and increased human activity may result in nest abandonment if

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nesting birds are present within 200 feet. These potential significant impacts are reduced to less than significant when Mitigation Measure BIO-3 is implemented.

The Bi-State Distinct Population Segment (DPS) of Greater Sage-Grouse (*Centrocercus urophasianus*) is another species of concern to Mono County but is not listed at the state or federal level. Potential impacts to Greater Sage-Grouse, if present, from the proposed project could include loss of habitat, increased vehicular traffic and potential for roadkill, trampling of nests or activities that cause nest abandonment, and introduction/expansion of invasive species that modifies habitat quality. Additionally, the construction of aboveground transmission pole lines contributes to the fragmentation of sage-grouse habitat and increases the risk of predation by providing predator perches in sagebrush habitat. However, the likelihood of sage-grouse being present on site is considered to be very low based on the presence of low-quality sagebrush habitat that surrounds the Coleville area (2015 RTP/GPU) and lack of known Greater Sage-Grouse leks or radio-marked sage-grouse tracking locations in the vicinity of the project area (NDOW 2022). Further, no sage grouse were observed during the initial site reconnaissance in February 11, 2021 or during site survey on September 1, 2022. Potential impacts to sage-grouse from the proposed project is determined to be less than significant.

There are no known mule deer migration corridors through the project area (NDOW 2022, BIOS 2022), but mule deer may potentially use the on-site shrub habitat for overwintering. Site development and increase in human activities have the potential to impact survivorship of mule deer due to the reduction of critical browse and vehicle collisions (2015 RTP/GPU). However, based on the minimal size of impact to potential habitat (15 acres) relative to the surrounding availability of suitable wintering habitat and the minimal increase in traffic from the proposed project, potential impacts to mule deer are determined to be less than significant.

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

No impact. The site is uniformly dominated by upland shrubs consisting of big sagebrush and four-winged saltbrush, rabbitbrush and Mormon tea. There one juniper tree on-site. There are no wetlands, riparian habitat, or other sensitive natural communities on-site. The proposed project will have no impact on any riparian habitat or other sensitive natural communities.

- c) *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling hydrological interruption, or other means?*

No impact. Based on review of the National Wetland Inventory Mapper (February 18, 2022) and field reconnaissance, there are no wetlands within the project area. The proposed project will have no impact on state or federally protected wetlands.

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

Less than significant. Occupied mule deer habitat is known to occur throughout the site (NDOW 2022). The West Walker Herd of mule deer in Antelope Valley use available habitat in Walker, Coleville, and

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Topaz as winter range during the November 1 to April 30 period; however, there are no known migration corridors through the project area. Based on review of the California Department of Fish and Wildlife Biological Information System, there are no mapped deer migratory corridors (CDFW BIOS 2022), and the proposed project is not anticipated to have any impact on mule deer migration corridors. Additionally, there are no aquatic resources sufficient to support the movement of migratory fish. The proposed project will have no impact on migratory fish or wildlife species or migration corridors.

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

No Impact. Based on review of the Mono County General Plan, the proposed project will have no conflict with any local policies or ordinances protecting biological resources.

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

No Impact. There are no adopted habitat or conservation plans that affect the project site. The proposed project will not conflict with any provisions of an adopted habitat or conservation plans.

4.4.1 Mitigation Measures

BIO-1: Nesting Birds Surveys

Regardless of the time of year, a pre- construction sweep shall be performed to verify absence of nesting birds. A qualified biologist shall conduct the pre-activity sweep within the Project areas (including access routes) and a 500-foot buffer surrounding the Project areas, within 2 hours prior to initiating Project activities. Additionally, a nesting bird survey shall be conducted by a qualified biologist no more than three (3) days prior to the initiation of project activities, including, but not limited to clearing, grubbing, and/or rough grading to prevent impacts to birds and their nests. The survey will be conducted by a qualified biologist. Surveys shall include any potential habitat (including trees, shrubs, the ground, or nearby structures) that may be impacted by activities resulting in nest destruction or abandonment. If nesting bird activity is present, a no disturbance buffer zone shall be established by the qualified biologist around each nest to prevent nest destruction and disruption of breeding or rearing behavior. The buffer shall be a minimum of 500 feet for raptors and 300 feet for songbirds, unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species. The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests, as confirmed by a qualified biologist. A qualified biologist shall inspect the active nest to determine whether construction activities are disturbing the nesting birds or nestlings. If the qualified biologist determines that construction activities pose a disturbance to nesting, construction work shall be stopped in the area of the nest and the 'no disturbance buffer' shall be expanded. If there is no nesting activity, then no further action is need for this measure.

- ~~Pre-project surveys for nesting birds and raptors will be conducted in suitable nesting habitat within 500 feet of vegetation removal, construction, and development activities, and will be reviewed and accepted by the Mono County Community Development Department prior to site disturbance or construction activity. Determination of habitat suitability, and whether a pre-project survey is required should be based on a reconnaissance field assessment of habitat conditions before initiating projects in these areas.~~

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~~Survey Timing: March 1 to August 31~~

- ~~• If an active bird nest is located during the pre-project surveys, the project proponent will notify Mono County and the CDFW. To avoid disturbances to or loss of active nest sites, between March 1 and August 31, project activities would be delayed within 0.25 mile of (or at a distance directed by the appropriate regulatory agency) the nest to avoid disturbance until the nest is no longer active. Project activities include vegetation removal, earth moving, and construction. The 0.25-mile buffer may be reduced through consultation with Mono County and/or the CDFW Biologist.~~

BIO-2: Weed Surveys

Prior to construction, the entire project area shall be surveyed for noxious weeds. All occurrences of noxious weeds would be flagged and avoided.

BIO-3: Weed Free Certification

Straw, mulch, or gravels used for erosion control shall be certified weed-free.

BIO-4: Special Status Fish

For all Project activities taking place adjacent to Highland Ditch, where adjacent is defined as being within 50 feet from the top of bank, Best Management Practices (BMPs) shall be employed to avoid impacts to water quality and aquatic habitat of the Highland Ditch. Impacts may include, but are not limited to, delivery of excess sediment through grading, disking, or grubbing activities; delivery of excess nutrients through runoff from cultivation areas; delivery of toxins from pesticide application; or any other Project activities that have the potential to substantially alter or degrade the water quality or aquatic habitat of the Highline Ditch. BMPs may include avoiding pesticide application during periods of increased wind, limiting water usage to avoid runoff, and/or keeping exposed soil damp to limit movement during ground disturbing activities.

Mitigation Measure BIO-5: American Badger

A qualified biologist shall visually survey the Project area prior to construction to identify any feature/habitats suitable to support American badger (i.e., burrows, dens). Where an identifiable feature is present, the qualified biologist shall mark the potentially occupied feature for avoidance. If avoidance is infeasible, the qualified biologist shall determine whether the burrow or den is inactive or active. If the burrow or den is inactive, the qualified biologist shall excavate the burrow or den by hand and backfill to prevent reuse by American badger. If American badger is present, applicant shall notify California Department of Fish and Wildlife (CDFW) and applicant should develop an American badger-specific avoidance and relocation plan detailing the protective avoidance and relocation measures to be implemented prior to the commencement of Project activities for CDFW review. The use of rodenticides and herbicides shall be restricted to avoid primary and secondary poisoning of badger.

Mitigation Measure BIO-6: Special Status Plants

Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to

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Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a CDFW approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and, in a manner, which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the project area is identified to the taxonomic level necessary to determine rarity and listing status. If any special-status plants are identified, the County shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the County shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank or land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis. If the Project has the potential to impact a state listed species, the Project Applicant should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.

Mitigation Measure BIO-7: Pesticides, Including Fungicides, Herbicides, Insecticides, and Rodenticides

Prior to construction and issuance of any grading permit, Sierra High Farms shall develop a plan, to be approved by Mono 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 manufacturer’s directions and warnings, (2) Avoidance of pesticide use where toxic runoff may pass into Fish and Game section 1602 resources, 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, and (6) Inclusion of measures that serve as alternatives to the use of toxic rodenticides, such as sanitation (removing food sources such as pet food, cleaning up refuse, and securing garbage in sealed containers), and physical barriers.

Mitigation Measure BIO-8: Artificial Light

Light shall not be visible outside of any structure used for cannabis cultivation. This shall be accomplished by: employing blackout curtains where artificial light is used to prevent light escapement, eliminating all nonessential lighting from cannabis sites and avoiding or limiting the use of artificial light during the hours of dawn and dusk when many wildlife species are most active, ensuring 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/>), and using LED lighting with a correlated color temperature of 3,000 Kelvins or less. All hazardous waste associated with lighting shall be disposed of properly and lighting that contains toxic compounds shall be recycled with a qualified recycler.

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Mitigation Measure BIO-9: Employee Awareness of Wildlife Resources

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 (Workers Environmental Awareness Program; WEAP). The WEAP 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 WEAP information on 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 WEAP 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 and (2) protected species that have the potential to occur on the Project site.

Mitigation Measure BIO-10: LSA Notification

Prior to construction and issuance of any grading permit, the Project proponent should 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 proponent should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

4.5 Cultural Resources

Would the project:

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

No impact. On March 30, 2022, a Class III Archaeological Inventory of the proposed project area was completed. The inventory covered approximately 18 acres within the northern portion of the parcel where all development is proposed. Prior to the site visit, pertinent site records and documentation was requested of the California Historic Resource Information System, Eastern Information Center (EIC) and available in the Nevada Cultural Resources Information System were consulted. The request included documentation of existing resources, reports, historic properties, determinations of eligibility, properties listed on the California Inventory of Historical Resources (1976), and any historic maps and local inventories within a 0.5- mile buffer of the project area.

Based on the findings of the data request, no cultural resource inventories or cultural resources have been recorded within 0.5 mile of the project parcel. The record search by the EIC indicates that no site listed on the National Register of Historic Places, the California Register of Historical Resources, California Historical Landmarks or California Points of Historical Interest lie within the project area. The findings of the field survey resulted in the location of a single isolated horseshoe. No other cultural materials or archaeological sites were encountered (reference Appendix C). The proposed project will have no impact on the significance of historical resources.

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- b) *Cause a substantial adverse change in the significance of an archaeological resource as defined in 15064.5?*

Less than significant with mitigation incorporated. As described above, no archaeological sites were identified through the records search or site reconnaissance. It is possible that unidentified historical or archaeological resources could be discovered during construction. Damage to an unknown unique archaeological resource or historical resource would be a potentially significant impact. Implementation of Mitigation Measure CR-1 would reduce the potential for impacts to archaeological sites to less than significant.

- c) *Disturb any human remains, including those interred outside of formal cemeteries?*

Less than significant with mitigation incorporated. No evidence obtained during documented research suggests that any prehistoric or historic-period human interments are present within or in the immediate vicinity of the project site. However, there is a possibility that unmarked, previously unknown Native American or other graves could be present within the project site and could be uncovered by project-related construction activities.

California Health and Safety Code Section 7050.5 and Public Resource Section 5097 require that, if human remains are discovered during any construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the Mono County coroner and the Native American Heritage Commission (NAHC) shall be notified immediately. If the remains are determined by NAHC to be Native American, the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the archaeologist, the NAHC-designated Most Likely Descendant, and the landowner shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. Implementation of project Mitigation Measure CR-2 would ensure compliance with the Safety Code Section 7050.5 and Public Resource Section 5097 and reduce the potential for impact to less than significant.

4.5.1 Mitigation Measures

CR-1 Discovery of Cultural or Tribal Resources

If any prehistoric or historic-period subsurface archaeological features or deposits are discovered during construction, all ground-disturbing activity within 25 feet of the resources shall be halted, and a qualified professional archaeologist and/or Tribal representative shall be retained to assess the significance of the find. If the find is determined to be significant by the qualified archaeologist (i.e., because it is determined to constitute either a historical resource or a unique archaeological resource), or Tribal representative, a plan shall be prepared to address the appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include, but would not necessarily be limited to, preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery.

CR-2 Unanticipated Discovery of Human Remains

If human remains are encountered during construction, all ground disturbance activities within 150 feet of the discovery shall be suspended and the construction manager shall immediately notify the County coroner. If the human remains are determined to be of Native American descent, the coroner shall

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notify the NAHC within 24 hours of identification. The NAHC shall identify and immediately notify the Most Likely Descendant (MLD) of the deceased Native American. Within 48 hours of being granted access to the site, the MLD shall complete the inspection of the site of the discovery and make recommendations to the applicant/landowner for the treatment or disposition of the human remains and any associated funerary objects. All measures, as required by the County, shall be implemented under the supervision of the MLD and/or tribal representative.

4.6 Energy

Would the project:

- a) *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*
- b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Less than significant. Electrical energy is provided in the Antelope Valley area of Mono County by Liberty Utilities, Inc. Liberty Utilities supplied power is generated by a mixture of sources and includes approximately 37% renewable sources ([Liberty Utilities 2022](#)). There is no natural gas utility available in the Antelope Valley and liquid propane gas (LPG) is provided to individual customers from local vendors.

The proposed project will use energy primarily for initial construction of infrastructure and long-term cultivation and manufacturing uses.

Construction

Energy needs for project construction would be temporary and include the use of automotive fuels consumed to transport construction crews and materials to and from the site. The design and operation of the project buildings are subject to California Building Code Standards. The energy expenditure required to construct the initial indoor grow facility and associated structure would be non-recoverable; however, it would not be consumed in a wasteful, inefficient, or unnecessary manner.

Long-term Operation

Energy use for the project would include gas for vehicles and equipment and propane for co-generation of electrical power. The proposed indoor cultivation operation would use artificial LED lighting for plant growth. The project estimates annual energy demand of 0.35 MWh\yr.

The project site is currently not connected to utilities, including electricity or natural gas. The project proposes to initially operate off-grid due to the distance to existing electrical utility of approximately ~~3,000 feet~~ **1.6 miles**. During Phases 1 and 2 of the project, an on-site combined heat and power propane generator (100 horsepower) would provide all electricity and heating to the project. Propane storage would be within three 1,000-gallon propane tanks in Phase 1 followed by a central 30,000-gallon tank in Phase 2. Phase 3 of the project includes interconnection to Liberty Utilities and **the** propane system would be used for **electrical power** backup only. **The propane system would continue to be used for heating after connection to the electrical grid.**

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Table 4-3. Annual Operational Energy Consumption

Energy Type	Annual Energy Consumption
Phase 1 and 2 -Operations (Off-grid)	
Propane – Electricity & Heat Cogeneration	1,140,695 kBTU\yr 12,466 gallons propane equivalent
Phase 3 – Operation	
Electricity from the grid <u>Propane heat</u>	.34 megawatt-hours per year

Based on CalEEMod 2020.4.0

The project is subject to California Building Standards, Code requirements and standard conditions of approval required by the County or other agencies, including the energy conservation measures required in Title 24 Building Energy Efficiency Standards for ~~2022~~¹⁹. DCC Regulations 16306 require compliance with the Airborne Toxic Control Measure for stationary or portable engines, as applicable, established in title 17, California Code of Regulations, sections 93115-93116.5. DCC Regulation 16305 requires all holders of indoor, tier 2 mixed-light license types of any size, and all holders of nursery licenses using indoor or tier 2 mixed-light techniques shall ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required by their local utility provider pursuant to the California Renewables Portfolio Standard Program in division 1, part 1, chapter 2.3, article 16 (commencing with section 399.11) of the Public Utilities Code. If a licensed cultivator’s average weighted greenhouse gas emission intensity, as calculated and reported upon license renewal pursuant to section 15020, is greater than the local utility provider’s greenhouse gas emission intensity, the licensee shall obtain carbon offsets to cover the excess in carbon emissions from the previous annual licensed period. The carbon offsets shall be purchased from one or more of the following recognized voluntary carbon registries: (1) American Carbon Registry; (2) Climate Action Reserve; or (3) Verified Carbon Standard. Liberty Utilities estimates its total renewable power mix was 37%. The project’s energy consumption will be required to meet DCC Regulations 16305 and 16306 and if necessary, obtain carbon offsets. For these reasons, the project’s consumption of electricity, gasoline, and diesel would not be considered wasteful, inefficient, or unnecessary.

4.6.1 Mitigation Measures

No mitigation measures are proposed.

4.7 Geology and Soils

Would the project:

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

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ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

Less than significant. The project is not located in an Alquist-Priolo fault hazard area as delineated by State. The proposed project is not located on or near an active fault zone (California Dept of Conservation 2022). Based on the results of a geotechnical investigation completed by Sierra Geotechnical Services Inc., there are no active fault zones within the site. The nearest fault zone with potential for strong ground shaking is the Antelope Valley fault zone, located approximately 3.43-miles west of the site (SGS 2021). The estimated most recent fault activity occurred during the last 3,000 years. An earthquake of magnitude 4.5 occurred on August 8, 2022 located 3.4 miles south of the project site and did not cause damage. Seismic risks are a constant throughout Mono County and the project must comply with current seismic safety standards. These standards reduce seismic hazards to a level of 'acceptable risk' (2015 RPT/GPU EIR). Sierra Geotechnical Services found that site is suitable for construction after evaluation of soils and potential seismic hazards. The geotechnical report recommends two to three feet of over excavation and compaction in lifts to support building foundations. The geotechnical review of the project soil conditions finds negligible potential for ground failure or liquefaction due to seismic activity.

iv) Landslides?

No impact. The project area is located on relatively flat (2-4% slope) ground and is not located adjacent to terrain with landslide hazards. There is no potential for landslides.

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

Less than significant. Project implementation will result in soil excavation (approximately three acres) for the development of the indoor cultivation building pad, associated structures, and road improvements that could result in erosion. To minimize erosion potential, all cut and fill slopes shall be a maximum of 2:1 slopes and all areas of temporary disturbance will be stabilized upon project completion. The project proposes approximately three acres of soil disturbance that will require authorization under the State's General Construction Permit, which includes the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that would minimize site erosion and loss of topsoil. Implementation of the SWPPP will include installation of effective Best Management Practices (BMPs), including minimization of vegetation removal and installation of temporary erosion and sediment controls that would reduce erosion and sediment loss. Additionally, any areas of temporary disturbance will be reseeded upon completion of construction and protected by installation of an erosion control fabric or suitable alternative.

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

Less than significant. The project area is located on relatively flat (2-4% slope) ground with soils that consist of dense sands with minor fines and gravels. Based on the slope, there is no potential landslides or lateral spreading. The geotechnical review of the project soil conditions finds negligible potential for ground failure or liquefaction (SGS 2021).

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

Less than significant. Expansive soils are soils that swell when subjected to moisture. Shrink/swell potential is the relative change in volume to be expected with changes in moisture content; that is, the extent to which the soil shrinks as it dries or swells when it gets wet. The extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils cause damage to building foundations, roads, and other structures. Soils in the immediate vicinity of the proposed project area consist of dense sands with minor fines and gravels. Based on these findings, there is a very low shrink/swell potential at the site (SGS 2021).

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

Less than significant. A geotechnical investigation and report were prepared by Sierra Geotechnical Services, Inc. The report found that soils are adequate to serve proposed on-site septic systems.

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

Less than significant. The project soils and geology are composed largely of quaternary alluvium deposits of the Pleistocene-Holocene, which have a low probability of containing unique paleontological resources or unique geologic features. The project would require excavation to a depth of 5-10 feet below the surface. It is unlikely the construction activities would disturb paleontological resources due to the depth of earthwork and age of underlying soils and geology.

4.7.1 Mitigation Measures

No mitigation measures are proposed.

4.8 Greenhouse Gas Emissions

Would the project:

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
- b) *Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*

Less than significant. The project would result in emissions of greenhouse gases (GHGs) through the construction and operation of the project. GHGs prevent the escape of heat energy from Earth's atmosphere. Carbon dioxide (CO₂), methane (CH₄), nitrous oxide, and water vapor are the primary constituent GHG. These gases occur naturally in the atmosphere and human activity further increases GHG emissions. Increases in GHG in the atmosphere result in greater greenhouse effect, increased global surface temperatures, and changes to global climate patterns. GHGs are measured as CO₂ equivalent, or CO₂E, a unit of measurement that equalizes the potency of GHG.

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The GHGs emitted during construction would come from diesel fuel combustion from off-road construction equipment and diesel or gasoline combustion from on-road vehicles. The primary GHG generated from these processes would be CO₂, with smaller amounts of emissions of CH₄ and nitrous oxide (N₂O). Construction emissions would permanently cease at the end of the project. The project would have an incremental, short-term, and one-time contribution to GHG emissions within the context of the county and region, the individual impact is considered less than significant.

According to analysis of the project using CalEEMod Version 2020.4.0, the project would emit carbon-dioxide-equivalent substances, or GHG, in amounts shown in the table below. The analysis takes into account both operational impacts (including area-, energy-, mobile-, waste-, and water-related sources) and construction impacts; because construction is a one-time activity, the construction emissions are amortized, or spread, across a 30-year period and then added to operational impacts.

Table 4-4. Greenhouse Gas Emissions (metric tons per year)

Source	CO ₂ E
Construction (239 CO ₂ E, 30-year amortization)	8
Area	1.3
Energy	91.8
Mobile	397.3
Waste	39.8
Water	43.8
Total	582

Since there is no adopted or accepted numerical threshold of significance for GHG emissions applicable to the county, the methodology for evaluating the project's impacts related to GHG emissions focuses on its consistency with statewide, regional, and local plans adopted for the purpose of reducing and/or mitigating GHG emissions.

Notwithstanding, for informational purposes, the analysis also calculates the amount of GHG emissions that would be attributable to the project using CalEEMod 2020.4.0. The primary purpose of quantifying the project's GHG emissions is to satisfy CEQA Guidelines Section 15064.4(a), which calls for a good-faith effort to describe and calculate emissions. The estimated emissions inventory is also used to determine if there would be a reduction in the project's incremental contribution of GHG emissions as a result of compliance with regulations and requirements adopted to implement plans for the reduction or mitigation of GHG emissions. However, the significance of the project's GHG emissions impacts is not based on the amount of GHG emissions resulting from the project.

The project is consistent with the Mono County's Resource Efficiency Plan and energy efficiency policies, which promote, but do not require, energy efficiency by private development.

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Regional Transportation Plan Policy

Policy 3.A. Reduce greenhouse gas (GHG) emissions through local land use and development decisions, and collaborate with local, state, and regional organizations to promote sustainable development.

Land Use Element

Policy 1.B.2. Increase greenhouse gas emission mitigation and adaptation planning efforts through local land use and development decisions, and collaborate with local, state, and regional organizations to promote sustainable development.

The proposed project would not conflict with an applicable plan, policy, or regulation adopted to reduce the emissions of greenhouse gases.

4.8.1 Mitigation Measures

No mitigation measures are proposed.

4.9 Hazards and Hazardous Materials

The operation of the cannabis cultivation will require the use of fertilizers and pesticides in significant quantities. The most common chemicals used in cultivation operations are pesticides, herbicides similar to other agriculture operations. The project would utilize smaller 1,000-gallon propane tanks during the initial phase of operation followed by a central 30,000-gallon tank. The proposed indoor cultivation buildings would have storage areas for hazardous materials separated from the primary uses of the building. The outdoor cultivation operation would use shipping containers for storage of fertilizers and herbicides. Propane and cannabis cultivation fertilizers and herbicides would be transported along US Highway 395 and local routes to the project site.

Would the project:

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

Less than significant. Construction activities would involve the use of hazardous materials, such as fuels, gasoline, and oil. The State of California Department of Toxic Substances Control (DTSC) is the administering agency and the Certified Unified Program Agency (CUPA) for Mono County with responsibility for regulating hazardous materials handlers, hazardous waste generators, underground storage tank facilities, above ground storage tanks, and stationary sources handling regulated substances. A Hazardous Materials Business Plan (HMBP) is required of businesses in Mono County that handle, use, generate, or store hazardous materials. In addition to the HMBP, the Commercial Cannabis Operations Permit conditions require a storage plan for pesticides.

The project would be required to comply with existing laws and regulations regarding the transportation, use, and disposal of hazardous materials. These regulations are specifically designed to protect public health and the environment and must be adhered to during project construction and

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operation. Because the project would comply with applicable regulations, the impact would be less than significant.

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

Less than significant. Mono County regulates cannabis use of pesticides and growing chemicals by storage and use requirements. In addition, the Certified Unified Program Agency protects public health and the environment from hazardous material use through storage requirements and measures to contain accidental releases, proper handling and disposal requirements, and disclosure of operations involving hazardous materials to the county and fire protection agencies to ensure proper response if accidents occur (e.g., spills and fires).

The use of restricted pesticides on cannabis cultivation is prohibited. Harvested cannabis is required to be tested for harmful constituents prior to retail sale. Existing regulation and programs described above would limit the potential for exposure of people and the environment to hazardous materials. This impact would be less than significant.

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

No impact. The project would not emit hazardous emissions or handle acutely hazardous material. The project is not located within one-quarter mile of an existing school. The nearest schools, Coleville High School and Antelope Valley Elementary School are 4.6 miles from the project site.

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

No impact. The project area is not within a site listed as a hazardous material site pursuant to Government Code section 65692.5.

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

No impact. The project area is not within an airport land use plan or within two miles of a public use airport.

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

No impact. Mono County has adopted an Emergency Operations Plan (EOP), which designates Highway 395 as a primary evacuation route. The proposed project would not impair the implementation of or physically interfere with the county's adopted emergency response or evacuation plan.

- g) *Expose people or structures, either directly or indirectly, to significant risk of loss, injury or death involving wildland fires.*

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Less than significant. The project area is within an area of moderate wildfire risk and may expose people and structures to risk of loss, injury, or death. A discussion of specific wildfire risks and applicable regulations is included in Section 4.20— Wildfire of this Initial Study.

4.9.1 Mitigation Measures

No mitigation measures are proposed.

4.10 Hydrology and Water Quality

Would the project:

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

Less than significant. The proposed project has potential to degrade water quality through temporary construction and long-term operation of the facility. Site leveling or grading would result in the removal of vegetation that would temporarily increase soil exposure to wind and water and reduce the local soil resistance to erosion during rainfall events. Stormwater runoff from the site could affect water quality within Highland Ditch, a tributary to the West Walker River. Because the project would disturb more than 1 acre of soil, it would be subject to the typical restrictions and requirements that address erosion and runoff under the State Water Resource Control Board (SWRCB) Stormwater Construction General Permit, which includes the preparation and implementation of a SWPPP to minimize site erosion and indirect effects to water quality. The project would incorporate effective BMPs, including minimization of vegetation removal and installation of temporary erosion and sediment controls that would reduce erosion and stormwater runoff effects. In the long-term, site drainage will be directed through a series of constructed swales to a stormwater detention basin located west of the graded pad containing the indoor cultivation building that allows infiltration and minimizes impacts to water quality and flow into Highland Ditch. The project would not violate any water quality standards or waste discharge requirements during construction.

Long-term cultivation operation and maintenance has the potential to discharge fertilizers, pesticides, and other chemicals to surface waters or groundwater. The SWRCB has developed a policy for water quality control to establish principles and guidelines for cannabis cultivation, as well as the Cannabis General Order (SWRCB Order WQ 2019-0001-DWQ). The Cannabis General Order includes enforceable requirements for cannabis cultivators to ensure their operations do not impact water resources. Enrollment in the Statewide Cannabis General Order is required for all legal cannabis cultivation facilities and is a required step to obtaining license for cannabis cultivation. To obtain coverage under the waiver or enroll under the General Order, the discharger is required to submit an online application and application fee and relevant technical reports. At a minimum, the applicant would be required to provide a site management plan, nitrogen management plan, and site closure report.

The proposed project has also obtained the appropriate permits from the Mono County Environmental Health Department for installation of a septic system meeting the requirements of Mono County and the Lahontan Basin Plan. Because applicable state and local regulations require water quality control measures for construction and operation of the project, this impact would be less than significant.

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

Less than significant. In general, site runoff flows east to west and typically infiltrates, providing for groundwater recharge. Post-construction runoff from cultivation activities will be kept to a minimum through maximum conservation efficiency. The indoor operation utilizes computerized monitoring to keep runoff to an absolute minimum. Year-round indoor cultivation will use up to 2,600 gallons per day at maximum operations, or 2.9-acre feet per year, based on industry standards for indoor cannabis growth at maximum operations. ~~The outdoor cultivation would use a maximum of 4,000 gpd for a 240-day growing season, approximately 29.5 acre-feet per year. The total project demand is estimated as 33.4 acre feet per year.~~

Outdoor cultivation utilizes raised beds with mulch-covered drip tapes to maximize water usage by avoiding runoff and minimizing evaporation. Outdoor seasonal demand will be kept to 4,000 gallons per acre per day with peak usage occurring July-September. Usage during the months of May and June are estimated at half of peak amount. ~~These amounts constitute approximately 1% of the available water from the existing well/pump (Sierra High CUP application, 2021).~~

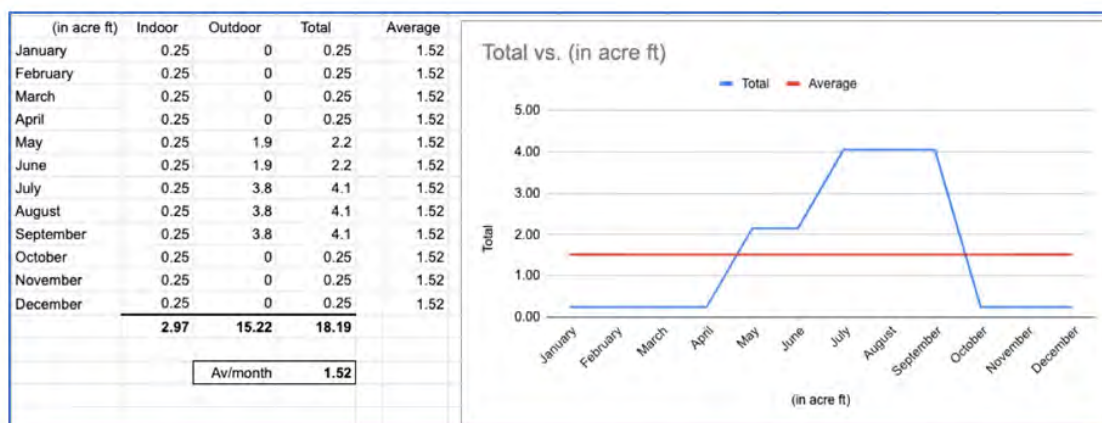


Figure 4-2. Estimated Water Use per Year
(Information provided by Sierra High Farms)

The Department of Water Resources prioritizes groundwater basins based on the sustainability of groundwater use. Antelope Valley (6-007) is ranked as Very Low priority basin for low population and groundwater use. The estimated total of groundwater recharge for the Antelope Valley was between 15,600 AF and 22,800 AF per the 2014 Feasibility Assessment of a Water Transactions Program in the Walker River Basin (Carroll and Pohll 2013). Based on the projected water demand of 18.13-acre feet per year; the proposed project will have less than a significant impact on groundwater supplies.

To offset impacts to infiltration and groundwater recharge from an increase in impervious surface area associated with the indoor cultivation facility, constructed swales will serve to direct flows around the indoor cultivation pad and into a detention basin designed to capture the 25-year storm event and allow for stormwater infiltration and groundwater recharge. With the implementation of the drainage swales and stormwater detention basin, impacts to groundwater recharge are less than significant.

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

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

Less than significant with mitigation. Site leveling or grading would result in the removal of vegetation that would temporarily increase soil exposure to wind and water and reduce the local soil resistance to erosion during rainfall events. Stormwater runoff from the site could affect water quality within Highland Ditch, a tributary to the West Walker River. Because project grading would result in greater than 1 acre of soil disturbance, the project is subject to the SWRCB's Construction General Permit, which includes the preparation and implementation of a SWPPP that would minimize site erosion and indirect effects to water quality. The project would incorporate effective BMPs, including minimization of vegetation removal and installation of temporary erosion and sediment controls that would reduce erosion. Upon project completion, all temporarily disturbed areas would be re-seeded in adherence to Mitigation Measure WQ-1.

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

Less than significant. In general, the site drains via sheet flow east to west. Water that does not infiltrate and provide for groundwater recharge, discharges to the Highland Ditch. To offset the reduction in infiltration from an increased in impervious surface area associated with the indoor cultivation facility and associated infrastructure, a four-foot-wide constructed drainage swale will direct flows around the indoor cultivation pad and into a detention basin designed to capture the 25-year storm event and allow for stormwater infiltration, groundwater recharge, and sediment capture. Implementation of the drainage swales and stormwater detention basin allows for groundwater recharge and sediment retention, the project would not substantially increase the rate of surface runoff that would result in flooding on or off site.

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

Less than significant. Runoff from the site is kept to a minimum through maximum conservation efficiency. The indoor operation utilizes computerized monitoring to keep runoff to an absolute minimum. Year-round indoor cultivation will use less than 2,600 gallons per day at maximum operations. Outdoor cultivation utilizes raised beds with mulch-covered drip tapes to maximize water usage by avoiding runoff and minimizing evaporation. Increases to surface runoff from increased impervious surfaces associated with the indoor cultivation facility pad will be directed through constructed swales to a stormwater detention basin. The proposed project would not contribute runoff that would cause the capacity of the planned stormwater drainage system to be exceeded.

iv) *Impede or redirect flood flows?*

Less than significant. The project site is located within an area with minimal flood risk as identified on FEMA flood maps (see Figure 4 in Appendix A), and therefore, would not have potential to impede or redirect flood flows.

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

Less than significant. The project site is located within an area with minimal flood risk as identified on FEMA flood maps (see Figure 4 in Appendix A). The project area is not located in an area with substantial risk of dam failure, tsunami, or seiche.

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

No impact. The project is located in the Antelope Valley Groundwater Basin which is prioritized as ‘Very Low’ by the California Department of Water Resources. No groundwater management plan exists for the Antelope Valley Groundwater Basin.

4.10.1 Mitigation Measures

WQ-1. Reseeding of Disturbed Areas

Directly following construction, disturbed areas shall be reseeded with a certified weed-free seed mix comprised of locally sourced native plant materials. Seeded areas shall be watered as needed until fully established. ~~WQ-1. Reseeding of Disturbed Areas: Directly following construction, disturbed areas shall be reseeded with a certified weed-free seed mix. Seeded areas shall be watered as needed until fully established.~~

4.11 Land Use and Planning

Would the project:

- a) *Physically divide an established community?*

No impact. The project is located in a rural area in the vicinity of established communities in Antelope Valley. The project is located between Topaz Heights and residences along Topaz Lane. The existing rural neighborhoods and clusters of large lot agricultural residences, lacking identifiable boundaries. The project does not create a physical barrier to access for the established community and ~~The project~~ would not physically divide an established community.

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

Less than significant. The project site is within the Agriculture land use designation, which is intended to preserve and encourage agricultural uses and provide for the orderly growth of activities related to agriculture. The project is subject to the county’s cannabis use and operations permit process and relevant requirements.

Topaz Heights is a local place name describing the rural residential area of northern Antelope Valley within Douglas County, Nevada. Topaz Heights is commonly considered part of the rural communities and neighborhoods within Antelope Valley. In the Douglas County Master Plan adopted in 2020 the Antelope Valley Community Plan describes a Vision Statement for Antelope Valley:

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“Antelope Valley will remain a very low-density rural community focused on providing access to public lands, the Walker River, and other recreational use areas.”

The Antelope Valley Community Plan area of Douglas County is comprised of 95% Forest and Range and Agricultural land use designations. Similar to the Agriculture designation of the Mono County General Plan Land Use Element the Forest and Range land use designation allows expanded agricultural and commercial uses with a use permit, single family dwellings as permitted uses.

4.11.1 Mitigation Measures

No mitigation measures are required.

4.12 Mineral Resources

Would the Project:

- a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- b) *Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*

Less than significant. Mono County contains mineral resources and aggregate mining activity is present in Antelope Valley. The project is located in an area designated as MRA-1 by the 2001 General Plan Master Environmental Assessment (MEA). MRA-1 designates areas where adequate information indicates that no significant mineral deposits are present, or where it can be judged that there is little likelihood for their presence. There are no official Mineral Land Classification Studies published by the Department of Conservation for Mono County. The Agriculture land use designation allows for mineral exploration with a use permit but does not allow for mineral extraction or mining without a land use designation change to Resource Extraction (RE). Based on the Mono County Mineral Resource Classification of MRA-1 for the proposed project area, the potential impact to mineral resources of state or local importance is less than significant.

4.12.1 Mitigation Measures

No mitigation measures are required.

4.13 Noise

Would the project:

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

Less than significant. There are no noise-sensitive areas (e.g., residences, schools, hospitals, rest homes, long-term medical or mental care facilities, and other uses deemed noise-sensitive by the local

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jurisdiction, such as libraries or places of worship) located near the project area. The project area is located approximately 1,700 feet from the nearest receptor; a residence located to the northeast.

Mono County Code 10.16 defines limits for excessive noise and sets noise level limits for land use. The limit set by ordinance for agricultural uses per 10.16.060 (A) is 65dBa (A-weighted unit of sound pressure level as measured at the property boundary). Construction noise is not allowed between 7:00 pm and 7:00 am on weekdays or on weekends, per County Code.

The primary source of noise from the project is temporary construction noise and operation of the on-site propane generator. Minor sources of noise include gas powered vehicles, agricultural equipment, and tool use. The project proposes up to four propane gas generators, one for each indoor cultivation building. The proposed generators would be located within enclosures as part of the cultivation building. The location of generators within enclosures and the location of proposed cultivation buildings approximately 150 feet from the property line are project features which reduce the noise impacts at the property boundary and to sensitive receptors. With the installation of the power line connection to Liberty Utilities, generator use would be reduced to emergency backup only.

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

Less than significant. The project will not generate excessive groundborne vibration or groundborne noise levels. Construction will not require pilling or other construction methods that generate significant groundborne vibration.

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

The project area is not located within the vicinity of a private airstrip or within two miles of a public airport. There are no public airports in northern Mono County; the nearest public airport in Mono County is 27 miles away in Bridgeport (Bryant Field). The project would not expose those working or residing near the project area to excessive noise levels from airport operations.

4.13.1 Mitigation Measures

No mitigation measures are proposed.

4.14 Population and Housing

Would the project:

- a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*
- b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

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Less than significant. The project does not include construction of new housing and would not directly cause population growth. The project extension of electrical power would be to serve the project property only.

Per the 2020 Census, the population of Mono County is 14,395, with an unincorporated population of 6,132. The population of Antelope Valley (Coleville, Topaz, and Walker) is 1,402. In Antelope Valley, there were 842 housing units as measured by the 2017 Housing Needs Assessment. Housing availability within Antelope Valley was impacted by the Mountainview Fire in 2020, which damaged or destroyed approximately 100 housing units.

The General Plan directs the location and density of future population and housing across the unincorporated area. The Agriculture (AG) land use designation and the allowance of cannabis cultivation by the General Plan considers the contribution to employment and population growth of the use. The project proposes no changes that would indirectly allow growth exceeding General Plan densities on other properties.

The project would generate eight full time employees and up to seven (7) temporary-part time employees for the indoor cultivation operation. The outdoor cultivation is expected to create up to eight (8) seasonal employees at build-out. Employee housing is not proposed as part of the use permit project. It is anticipated that farm labor housing would be established on the project property for employees as-needed. Farm labor housing and single-family dwellings are allowed uses in the Agriculture land use designation subject to county building requirements.

The project would not displace people or housing. The subject property is open, undeveloped land without existing dwelling units.

4.14.1 Mitigation Measures

No mitigation is proposed.

4.15 Public Services

Fire protection is provided by the Antelope Valley Fire Protection District (AVFPD). The District is staffed by volunteers and the nearest fire station is the Coleville Station located on Larson Lane approximately three miles from the project site.

The Mono County Sheriff's Office provides law enforcement service to unincorporated Mono County, including Antelope Valley. The nearest sheriff's office is located in Bridgeport, approximately 40 miles from the project site.

The project is located within the Eastern Sierra Unified School District, which serves unincorporated Mono County. Antelope Elementary and Coleville High are local schools serving students within Antelope Valley.

The nearest recreation facility is Walker Community Park located in Walker, California.

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Would the project:

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

i) *Fire Protection?*

Less than significant. In general, fire protection related activities include plan review, site/structure inspections, fire code enforcement, fire preparedness/prevention education, fire suppression, and hazardous material/emergency response. The project would not extend the service areas associated with AVFPD. The project includes a water supply for fire protection based on a well and static water storage. The existing well has capacity to provide a minimum fire protection water supply based on the type and square footage of the proposed buildings. Emergency access to and within the site is required to meet State Fire Safe Regulations and Mono County development standards. There would be no need for new or physically altered governmental facilities.

ii) *Police protection?*

Less than significant with mitigation. Cannabis cultivation may present an increased risk of criminal activities, such as theft of product. State Commercial Cannabis Regulations (Business and Professions Code 26013,26030) require video surveillance, professional alarm systems, and access control to areas of cannabis products. Mono County Code 5.60 and the Commercial Cannabis Development Standards (13.070 L) require review and approval of a security plan by the Sheriff's Office as a condition of the Cannabis Operations Permit. The indoor and outdoor cannabis cultivation areas are not located near public streets. Mitigation measure PS-1 would require review and approval of a security plan consistent with State law and County Code. With mitigation there would not be a substantial effect on police protection associated with implementing the project.

iii) *Schools?*

Less than significant. The project would result in an increase of employment opportunities in Antelope Valley, which may cause a minimal increase in the student population for local schools. Enrollment for Antelope Elementary and Coleville High are 130 and 72 students respectively and there is adequate capacity to serve projected enrollment. There would be a less than significant impact.

iv) *Parks?*

No Impact. The project would not provide any new structures that could result in a substantial increase in residents or employees or necessitate new or expanded park facilities. Therefore, there would be no impact.

v) *Other public facilities?*

No Impact. No other public facilities in the project area could be affected by implementation of the project.

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4.15.1 Mitigation Measures

PS-1 Security Plan

Mono County shall require a site security plan which details measures to prohibit unauthorized access to commercial cannabis buildings and cultivation areas. The plan shall include proposed improvements and operations consistent with County Code 5.60.130 D including limited access areas, security lighting, video systems, and storage to prevent diversion, theft, and loss. The Mono County Sheriff's Office shall review and approve the security plan prior to issuance of the cannabis operation permit.

4.16 Recreation

Would the project:

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Less than significant. The project would generate minimal new employment and new residents in Antelope Valley; however, the nearest developed recreation facilities are located at the Walker Community Park.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

No impact. No recreation facilities are proposed as part of the project. The project would not cause the need to expand existing recreation facilities.

- c) *Is the project located within a Community Service Area (CSA) or recreation and park district with a Community Parks and Recreation Plan (Quimby fees)?*

No impact. The project is not located within a CSA or recreation and park district with Quimby fees.

4.16.1 Mitigation Measures

No mitigation measures are required.

4.17 Transportation

The project is accessed from Eastside Lane, a low volume, rural collector, and County maintained road. From Eastside Lane, an existing private road serves the project as a shared access with agricultural uses along the Highline Ditch to the north of the project site. This private road follows the California/Nevada border northwest from Eastside Lane. The road is unofficially called "Stateline Road" by users and is not named by Mono County. A section of Stateline Road crosses a separate private parcel owned by the proponent, APN 001-150-005, between the project site and Eastside Lane. The project site will not be open to the public due to access control and security measures to prevent unauthorized access.

US Highway 395 is the principal arterial route to and through Mono County and Antelope Valley. Highway 395 is a state route maintained by Caltrans, District 9. Within Antelope Valley, Highway 395 is

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primarily a two-lane highway with limited passing lanes near Coleville. Highway 395 connects to local routes, Topaz Lane, Larson Lane, and Eastside Lane, which are the primary local roads in Antelope Valley.

Eastside Lane is a low volume, rural collector that connects northern Antelope Valley and Wellington Hills\Topaz Heights to Highway 395. Eastside Lane extends along the eastern edge of Antelope Valley from the intersection with Highway 395 in Walker and into Douglas County, Nevada. In addition to serving large lot residences, the road serves agricultural and open space recreation uses. The road is two lanes with asphalt surface from Topaz Lane to US 395. The surface is native material north from Topaz Lane. Topaz Lane provides the most direct access from the project site to Highway 395. Topaz Lane is a paved two-lane rural road from Highway 395 to Eastside Lane.

The project is in the vicinity of local roads Stateline Road and Fence Line Road. The project would use the portion of Stateline Road from Eastside Lane to the user permit area. The project would not use Fenceline Road north of the project site for primary access. Stateline Road is used to access Fence Line Road and residences in Douglas County, Nevada. Stateline Road and Fenceline Road are approximately 12 feet travelled way.



Figure 4-3. Local Roads Map

Eastside Lane and Topaz Lane are classified by the Mono County Regional Transportation Plan (RTP) as existing and planned Class II and Class III bicycle routes. Roads in Antelope Valley do not have sidewalks. Transit services are provided by Eastern Sierra Transit Authority (ESTA), a regional transit operator serving Mono and Inyo Counties. The ESTA operates a local Dial-A-Ride service for trips within Antelope Valley. Service is available along the Reno-Lone Pine route for trips along the 395-corridor including to Gardnerville and Bridgeport. The demand for transit services is within the capacity of the existing

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services. The project has access to rural roads and established bike routes which connect to transit in Coleville and Walker.

Would the project:

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

Less than significant. The project is located in remote Antelope Valley and would not require construction or redesign of the existing transportation network. The project would not conflict with any RTP or General Plan Circulation Element policies.

- b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

Less than significant. On July 5, 2022, the Mono County Board of Supervisors adopted Ordinance 22-06 establishing Vehicle Miles Travelled (VMT) screening criteria and thresholds of significance for evaluation of VMT impacts in compliance with CEQA. The thresholds are consistent with State policy and guidance.

The project would generate trips associated with construction and operation. Temporary construction trips would include equipment and material hauling and worker trips. Phases 1 & 2, indoor cultivation, would employ eight (8) full-time employees and up to seven (7) part time employees. Phase 3, outdoor cultivation would employ between 4 and 8 seasonal employees 16 part-time seasonal employees at build-out. Peak employee population is 23 employees. The peak employee population would be during the month of September at 23 employees. From October to April the employee population would be 15 employees. This analysis assumes trips based on peak seasonal employment month of September, during periodic indoor and seasonal outdoor harvesting and processing; employees would not live onsite and would commute to work each day. The proposed project is estimated to generate up to 100 vehicle/truck trips per day during Phase 3 peak seasonal employment.

- 926-employee vehicle trips (estimate of four trips per day per employee; two trips for commuting to work, and two trips during lunch hour),
- Two trips for the import of agricultural materials and supplies needed for the cultivation operation (1 in/1 out), and
- Two trips for the export of unprocessed cannabis plants/flower (1 in/1 out).
- Two trips for propane delivery (1 in/1 out)
- Two trips for non-storefront retail delivery (1 in/1 out)

Employees are presumed to be from the local Mono County population and would not cause significant additional traffic in the area or vehicle miles traveled (VMT). The estimated vehicle trips from the proposed project are not anticipated to cause a significant increase in traffic or require changes to any roadways, public transit, or pedestrian/bicycle facilities.

The estimated vehicle trips assume that all employees commute to the project site. The agriculture land use designation allows single family dwellings and farm worker housing as allowed use by right. These uses are allowed but not proposed as part of the project. No reductions were made to trip generation analysis or VMT for employees residing at the project property in primary or accessory dwelling units or farm labor housing as allowed by the General Plan.

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The project trip generation of 100 daily trip ends is less than the county adopted screening criteria for Small Projects of 237 daily unadjusted trip ends. Per Mono County Ordinance 22-06, the increase in VMT of the project would be less than significant.

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

Less than significant. The project does not require construction of new road facilities. The driveway intersection with Eastside Lane has gentle slopes and adequate site distance and would not cause a substantial increase in hazards due to the design. An encroachment permit is required for any improvements to Eastside Lane to confirm that the access driveway meets engineering design standards. Access to the site is designed for turnaround and turnout improvements to meet County Development Standards and CalFire Fire Safe Regulations for emergency evacuation.

- d) *Result in inadequate emergency access?*

Less than significant. Emergency access to the property is along private "Stateline Road" from Eastside Lane. The length of the access from Eastside Lane to the proposed project site is approximately 2,900 feet. The existing access is a single lane of 12-18 feet wide. There is adequate area available for access improvements, CalFire Fire Safe Regulations and Mono County General Plan [Chapter 22 - Development Standards](#) that require improvements to and prescribe design standards for emergency access. The project site plan proposes a 48-foot outside diameter emergency access turnaround and turnouts every 400 feet consistent with requirements. [Required improvements to Stateline Road would improve access conditions to Fenceline Road. The project does not propose changes that would result in significant impacts to emergency access to the project site or roads in the vicinity.](#)

4.17.1 Mitigation Measures

No mitigation measures are required.

4.18 Tribal Cultural Resources

Would the project:

- a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*
- i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or*
 - ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision I of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision(c) of Public*

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Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Less than significant with mitigation. AB 52 was enacted on July 1, 2015 and establishes that “a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment” (Public Resources Code Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource when feasible (PRC Section 21084.3).

Public Resources Code Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” and meets either of the following criteria:

- Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California cities, counties, and tribes regarding tribal cultural resources. Under AB 52, lead agencies are required to “begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.” Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency. As a lead agency, Mono County provided notice to Native American tribes and contacted the California Native American Heritage Commission consistent with General Plan Action 22.A.5.b.

Action 22.A.5.b. Implement procedures for consulting with local Native American groups and with the California Native American Heritage Commission to ensure that federal and state requirements concerning the preservation and protection of Native American remains are met. Integrate consultation procedures with CEQA requirements.

The purpose of the consultation is to determine whether a proposed project may result in a significant impact to tribal cultural resources that may be undocumented or known only to the tribe and its members. As set forth in Public Resources Code Section 21080.3.1(b), the law requires:

“Prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, the lead agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation.”

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The project area is located within the ancestral territory of the Washoe Tribe of Nevada and California, and Kutzadika Tribes. The project site has historical use for livestock grazing, road access for agriculture and irrigation. Other non-historical cultural uses may have occurred at the project site and in the surrounding vicinity. The project site is vacant except the existing well, septic system, and portable water tanks.

A Cultural Resources Assessment was prepared by Great Basin Consulting Group, LLC that included literature and Sacred Lands File searches as well as an intensive-level pedestrian survey over 18 acres encompassing the project site.

The report notes that no cultural resources have been previously recorded within the project area. The survey discovered one artifact, a horseshoe, which is determined not to be a significant resource. The report concludes that no newly identified prehistoric or historic-era resources were documented during the pedestrian survey (Great Basin Consulting Group, 2022).

Tribal consultation pursuant to AB 52 was initiated on April 19, 2022, with the Washoe Tribe of Nevada and California and Kutzadika tribes. No responses were received from these entities requesting initiation of consultation under the provisions of AB 52. Results from the pedestrian survey and associated record search did not identify any prehistoric or historic archaeological sites, ethnographic sites, or historic era-built environment resources on the project site (Great Basin Group, 2022).

However, there remains the possibility that tribal cultural resources could exist in the area and may be uncovered during project development. To prevent potential impacts to unknown tribal cultural resources at the project site, an inadvertent discovery protocol is included as Mitigation Measures CR-1 and CR-2 (see Section 4.5 – Cultural Resources). With the proposed mitigation measure, the project will not cause a substantial adverse change in the significance of a tribal cultural resource. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated.

4.18.2 Mitigation Measures

Tribal cultural resources mitigation measures are the same as Cultural Resources mitigation measures (Section 4.15).

CR-1 Discovery of Cultural and Tribal Resources

CR-2 Discovery of Human Remains

4.19 Utilities and Service Systems

Available public utilities and services are limited to serve the project area due to the remote location. Existing systems include a well installed in 2021 to provide water for domestic and fire protection. A septic system with a 1,500-gallon holding tank and 190' of leach line is permitted and partially installed to serve the first indoor cultivation building, lab, and shop. A second septic system is permitted by the Mono County Health Department and may be installed to serve subsequent phases of the project. During the first two phases of the project electrical power will be provided on-site by propane generators.

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Water

Water supplies are from an onsite well. The well was constructed in 2022 and can produce 100 gallons per minute. Well water is to be pumped to the tank house and storage tanks on the east side of the project site. From the tank house, water lines will distribute water to buildings and the outdoor cannabis cultivation area.

The project is located in the Antelope Valley Groundwater Basin, which is prioritized as Very Low by the California Department of Water Resources. No groundwater management plan exists for the project area and sufficient groundwater supplies are available to serve the project.

Wastewater

The installed and proposed on-site wastewater treatment systems are sited, designed, or permitted in accordance with Mono County Health Department and Lahontan Regional Water Quality Control Board (LRWQCB) requirements. There are no impacts to community wastewater systems.

Solid Waste

Mono County Public Works provides solid waste services at county landfills. The project is located 4.5 miles from the Walker Landfill and Transfer Station. There are no solid waste hauling services available in Antelope Valley and the project would transport solid waste to the Walker Landfill and Transfer Station. The facility provides for disposal of construction and demolition waste, household waste, recycling, green waste, and electronic waste. There is adequate capacity available at the Walker Landfill of greater than 15 years (Preliminary Closure and Post closure Maintenance Plan for the Walker Landfill, 2002).

The project's waste generation will be composed of agricultural refuse and cannabis waste. The solid waste will be transported to Walker Landfill for disposal. Vegetative materials will be composted on-site in accordance with DCC regulations CCR 17223.

Utilities

Liberty Utilities provides electrical power service to Antelope Valley. The project would provide electrical power by on-site propane generators as part of Phases 1 and 2. Phase 3 includes construction of above-ground utilities on and off site to connect to Liberty Utilities. The nearest connection to the Liberty Utilities grid is approximately 1.6 miles from the project site at the intersection of Eastside Lane and Topaz Lane.

There are telecommunications services available from Frontier and local internet service providers. Communications are proposed to be collocated with the proposed power installation connecting to Liberty Utilities with project Phase 3.

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Would the project:

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

Less than significant impact. The project will result in the construction of a new groundwater well (obtained November 16, 2021) and new on-site septic system (obtained February 11, 2022) as permitted by the Mono County Health Department.

During Phases 1 and 2, the project electricity will be supplied by propane generators as there are no natural gas connections. If feasible, the project may connect to Liberty Utilities via 1.6 miles of overhead line located along the road shoulder in Phase 3. The route of inter connection would run north along Eastside Lane from the intersection of Topaz Lane to the subject property.

Mono County General Plan Development Standards Chapter 11 prohibits placement of new above ground utilities generally except that individual development may be granted a use permit to install overhead utility lines. As part of the use permit for the project, the requested to install overhead utility lines in accordance with 11.010 D will be presented. To approve the use permit for overhead utility lines the project must meet one of four findings in addition to standard use permit findings.

Included in these findings is the exclusive purpose of the overhead utility line is to serve an agricultural operation and the placement will not significantly disrupt the visual character of the area. The commercial cannabis use is an allowed agricultural use with a permit in the AG land use designation. Extending overhead utility lines within the AG land use designation is consistent with the finding that the utility serves agricultural use exclusively. The proposed location of the overhead utility line is the most reasonable route to connect to the existing electrical power distribution system at the intersection of Topaz Lane and Eastside Lane. Power and telecommunications would be co-located on the proposed poles to reduce overall overhead poles and lines. There is no feasible alternative siting of the utility to serve the project due to distance to distribution and lack of utility easements across private property to the west.

The generally flat topography and low upland shrubs would not provide visual screening of new overhead utilities. The proposed 1.6 miles of new overhead utility lines would be installed along rural roads and agricultural land in the vicinity of Topaz Lane where overhead utility lines currently exist and do not disrupt the visual character of open space and agricultural uses. The portion of the new utility that would be immediately visible within the Eastside Lane right-of-way is approximately 0.8 miles. The final 0.8 miles of new utility would be located on the project property separated from Eastside Lane between 600-2,400 feet reducing the visibility of the overhead utility from the road. The proposed project is consistent with the purpose and findings of Development Standards Chapter 11 policies to reduce significant environmental impacts of new overhead utility lines. The proposed new overhead utility line would have a less than significant impact to aesthetics.

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

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Less than significant impact. Water supplies are from an onsite well. The well was constructed in 2022 and can produce 100 gallons per minute (144,000 gallons per day). Well water is to be pumped to the tank house and storage tanks on the east side of the project site. From the tank house, water lines will distribute water to buildings and the outdoor cannabis cultivation area.

Year-round indoor cultivation will use less than 2,600 gallons per day at maximum operations. Outdoor cultivation utilizes raised beds with mulch-covered drip tapes to maximize water usage by avoiding runoff and minimizing evaporation. Outdoor seasonal demand will be kept to 4,000 gallons per acre per day. ~~These combined amounts constitute approximately 5% of the available water from the existing well/pump the total water use of the project is estimated by the applicant to be 2.6 acre-feet per year (Sierra High CUP application, 2021).~~

The Antelope Valley Groundwater Basin is identified as Very Low by the by the California Department of Water Resources. The estimated total of groundwater recharge for the Antelope Valley was between 15,600 AF and 22,800 AF per the 2014 Feasibility Assessment of a Water Transactions Program in the Walker River Basin (Carroll and Pohll 2013). Based on the projected water demand of 18.13-acre feet per year, the proposed project will have less than a significant impact on groundwater supplies. There is sufficient groundwater supplies in the Antelope Valley to serve the project.

The estimated total of groundwater recharge for the Antelope Valley was between 15,600 AF and 22,800 AF per the 2014 Feasibility Assessment of a Water Transactions Program in the Walker River Basin (Carroll and Pohll 2013).

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

No impact. Wastewater treatment will occur on-site. The project will not impact service commitments of the local wastewater treatment provider.

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

Less than significant impact. There are no solid waste hauling services available in Antelope Valley and the project would transport solid waste to the Walker Landfill and Transfer Station. The facility provides for disposal of construction and demolition waste, household waste, recycling, green waste, and electronic waste. Based on the Preliminary Closure and Post Closure Maintenance Plan for the Walker Landfill (2002), there is adequate capacity available at the Walker Landfill of greater than 15 years.

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

Less than significant impact. The project will not violate any federal, State, and local statutes and regulations related to utilizes or public services for water, wastewater, electrical power, and solid waste, and a less than significant impact would occur. The project will comply with state and local solid waste regulations and not generate excess waste, a less than significant impact.

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4.19.1 Mitigation Measures

No mitigation measures are required.

4.20 Wildfire

The project site is dominated by uniform upland shrubs. The proposed project is near the Moderate fire hazard severity zone as determined by the CalFire Fire Hazard Severity mapping. In 2020, the Mountain View fire burned 20,375 acres, and destroyed or damaged 100 dwellings along Eastside Lane near Walker.

CalFire Fire Hazard Severity Zone (FHSZ) maps classify wildfire hazards for state responsibility area (SRAs). The most recent FHSZ map for Mono County of 2007 identifies the project property as within a Local Responsibility Area (LRA) and not classified for hazard per the FHSZ. The project is adjacent to continuous irrigated pasture lands to the west. FHSZ mapping typically removes agricultural land from classification due to low risk. However, the project site is not flood irrigated and risk classification should reflect hazards of brush fuels that exist on the project site. For property near the project with similar attributes, the FHSZ classification is Moderate.

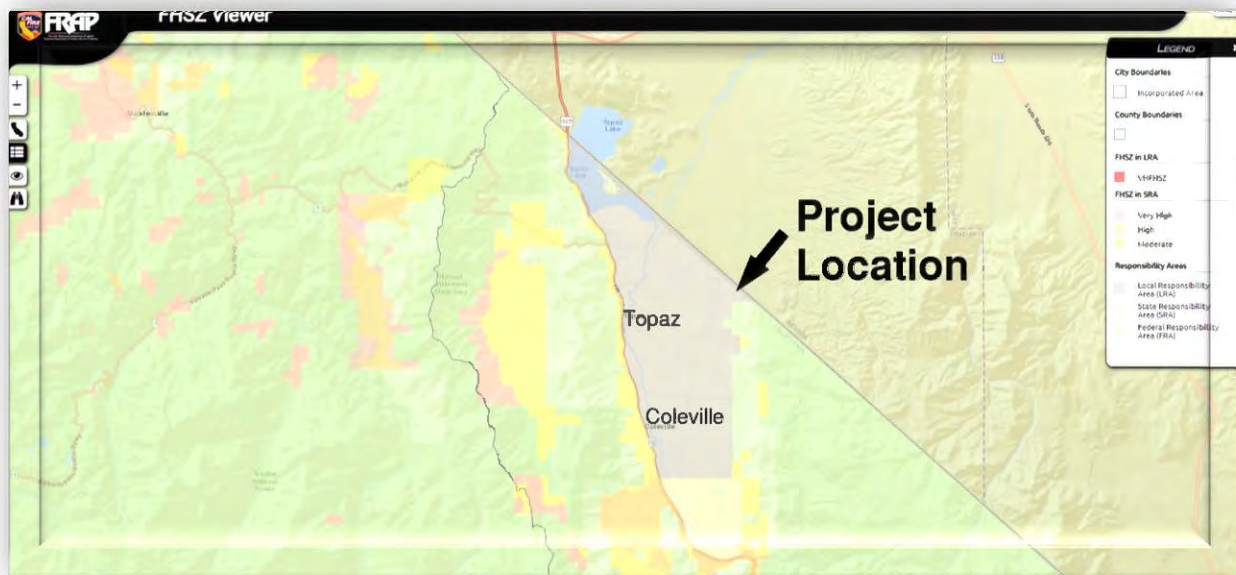


Figure 4-2. FHSZ Map for Project Vicinity

Mono County Community Wildfire Protection Plan (CWPP) is a community specific analysis of wildfire risk and mitigations. The CWPP recommends individual parcel analysis for new development in the Antelope Valley-East Valley area. The project site is bounded by irrigated agriculture to the south and west, the direction of prevailing winds. The irrigated agriculture reduces risk of wildfire spread to the project site. The Highline Ditch and access road is a continuous fuel break along the west boundary of the project site. Project site fuels are moderate risk grasses and shrubs. Existing continuous fuels in the project area will be reduced and fragmented by required defensible space around buildings, the outdoor cultivation area, and by road widening for turnarounds and turnouts.

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Would the project:

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

Less than significant. The Mono County Emergency Operations Plan (EOP) of 2012 identifies US Highway 395 as a primary evacuation route. The project has access to US Highway 395 via Eastside Lane and Topaz Lane. The travel distance from the project site to US Highway 395 is 5.2 miles. The proposed project would not impair emergency evacuation capabilities of local routes or US Highway 395.

- b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*
- c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

Less than significant with mitigation. Per Mono County Land Development Regulations Chapter 22 and California Fire Safe Regulations, the existing private road and driveway will be required to be improved with an emergency vehicle turnaround and turnouts interspersed every 400 feet for the 2900 feet from Eastside Lane. The proposed access improvements would not exacerbate risk from wildfire.

New above-ground electrical utilities would be installed during Phase 3 along the west and south property boundary and off-site along Eastside Lane. The vegetation along the proposed utility alignment is similar to the project with moderate big sagebrush fuels. California Public Resources Code Section 4292 requires removal of flammable vegetation within a 10' radius of power poles. New utility poles are required to have minimum ground clearances based on electrical codes.

The proposed above-ground powerline would create risk for wildfire ignition from equipment failure or line strikes caused by high winds. The Liberty Utilities Wildfire Mitigation Plan (WMP) classifies wildfire risk based on the designations of Office Energy Infrastructure and CalFire for High Fire Threat Districts (HFTD). The WMP designates Antelope Valley as HFTD-2 and the eastern portion of Antelope Valley as Moderate to identify and prioritize utility wildfire mitigation actions. Per the WMP and project description of 1.6 miles of above ground power lines there is a risk for wildfire ignition due to line impact, animals, and line-to-line faults. Covered conductor applications include insulating or coating power lines. Covered conductor is effective at mitigating several types of ignition drivers such as contact from objects and wire-to-wire contact, as well as reducing other equipment failures. (Liberty Utilities 2022). Liberty Utilities is implementing hardening projects including covered conductor upgrades on distribution lines within Antelope Valley. Mitigation Measure WF-2 would require utility hardening and vegetation management to reduce the risk of wildfire associated with new infrastructure to less than significant.

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

Less than significant. There are no major water courses draining to the subject property and improvements are sited away from minor natural drainages.

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4.20.1 Mitigation Measures

WF-1 Fire Safe Regulations

Mono County shall require site improvements for access consistent with CalFire Fire Safe Regulations and Mono County General Plan Development Standards Section. Prior to issuance of a building permit the applicant shall submit site improvement plans which describe minimum emergency access, firewater storage and supply, and defensible space in accordance with PRC 4290 and 4291.

WF-2 Overhead Utility **Hardening and** Vegetation Management

Mono County shall require the above-ground power utility lines and poles to be constructed with features that reduce the risk of wildfire ignition. Above-ground power utility hardening techniques shall be incorporated into the utility design. Examples of design features include covered conductors, tree wire, wider crossarms, metal poles, and hardware upgrades. The applicant shall provide site plans, electrical system design plans and details incorporating hardening techniques to Liberty Utilities and Mono County. Liberty Utilities and Mono County shall approve the above-ground powerline plans prior to construction. The site plan and system design shall include a vegetation management plan for proposed new overhead utilities corridors and new utility poles consistent with PRC 4292 and 4293, Public Utilities Commission General Order 95, and Liberty Utilities Wildfire Mitigation Plan. The applicant shall maintain vegetation to the standard of the vegetation management plan.

4.21 Mandatory Findings of Significance

Based on the analysis undertaken as part of this Initial Study, the following findings can be made:

Would the project:

- a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

FINDING: As concluded in the Aesthetics, Air Quality, Biological, Cultural Resources, Tribal Cultural Resources, and Water Quality sections of this document, the proposed project would result in no impacts or less than significant impacts with mitigation to these resources. The project is compatible with the Mono County General Plan land use designation and its surroundings. Evaluation of the proposed project in this document (Section 4.4 – Biological Resources) has shown that the activities of the proposed project, as mitigated, do not have the potential to degrade the quality of the environment and will not substantially reduce the habitat or cause wildlife populations to drop below self-sustaining levels.

Less than significant Impacts with mitigation is expected.

Also, based on the discussion and findings in Section 4.5 – Cultural Resources, there is evidence to support a finding that the proposed project is not eligible for listing in the NRHP or CRHR under any significance criteria. Although no archaeological deposits or features were found during the Cultural Resources study,

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implementation of mitigation measures will ensure that any additional archaeological deposits or features may be discovered are fully protected during implementation of the project.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

Following the adoption of commercial cannabis General Plan policies and enabling ordinance Mono County has approved two cannabis cultivation use and operation permits within Antelope Valley. The nearest cannabis cultivation uses to the proposed project are located in Walker, California approximately six (6) miles from the project. There is a less than significant cumulative impact of cannabis cultivation uses because of the distance between the proposed project and existing cannabis cultivation uses. There are no other current or foreseeable development projects in the vicinity to the proposed project which could cause cumulative impacts

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

As discussed in the various sections throughout this Initial Study, the proposed project would not include a land use that could result in substantial adverse effects on human beings. Mono County General Plan has established regulations for commercial cannabis cultivation to ensure the use does not conflict with the General Plan, its surrounding uses, or become detrimental to the public's health, safety, and welfare. The County's review and permitting process of cannabis facilities and facility operations will ensure that the regulations are fully implemented. Based upon the findings provided in this document, and mitigation measures and standard conditions incorporated into the project, less than significant impacts are expected.

Section 5. Mitigation Monitoring and Reporting Plan

The project will be subject to further codes and regulations, most significantly, Mono County Cannabis Operations permit conditions, Department of Cannabis control license requirements, and the California Building Standards Code. If the project is approved, compliance with these regulatory requirements will be mandatory. All relevant regulatory requirements are not included with the MMRP. The project shall fully comply with the ~~eight (8)~~ 21 mitigation measures proposed to reduce potentially significant impacts. Mono County Community Development Department would be responsible for monitoring and confirming completion of mitigations.

Mitigation Monitoring and Reporting Plan			
Mitigation Measure	Mitigation Monitoring		
	Monitoring Schedule	Responsible Party	Monitoring Procedure
Aesthetics			
<p><u>AES-1: Require Lighting Plans</u></p> <p><u>Project is subject to Chapter 23, Dark Sky Regulations. The Mono County Community Development Department shall confirm that project lighting meets the requirements of County Code Chapter 23 – Dark Sky Regulations. The applicant shall submit plans for lighting describing the location and details of proposed fixtures with building permit application or prior to installation of outdoor lighting.</u></p>	Prior to the issuance of grading, building permits	Applicant, Mono County Community Development Department	Verified upon building inspection
Air Quality			
<p>AQ-1. Odor Mitigation</p> <ul style="list-style-type: none"> • The applicant shall post signs at the property line <u>that provide a 24-hour project contact phone number and</u> County code enforcement phone number in the case of nuisance odors. • The applicant shall report any complaints of nuisance odors to the County within 72 hours of the complaint. • <u>The County shall conduct ambient odor survey at the property boundary and ambient monitoring during annual inspections. Monitoring would include odor surveys using a Nasal Ranger field olfactometer within the Project area and at the property boundary to quantify odor strength at each monitoring location.</u> • <u>If measured cannabis odor exceeds a seven dilution threshold (“DT”) when measured by the County with a field olfactometer at the property line for a minimum of two observations not less than 15 minutes apart within a one hour period.</u> • <u>For indoor cultivation, if the County determines an unreasonable impact, it may require implementation of odor-control filtration and ventilation systems to control odors; Devices and/or techniques incorporated in the building for all indoor cultivation and processing buildings.</u> 	Prior to the issuance of grading, building permits	Applicant, Mono County Community Development Department	Verified upon site inspection

Mitigation Monitoring and Reporting Plan			
Mitigation Measure	Mitigation Monitoring		
	Monitoring Schedule	Responsible Party	Monitoring Procedure
<ul style="list-style-type: none"> For outdoor cultivation, if the County determines an unreasonable impact the County shall <u>require reduction of outdoor cannabis cultivation area to meet 300' buffer to easterly property boundaries.</u> <p>The applicant shall post signs at the property line that provide a 24-hour project contact phone number in the case of nuisance odors. The applicant shall report any complaints of nuisance odors to the County within 72 hours of the complaint.</p>			
<p><u>AQ-2: Dust Control</u></p> <ul style="list-style-type: none"> <u>During construction, dust will be minimized through implementation standard BMPs consistent with CA Stormwater General Construction Permit and will include, but not limited to,</u> <ul style="list-style-type: none"> <u>Minimize the exposed working areas at one time,</u> <u>Covering soil stockpiles when not in actively in use or left overnight, and</u> <u>Use of on-site water for dust control during clearing and grading.</u> <u>Avoid discing and tilling when wind speeds are in excess of 15 miles per hour.</u> <u>Driving speeds will be reduced to slower than 15 mph when on dirt roads within ¼ mile of public highways and residences.</u> 	<p><u>Notice of Intent is to be submitted to LRWQCB 14 days prior to construction activities</u></p>	<p><u>Applicant, Mono County Community Development</u></p>	<p><u>Provide Notice of Intent and site plan to Mono County prior to construction</u></p>

Mitigation Monitoring and Reporting Plan			
Mitigation Measure	Mitigation Monitoring		
	Monitoring Schedule	Responsible Party	Monitoring Procedure
<p>BIOLOGY</p> <p>BIO-1: Nesting Bird Survey</p> <p><u>Regardless of the time of year, a pre- construction sweep shall be performed to verify absence of nesting birds. A qualified biologist shall conduct the pre-activity sweep within the Project areas (including access routes) and a 500-foot buffer surrounding the Project areas, within 2 hours prior to initiating Project activities. Additionally, a nesting bird survey shall be conducted by a qualified biologist no more than three (3) days prior to the initiation of project activities, including, but not limited to clearing, grubbing, and/or rough grading to prevent impacts to birds and their nests. The survey will be conducted by a qualified biologist. Surveys shall include any potential habitat (including trees, shrubs, the ground, or nearby structures) that may be impacted by activities resulting in nest destruction or abandonment. If nesting bird activity is present, a no disturbance buffer zone shall be established by the qualified biologist around each nest to prevent nest destruction and disruption of breeding or rearing behavior. The buffer shall be a minimum of 500 feet for raptors and 300 feet for songbirds, unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species. The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests, as confirmed by a qualified biologist. A qualified biologist shall inspect the active nest to determine whether construction activities are disturbing the nesting birds or nestlings. If the qualified biologist determines that construction activities pose a disturbance to nesting, construction work shall be stopped in the area of the nest and the 'no disturbance buffer' shall be expanded. If there is no nesting activity, then no further action is need for this measure.</u></p>	<p>Prior to the issuance of grading, building permits</p>	<p>Mono County Community Development Department</p>	<p>Surveys shall be submitted to the Mono County Community Development Department upon completion.</p>
<p>BIO-2: Preconstruction Weed Survey</p> <p>Weed Survey Prior to construction, the entire project area, including 50 feet on either side of the project alignment centerline and all designated equipment staging areas, would be surveyed for noxious weeds. All occurrences of noxious weeds would be flagged and avoided.</p>	<p>Use of heavy equipment, grading, demolition, construction</p>	<p>Applicant</p>	<p>Surveys shall be submitted to the Mono County Community Development Department upon completion.</p>
<p>BIO-3: Weed Free Certification</p> <p>Straw, mulch, or gravels used for erosion control shall be certified weed-free.</p>	<p>Prior to start of construction</p>	<p>Applicant</p>	<p>Provide seed mix tags and certification Mono County</p>
<p>BIO-4: Special Status Fish</p> <p><u>For all Project activities taking place adjacent to Highland Ditch, where adjacent is defined as being within 50 feet from the top of bank, Best Management Practices (BMPs) shall be employed</u></p>	<p><u>Prior to start of ground disturbing activities</u></p>	<p><u>Applicant</u></p>	<p><u>Photo document BMPs in place and submit to Mono County</u></p>

Mitigation Monitoring and Reporting Plan			
Mitigation Measure	Mitigation Monitoring		
	Monitoring Schedule	Responsible Party	Monitoring Procedure
<p><u>to avoid impacts to water quality and aquatic habitat of the Highland Ditch. Impacts may include, but are not limited to, delivery of excess sediment through grading, disking, or grubbing activities; delivery of excess nutrients through runoff from cultivation areas; delivery of toxins from pesticide application; or any other Project activities that have the potential to substantially alter or degrade the water quality or aquatic habitat of the Highline Ditch. BMPs may include avoiding pesticide application during periods of increased wind, limiting water usage to avoid runoff, and/or keeping exposed soil damp to limit movement during ground disturbing activities.</u></p>	<p><u>located within 50-feet of Highland ditch</u></p>		
<p><u>BIO-5: American Badger</u> <u>A qualified biologist shall visually survey the Project area prior to construction to identify any feature/habitats suitable to support American badger (i.e., burrows, dens). Where an identifiable feature is present, the qualified biologist shall mark the potentially occupied feature for avoidance. If avoidance is infeasible, the qualified biologist shall determine whether the burrow or den is inactive or active. If the burrow or den is inactive, the qualified biologist shall excavate the burrow or den by hand and backfill to prevent reuse by American badger. If American badger is present, applicant shall notify California Department of Fish and Wildlife (CDFW) and applicant should develop an American badger-specific avoidance and relocation plan detailing the protective avoidance and relocation measures to be implemented prior to the commencement of Project activities for CDFW review. The use of rodenticides and herbicides shall be restricted to avoid primary and secondary poisoning of badger.</u></p>	<p><u>Prior to commencing ground or vegetation disturbing activities</u></p>	<p>Applicant</p>	<p>Surveys shall be submitted to the Mono County Community Development Department upon completion.</p>
<p><u>BIO: 6 Special Status Plants</u> <u>Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife’s (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a CDFW approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or</u></p>	<p><u>Prior to commencing ground or vegetation disturbing activities</u></p>	<p>Applicant</p>	<p><u>Surveys shall be submitted to the Mono County Community Development Department upon completion.</u></p>

Mitigation Monitoring and Reporting Plan			
Mitigation Measure	Mitigation Monitoring		
	Monitoring Schedule	Responsible Party	Monitoring Procedure
<p>fruiting) and, in a manner, which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the project area is identified to the taxonomic level necessary to determine rarity and listing status. If any special-status plants are identified, the County shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the County shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank or land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis. If the Project has the potential to impact a state listed species, the Project Applicant should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.</p>			
<p>BIO-7: Pesticides <u>Prior to construction and issuance of any grading permit, Sierra High Farms shall develop a plan, to be approved by Mono 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 manufacturer’s directions and warnings, (2) Avoidance of pesticide use where toxic runoff may pass into Fish and Game section 1602 resources, 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, and (6) Inclusion of measures that serve as alternatives to the use of toxic rodenticides, such as sanitation (removing food sources such as pet food, cleaning up refuse, and securing garbage in sealed containers), and physical barriers.</u></p>	<p><u>Prior to commencing ground- or vegetation disturbing activities</u></p>	<p><u>Applicant</u></p>	<p><u>Submittal of plan by applicant and acceptance by Mono County Community Development prior to construction or grading activities</u></p>
<p>BIO-8: Artificial Light <u>Light shall not be visible outside of any structure used for cannabis cultivation. This shall be accomplished by: employing blackout curtains where artificial light is used to prevent light escapement, eliminating all nonessential lighting from cannabis sites and avoiding or limiting the use of artificial light during the hours of dawn and dusk when many wildlife species are most active, ensuring 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/), and using LED lighting with</u></p>	<p><u>Prior to commencing ground- or vegetation disturbing activities</u></p>	<p><u>Applicant</u></p>	<p><u>Submittal of lighting plan by applicant and approval by Mono County prior to construction</u></p>

Mitigation Monitoring and Reporting Plan			
Mitigation Measure	Mitigation Monitoring		
	Monitoring Schedule	Responsible Party	Monitoring Procedure
<u>a correlated color temperature of 3,000 Kelvins or less. All hazardous waste associated with lighting shall be disposed of properly and lighting that contains toxic compounds shall be recycled with a qualified recycler.</u>			
<p><u>BIO-9 Employee Awareness</u> <u>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 (Workers Environmental Awareness Program; WEAP). The WEAP 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 WEAP information on 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 WEAP 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 and (2) protected species that have the potential to occur on the Project site.</u></p>	<u>Prior to commencing ground- or vegetation disturbing activities</u>	<u>Applicant</u>	<u>Completion of WEAP prior to grading or construction activities</u>
<p><u>BIO-10 LSA Program</u> <u>Prior to construction and issuance of any grading permit, the Project proponent should 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 proponent should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</u></p>	<u>Prior to commencing ground- or vegetation disturbing activities</u>	<u>Applicant</u>	<u>Submit request to CDFW and obtain correspondence prior to grading or construction activities</u>
Cultural and Tribal Resources			
<p><u>CR-1. Discovery of Cultural or Tribal Resources</u> <u>If any prehistoric or historic-period subsurface archaeological features or deposits are discovered during construction, all ground-disturbing activity within 25 feet of the resources shall be halted, and a qualified professional archaeologist and/or Tribal representative shall be retained to assess the significance of the find. If the find is determined to be significant by the qualified archaeologist (i.e., because it is determined to constitute either a historical resource or a unique archaeological resource), or Tribal representative, a plan shall be prepared to address the appropriate procedures</u></p>	<u>Ongoing during subsurface construction</u>	<u>Applicant</u>	<u>Prepare plan if archaeological features are discovered</u>

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Mitigation Measure	Mitigation Monitoring		
	Monitoring Schedule	Responsible Party	Monitoring Procedure
to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery.			
<p>CR-2. Unanticipated Discovery of Human Remains</p> <p>If human remains are encountered during construction, all ground disturbance activities within 150 feet of the discovery shall be suspended and the construction manager shall immediately notify the County coroner. If the human remains are determined to be of Native American descent, the coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours of identification. The NAHC shall identify and immediately notify the Most Likely Descendant (MLD) of the deceased Native American. Within 48 hours of being granted access to the site, the MLD shall complete the inspection of the site of the discovery and make recommendations to the Applicant/landowner for the treatment or disposition of the human remains and any associated funerary objects. All measures, as required by the County, shall be implemented under the supervision of the MLD and/or tribal representative.</p>	Ongoing during subsurface construction	Applicant	Suspend construction and notify Coroner if human remains are discovered
Public Services			
<p>PS-1: Security Plan</p> <p>Mono County shall require a site security plan which details measures to prohibit unauthorized access to commercial cannabis buildings and cultivation areas. The plan shall include proposed improvements and operations consistent with County Code 5.60.130 D including limited access areas, security lighting, video systems, and storage to prevent diversion, theft, and loss. The Mono County Sheriff's Office shall review and approve the security plan prior to issuance of the cannabis operation permit.</p>	Prior to issuance of commercial cannabis operation permit	Applicant, Mono County Sheriff's Office, Mono County Community Development Department	Review and approve security plan
Water Quality			
<p>WQ-1: Reseeding of Disturbed Areas</p> <p>Directly following construction, disturbed areas shall be reseeded with a certified weed-free seed mix <u>comprised of locally sourced native plant materials</u>. Seeded areas shall be watered as needed until fully established.</p>	Prior to issuance of certificate of occupancy for associated buildings	Applicant, Mono County Community Development Department	Verify establishment following construction

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Mitigation Monitoring and Reporting Plan			
Mitigation Measure	Mitigation Monitoring		
	Monitoring Schedule	Responsible Party	Monitoring Procedure
Wildfire			
<p>WF-1: Fire Safe Regulations</p> <p>Mono County shall require site improvements for access consistent with CalFire Fire Safe Regulations and Mono County General Plan Development Standards Section. Prior to issuance of a building permit the applicant shall submit site improvement plans which describe minimum emergency access, firewater storage and supply, and defensible space in accordance with PRC 4290 and 4291.</p>	Prior to issuance of certificate of occupancy for associated buildings	Applicant, Mono County Community Development Department	Review plans and confirm during inspection
<p>WF-2: Overhead Utility <u>Hardening and</u> Vegetation Management</p> <p>Mono County shall require <u>the above-ground power utility lines and poles to be constructed with features that reduce the risk of wildfire ignition. Above-ground power utility hardening techniques shall be incorporated into the utility design. Examples of design features include covered conductors, tree wire, wider crossarms, metal poles, and hardware upgrades. The applicant shall provide site plans, electrical system design plans and details incorporating hardening techniques to Liberty Utilities and Mono County. Liberty Utilities and Mono County shall approve the above-ground powerline plans prior to construction. The site plan and system design shall include a</u> vegetation management plan for proposed new overhead utilities corridors and new utility poles consistent with PRC 4292 and 4293, Public Utilities Commission General Order 95, and Liberty Utilities Wildfire Mitigation Plan. The applicant shall maintain vegetation to the standard of the vegetation management plan.</p>	Prior to construction of overhead utilities	Applicant, <u>Liberty Utilities</u> , Mono County Community Development Department	<u>Submit site plan, electrical system design plans, and</u> vegetation management plan

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Appendix A

Figures

Smith
Wellington
Topaz Lake NEVADA

Coleville
CALIFORNIA
Walker

NEVADA

CALIFORNIA

Eastside Lane

Topaz Lane

Legend

- Parcel Boundary
- Mono County Parcels
- Douglas County Parcels

Project:
County:
Surveyor: JoAnne Michael
Date:
Source: USGS The National Map, 2021

Figure 1
Sierra High Farms - Use Permit
Location Map

0 1,000 2,000 Feet
1 in = 2,000 Ft



6/22/2022

Legend

Parcel Boundary

Project Area

Phase Schedule

Phase 1

Phase 2

Phase 3

County: Mono County, CA
Date: 6/20/2022
Source: ESRI Imagery Services
Vivid Maxar 5/15/2021

Figure 2 Sierra High Farms - Use Permit Site Plan

0 200 400 Feet

1 In = 400 Ft

*Project Area footprint is within the
Parcel Boundary.

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6/30/2022

Legend

- Project Area
- Parcel Boundary
- Mono County Parcels
- Land Ownership
 - Bureau of Land Management
 - Private Ownership
- Mono County Land Use Designation
 - AG 10 - Agriculture
 - RM - Resource Management

AG 10

AG 10

AG 10

AG 10

RM

RM

0 250 500 Feet

1 In = 500 Ft

County: Mono County, CA
 Date: 6/20/2022
 Source: Mono County LUD Data, 2019

Figure 3
Sierra High Farms - Use Permit
Land Use Map

*Project Area footprint is within the
 Parcel Boundary.

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7/18/2022



NEVADA
 CALIFORNIA

Eastside Lane

Legend

Project Area

Parcel Boundary

Map Unit Number, Name

316, Holbrook very gravelly loamy sand,
2-8% slopes

485, Indian Creek-Haybourne association

611, Mimentor fine sandy loam,
0-2% slopes

702, Surpass sandy loam, 2-4% slopes

6458, Mimentor fine sandy loam,
0-2% slopes

NEVADA
CALIFORNIA

Eastside Lane

County: Mono County, CA
Date: 6/20/2022
Source: Web Soil Survey, 2021

Figure 4

Sierra High Farms - Use Permit Web Soil Survey

0 250 500 Feet
1 in = 500 Ft

*Project Area footprint is within the
Parcel Boundary.

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7/18/2022

Legend

- Project Area
- Parcel Boundary
- FEMA Flood Data
 - 100-year Floodplain
- National Wetland Inventory Type
 - Freshwater Emergent Wetland
 - Freshwater Forested/ Shrub Wetland
 - Freshwater Pond
 - Riverine

NEVADA
CALIFORNIA

Eastside Lane

County: Mono County, CA
 Date: 6/20/2022
 Source: National Wetland Inventory, 2021

Figure 5
Sierra High Farms - Use Permit
National Wetland Inventory

0 1,000 2,000 Feet
 1 in = 2,000 Ft

*Project Area footprint is within the Parcel Boundary.



Legend

Parcel Boundary

CNDDDB

- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Multiple (non-specific)

cut-leaf
checkerbloom

currant-leaved
desert mallow

bald eagle

395

NEVADA
CALIFORNIA

Lahontan
cutthroat trout

beautiful
cholla

Masonic
rockcress

little Lavin's
cutleaf milk-vetch

spiny
milkwort

395 American
manna grass

Eastside Lane

beautiful
cholla

Bodie Hills
cusickiella

Yosemite toad

Paiute
cutthroat trout

Lahontan 395
cutthroat trout

western
valley sedge

0 1 2 Miles

1 In = 2 Miles

Figure 6
Sierra High Farms - Use Permit
California Natural Diversity Database Map

Project:
 County:
 Surveyor: JoAnne Michael
 Date:
 Source: CNDDDB June, 2022



6/22/2022

Appendix B

Biological Technical Report

September 30, 2022

Biological Technical Report

for –

Sierra High Farms

Prepared For:

Mono County
Community Development Department
PO Box 347
Mammoth Lakes, CA 93546

Prepared By:



Resource Concepts, Inc.
340 N. Minnesota Street
Carson City, NV 89703-4152

September 30, 2022

Biological Technical Report

for –

Sierra High Farms

(RCI # 21-627.1)

Prepared For:

Mono County
Community Development Department
PO Box 347
Mammoth Lakes, CA 93546
(760) 924-1800

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Attachments

Attachment A. Biological Data

Summary of Acronyms

ACOE	Army Corps of Engineers
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CNDDDB	California Natural Diversity Database
CWA	Clean Water Act
DPS	Distinct Population Segment
EIR	Environmental Impact Report
ESA	Endangered Species Act
LCT	Lahontan Cutthroat Trout
LRWQCB	Lahontan Regional Water Quality Control Board
MBTA	Migratory Bird Treaty Act
NPDES	National Pollution Discharge Elimination System
NPPA	California Native Plant Protection Act
SNYLF	Sierra Nevada Yellow Legged Frog
SWPPP	Stormwater Pollution Prevention Plan
USFWS	U.S. Fish & Wildlife Service

File doc: 2022-09-30 Final Appx-B Rpt SHF Bio Tech Rpt 21-627.1 MC JRM-ca-jm L7-2.docx

1.0 Introduction

1.1 Introduction

At the request of Sierra High Farms, Resource Concepts, Inc (RCI) conducted a biological assessment within the proposed Sierra High Project Area. This report evaluates the potential impacts from the project to special status wildlife, vegetation, vegetation communities, and jurisdictional waters and will be used to complete the environmental impact review pursuant to the California Environmental Quality Act (CEQA).

1.2 Project Location

The 15- acre Project Area is located approximately 4.25 miles east of Coleville, Mono County, within the western edge of Antelope Valley on a 123-acre parcel (APN 001-150-004-000). The Project Area is bordered by the Nevada state line along its northeast boundary and Highland Ditch along its western. US Highway 395 is located three miles to the west. Reference Figure 1.

1.3 Project Description

Sierra High Farms is proposing a ten (10) acre outdoor and 24,000 square-foot (SF) indoor commercial greenhouse cannabis cultivation operation. The project is located within a 123-acre parcel (APN 001-150-004-000) that is owned by the project proponent. The General Plan land use designation of the parcel is Agriculture (AG) with a 10-acre parcel size minimum. The Location Map (Figure 1) and Site Plan (Figure 2) are provided in Attachment A.

1.3.1 Proposed Building and Ancillary Structures

The project proposes to construct an adult/medical cannabis production facility that includes both indoor and outdoor cannabis cultivation (Figure 2). The project includes construction and operation of the following project components:

Indoor Cultivation

- Four 12,312 square-foot greenhouses (108' by 114') \ (up to 10,500 sq ft indoor mature plant canopy)
- One cultivation lab (4,200 sq ft, 60' by 70')
- One maintenance shop (2,400 sq ft, 40' by 60')

Outdoor Cultivation

- Ten acres of outdoor cannabis cultivation area including hoop house structures
- One nursery and processing building (5,000 sq ft, 50' by 100')
- One drying shed building (2,100 sq ft, 35' by 60')
- Four storage containers of approximately 8' by 40' for outdoor cultivation tools and storage use

Smith
Wellington
Topaz Lake NEVADA

Coleville
CALIFORNIA
Walker

NEVADA

CALIFORNIA

Eastside Lane

Topaz Lane

Legend

- Parcel Boundary
- Mono County Parcels
- Douglas County Parcels

County: Mono County, CA
Date: 6/20/2022
Source: USGS The National Map, 2021

*Project Area footprint is within the
Parcel Boundary.

R:\Projects\Mono_County\21_627\MXD_PRO\SierraHigh\SierraHigh.aprx

Figure 1
Sierra High Farms - Use Permit
Location Map

0 1,000 2,000 Feet
1 In = 2,000 Ft



6/30/2022

Supporting Facilities and Utilities

- One well pump building (169 sq ft ,13' by 13')
- One water tank building containing three 5,000 gallon tanks (700 sq ft, 17' by 35')
- One septic system (1,500 gallon holding tank, 190' leach line)
- Propane generators for primary power supply (located within indoor cultivation buildings)
- Central propane tank (30,000 gallon)
- Access road improvements from project site to East Side Lane – widening from one to two lanes (10' by 3,000')
- Parking and loading areas
 - Indoor cultivation area – Parking for twelve (12) vehicles
 - Nursery parking area- Parking for three (3) vehicles
- Above ground electrical power service connection to Liberty Utilities (1.6 miles)

1.3.2 Project Phasing

The project is proposed to be implemented incrementally with the following phased improvements based on market conditions.

Table 1. Project Phasing

Phase 1
One (1) indoor cultivation building, maintenance shop, cultivation lab, access improvements, water tank, parking for indoor cultivation
Phase 2
Three (3) indoor cultivation buildings, central propane tank
Phase 3
Outdoor cultivation, drying shed, nursery, electrical service connection

1.3.3 Construction

Project construction would take place for approximately 3 years (2 years for Phases 1 & 2, 1 year for Phase 3). The project may not be constructed continuously. Construction timing of successive Phases 2 and 3 would ultimately be determined by market conditions. Construction equipment would be variable based on activity and would include graders, backhoes, compactors, bulldozers, trenchers, water trucks, excavators, scrapers, tractors, forklifts generators, rollers, welders, and air compressors.

Table 2. Construction Phasing and Duration

Construction Phase	Duration
Site grading – Phases 1 &2	60 days
Phase 1 – Indoor cultivation building #1, shop, and lab	6 months
Phase 2 – (3) Indoor cultivation buildings, propane tank	12 months
Phase 3 – Outdoor cultivation, drying shed, nursery, electrical service connection	12 months

September 30, 2022

Biological Technical Report
for – Sierra High Farms

Construction activities generally are clearing and grubbing of building footprints and the outdoor cultivation area. Grading activities of building pad construction with a cut and fill of approximately 13,000 cubic yards. At the completion of site grading development of the cannabis cultivation facilities would start. Indoor cultivation buildings and ancillary buildings are expected to be concrete slab and prefabricated metal buildings with grouted masonry walls. Installation of approximately 1.6 miles of above ground electricity and telecommunications would occur during Phase 3.

Legend

- Parcel Boundary
- Project Area
- Phase Schedule
 - Phase 1
 - Phase 2
 - Phase 3

County: Mono County, CA
Date: 6/20/2022
Source: ESRI Imagery Services
Vivid Maxar 5/15/2021

Figure 2 Sierra High Farms - Use Permit Site Plan

0 200 400 Feet
1 In = 400 Ft

*Project Area footprint is within the
Parcel Boundary.

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6/30/2022

2.0 Regulatory Framework

The biological resources evaluated in this report are regulated by several federal, state, and local laws and regulations. Key regulations applicable to the proposed project are discussed below.

2.1 Federal

2.1.1 Federal Endangered Species Act. - U.S. Fish and Wildlife Service (USFWS)

The US Fish and Wildlife Service (USFWS) regulates the taking of a species listed as threatened or endangered under the Endangered Species Act (ESA). Section 9 of the ESA (16 U.S.C. 1538(a)(1)(B)) prohibits the take of any endangered species and defines take as follows: “the term ‘take’ means to harass, harm, pursue, hunt, shoot, kill, trap, capture, collect or to attempt to engage in any such conduct” (16 U.S.C. 1532 (19)). USFWS has further defined “harm” to mean “an act which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering” (50 CFR 17.3). If a proposed project would result in take of a federally listed species, either the project applicant must acquire an incidental-take permit, under Section 10(a) of the ESA, or if a federal discretionary action is involved, the federal agency would consult with the USFWS under Section 7 of the ESA.

2.1.2 Migratory Bird Treaty Act

Migratory birds are protected and managed under the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703 et. seq.) and Executive Order 13186. Specific provisions in the statute include the establishment of a federal prohibition, unless permitted by regulation, to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention...for the protection of migratory birds or any part, nest, or egg of any such bird." Because forestlands provide a substantial portion of breeding habitat, land management activities within the Amador Ranger District can have an impact on local populations.

2.1.3 Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act prohibits any form of possession or taking of either bald eagles or golden eagles. In 1962, the act was amended to create a specific exemption for possession of an eagle or eagle parts (e.g., feathers) for religious purposes of Indian tribes. Rule changes made in September 2009 finalized permit regulations to authorize limited take of these species associated with otherwise lawful activities. These new regulations establish permit provisions for intentional take of eagle nests under particular limited circumstances (USFWS, 2009).

2.1.4 Clean Water Act

Waters of the US and adjacent wetlands are defined within Section 404 of the federal Clean Water Act (CWA) and are under the jurisdiction of the ACOE. Section 401 of the CWA requires that waters regulated under Section 404 obtain a State Water Quality Certification to ensure that discharges into waters of the US meet state water quality standards. Water Quality Certification is administered by the State of California for any activities that may result in any discharges into waters of the US.

2.2 State of California

2.2.1 California Endangered Species Act

The California Endangered Species Act (CESA) prohibits the taking of state-listed endangered or threatened species, as well as candidate species being considered for listing. A “take” of species is defined as an activity that would directly or indirectly kill an individual of a species. If a proposed project would result in a take of a California state listed species, the project proponent must obtain a Section 2081 incidental take permit if the impacts of the take are minimized and fully mitigated, and the take would not jeopardize the continued existence of the species.

2.2.2 California Department of Fish and Game Code

Section 1602 requires that all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that supports wildlife resources are subject to regulation by the California Department of Fish and Game under Section 1600 et seq. of the California Fish and Game Code. Under Section 1602, it is unlawful for any person to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the Department of Fish and Game, without first notifying the department of such activity and obtaining a final agreement authorizing such activity.

Sections 3511, 4700 5050, and 5515 of the California Fish and Game Code prohibits the take or possession of fully protected species and does not provide for authorization of incidental take. The Department of Fish and Game has informed non-federal agencies and private parties that their actions must avoid take of any fully protected species.

Section 3503 of the California Fish and Game Code states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, including raptors (e.g., hawks, owls, eagles, and falcons). Section 3513 of the California Fish and Game Code codifies the federal Migratory Bird Treaty Act.

2.2.3 California Native Plant Protection Act of 1977

The California Native Plant Protection Act (NPPA) of 1977 (Fish and Game code §1900-1913) prohibits the importation of rare and endangered plants into California, take of rare and endangered plants, and sale of rare and endangered plants. The NPPA requires that state-listed plant species are protected and evaluated under CEQA.

2.2.4 Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) is California’s statutory authority for water quality protection. The act sets forth the obligations of the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs) under the CWA to adopt and periodically update water quality control plans, or basin plans. The act provides for waste discharge requirements and a permitting system for discharges to land or water. Certification is required by the RWQCB for activities that can affect water quality.

2.2.5 California Food and Agriculture Code

The California Food and Agriculture Code Section 403 designates the California Department of Food and Agriculture as the lead state agency in preventing the introduction and spread of injurious insects or

animal pests, plant diseases, and noxious weeds. Food and Agriculture Code Section 7271 designates the Department of Food and Agriculture as the lead department in noxious weed management responsible for implementing state laws concerning noxious weeds. Representing a statewide program, noxious weed management laws and regulations are enforced locally in cooperation with the County Agricultural Commissioner (California Department of Food and Agriculture, 2010b).

Under state law, noxious weeds include any species of plant that is, or is liable to be, troublesome, aggressive, intrusive, detrimental, or destructive to agriculture, silviculture, or important native species, and difficult to control or eradicate, which the director, by regulation, designates to be a noxious weed (FAC Section 5004). The current designation of noxious weeds in California can be found under California Administrative Code, Title 3, Section 4500 or at www.cdfa.ca.gov/phpps/ipc/weedinfo/winfo_list-pestrating.htm.

2.3 Non-Governmental Agency

2.3.1 California Native Plant Society

The California Native Plant Society (CNPS) maintains a list of plant species native to California that are found in low numbers, have limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. Potential impacts to populations of CNPS-listed plants receive consideration under CEQA review.

2.4 Local

2.4.1 Mono County General Plan

The Mono County General Plan and Conservation/Open Space Element contain several policies with objectives to maintain and restore biological resources through avoidance of impacts or mitigation to reduce impacts to a level of non-significance. These policies were reviewed with respect to proposed project activities and found to be consistent; however, final determination of the project's consistency with the General Plan rests with Mono County Community Development Department. A few of the policies that pertain to this project and that were incorporated into project design and mitigation are listed below:

- Policy 2.A.1. Completing site specific resource assessments prior to project approvals
- Policy 2.A.2. Protect and restore threatened and endangered species and their habitats
- Policy 2.A.3. Protect and restore sensitive plants, wildlife, and their habitat
- Policy 2.A.4. Participate in the Bi State Local Area Working Group on sage-grouse conservation and assist with the implementation of the Bi-State Action Plan
- Policy 2.A.5. Prohibit construction activities such as grading in sensitive habitats prior to environmental review in compliance with CEQA and the Mono County Grading Ordinance
- Policy 2.A.6. During construction, utilize soil conservation practices and management techniques to conserve naturally occurring soils

3.0 Methods

3.1 Literature and Databases

Several sources of information were consulted and reviewed prior to the field reconnaissance. These included: USGS topographic map (Figure 1), soil survey data (Figure 3), National Wetland Inventory map (Figure 4), and California Natural Diversity Database occurrence data (Figure 5).

The following listed databases were queried, and results reviewed. Results of the database searches are included in Appendix C.

- USFWS's Information Planning and Conservation (IPAC) System (2022a)
- USFWS's Critical Habitat Portal (2022b)
- California Natural Diversity Database (CNDDDB) search for nine quad (CDFW 2022)
- Nevada Department of Wildlife (NDOW 2022)
- Nevada Natural Heritage Program (NNHP 2022)

3.2 Field Reconnaissance and Surveys

Preliminary reconnaissance surveys of the site were conducted on February 11, 2021 to assess the on-site vegetative communities and species habitat potential. On September 1, 2022 a qualified biologist from Resource Concepts, Inc. conducted plant surveys on foot using meandering transects. The survey was timed so that target plant species could be located and positively identified in the field. Plant species that were not easily identified in the field were collected for identification using taxonomic keys. Every plant species encountered was identified to a sufficient level to determine if it was a species of concern.

4.0 Results

4.1 Existing Conditions

The following section describes the existing site conditions.

4.1.1 Physical Characteristics and Topography

The project site is relatively flat, ranging in elevation from approximately 5,180 to 5,235 feet, sloping at 2-4 percent east to west. (Reference Figure 1).

4.1.2 Soils and Geology

The soils of the proposed Project Area are mapped by the USGS Web Soil Survey for the Coleville-Bridgeport area, parts of Alpine and Mono Counties, California primarily as Mimentor fine sandy loam, and the Indian Creek Heyborne association (reference Figure 3).

Mimentor fine sandy loam soils, 0 to 2 percent slopes, consist of sandy loam soils over clay loam soils and are derived from mixed alluvium. They are classified as well drained with a depth to water table of more than 80 inches.

A typical soil profile of Mimentor fine sandy loam soils consists of:

- 0 to 9 inches: fine sandy loam
- 9 to 24 inches: clay loam
- 24 to 36 inches: gravelly fine sandy loam
- 36 to 60 inches: gravelly sandy loam

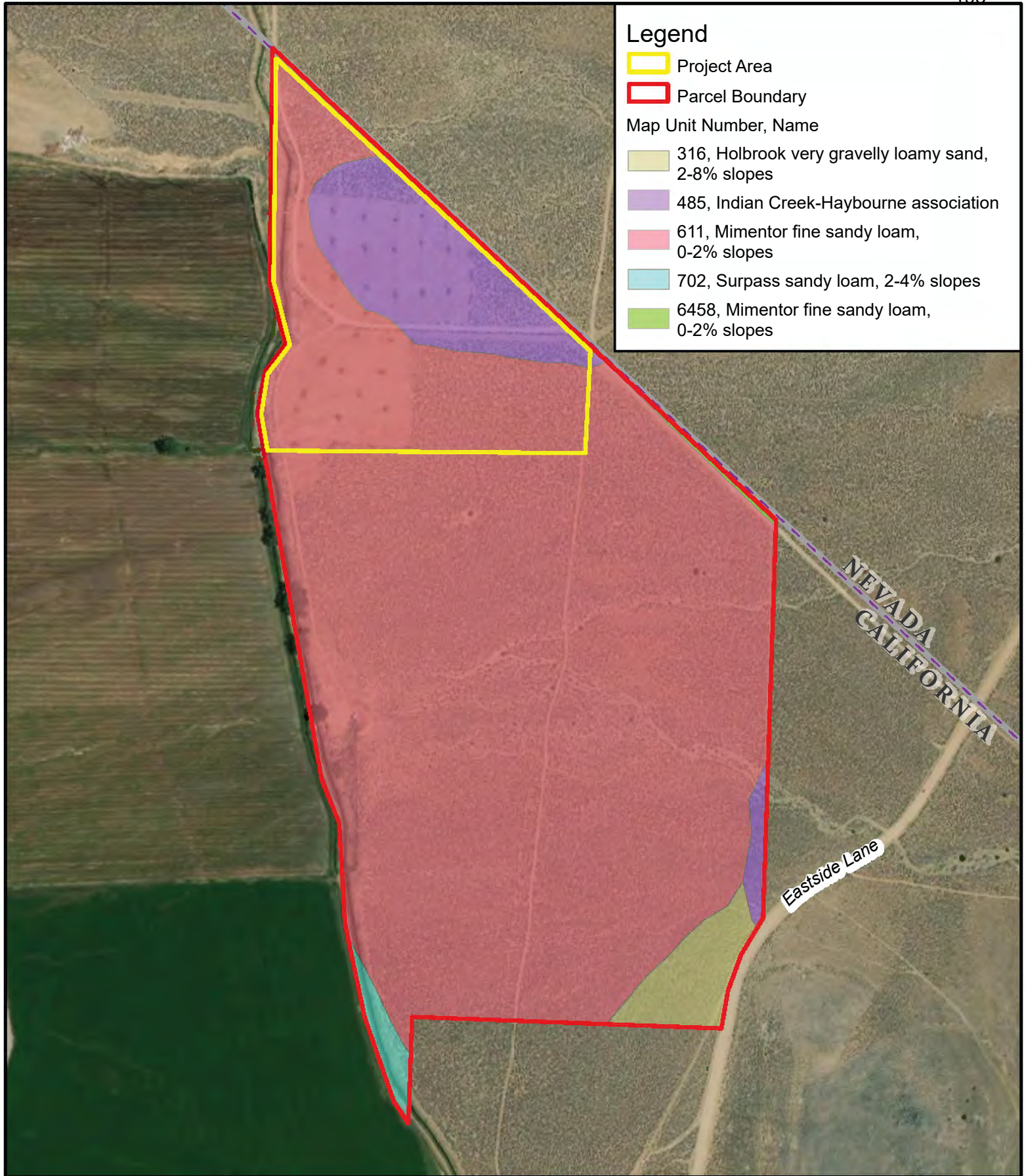
Indian Creek - Heyborne association is formed of alluvium derived from mixed rocks. The soils consist of shallow loam over gravelly clay, with a cemented layer at 20 to 25 inches. These soils are classified as well drained and depth to the water table is more than 80 inches.

A typical soil profile of Mimentor fine sandy loam soils consists of:

- 0 to 9 inches: fine sandy loam
- 9 to 24 inches: clay loam
- 24 to 36 inches: gravelly fine sandy loam
- 36 to 60 inches: gravelly sandy loam

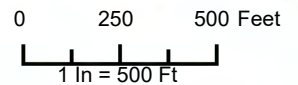
4.1.3 Hydrology

The mean annual precipitation for the Project Area is 8 to 12 inches. The west side of the property borders Highline Ditch, which irrigates the off-site pastures to the west. There is one ephemeral stream channel that originates in the mountains to the east that flows west through the proposed outdoor cultivation area. There are no wetlands, riparian habitat, or other sensitive natural communities on-site.



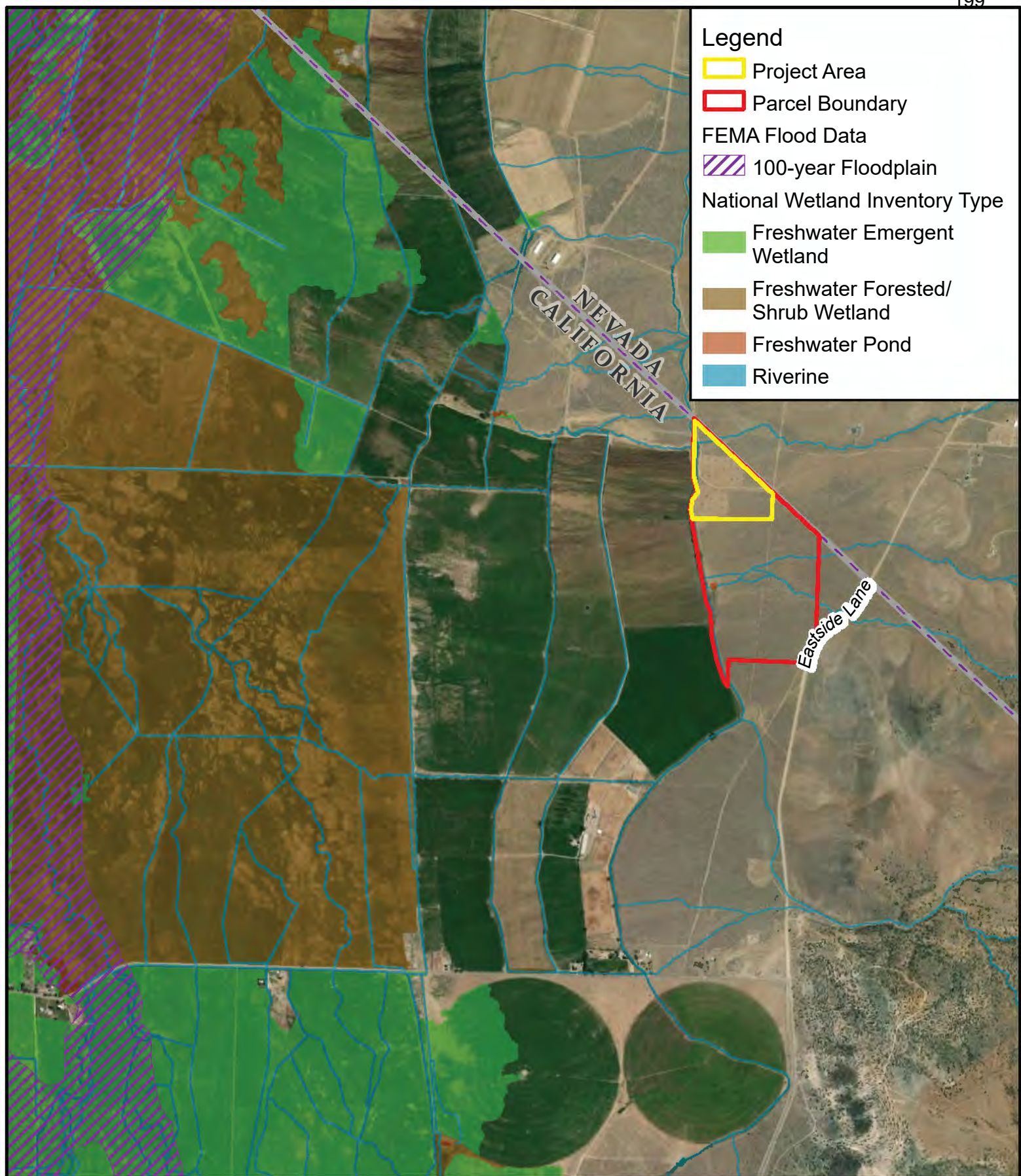
County: Mono County, CA
 Date: 6/20/2022
 Source: Web Soil Survey, 2021

Figure 3
 Sierra High Farms - Use Permit
 Web Soil Survey



*Project Area footprint is within the Parcel Boundary.

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Legend

- Project Area
- Parcel Boundary

FEMA Flood Data

- 100-year Floodplain

National Wetland Inventory Type

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Riverine

County: Mono County, CA
 Date: 6/20/2022
 Source: National Wetland Inventory, 2021

Figure 4
 Sierra High Farms - Use Permit
 National Wetland Inventory

0 1,000 2,000 Feet
 1 in = 2,000 Ft

*Project Area footprint is within the Parcel Boundary.

7/18/2022

4.1.4 Vegetation

The site is uniformly dominated by big sagebrush (*Artemisia tridentata* var. *wyomingensis*) with occasional four-winged saltbrush (*Atriplex canescens*), antelope bitterbrush (*Purshia tridentata*), rabbitbrush (*Ericameria nauseosa*), and Mormon tea (*Ephedra nevadensis*). There was one western juniper trees. The six acres of native vegetation that were previously cleared from the Project Area have become revegetated with native grasses intermixed with a non-native, invasive tumble mustard (*Sisymbrium altissimum*). This area will be graded and developed areas as part of the indoor grow operations.

Existing developments surrounding the project area include annual cropping systems and irrigated pastures in the areas between generally scattered housing. Long-standing pastures and agricultural fields in rotation have lost much of their former habitat value for native vegetation and wildlife in Mono County (2015 RTP/GPU).

4.2 Special Status Species

Special-status species are plants and animals that are legally protected under the CESA (Fish and Game Code, §2050 et seq.), the ESA, or other regulations. For the purposes of this study, special-status species are defined as:

- Species listed or proposed for listing as threatened or endangered under the ESA;
- Species that are candidates for possible future listing as threatened or endangered under the ESA;
- Species that are listed or proposed for listing by the State of California as threatened or endangered under the CESA;
- Plants considered by CDFW and CNPS to be “rare, threatened, or endangered in California” (Rare Plants Ranks as 1B and 2; California Department of Fish and Game, 2015a), and California Native Plant Society, (2015);
- Species that meet the definition of rare or endangered under the State CEQA Guidelines, Section 15380; and
- Animals fully protected in California (Fish and Game Code, §3511 for birds, §4700 for mammals, and §5050 for reptiles) and amphibians; or animal species of special concern to the CDFG (California Department of Fish and Game, 2011).

Additionally, protection of migratory birds and their nests is regulated by the Migratory Bird Treaty Act (MBTA). Birds may forage and nest in multiple habitats and pass through a site in route to either. Therefore, there are numerous migratory bird species that have the potential to nest within the Project Area.

Another species of concern but is not listed at the state or federal level is the Bi-State Distinct Population Segment (DPS) of Greater Sage-Grouse (*Centrocercus urophasianus*). Mono County, in cooperation with other public agencies and private stakeholders, is committed to implementation of the *Bi-State Action Plan for Conservation of the Greater Sage-Grouse Bi-State Distinct Population Segment* and implementation of the plans polices to maintain the existence of high-quality sage-grouse habitat where it occurs.

Mule deer (*Odocoileus hemionus*), although not designated as a species of concern by CDFW, are also treated as sensitive in this analysis. A decline in mule deer numbers in the mid- to late 1960s prompted CDFW to formulate a statewide management plan, followed by specific deer herd management plans.

Seven of these management plans apply to the resident and migratory deer of Mono County, including the West Walker herd located within the vicinity of the Project Area.

4.2.1 Special Status Plants

Based on review of the CNDDDB (Figure 5) and U.S. Fish and Wildlife Species List (reference Attachment C) and evaluation of specific habitat requirements, two special status plant species were determined to have potential to occur within the Project Area. These species are beautiful cholla (*Grusonia pulchella*) and Masonic rockcress (*Boechea cobrensis*).

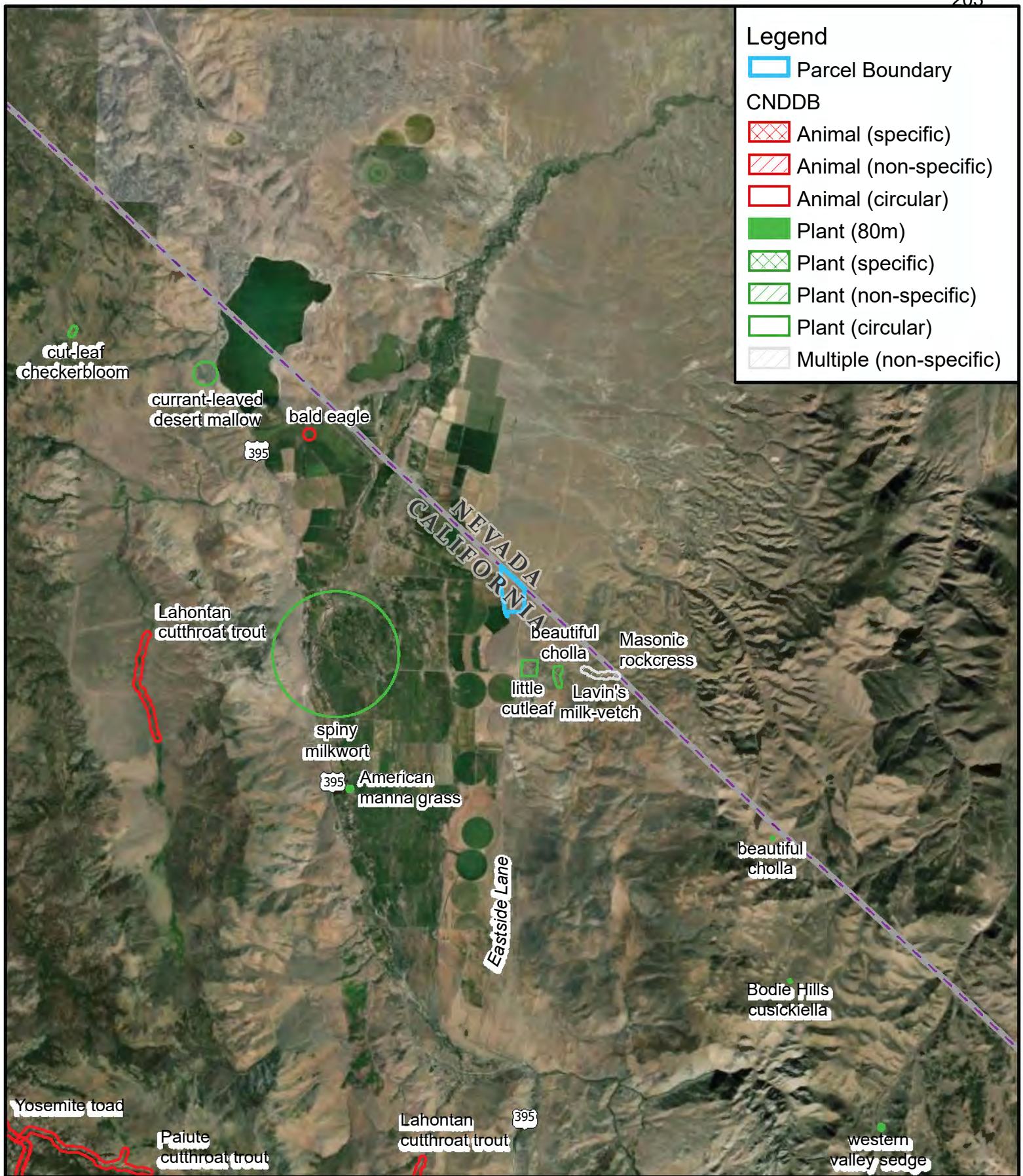
Table 3. Special Status Plant Species with Potential to Occur on Site or Within Vicinity of the Project Area

Common Name / Scientific Name	USFWS	State Status	CNPS	Habitat Description	Potential Habitat within Project Area / Potential to Impact
Lavin's milk-vetch -- <i>Astragalus oophorus</i> var. <i>lavinii</i>	--	--	1B.2	Open, dry, relatively barren gravelly clay slopes, knolls, badlands, or outcrops, derived from volcanic ash or carbonate, usually on northeast to southeast aspects, in openings in the pinyon-juniper or sagebrush zones. 6,560 ft + elevation.	None. The Project Area does not contain gravelly clay slopes, knolls, or outcrops on volcanic or carbonate soils. Site located below documented elevation range.
Masonic rockcress -- <i>Boechea cobrensis</i>	--	--	2B.3	Sandy soils under shrubs in sagebrush scrub, northern juniper woodlands, Pinyon-juniper woodlands. 4,420-11,155 ft.	May occur, not likely to occur. Potential habitat present within sandy soils within sagebrush community; no individuals present during previous site surveys. One occurrence documented 2.2 miles to the southeast.
Liddon's sedge - <i>Carex petasata</i>				Broadleaf upland forest, lower montane coniferous forest, meadows and seeps, pinyon and juniper woodland. 2740 – 3030 ft.	None. There are no broadleaf upland forest, lower montane coniferous forest, meadows and seeps, pinyon and juniper woodland.
Western Valley Sedge -- <i>Carex vallicola</i>	--	--	2B.3	Moist to dry slopes, montane. 5,900-10,170 ft.	None. No moist to dry slopes. Project Area located below documented elevation range.
Bodie Hills cusickiella -- <i>Cusickiella quadricostata</i>	--	--	1B.2	Rocky flats within sagebrush scrub, slopes, and PJ Woodlands. 7,545-9,185 ft.	None. There are no rocky flats within Project Area. Site elevation is below known occurrence of species.
Beautiful cholla -- <i>Grusonia pulchella</i>	--	CY	2B.2	Dry, open, loose, mostly sandy soils, sometimes gravelly or rocky (especially carbonate) soils of valley floors and gentle slopes in the shadscale, mixed shrub, sagebrush, and lower pinyon-juniper zones. 4,920-5,580 ft.	May occur, not likely to occur. Potential habitat present in sandy flats within sagebrush; no individuals present during previous site surveys. Two occurrences documented at 1.5 and 5.8 miles away.

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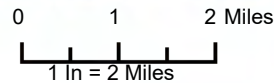
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Little cutleaf -- <i>Hymenopappus filifolius</i> var. <i>nanus</i>	--	--	2B.3	Pinyon and juniper woodland, subalpine coniferous forest. 4920 ft – 10,000 ft	None. There are no pinyon/juniper woodlands or subalpine coniferous forest within the Project Area.
Spiny milkwort -- <i>Polygala subspinos</i>	--	--	2B.2	Desert scrub, volcanic mesas. 4,430-7,496 ft.	None. No volcanic soils within Project Area.
Cut-leaf checkerbloom -- <i>Sidalcea multifida</i>	--	--	2B.3	Dry places in sagebrush scrub and pine forest. 6,560-9,185 ft.	None. The Project Area is located approx. 1,000 feet below in elevation than any documented occurrences.
Currant-leaved desert mallow -- <i>Sphaeralcea grossulariifolia</i>	--	--	2B.3	Dry volcanic soils.	None. The on-site soils are not derived from volcanics.



County: Mono County, CA
 Date: 6/20/2022
 Source: CNDDDB June, 2022

Figure 5
 Sierra High Farms
 California Natural Diversity Database Map



*Project Area footprint is within the Parcel Boundary.

4.2.2 Special Status Wildlife Species

Review of the CNDDDB and U.S. Fish and Wildlife Species List identified 14 special status wildlife that are known or expected to occur near the Project Area. The table below lists the special status wildlife species with potential to occur on-site and the likelihood of occurrence based on the availability of suitable habitat. There were no proposed or designated critical habitats located within the Project Area.

Table 4. Special Status Wildlife Species with Potential to Occur On-Site or Within Vicinity of the Project Area

Common Name / Scientific Name	Status		Habitat Description	Potential Habitat within Project Area / Potential to Impact
	ESA	State Status		
Amphibians				
Yosemite Toad -- <i>Anaxyrus canorus</i>	FT	SSC S2S3	Always in vicinity of wet meadow, also in seasonal ponds associated with lodgepole pine and subalpine conifer forest. 6,400-11,300 ft in elevation.	None. There are no wet meadow or ponds on-site. Project area is not located within known elevation range of species habitat. The project would not impact the Yosemite toad.
Sierra Nevada Yellow-legged Frog -- <i>Rana sierrae</i>	FE		High elevation low-gradient streams and small ponds that are either intermittent or perennial. Always encountered within a few feet of water.	None. There are no streams or ponds on-site. The project would not impact Sierra Nevada Yellow-legged Frog or potential habitat.
Fish				
Lahontan Cutthroat trout -- <i>Oncorhynchus clarkii henshawi</i>	FT	none	Occurs in cool flowing water with available cover of well-vegetated and stable stream banks, in areas where there are stream velocity breaks, and in relatively silt free, rocky riffle-run areas. Lahontan cutthroat trout (LCT) are known to occur in the Middle West Walter River (NDOW 2022).	None. There are no well-vegetated and stable streambanks with rock riffle run areas on-site. The project would not impact LCT or potential habitat.
Mountain whitefish -- <i>Prosopium williamsoni</i>	none	SSC	Commonly found in mountain streams and lakes, favoring cold water and large deep pools.	None. There are no mountain streams or lakes within the project area. The project would not impact Mountain whitefish
Lahontan mountain sucker -- <i>Catostomus lahontan</i>	None	SSC	Found in shallow (<2m), clear, low-gradient streams; associated with diverse substrates, in areas with dense cover.	None. There are no streams within the Project Area. The project will not impact Lahontan mountain sucker.
Birds				
Golden Eagle -- <i>Aquila chrysaetos</i>	FP	S3 BCC	Annual grassland to above timberline; generally, inhabit open and semi-open country such as sagebrush, surrounded by hills and cliffs for nesting.	May occur. May use site for foraging. No suitable nesting habitat available.

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Common Name / Scientific Name	Status		Habitat Description	Potential Habitat within Project Area / Potential to Impact
	ESA	State Status		
Long-eared owl -- <i>Asio otus</i>	None	S2 SSC	Deciduous and evergreen forests, orchards, wooded parks, desert oases. Wooded areas with dense vegetation needed for roosting and nesting; open areas for hunting.	None. No forested or wooded habitat present.
Swainson's hawk -- <i>Buteo swainsoni</i>	None	S2	Large riparian nesting trees, agricultural fields and open shrublands. Occupy juniper/sagebrush communities. Adapted to agricultural landscapes.	May occur. May use site for foraging. No suitable nesting habitat available.
Greater Sage-grouse -- <i>Centrocercus urophasianus</i> Bi-State DPS	None	SSC	Foothills, plains, and mountain slopes where sagebrush is present, often with a mixture of sagebrush, meadows, and aspen, in close proximity.	May occur, not likely to occur. Suitable sagebrush habitat present but lacks the meadow component. Per NDOW, no known leks or tracking locations in the vicinity of the Project Area.
Northern Harrier -- <i>Circus cyaneus</i>	None	S3 SSC	Wet meadows and grasslands with low, thick vegetation. May utilize dry upland areas. Roosts on ground.	May occur, not likely to occur. May use site for foraging. No wet meadow or grasslands present for nesting.
Yellow warbler -- <i>Setophaga petechia</i>	none	S3 SSC	Habitat includes open scrub, second-growth woodland, thickets, farmlands, and gardens, especially near water; riparian woodlands, especially of willows are typical habitat in the West.	None. No dense woodlands or thickets on-site. No impact to yellow warblers.
Southwestern Willow Flycatcher -- <i>Empidonax traillii extimus</i>	FE	S1	Utilizes relatively dense riparian tree and shrub communities associated with rivers, swamps, and other wetlands. Habitat patches must be at least 0.25 acres in size and at least 30 feet wide.	None. There is no riparian habitat on-site. The project would not impact SW willow flycatcher or potential habitat.
Prairie Falcon -- <i>Falco mexicanus</i>		S3 BCC	Open areas, steppe, plains or prairie. Typically nests in pothole or well sheltered ledge on rocky cliff or steep embankment.	May occur. May use site for foraging. No suitable nesting habitat available.
Bald Eagle -- <i>Haliaeetus leucocephalus</i>	D FP	S2 SE	Nest near river and large lakes, utilizing old growth trees, snags, and cliffs.	None. There are no rivers, lakes or nesting habitat. The project would not impact the bald eagle.
Brewer's sparrow -- <i>Spizella breweri</i>	None	S3 BCC	Strongly associated with sagebrush. Nests low in sagebrush, other shrub, or cactus.	May occur. May use site for foraging and nesting.
Yellow-headed blackbird -- <i>Xanthocephalus</i>	None	S3, S4 SSC	Fresh-water marshes of cattail, tule or bulrushes.	None. No fresh-water marshes in vicinity of the project area.

Common Name / Scientific Name	Status		Habitat Description	Potential Habitat within Project Area / Potential to Impact
	ESA	State Status		
Yellow-billed Cuckoo -- <i>Coccyzus americanus</i>	FT		Breeds in low to moderate elevation in native forests lining rivers and streams. Requires relatively large (>20 hectares) contiguous patches of multilayered riparian habitat for nesting.	None. There are no forests lining streams and rivers on-site. The project would not impact the yellow-billed cuckoo or potential habitat.
Mammals				
Pallid bat -- <i>Antrozous pallidus</i>	--	S3 SSC	Deserts, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting.	May occur. May use site for foraging. No suitable roosting habitat available.
Townsend's big-eared bat -- <i>Corynorhinus townsendii</i>	None	S2	Most common in mesic sites; roost in the open, hanging from walls and ceilings.	May occur. May use site for foraging. No suitable roosting habitat available.
Wolverine -- <i>Gulo gulo</i>	None	Threatened FP	Wide variety of high elevation habitat. Uses caves, logs, burrows for cover and den area. Hunts in open areas	None. No suitable denning habitat.
Silver-haired bat -- <i>Lasionycteris noctivagans</i>	None	S3S4	Montane forest dweller, feeding over streams, ponds and open brushy areas. Roosts in hollow trees, beneath bark, abandoned woodpecker holes.	May occur. May use site for foraging. No suitable roosting habitat available.
Hoary bat -- <i>Lasiurus cinereus</i>	None	S4	Open habitats or habitat mosaics, with access to trees for cover and open area or habitat edges for feeding; roosts in dense foliage of medium to large trees.	May occur. May use site for foraging. No suitable roosting habitat available.
Western white-tailed jackrabbit -- <i>Lepus townsendii townsendii</i>	None	S2 SSC	Open grassy fields, desert scrubland and farmland.	May occur, not likely to occur. Habitat present, but species considered uncommon to rare on the eastern slopes of Sierra Nevada (CDFW 2022).
Western small-footed myotis (bat) -- <i>Myotis ciliolabrum</i>	None	S2S3	Wide range of habitats, mostly arid wooded and brushy uplands near water. Cover in caves, buildings, mines, and crevices.	May occur. May use site for foraging. No suitable roosting habitat available.
Long-eared myotis -- <i>Myotis evotis</i>	None	S4	Brush, woodland, and forest habitat; prefers woodlands and forests. Nursery colonies in buildings, crevices, spaces under bark, snags.	None. No forest or woodlands present. No suitable roosting habitat available.
Fringed myotis -- <i>Myotis thysanodes</i>	None	S4	Uses a wide variety of habitats. Pinyon-juniper, uses caves, mines, buildings, or crevices for maternity colonies.	May occur. May use site for foraging. No suitable roosting habitat available.
Yuma myotis -- <i>Myotis yumanensis</i>	None	S4	Open forests and woodlands; closely tied to bodies of water. Maternity colonies in caves, mines, buildings, or crevices.	None. No forest or woodlands present; no water bodies or roosting habitat.

Common Name / Scientific Name	Status		Habitat Description	Potential Habitat within Project Area / Potential to Impact
	ESA	State Status		
American badger -- <i>Taxidea taxus</i>	None	S4 SSC	Prefers open areas, brushlands with little groundcover. Can include parklands, farms and treeless area with friable soil.	None. Site soils not friable or suitable for burrows.
Insects				
Morrison bumble bee -- <i>Bombus morrisoni</i>	None	S1S2	From the Sierra-Cascade Range eastward across intermountain west. Food plant genera include <i>Cirsium</i> , <i>Cleome</i> , <i>Helianthus</i> , <i>Lupinus</i> , <i>Ericameria</i> , and <i>Melilotus</i> .	None. Site is dominated primarily by sagebrush scrub with few forbs present.
Monarch Butterfly -- <i>Danaus plexippus</i>	C	none	open fields and meadows with milkweed.	None. No milkweeds observed within the Project Area.

State Ranking – CNDDDB State Conservation Ranking (CDFW 2014)

S1 is Critically imperiled: often 5 or fewer populations, or steep rate of decline,

S2 is Imperiled: Often 20 or fewer populations, steep decline or very restricted in range,

S3 is Vulnerable: often 80 or fewer populations, declining or restricted range,

S4 is Apparently Secure: uncommon but not rare in California

SSC – CDFW Species of Special Concern

BCC – USFWS Birds of Conservation Concern

ESA ST – State Threatened

SE – State Endangered

FT – Federally Threatened

FE – Federally Endangered

Other Species of Special Concern

Greater Sage-Grouse

The Bi-State Distinct Population Segment (DPS) of Greater Sage-Grouse (*Centrocercus urophasianus*) is another species of concern to Mono County but is not listed at the state or federal level. There is relatively marginal potential for presence of sage-grouse in the remaining sagebrush-dominated uplands surrounding Coleville during the normal brood-rearing period (March 1 – Sept 30) (2015 RTP/GPU). Based on consultation with the Nevada Department of Wildlife, there are no known Greater Sage-Grouse lek sites in the vicinity of the Project Area (NDOW 2022).

Mule Deer

There are no known migration corridors through the Project Area, but Mule deer may potentially use the on-site shrub habitat for overwintering (NDOW 2022, BIOS 2022).

4.2.3 Migratory Birds – Breeding and Nesting Habitat

Protection of migratory birds and their nests is regulated by the MBTA. Birds may forage and nest in multiple habitats and pass through a site in route to either. Nesting season in the Coleville area extends

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from March 1 through September 30. Therefore, there are numerous migratory bird species that have the potential to nest within the Project Area.

4.3 Potentially Jurisdictional Water Resources

Based on field surveys by RCI Biologist (February 2021 and September 2022) and review of the National Wetlands Inventory, it was determined that there are no wetlands within the Project Area. There is one ephemeral stream that originates in the steeper mountain slopes to the east and flows dissipate within the Project Area. There is no channelized flow into the Highline Ditch.

The Highline Ditch conveys water from the East Slough, a canal off the West Walker River, north approximately 6.7 miles through pastures and agricultural fields, and discharges back to the West Walker River approximately 4.7 miles north of the Project Area. The ditch borders the west side of the Project Area. There are dirt access roads that run along both sides of the ditch as it parallels the site. Vegetation along the banks is primarily sagebrush and invasive weeds. The vegetation below the top of has small patches of riparian vegetation. There are no trees along the banks of the ditch through the project area

5.0 Project Impacts and Mitigation Measures

5.1 Potential Impacts and Standards of Significance

Potential direct and indirect impacts to biological resources are discussed in the following sections. Direct effects to a sensitive species or potential habitat occur from physical impacts caused by activities associated with the proposed project. Direct impacts from this project include those impacts caused by disturbance from construction equipment, trenching, grading activities, or long-term operation of the cannabis farm.

Potential indirect effects on sensitive species or their potential habitat are effects that are separated from an action in either time or space. Indirect effects resulting from project implementation may affect the quantity, quality, and distribution of habitats and may have positive or negative effects on sensitive resources. Indirect effects may also be caused by temporary construction activities that increase air pollution, noise, or human presence in such a way that temporarily disrupts nearby species and habitat vitality. Erosion or increased surface runoffs that may affect down gradient waters is an example. With respect to the latter, all project grading will be subject to the typical restrictions and requirements that address erosion and runoff, including National Pollution Discharge Elimination System (NPDES) and California's General Construction Permit, which requires preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP).

The impact analysis below is based on the State CEQA Guidelines Appendix G thresholds of significance. The project is considered to have a significant impact to vegetation and wildlife if it would:

1. Have a substantial adverse effect, either directly or through habitat modifications on any species identified as candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
6. Conflict with any provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.
7. Reduce the number or restrict the range of an endangered, rare, or threatened plant or animal species or biotic community, thereby causing the species or community to drop below self-sustaining levels.

5.2 Impact Analysis and Mitigation

The following sections analyze the potential permanent and temporary direct and indirect impacts to sensitive biological resources from project activities specific to the proposed Sierra High Farm project. The mitigation measures proposed below are incorporated to minimize and avoid project impacts.

5.2.1 Special Status Plants

Suitable habitat for two (2) listed plant species occurs on-site and would be affected by the proposed activities. The species status plant species beautiful cholla (State protect cactus, CNPS 2B.2) and masonic rockcress (CNPS 2B.3) are typically associated with sandy soils in sagebrush scrub (reference Table 4 above). A field survey for special status plant species was completed on September 1, 2022 by RCI Sr. Biologist. All plant species encountered were identified to a sufficient level to determine if it was a species of concern. Based on survey results from September 1, 2022, these two species were not identified on-site and no direct effects to these special status species is anticipated.

Direct effects from the proposed project to potential habitat for special status species would occur from removal of approximately 15 acres of upland sagebrush shrub habitat during grading and construction of the four indoor cultivation buildings, associated support buildings (e.g., water tank, shop, and lab), and widening of the existing access road. Additionally, approximately ten acres of upland shrub habitat will be impacted during phase 3 of the project through removal of vegetation for outdoor cultivation. These actions would result in permanent, direct impacts to potential habitat for beautiful cholla and masonic rockcress. However, based on the abundance of similar potential habitat surrounding the project area, direct effects to potential habitat for the two special status species was determined to be less than significant.

Significance after Mitigation

There would be no significant impacts to special status plants and no mitigation is proposed.

5.2.2 Special Status Wildlife

Federally and State Protected Species

Based on initial observations of on-site habitat, there is no potential habitat for federally or state listed wildlife species. No federally or state ESA listed wildlife species have potential to occur within the Project Area.

There are 12 special status wildlife species that may occur within the Project Area. These include seven state protected bat species and five special status bird species.

There is suitable foraging habitat for bats on-site but no suitable roosting habitat present. Because of the abundance of similar foraging habitat surrounding the Project Area and the bats ability to avoid construction activities, it is determined there will be no significant impacts to the seven bat species.

There is potential for five species of special status bird species. Four of these species (Golden Eagle, Swainson's Hawk, Northern Harrier, and Prairie Falcon) may utilize the site for foraging, but there is

no suitable nesting habitat for these species within the Project Area. Similar to the bat species, the proposed project will have no significant impact on these four species.

The Brewer's sparrow is identified as having potential to nest on-site. The Brewer's sparrow is listed as a USFWS Bird of Conservation Concern and has been given a S3 ranking by the State due to its declining population. Brewer's sparrow tend to nest in low sagebrush and other shrubs. Therefore, Brewer's sparrow, along with other nesting birds, have the potential to be impacted by clearing and grading activities that remove potential nesting habitat. If clearing occurs during the nesting season, the project could result in direct impacts to the Brewer's sparrow and other nesting birds should they be present. Indirect effects from elevated noise and increased human activity may result in nest abandonment if nesting birds are present within 200 feet. These impacts are less than significant when the following mitigation is implemented.

Mitigation Measure BIO-1- Nesting Birds Surveys

The project applicant would implement the following practices for protection of bird species with the potential to nest within the Project Area.

- Pre-project surveys for nesting birds and raptors will be conducted in suitable nesting habitat within 500 feet of vegetation removal, construction, and development activities, and will be reviewed and accepted by the Mono County Community Development Department prior to site disturbance or construction activity. Determination of habitat suitability, and whether a pre-project survey is required should be based on a reconnaissance field assessment of habitat conditions before initiating projects in these areas

Survey Timing: March 1 to August 31

- If an active bird nest is located during the pre-project surveys, the project proponent will notify Mono County and the CDFW. To avoid disturbances to or loss of active nest sites, between March 1 and August 31, project activities would be delayed within 0.25 mile of (or at a distance directed by the appropriate regulatory agency) the nest to avoid disturbance until the nest is no longer active. Project activities include vegetation removal, earth moving, and construction. The 0.25-mile buffer may be reduced through consultation with Mono County and/or the CDFW Biologist.

Significance after Mitigation

Implementation of the mitigation measures BIO-1 described above would ensure potential impacts to nesting birds would be **less than significant** by avoiding the species.

Other Species of Special Concern

Greater Sage-grouse

The proposed project may remove up to 15 sagebrush communities that provide marginal sage-grouse habitat. Potential impacts from the proposed project include loss of habitat, increased vehicular traffic and potential for roadkill, trampling of nests or activities that cause nest abandonment, and introduction/expansion of invasive species that modifies habitat quality. Additionally, the construction of

aboveground transmission pole lines contributes to the fragmentation of sage-grouse habitat and increases the risk of predation by providing predator perches in sagebrush habitat.

Although potential habitat exists within the Project Area, likelihood of sage-grouse currently using the low-quality sagebrush habitat surrounding Coleville is low (2015 RTP/GPU) and there are no known lek locations within the vicinity of the Project Area (NDOW 2022). Due to the size of the Project Area and location within marginal habitat with no known occurrences of sage-grouse, the impact to sage-grouse from the proposed project is determined to be less than significant.

Mule Deer

There are no known mule deer migration corridors through the Project Area (NDOW 2022, BIOS 2022), but mule deer may potentially use the on-site shrub habitat for overwintering. Site development and increase in human activities have the potential to impact survivorship and fecundity of mule deer due to the reduction of critical browse and vehicle collisions (2015 RTP/GPU). However, based on the minimal size of impact to potential habitat relative to the surrounding availability of suitable wintering habitat and the minimal increase in traffic from the proposed project, potential impact to mule deer is determined to be less than significant.

Significance after Mitigation

There would be no significant impacts to greater sage-grouse or mule deer and no mitigation is proposed.

5.2.3 Special Status Bird Species – Migratory Birds

The Project Area provides suitable habitat for nesting and/or foraging migratory birds and other special status bird species as described above. Additionally, raptors that may be nesting within proximity to the Project Area (not anticipated to be nesting on-site) may be indirectly impacted by construction activities. The project would potentially remove 15 acres of upland shrub vegetation from clearing and grading activities. If clearing occurs during the nesting season, the project could result in direct impacts to nesting birds should they be present. Indirect effects from elevated noise and increased human activity may result in nest abandonment if nesting birds are present within 200 feet (or 500 feet for raptors). Construction activities may result in adverse impacts on breeding and nesting special status bird species should they be present.

To avoid impacts to breeding or nesting birds or minimize potential affect to less than significant levels, Mitigation Measure BIO-1 would be implemented as described above.

Significance after Mitigation

Implementation of the mitigation measure BIO-1 described above would ensure potential impacts to migratory birds and raptors would be **less than significant** by avoiding the species.

5.2.4 Invasive and Noxious weeds

Vegetation removal and soil disturbance construction of the indoor cultivation facility, road widening, and disturbance associated with power line construction could create conditions for the establishment of undesirable weed species. Once established, invasive and noxious weeds could negatively and indirectly affect native species by competing for resources such as water and light, production, and release of chemical compounds that inhibit the growth of other plants. In turn, this effect can change the community

composition through elimination or reduction of native plant species or by changing the vegetation structure. The changes in community composition or vegetation structure could affect fire regimes and can also negatively affect habitat for wildlife.

To avoid direct and indirect impacts to special status plant and wildlife species or their habitat or to minimize potential affect to less than significant levels, the following mitigation measures are proposed.

Mitigation Measure BIO-2 – Weed Surveys

Prior to construction, the entire Project Area would be surveyed for noxious weeds. All occurrences of noxious weeds would be flagged and avoided.

Mitigation Measure BIO-3 - Weed Free Certification

Straw, mulch, or gravels used for erosion control would be certified weed-free.

Significance after Mitigation

Implementation of the mitigation measures BIO-2 and BIO-3 described above would ensure potential impacts to biological resources from invasive and noxious weed species would be reduced to less than significant levels.

5.2.5 Jurisdictional Waters

The SWRCB has developed a policy for water quality control to establish principles and guidelines for cannabis cultivation, as well as the Cannabis General Order (SWRCB Order WQ 2019-0001-DWQ). The General Order includes enforceable requirements for cannabis cultivators to ensure their operations do not impact water resources. Enrollment in the Statewide Cannabis General Order is required for all legal cannabis cultivation facilities and is a required step to obtaining a CalCannabis license for cannabis cultivation. Attachment A of the General Order includes a list of Best Management Practices. To obtain coverage under the waiver or enroll under the general order, the discharger is required to submit an online application and application fee and relevant technical reports. At a minimum, the applicant would be required to provide a site management plan, nitrogen management plan, and site closure report.

Because applicable state and local regulations require water quality control measures for construction and operation of the project, this impact would be less than significant.

6.0 References

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- U.S. Fish & Wildlife Service, Sacramento Fish & Wildlife Office. 2015c. *Critical Habitat Portal*. <http://ecos.fws.gov/crithab/>. Accessed February 18, 2022.
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Attachment A

Biological Data



Selected Elements by Scientific Name
 California Department of Fish and Wildlife
 California Natural Diversity Database



Query Criteria: Quad (Topaz Lake (3811965) OR Coleville (3811955) OR Risue Canyon (3811954) OR Long Dry Canyon (3811964)) AND CNPS List IS (1A OR 1B OR 1B.1 OR 1B.2 OR 1B.3 OR 2A OR 2B OR 2B.1 OR 2B.2 OR 2B.3)

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Astragalus oophorus var. lavinii</i> Lavin's milk-vetch	PDFAB0F6C4	None	None	G4T2	S1	1B.2
<i>Boechea cobrensis</i> Masonic rockcress	PDBRA06080	None	None	G5	S3	2B.3
<i>Carex petasata</i> Liddon's sedge	PMCYP03AE0	None	None	G5	S3	2B.3
<i>Carex vallicola</i> western valley sedge	PMCYP03EA0	None	None	G5	S2	2B.3
<i>Cusickiella quadricostata</i> Bodie Hills cusickiella	PDBRA2V010	None	None	G2	S2	1B.2
<i>Glyceria grandis</i> American manna grass	PMPOA2Y080	None	None	G5	S3	2B.3
<i>Grusonia pulchella</i> beautiful cholla	PDCAC0D120	None	None	G4	S2	2B.2
<i>Hymenopappus filifolius var. nanus</i> little cutleaf	PDAST5103H	None	None	G5T4	S3	2B.3
<i>Polygala subspinosa</i> spiny milkwort	PDPGL021Q0	None	None	G4?	S3	2B.2
<i>Sidalcea multifida</i> cut-leaf checkerbloom	PDMAL110G0	None	None	G3	S2	2B.3
<i>Sphaeralcea grossulariifolia</i> currant-leaved desert mallow	PDMAL140U0	None	None	G4G5	S2	2B.3

Record Count: 11



Selected Elements by Element Code
California Department of Fish and Wildlife
California Natural Diversity Database



Query Criteria: Quad IS (Topaz Lake (3811965) OR Coleville (3811955) OR Risue Canyon (3811954) OR Long Dry Canyon (3811964))
 AND Taxonomic Group IS (Fish OR Amphibians OR Reptiles OR Birds OR Mammals OR Mollusks OR Arachnids OR Crustaceans OR Insects)
 AND (Federal Listing Status IS (Endangered OR Threatened OR Proposed Endangered OR Proposed Threatened) OR State Listing Status IS (Endangered OR Threatened OR Rare))

Element Code	Species	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
AAABB01040	<i>Anaxyrus canorus</i> Yosemite toad	Threatened	None	G2G3	S2S3	SSC
ABNKC10010	<i>Haliaeetus leucocephalus</i> bald eagle	Delisted	Endangered	G5	S3	FP
AFCHA02081	<i>Oncorhynchus clarkii henshawi</i> Lahontan cutthroat trout	Threatened	None	G5T3	S1	
AMAJF03010	<i>Gulo gulo</i> wolverine	None	Threatened	G4	S1	FP

Record Count: 4

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Mono County, California



Local office

Reno Fish And Wildlife Office

☎ (775) 861-6300

📠 (775) 861-6301

1340 Financial Boulevard, Suite 234

Reno, NV 89502-7147

<http://www.fws.gov/reno/>

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Birds

NAME	STATUS
<p>Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. The location of the critical habitat is not available.</p> <p>https://ecos.fws.gov/ecp/species/6749</p>	Endangered
<p>Yellow-billed Cuckoo <i>Coccyzus americanus</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. The location of the critical habitat is not available.</p> <p>https://ecos.fws.gov/ecp/species/3911</p>	Threatened

Amphibians

NAME	STATUS
<p>Sierra Nevada Yellow-legged Frog <i>Rana sierrae</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. The location of the critical habitat is not available.</p> <p>https://ecos.fws.gov/ecp/species/9529</p>	Endangered
<p>Yosemite Toad <i>Anaxyrus canorus</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. The location of the critical habitat is not available.</p> <p>https://ecos.fws.gov/ecp/species/7255</p>	Threatened

Insects

NAME	STATUS
<p>Monarch Butterfly <i>Danaus plexippus</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/9743</p>	Candidate

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE

WHICH THE BIRD BREEDS
ACROSS ITS ENTIRE RANGE.
"BREEDS ELSEWHERE" INDICATES
THAT THE BIRD DOES NOT LIKELY
BREED IN YOUR PROJECT AREA.)

Bald Eagle *Haliaeetus leucocephalus*

Breeds Dec 1 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Pinyon Jay *Gymnorhinus cyanocephalus*

Breeds Feb 15 to Jul 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9420>

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence ()

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (☀)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (📊)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and

avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures or permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

Wildlife refuges and fish hatcheries

REFUGE AND FISH HATCHERY INFORMATION IS NOT AVAILABLE AT THIS TIME

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER POND

[PUSC](#)

RIVERINE

[R4SBCx](#)

[R4SBJ](#)

[R4SBA](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this

inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

NOT FOR CONSULTATION



STEVE SISOLAK
Governor

STATE OF NEVADA

DEPARTMENT OF WILDLIFE

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Reno, Nevada 89511

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Deputy Director

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Alaina Russky
GIS Technician
Resource Concepts INC
340 N Minnesota St
Carson City, Nevada 89703

March 1, 2022

Re: Sierra High Farms

Dear Alaina Russky:

I am responding to your request for information from the Nevada Department of Wildlife (NDOW) on the known or potential occurrence of wildlife resources in the vicinity of the Sierra High Farms located in Douglas County, Nevada. In order to fulfill your request, an analysis was performed using the best available data from the NDOW's wildlife occurrences, raptor nest sites and ranges, greater sage-grouse leks and habitat, and big game distributions databases. No warranty is made by the NDOW as to the accuracy, reliability, or completeness of the data for individual use or aggregate use with other data. These data should be considered **sensitive** and may contain information regarding the location of sensitive wildlife species or resources. All appropriate measures should be taken to ensure that the use of this data is strictly limited to serve the needs of the project described on your GIS Data Request Form. Abuse of this information has the potential to adversely affect the existing ecological status of Nevada's wildlife resources and could be cause for the denial of future data requests.

To adequately provide wildlife resource information in the vicinity of the proposed project the NDOW delineated an area of interest that included a four-mile buffer around the project area provided by you on Monday, March 28, 2022. Wildlife resource data was queried from the NDOW databases based on this area of interest. The results of this analysis are summarized below.

Big Game - Occupied mule deer distribution exists within portions of the project area and four-mile buffer area. No known occupied bighorn sheep, elk, or pronghorn antelope distributions exist in the vicinity of the project area. Please refer to the attached maps for details regarding big game distributions relative to the proposed project area.

Greater Sage-Grouse - Habitat for the greater sage-grouse Bi-State distinct population segment exists throughout the entire project area and portions of the four-mile buffer area. Please refer to the attached map for details regarding greater sage-grouse habitat relative to the proposed project area. There are no known radio-marked greater sage-grouse tracking locations in the vicinity of the project area. There are no known greater sage-grouse lek sites in the vicinity of the project area.

Lahontan Cutthroat Trout - are known to exist in the vicinity of the project area in the Middle West Walker River watershed.

Raptors - Various species of raptors, which use diverse habitat types, may reside in the vicinity of the project area. American kestrel, bald eagle, barn owl, burrowing owl, Cooper's hawk, ferruginous hawk, flammulated owl, golden eagle, great horned owl, long-eared owl, merlin, northern goshawk, northern harrier, northern pygmy owl, northern saw-whet owl, osprey, peregrine falcon, red-tailed hawk, rough-legged hawk, sharp-shinned hawk, short-eared owl, Swainson's hawk, turkey vulture, and western screech owl have distribution ranges that include the project area and four-mile buffer area. Furthermore, bald eagle, Cooper's hawk, and prairie falcon have been directly observed in the vicinity of the project

area.

Raptor species are protected by State and Federal laws. In addition, bald eagle, burrowing owl, California spotted owl, ferruginous hawk, flammulated owl, golden eagle, northern goshawk, peregrine falcon, prairie falcon, and short-eared owl are NDOW species of special concern and are target species for conservation as outlined by the Nevada Wildlife Action Plan. Per the *Interim Golden Eagle Technical Guidance: Inventory and Monitoring Protocols; and Other Recommendations in Support of Golden Eagle Management and Permit Issuance* (United States Fish and Wildlife Service 2010) we have queried our raptor nest database to include raptor nest sites within ten miles of the proposed project area. There are two known raptor nest sites within ten miles of the project area:

Last Active	Last Check	Township/Range/Section	Probable Use
	4/22/1976		eagle
	5/10/1977		eagle

Other Wildlife Resources

There are no water developments in the vicinity of the project area. The following species have also been observed in the vicinity of the project area:

Common Name	ESA	State	SWAP SoCP
mountain lion			

ESA: Endangered Species Act Status

State: State of Nevada Special Status

SWAP SoCP: Nevada State Wildlife Action Plan (2012) Species of Conservation Priority

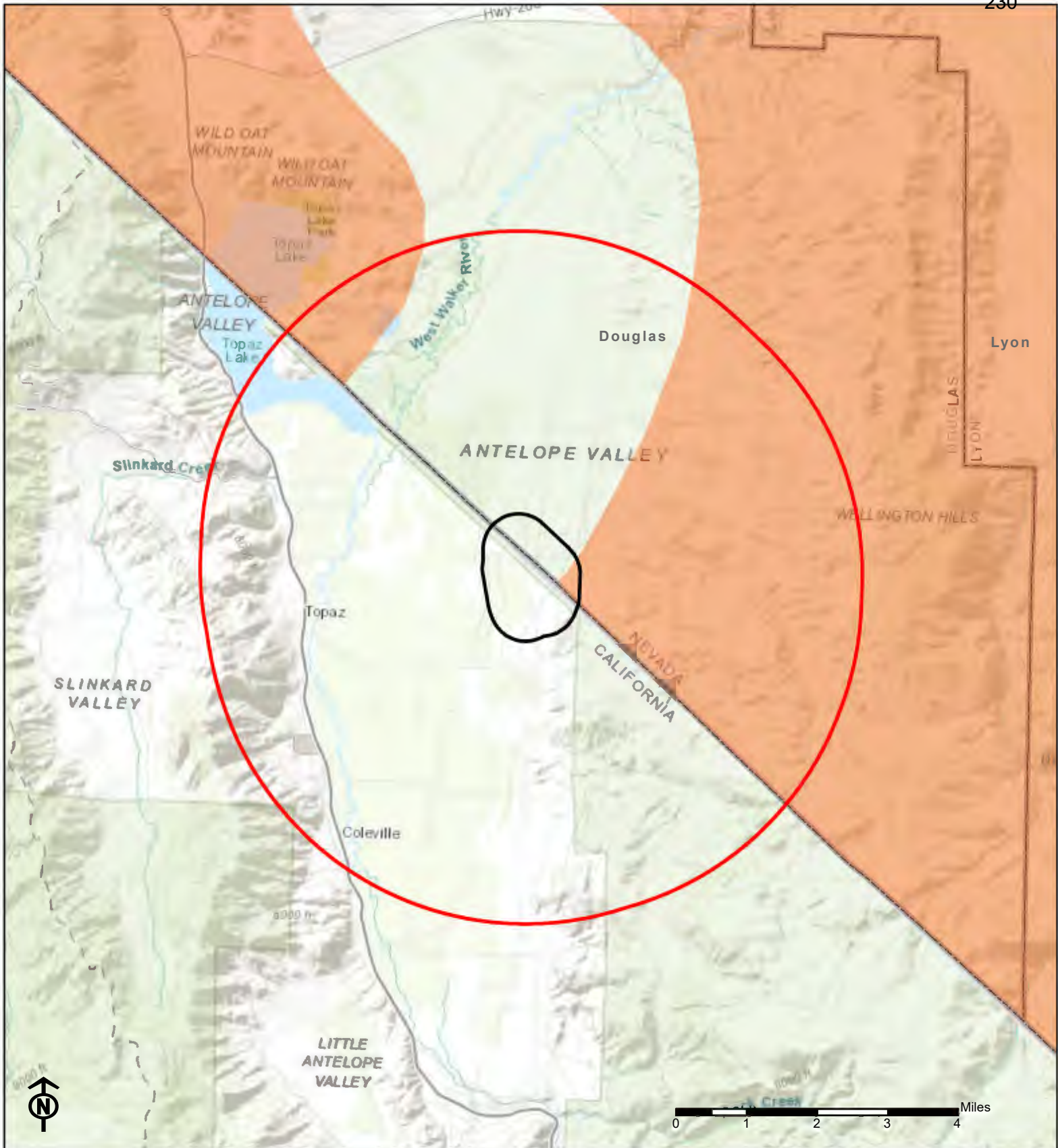
The proposed project area may also be in the vicinity of abandoned mine workings, which often provide habitat for state and federally protected wildlife, especially bat species, many of which are protected under NAC 503.030. To request data regarding known abandoned mine workings in the vicinity of the project area please contact the Nevada Division of Minerals (<http://minerals.state.nv.us/>).




The above information is based on data stored at our Reno Headquarters Office and does not necessarily incorporate the most up to date wildlife resource information collected in the field. Please contact the Habitat Division Supervising Biologist at our to discuss the current environmental conditions for your project area and the interpretation of our analysis. Furthermore, it should be noted that the information detailed above is preliminary in nature and not necessarily an identification of every wildlife resource concern associated with the proposed project. Consultation with the Supervising Habitat biologist will facilitate the development of appropriate survey protocols and avoidance or mitigation measures that may be required to address potential impacts to wildlife resources.

Katie Andrie - Western Region Supervising Habitat Biologist (775.688.1145)

Federally listed Threatened and Endangered species are also under the jurisdiction of the United States Fish and Wildlife Service. Please contact them for more information regarding these species.

If you have any questions regarding the results or methodology of this analysis, please do not hesitate to contact Jinna Larkin at (775) 688-1580.



-  Project Area
-  Four Mile Buffer Area Boundary
-  Mule Deer Distribution

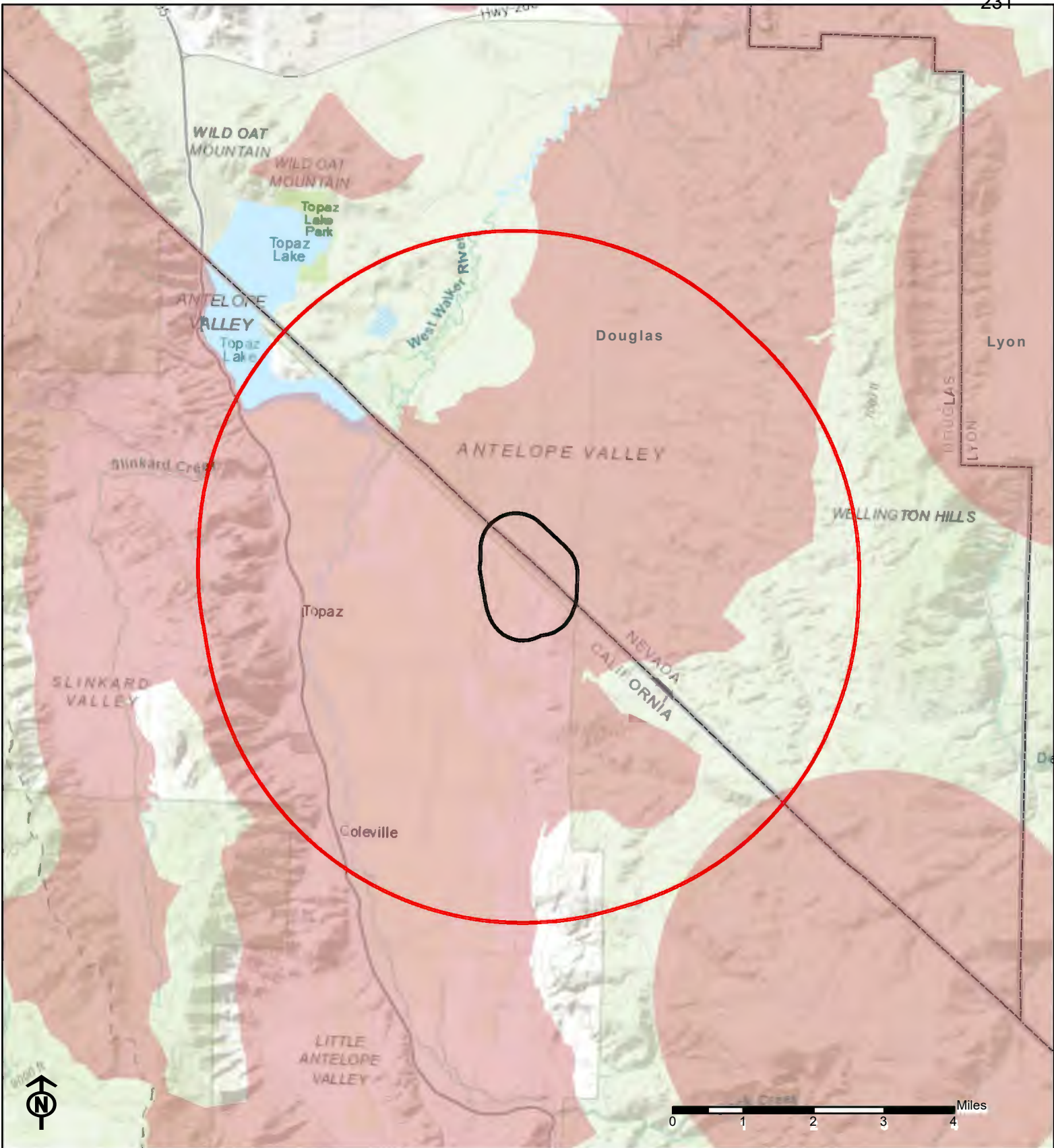
Sierra High Farms Mule Deer Distribution






March 01, 2022

Projection: UTM Zone 11 North, NAD83

No warranty is made by the Nevada Department of Wildlife as to the accuracy, reliability, or completeness of the data for individual use or aggregate use with other data.





-  Project Area
-  Four Mile Buffer Area Boundary
-  Priority Habitat
-  General Habitat
-  Other Habitat
-  Bi-State Habitat

Sierra High Farms Greater Sage-Grouse Habitat

March 01, 2022

Projection: UTM Zone 11 North, NAD83

No warranty is made by the Nevada Department of Wildlife as to the accuracy, reliability, or completeness of the data for individual use or aggregate use with other data.



Appendix C

Class III Archaeological Inventory for the Proposed Sierra High
Farms Cannabis Cultivation Project

April 21, 2022

**Class III Archaeological Inventory for the Proposed
Chichewa/Sierra High Farms Cannabis Cultivation Project,
Mono County, California (APN 001-150-004)**

Prepared By:
Michael Drews
Project Archaeologist

Submitted To:
Resource Concepts, Inc

Mono County Community Development Department
P.O. Box 8
Bridgeport, California 93517

Great Basin Consulting Group, LLC Project Number: 2022-100

April 21, 2022



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ADMINISTRATIVE SUMMARY

On March 30, 2022, Michael Drews from Great Basin Consulting Group, LLC, completed a Class III Archaeological Inventory for the proposed Chichewa/Sierra High Farms Cannabis Cultivation Project in Mono County, California (APN 001-150-004). The inventory was conducted to meet California Environmental Quality Act (CEQA) and AB 52 requirements.

APN 001-150-004 covers approximately 123.63 acres. The proposed project includes one 4,000 square foot building for cultivation and processing with 400 square foot of canopy area, four 8,000 square foot buildings for cultivation and processing each with 2,500 square foot of canopy area and employee restrooms, a 2,500 square foot maintenance shop, an outdoor cultivation area not exceeding 10 acres, four storage containers, and a 2,100 square foot drying shed. The inventory covered approximately 18 acres within the northern portion of the parcel where all development is proposed.

A single horseshoe was identified during the inventory. No other cultural materials are present within the 18-acre surveyed area. The isolated artifact is not eligible to the National Register of Historic Places or the California Register of Historic Places and is not considered significant by local ordinance or resolution. A finding of No Historic Properties Effects is recommended.

Project Number: 2022-100 **Date of Field Operations:** March 30, 2022

Organization/Field Personnel: Michael Drews (Project Archaeologist),

County: Mono County

Legal Description: E½, NE ¼; Section 16, T. 9N. R.23E. MDMB

Ownership: Private

Project Area: 18 acres / 7.28 hectares

Map Reference: Long Dry Canyon, Ca. USGS 7.5 Minute Series 1994

Inventory Date(s): March 30, 2022

Inventory Type: Class III Intensive Archaeological Inventory

PROJECT DESCRIPTION

Project Name and Description

Class III Archaeological Inventory for the Proposed Chichewa/Sierra High Farms Cannabis Cultivation Project, Mono County, California (APN 001-150-004). Chichewa/Sierra High Farms proposes to construct a cannabis cultivation project on a portion of APN 001-150-004 west of Topaz, California near the Nevada border in northwestern Mono County.

Sierra High Farms is an adult/medical cannabis production and distribution facility. Product will be grown both indoor and outdoor. The indoor cultivation portion of the project will operate under a California Micro-business license issued by the DCC (Bureau of Cannabis Control) and will consist of cultivation, distribution, and non-storefront retail.

The outdoor portion will operate on a cultivator's license issued by the DCC. The property has the land use designation AG10 on which cannabis activities are allowed subject to a use permit and operation permit approved by Mono County.

The project site consists of approximately three (3) acres of site improvements for indoor cultivation use including greenhouses, lab, nursery, maintenance shop building, driveways, parking, and on-site wastewater treatment system. Components include:

- Four (4) 8,000 square-foot greenhouses (80' by 100') \ (up to 10,500 sq ft indoor mature plant canopy)
- One cultivation lab (4,200 sq ft, 60' by 70')
- One maintenance shop (2,400 sq ft, 40' by 60')
- One drying shed (2,100 sq ft, 35' by 65')
- One nursery and processing building (5,000 sq ft, 50' by 100')
- One well pump house 150 sq ft (10x15')
- Water tank house (need dimensions)
- Three water storage tanks (5,000 gallons).

The outdoor cultivation area covers ten (10) acres and includes:

- Ten (10) acres of outdoor cannabis cultivation area including hoop house structures
- Four storage containers of approximately 8 x 40' for outdoor cultivation tools and storage use.

The cultural resources inventory covered approximately 18 acres within the northern portion of the parcel where indoor and outdoor development is proposed. Access is via existing road. All staging will be confined to the development footprint.

In compliance with CEQA (Public Resources Code 2100 et seq.) and sections pertaining to historic resources (PRC 5024, PRC 5025(f), PRC 5024.1, PRC 5025.5) Great Basin Consulting Group, LLC was contracted by Resource Concepts Inc. (RCI) to complete a Class III archaeological inventory within the project area.

APN 001-150-004 is located near the town of Topaz, just south of Topaz Lake along the west side of Antelope Valley in northern Mono County (Figure 1). Antelope Valley is a 3.5 mile wide by 15 mile long alluvial plain drained by the West Walker River. The river flows northward through the valley eventually emptying into Walker Lake. The West Walker River Canyon marks the southern boundary of Antelope Valley while Topaz Lake, an agricultural reservoir and the Pine Nut Mountains lie at the northern edge of the valley. Step faults along the eastern edge of the Sierra Nevada define the western edge of Antelope Valley, the Sweetwater Mountains and Wellington Hills define the valley's eastern boundary. Vegetation in the area is typical of the Great Basin. Pinon and juniper occur in the surrounding mountains, sage and buckbrush dominate the mountain pediment and non-agricultural lands along the valley bottom. Agricultural fields characterize most of the valley floor (Figure 2). Small residential parcels on lots of 1 to 5 acres occur along US 395. Scattered cottonwoods and willows occur along ditches and as shade trees or windbreaks at farmsteads.

The project area lies along the east side of the valley and abuts the Nevada State Line. Access to the parcel is via Eastside Road and a road following the state line. Most of the parcel is covered by scattered sagebrush and crossed by existing roads. The parcel covers approximately 128 acres, of which only the northern 18 acres are proposed for development (Figure 3). Agricultural fields lie just west of the property. The area proposed for development has been disturbed by brush clearing, leaving only about 5.25 acres of undisturbed land.

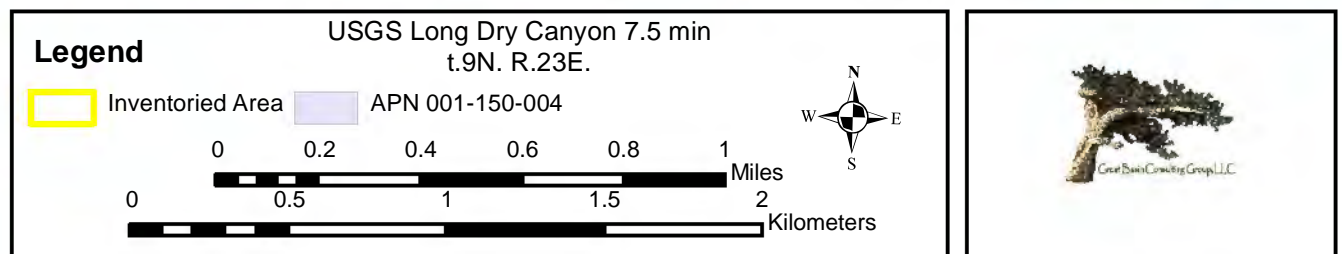
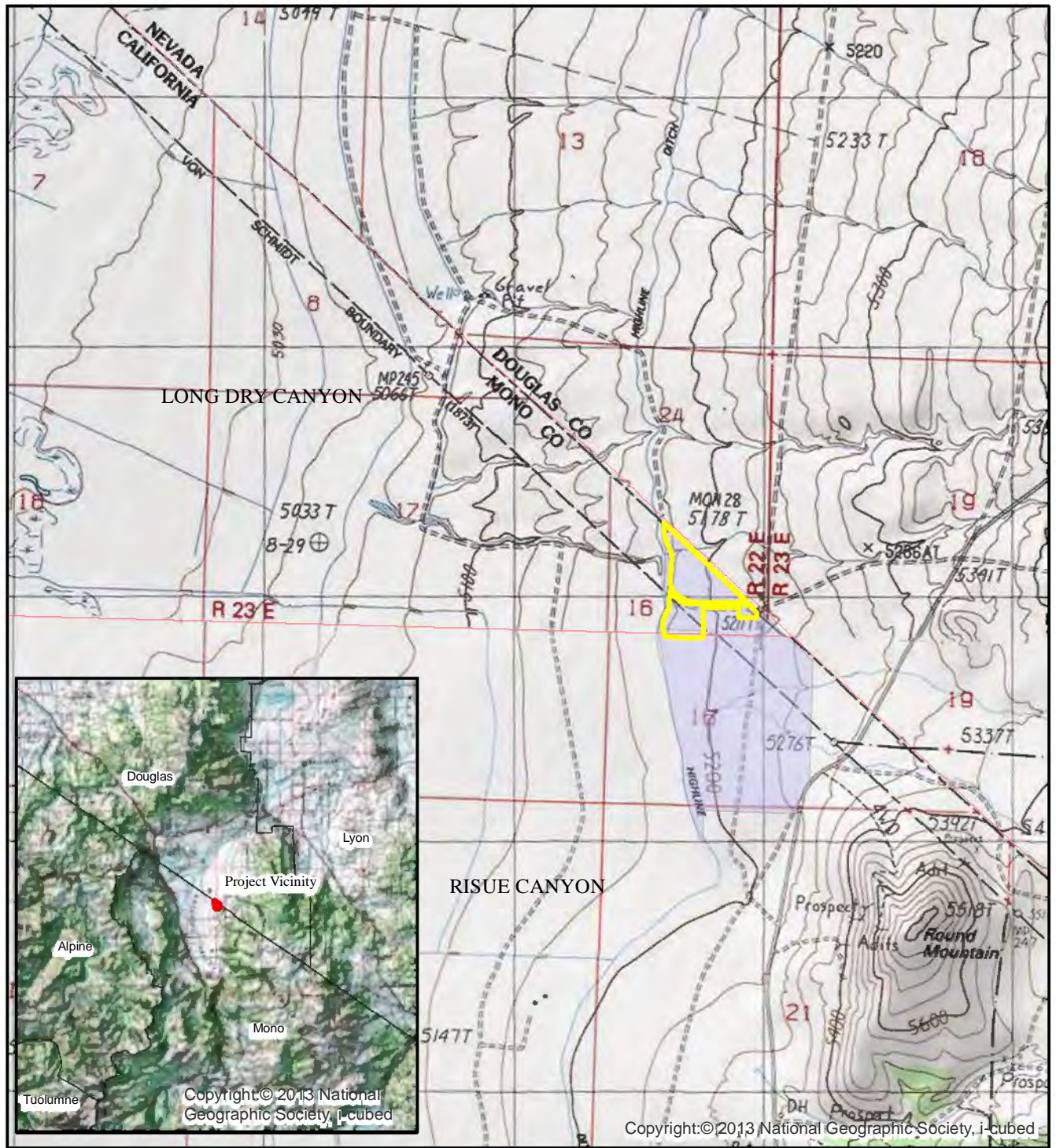


Figure 1. Sierra High Farms Project Location

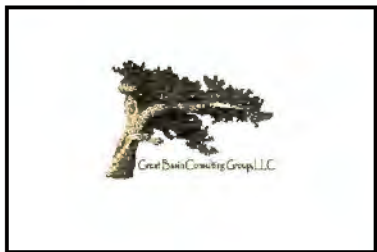
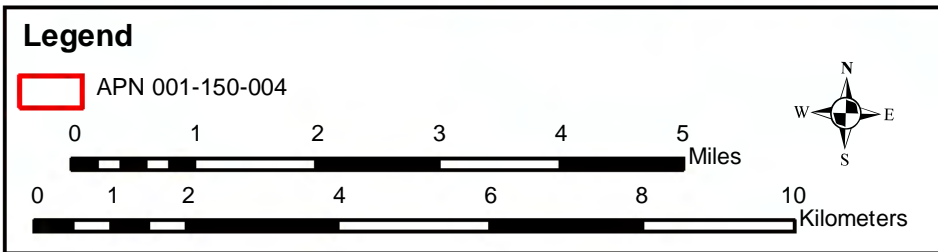


Figure 2. Sierra High Farms Project Vicinity.

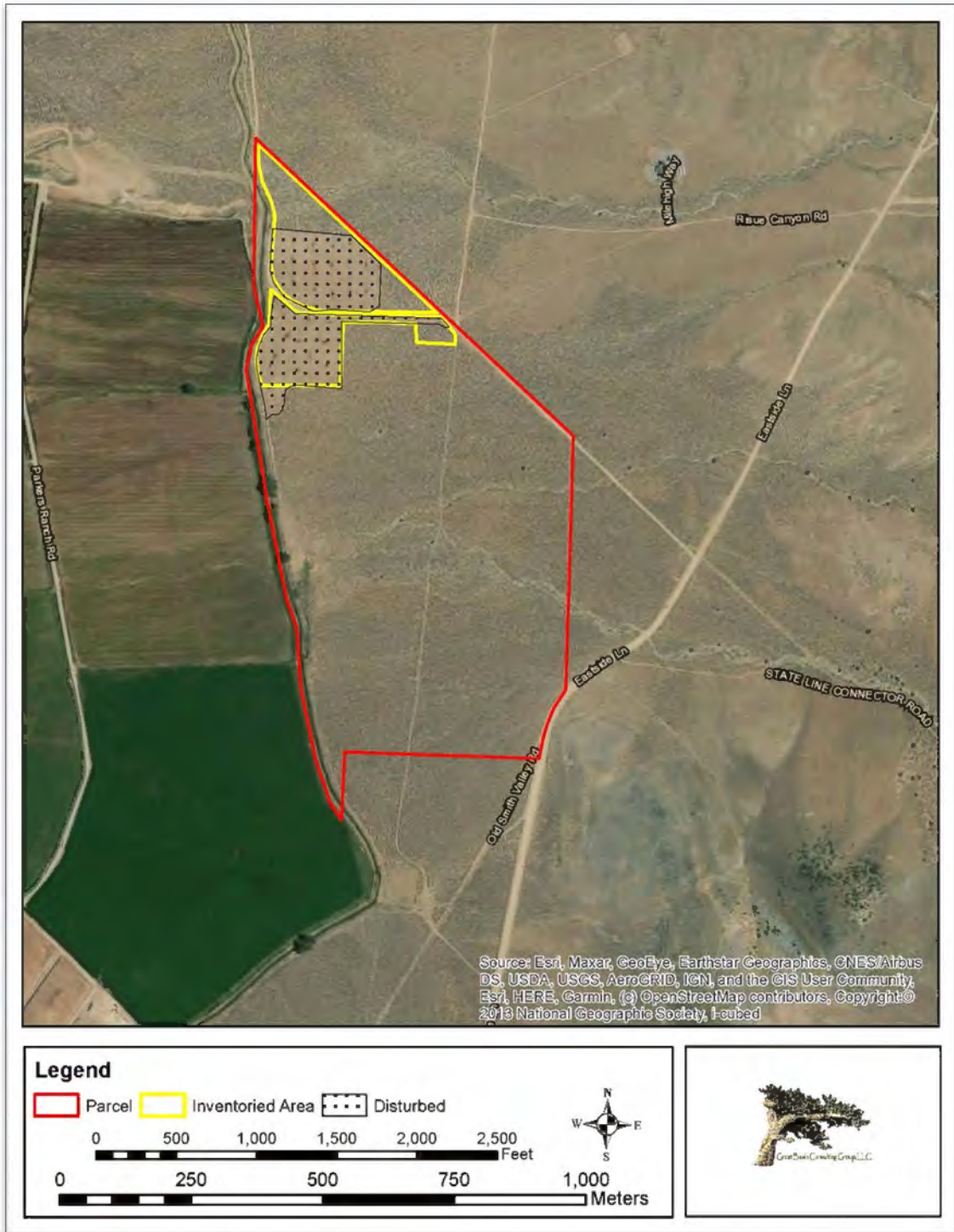


Figure 3. Sierra High Farms Project Area.

RESEARCH METHODS

Archival Review

Prior to the field visit, pertinent site records and documentation was requested of the California Historic Resource Information System, Eastern Information Center (EIC) and records available in the Nevada Cultural Resources Information System (NVCRIS) were consulted. The request included documentation of existing resources, reports, historic properties, determinations of eligibility, properties listed on the California Inventory of Historical Resources (1976), and any historic maps and local inventories within a ½ mile buffer of the project area.

On March 24, 2022, EIC responded to the records search request (Appendix 1). They indicate that no cultural resource inventories or cultural resources have been recorded within one-half mile of the project parcel. A search of NVCRIS shows one inventory (*A Cultural Resources Survey Report for Enhancement of Operations and Training Proficiency at Marine Corps Mountain Warfare Training Center, Mono County, California, and Douglas County, Lyon County, and Mineral County, Nevada* 19824/R2009041701936) and one cultural resource located along Eastside Road within the one-half mile record search extent. 26Ly1698/USFS04170208392 comprises remains of the Double Springs – Desert Creek Toll Road/Risue Canyon Road. According to the site record:

Risue Canyon Road is the western part of an 1860s toll road that began at Double Springs north of Wellington and continued south along the east side of Antelope Valley (approximating the 1850s route of the Walker River-Sonora Road) to cross through a steep canyon and east to link with Dickenson's Toll Road at Desert Creek (Maule 1938). The 1864 franchise for this toll road was issued to Thomas Rissue. It appears that Rissue hoped to develop a shortcut between the west and east forks of the Walker River, allowing traffic and freight from Antelope Valley to access Aurora in less time than by traveling further south. The toll station for this road was most likely located at Rissue's bridge crossing (of the West Walker River) 1.5 mi. south of the bridge at Hoye, and several waystations would also have been located near water sources along the route. However, little else is known about this toll route - the "canyon" portion of Rissue's road may have never been built to more than a pack trail width, or the road may have later deteriorated to a condition only fit for pack trains. Sometime in the early twentieth century, Risue Canyon Road was re-opened and improved for automobile use in conjunction with 1920s-1930s mining activities through the canyon.

The road currently functions as a maintained road and is not considered eligible to the National Register of Historic Places.

No constructed features are shown in the project vicinity on the 1874 General Land Office Rectangular Survey Plat for Township 9 North, Range 23 East. Roads currently crossing the project parcel are depicted on the 1956 Desert Creek Peak 15 minute map.

Field Methods

The project area was visited on March 30, 2022 by Michael Drews, Principal Investigator at Great Basin Consulting Group, LLC. The project area was walked utilizing transects spaced 15 meters apart. Photographs were taken at corners of the 18 acre project area and photo points mapped utilizing a Spectra Precision SP 20 GPS receiver capable of sub-meter accuracy. The tree row and site integrity was assessed.

Historical Overview

Mono County was created in 1861 from parts of Calaveras, Fresno and Mariposa Counties. Bridgeport, located 38 miles south of the project area serves as the County seat. The community of Topaz developed within the holdings of T.B. Rickey whose family began homesteading land along the West Walker River as early as 1859. The Topaz Post Office opened on the Rickey Ranch in 1885.

A January 29, 2007 article in The Record Courier (Douglas County, Nevada) contained an informative biography of T.B. Rickey. Thomas Brinley Rickey was born on August 23, 1836 in Greenfield, Ohio. He was the oldest of eleven children born to William and Liza Rickey. In 1852, at the age of 16, he migrated with his parents and six siblings from Dubuque, Iowa in search for a better life. The family settled first in the Amador County town of Volcano, then in the Ione Valley. Four additional children were born in California.

Rickey tried his hand at gold mining, quickly investing his earnings in land and cattle. In 1859, at the age of 23, Rickey drove a small herd over the Sierra Nevada into Antelope Valley. Here he established a homestead along the west side of the Walker River where he supplied beef to miners on the Comstock Lode and surrounding mines. His father William and the remainder of his family soon followed establishing homesteads along the west fork of the Walker River.

Rickey met and married Jane Caroline Jennie Gillis, the daughter of Charles Gillis, an early Genoa, Nevada pioneer and stage operator, on July 18, 1863. They had four children, all were born in Antelope Valley. Caroline M. Rickey was born in 1865, Charles William Rickey was born in 1867, Helen Nellie was born in 1869, but died of typhoid fever in 1904, and Bertha (Birdita) Lavina was born in 1871.

In 1876, Rickey partnered with Richard Kirman, a wealthy Reno banker and together they began acquiring homesteads and ranches throughout Antelope Valley. Soon, most of the valley from the mouth of the Walker River to the Pine Nut Range was under control of the Rickey Family. Eventually, the Rickey Family in partnership with Kirman came to own not only large portions of Mono County, but major portions of Owens Valley and parcels extending as far north as the Oregon Border.

Richard Kirman died in 1896 and on October 18, 1897, T.B. Rickey purchased their joint holdings from Elizabeth Kirman, including all of Section 24, T.9N. R.22E. for \$60,000 (Mono County Deeds, Book M, Page 601). Legal descriptions for all of the parcels transferred by the sale comprise ten pages in the Mono County Book of Deeds. Those properties were sold by T.B. Rickey to the Rickey Land and Cattle Company for \$85,000 in 1902.

Present-day Topaz Lane, in Mono County, was the site of the ranch's headquarters. The ranch, its main house, out-buildings, barns and corrals, sprawled in many directions. It was described as a paradise by many. The boarding house was built in 1888, also used as a hotel, it housed some of the 400 employees reported to have worked on the massive holdings of the Kirman & Rickey Cattle Company. The L-shaped building had two huge dining rooms, one for ranch employees and a kitchen attended by a Chinese cook. There were ice and store houses and even a house for the bookkeeper, Albert Bird, who was the accountant for the Rickey holdings in 1898. There was a post office, general store and a saloon, an important amenity for the time, as everyone drank and gambled in those days.

The heading of the Kirman and Rickey stationary read as follows: "Dealers in General Merchandise, dry goods, hats, caps, boots, shoes, harness, saddles, bridles, spurs, riatas, chaperejos, etc., hardware, wagons, agricultural implements and machinery-paints, oils and brushes-and a full line of goods usually kept in a first class general store". The post office was first established on the main complex in 1885 with Walter Swart as its first post master. A school was established prior to 1890, a jail and a full-

service blacksmith shop, the Rickey Ranch at Topaz was a small town unto itself. (Record Courier January 29, 2007)

In 1891, Rickey's wife Jeannie died and he married his one-time housekeeper Alice Belle Gleason Straub Crowell in 1893. The marriage, and rumors of an affair with Alice prior to Jennie's demise, alienated his children from his first marriage. In 1898, at the age of 61, Rickey and Alice, now 39 had a daughter they named Alice Brinley Rickey. They had taken up residence in Carson City on Mountain Street, and in 1907 sold an adjacent parcel that was to become the Nevada Governor's Mansion for \$10.

A plan to increase the size of Alkali Lake to irrigate lands downstream in Mason and Smith Valleys at the beginning of the 20th century created a fierce water war between the Rickey's and Henry Miller, partner in the Miller & Lux Company. Miller & Lux were headquartered in the San Joaquin Valley and had numerous holdings in California and Nevada, including ranches with irrigation rights in the Mason and Smith valleys. Miller was concerned that Rickey was removing too much Walker River water for irrigation and filed suit in federal court. Rickey claimed riparian water rights to all the water on the California side of both east and west forks of the Walker River and that Nevada users were entitled only to the water that he didn't use.

Rickey's case was based upon a previous victory by Miller and Lux (*Lux v. Haggin*); a decree that stated the riparian owner above does not have to be concerned with downstream water users. A special referee was appointed to hear the case, and Miller was joined by 160 other defendants. The hearing proceeded through the U.S. Circuit Court, Circuit Court of Appeals, and finally to the US Supreme Court where it was decided in favor of Henry Miller (*Miller et Lux v. Rickey*). Miller and Lux eventually completed the reservoir project creating the present day Topaz Lake.

The loss of the water wars was the beginning of the Rickey empire demise. In addition to his land and cattle holdings, Rickey speculated in mining and banking ventures.

Rickey is president of the State Bank and Trust Company of Nevada, the Goldfield Consolidated Water Company, the Homer Wilson Trust Company, which includes the old Sullivan Trust Company and other large interests throughout the state. He has founded a chain of banks through the state and

has erected the largest building in Southern Nevada, an immense five-story brick block on the main street of Tonopah, which is the home of the State Bank and Trust Company. He has extensive mining interests in many districts and is an owner of the Nevada-California Power Company (Beatty 1907).

The panic of 1097 brought failure to most Nevada Banks. Rickey, who used Nevada State Bank depositor's money to finance his cattle and mining enterprises was forced to close his banks and sell his vast holdings. In a paper transfer, the Antelope Valley properties listed in Book O, Page 80 of Mono County deeds was granted to his Antelope Valley Land and Cattle Company (Mono County Deeds, Book R, Page 333).

Through all the litigation and bank failures Rickey managed to retain enough money to purchase a home in Oakland, California where he died at age 84 on January 11, 1920. The remains of his ranch were managed by his grandson Charles Treadway Rickey.

INVENTORY RESULTS

A single steel horseshoe was located during the survey. It was located just south of the existing east/west road in the disturbed portion of the project area. The shoe is a plain, rolled bar with no caulks and nail fullering. It is 6 ½ inches in diameter. The bar is 7/8 inch wide and 3/8 inch thick. Based upon its shape, it is a front, left shoe. No other artifacts were encountered during the inventory.

FINDINGS AND CONCLUSIONS

Findings

A single isolated horse shoe was located within the project area. No other cultural materials or archaeological sites were encountered. A record search by the Eastern California Information Center indicates that no site listed on the National Register of Historic Places, the California Register of Historical Resources, California Historical Landmarks or California Points of Historical Interest lie within the project area.

The single horseshoe is not associated with significant events (National Register Criterion A/California Register Criterion 1), important persons (National Register Criterion B/California Register Criterion 2). Under National Register Criterion C /California Register Criterion 3, a site can be considered significant if it: Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the Work of an Important Creative Individual or possesses High Artistic Values. Isolated artifacts are not considered significant under National Register Criterion C /California Register Criterion 3, and do they have the potential to yield information important to local, state or national prehistory or history (National Register Criterion D /California Register Criterion 4).

The isolated horseshoe is *not eligible* for inclusion in the National Register of Historic Places or the California Register of Historic Places and is not considered significant by local ordinance or resolution (Code 5020.1(k) and 5024.1(g)).:

Conclusions

On March 30, 2022 Michael Drews from Great Basin Consulting Group, LLC, visited a portion of APN 001-150-004 in order to identify extant cultural resources that may lie within a proposed 18 acre cannabis cultivation area. A single metal horseshoe was located on within the project area. No other cultural materials or archaeological sites were encountered. The isolated horseshoe is not eligible for inclusion in the National Register of Historic Places or the California Register of Historic Places. We recommend a finding of No Historic Properties effected for the proposed project.

The techniques and methods used during this investigation were such that most existing cultural material in the project area visible to surface examination has been identified. If historic properties are inadvertently discovered, reasonable efforts to avoid, minimize, or mitigate adverse effects to the property will be taken and the State Historic Preservation Officer (SHPO), Mono County Planning Department, and Indian tribes with concerns about the property, and the Advisory Council on Historic Preservation (Council) will be notified within 48 hours in compliance with 36 CFR 800.13 (b) (3).

BIBLIOGRAPHY

Mono County Recorder's Office, Bridgeport, California Book of Deeds

Record Courier

2007 Who's Got the Water?: The Story of Tom Rickey and Topaz Lake. January

U.S. Census 1880 to 1940 <http://ancestry.com>

APPENDIX 1
RECORD SEARCH RESULTS

California Historical Resources Information System

CHRIS Data Request Form

ACCESS AND USE AGREEMENT NO.: _____ IC FILE NO.: _____

To: _____ Information Center

Print Name: _____ Date: _____

Affiliation: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Billing Address (if different than above): _____

Project Name / Reference: _____

Project Street Address: _____

County: _____

Township/Range/UTMs: _____

USGS 7.5' Quad(s): _____

PRIORITY RESPONSE (Additional Fee): yes / no

TOTAL FEE NOT TO EXCEED: \$ _____

Special Instructions:

Information Center Use Only

Date of CHRIS Data Provided for this Request: _____

Confidential Data Included in Response: yes / no

Notes: _____

California Historical Resources Information System

CHRIS Data Request Form

Include the following information (mark as necessary) for the records search area(s) shown on the attached map(s) or included in the associated shapefiles. Shapefiles are the current CHRIS standard format for digital spatial data products.

NOTE: All digital data products are subject to availability - check with the appropriate Information Center.

1. **Map Type Desired:** Digital map products will be provided only if they are available at the time of this request. *Regardless of what is requested, only hard copy hand-drawn maps will be provided for any part of the requested search area for which digital map products are not available at the time of this request. There is an additional charge for shapefiles, whether they are provided with or without Custom GIS Maps.*

Mark one map choice only

Custom GIS Maps Shapefiles Custom GIS Maps **and** Shapefiles Hard Copy Hand-Drawn Maps **only**

Any selection below left unmarked will be considered a "no."

2a.	Within project area	Within _____ radius
ARCHAEOLOGICAL Resource Locations⁺	yes / no	yes / no
NON-ARCHAEOLOGICAL Resource Locations	yes / no	yes / no
Report Locations⁺	yes / no	yes / no
Resource Database Printout* (list)	yes / no	yes / no
Resource Database Printout* (detail)	yes / no	yes / no
Resource Digital Database Records (spreadsheet)*	yes / no	yes / no
Report Database Printout* (list)	yes / no	yes / no
Report Database Printout* (detail)	yes / no	yes / no
Report Digital Database Records (spreadsheet)*	yes / no	yes / no
ARCHAEOLOGICAL Resource Record copies**	yes / no	yes / no
PDF / Hard Copy		
NON-ARCHAEOLOGICAL Resource Record copies*	yes / no	yes / no
PDF / Hard Copy		
Report copies**:	yes / no	yes / no
PDF / Hard Copy		
	Only directory listing	Associated documentation
OHP Historic Properties Directory**		
within project area	yes / no	yes / no
within _____ mi radius	yes / no	yes / no
OHP Archaeological Determinations of Eligibility⁺		
within project area	yes / no	yes / no
within _____ mi radius	yes / no	yes / no
California Inventory of Historical Resources (1976):		
within project area	yes / no	yes / no
within _____ mi radius	yes / no	yes / no

+ In order to receive archaeological information, requestor must meet qualifications as specified in Section III of the current version of the California Historical Resources Information System Information Center Rules of Operation Manual and be identified as an Authorized User under an active CHRIS Access and Use Agreement.

* These documents may be supplied as PDF files, if available

** Includes, but is not limited to, information regarding National Register of Historic Places, California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and historic building surveys.

California Historical Resources Information System

CHRIS Data Request Form

2b. Listed below are sources of additional information that may be available at the Information Center. Indicate if a review and documentation of any of the following types of information is requested.

Caltrans Bridge Survey	yes / no
Ethnographic Information	yes / no
Historical Literature	yes / no
Historical Maps	yes / no
Local Inventories	yes / no
GLO and/or Rancho Plat Maps	yes / no
Shipwreck Inventory	yes / no
Soil Survey Maps	yes / no

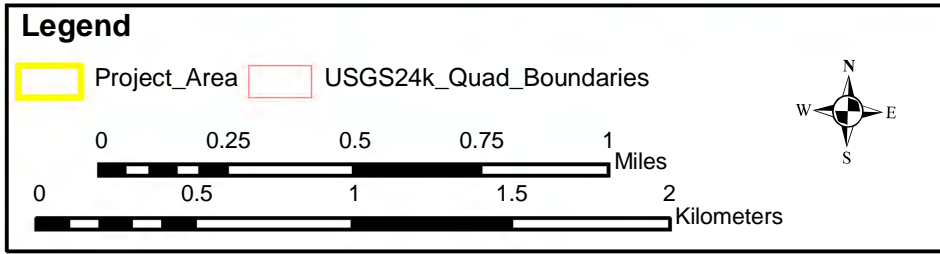
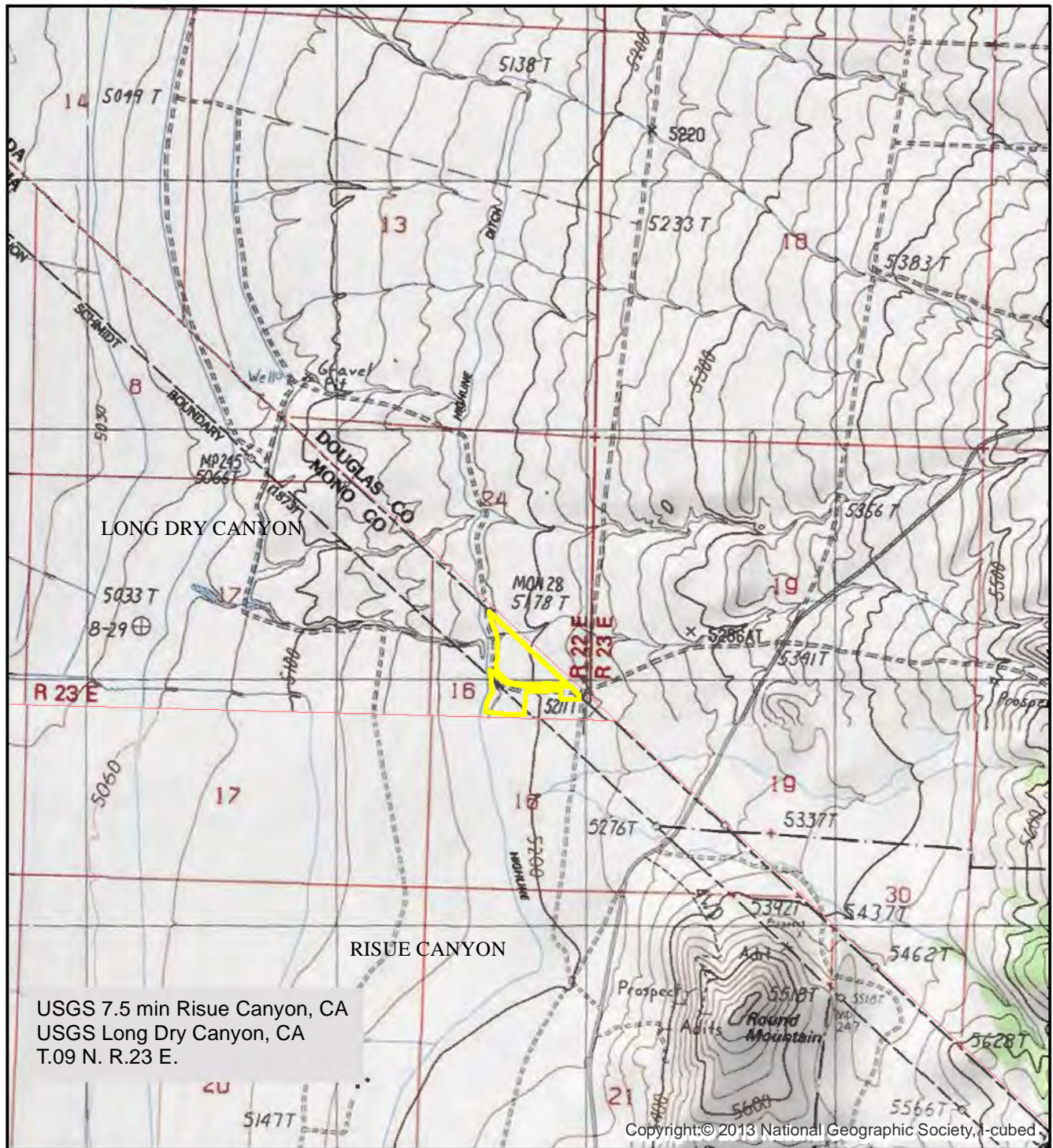


Figure 1. Project Location

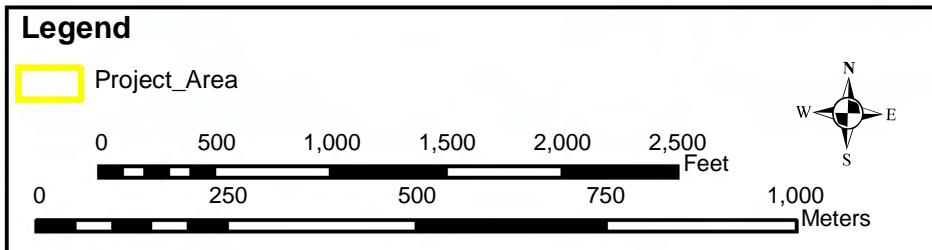
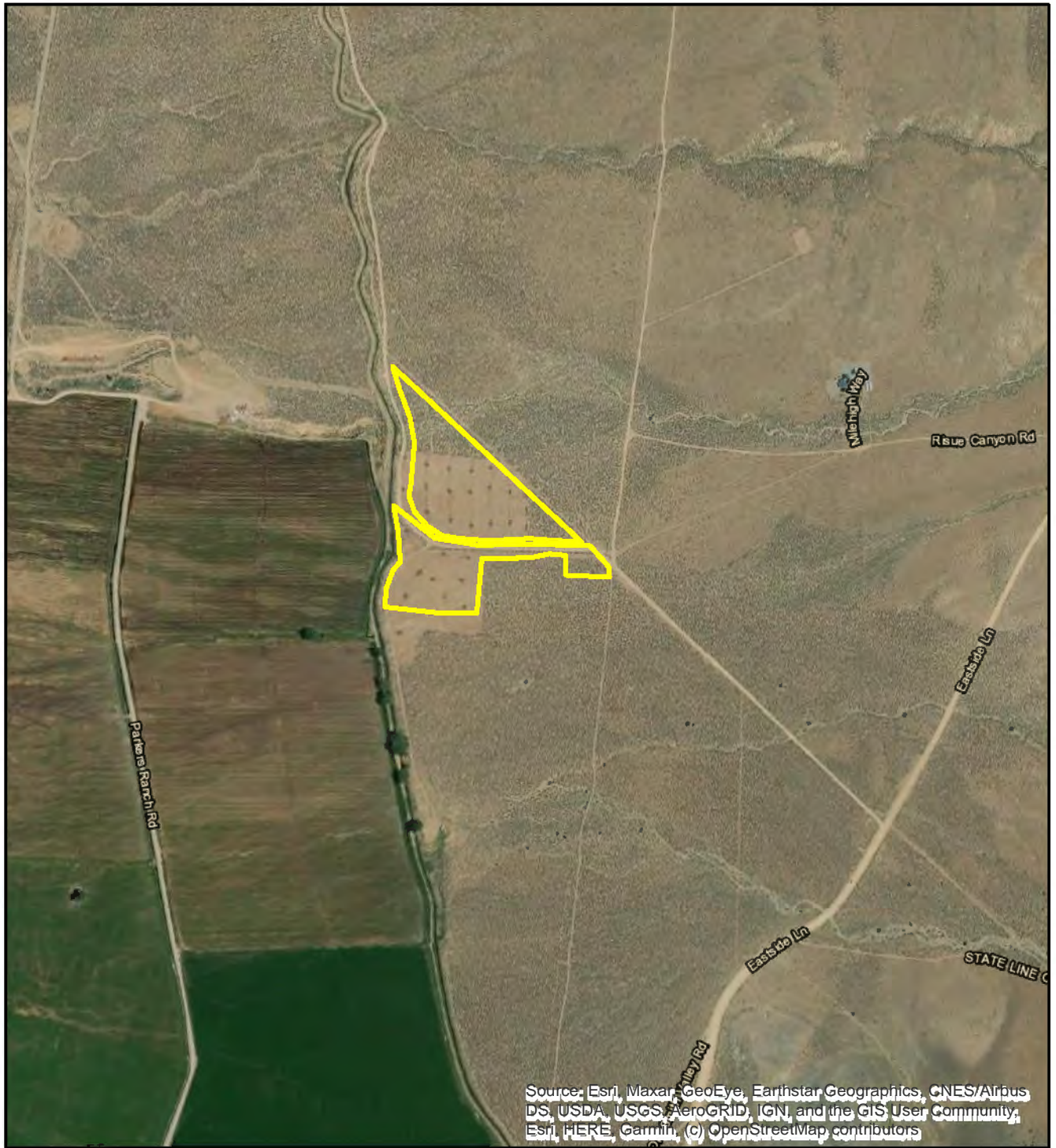
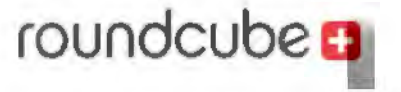


Figure 2. Project Area

Subject **Option B Results for the Sierra High Farms**
From eickw . <eickw@ucr.edu>
To Mike Drews <mdrews@greatbasingroup.com>
Date 2022-03-24 15:54



March 24, 2022
CHRIS Access and Use Agreement No.: 281
ST-MNO-6419

Michael Drews
Great Basin Consulting Group, LLC
200 Winters Drive
Carson City, NV 89703

Re: Cultural Resources Records Search for the Sierra High Farms Project

Dear Michael Drews:

We received your request on February 14, 2022, for a cultural resources records search for the Sierra High Farms project located in Section 16, T.9N, R.23, MDBM, in the state borderline between California and Nevada area in Mono County. We have reviewed our site records, maps, and manuscripts against the location map you provided.

Our records indicate that no cultural resources studies have been conducted within a half-mile radius of your project area.

Our records indicate that no cultural resources properties have been recorded within a half-mile radius of your project area.

Additional sources of information consulted are identified below.

National Register of Historic Places: no listed properties are located within the boundaries of the project area.

Office of Historic Preservation (OHP), Archaeological Determinations of Eligibility (ADOE): no listed properties are located within the boundaries of the project area.

Office of Historic Preservation (OHP), Built Environment Resources Directory (BERD): no listed properties are located within the boundaries of the project area.

Note: not all properties in the California Historical Resources Information System are listed in the OHP ADOE and BERD; the ADOE and BERD comprise lists of properties submitted to the OHP for review.

As the Information Center for Riverside, Inyo, and Mono Counties, it is necessary that we receive a copy of all cultural resources reports and site information pertaining to this county in order to maintain our map and manuscript files. Confidential information provided with this records search regarding the location of cultural resources outside the boundaries of your project area should not be included in reports addressing the project area.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by the IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

Best,

Eastern Information Center
Watkins Hall Room 1313
c/o Department of Anthropology
University of California
900 University Avenue
Riverside, CA 92521-0418

"Maybe, it's not too late, to learn how to love, and forget how to hate..." Ozzy Osbourne

CORRESPONDENCE

NATIVE AMERICAN HERITAGE COMMISSION

March 2, 2022

Michael Draper
County of Mono

Via Email to: mdraper@mono.ca.gov

Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, Sierra High Farms - Use Permit Project, Mono County

Dear Mr. Draper:

Pursuant to Public Resources Code section 21080.3.1 (c), attached is a consultation list of tribes that are traditionally and culturally affiliated with the geographic area of the above-listed project. Please note that the intent of the AB 52 amendments to CEQA is to avoid and/or mitigate impacts to tribal cultural resources, (Pub. Resources Code §21084.3 (a)) ("Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.")

Public Resources Code sections 21080.3.1 and 21084.3(c) require CEQA lead agencies to consult with California Native American tribes that have requested notice from such agencies of proposed projects in the geographic area that are traditionally and culturally affiliated with the tribes on projects for which a Notice of Preparation or Notice of Negative Declaration or Mitigated Negative Declaration has been filed on or after July 1, 2015. Specifically, Public Resources Code section 21080.3.1 (d) provides:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

The AB 52 amendments to CEQA law does not preclude initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction prior to receiving requests for notification of projects in the tribe's areas of traditional and cultural affiliation. The Native American Heritage Commission (NAHC) recommends, but does not require, early consultation as a best practice to ensure that lead agencies receive sufficient information about cultural resources in a project area to avoid damaging effects to tribal cultural resources.

The NAHC also recommends, but does not require that agencies should also include with their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential effect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:



CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

PARLIAMENTARIAN
Russell Attebery
Karuk

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

- A listing of any and all known cultural resources that have already been recorded on or adjacent to the APE, such as known archaeological sites;
- Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
- Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are located in the APE; and
- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code section 6254.10.

3. The result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission. The request form can be found at <http://nahc.ca.gov/wp-content/uploads/2015/08/Local-Government-Tribal-Consultation-List-Request-Form-Update.pdf>

4. Any ethnographic studies conducted for any area including all or part of the APE; and

5. Any geotechnical reports regarding all or part of the APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS are not exhaustive and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

If you have any questions, please contact me at my email address: Cameron.vela@nahc.ca.gov.

Sincerely,

Cameron Vela

Cameron Vela
Cultural Resources Analyst

Attachment

**Native American Heritage Commission
Tribal Consultation List
Mono County
3/2/2022**

**Utu Utu Gwaitu Tribe of the
Benton Paiute Reservation**

Tina Braitewaite, Chairperson
555 Yellow Jacket Road / 25669 Paiute
Hwy. 6, PMB 1
Benton, CA, 93512
Phone: (760) 933 - 2321
Fax: (760) 933-2412
t.braithwaite@bentonpaiutereservation.org

**Bridgeport Paiute Indian
Colony**

John Glazier, Chairperson
P.O. Box 37 Paiute
Bridgeport, CA, 93517
Phone: (760) 932 - 7083
Fax: (760) 932-7846
chair@bridgeportindiancolony.com

**Big Pine Paiute Tribe of the
Owens Valley**

James Rambeau, Chairperson
P. O. Box 700 Paiute-Shoshone
Big Pine, CA, 93513
Phone: (760) 938 - 2003
Fax: (760) 938-2942
j.rambeau@bigpinepaiute.org

Mono Lake Kutzadika Tribe

Charlotte Lange, Chairperson
P.O. Box 237 Mono
Lee Vining, CA, 93541 Paiute
Phone: (760) 709 - 1273
chair@monolaketribe.us

**Big Pine Paiute Tribe of Owens
Valley**

Sally Manning, Environmental
Director
P. O. Box 700 Paiute-Shoshone
Big Pine, CA, 93513
Phone: (760) 938 - 2003
s.manning@bigpinepaiute.org

Walker River Reservation

Melanie McFalls, Chairperson
P.O. Box 220 Northern Paiute
Schurz, NV, 89427
Phone: (775) 773 - 2306
Fax: (775) 773-2585

**Big Pine Paiute Tribe of the
Owens Valley**

Danelle Gutierrez, Tribal Historic
Preservation Officer
P.O. Box 700 Paiute-Shoshone
Big Pine, CA, 93513
Phone: (760) 938 - 2003
Fax: (760) 938-2942
d.gutierrez@bigpinepaiute.org

Bishop Paiute Tribe

Allen Summers, Chairperson
50 Tu Su Lane Paiute-Shoshone
Bishop, CA, 93514
Phone: (760) 873 - 3584
Fax: (760) 873-4143

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and section 5097.98 of the Public Resources Code.

This list is only applicable for consultation with Native American tribes under Public Resources Code Sections 21080.3.1 for the proposed Sierra High Farms - Use Permit Project, Mono County.



Great Basin Consulting Group, LLC 200 Winters Drive, Carson City, Nevada 89703 775.560.5074

April 21, 2022

Mr. Darrel Cruz
 Tribal Historic Preservation Officer
 Washoe Tribe of Nevada and California
 919 Highway 3995 North
 Gardnerville, Nevada 89410

Subject: Invitation to Begin Informal Consultation for the Proposed Chichewa/Sierra High Farms Cannabis Cultivation Project, Mono County, California (APN 001-150-004)

Dear Mr. Cruz,

The purpose of this letter is to initiate informal consultation on the Proposed Chichewa/Sierra High Farms Cannabis Cultivation Project, Mono County, California (APN 001-150-004). Great Basin Consulting Group, LLC conducted a Class III reconnaissance survey for the proposed Chichewa/Sierra High Farms Cannabis Cultivation Project in Mono County, California (APN 001-150-004). The inventory was conducted to meet California Environmental Quality Act (CEQA) and AB 52 requirements. Formal Government to Government Consultation will be directed by Mono County.

Sierra High Farms is an adult/medical cannabis production and distribution facility. Product will be grown both indoor and outdoor. The indoor cultivation portion of the project will operate under a California Micro-business license issued by the DCC (Bureau of Cannabis Control) and will consist of cultivation, distribution, and non-storefront retail.

The outdoor portion will operate on a cultivator's license issued by the DCC. The property has the land use designation AG10 on which cannabis activities are allowed subject to a use permit and operation permit approved by Mono County.

The project site consists of approximately three (3) acres of site improvements for indoor cultivation use including greenhouses, lab, nursery, maintenance shop building, driveways, parking, and on-site wastewater treatment system. Components include:

- Four (4) 8,000 square-foot greenhouses (80' by 100') \ (up to 10,500 sq ft indoor mature plant canopy)
- One cultivation lab (4,200 sq ft, 60' by 70')
- One maintenance shop (2,400 sq ft, 40' by 60')
- One drying shed (2,100 sq ft, 35' by 65')
- One nursery and processing building (5,000 sq ft, 50' by 100')

- One well pump house 150 sq ft (10x15')
- Water tank house (need dimensions)
- Three water storage tanks (5,000 gallons).

The outdoor cultivation area covers ten (10) acres and includes:

- Ten (10) acres of outdoor cannabis cultivation area including hoop house structures
- Four storage containers of approximately 8 x 40' for outdoor cultivation tools and storage use.

The cultural resources inventory covered approximately 18 acres within the northern portion of the parcel where indoor and outdoor development is proposed. Access is via existing road. All staging will be confined to the development footprint.

In compliance with CEQA (Public Resources Code 2100 et seq.) and sections pertaining to historic resources (PRC 5024, PRC 5025(f), PRC 5024.1, PRC 5025.5) Great Basin Consulting Group, LLC was contracted by Resource Concepts Inc. (RCI) to complete a Class III archaeological inventory within the project area.

APN 001-150-004 is located near the town of Topaz, just south of Topaz Lake along the west side of Antelope Valley in northern Mono County (Figure 1). Antelope Valley is a 3.5 mile wide by 15 mile long alluvial plain drained by the West Walker River. The river flows northward through the valley eventually emptying into Walker Lake. The West Walker River Canyon marks the southern boundary of Antelope Valley while Topaz Lake, an agricultural reservoir and the Pine Nut Mountains lie at the northern edge of the valley. Step faults along the eastern edge of the Sierra Nevada define the western edge of Antelope Valley, the Sweetwater Mountains and Wellington Hills define the valley's eastern boundary. Vegetation in the area is typical of the Great Basin. Pinon and juniper occur in the surrounding mountains, sage and buckbrush dominate the mountain pediment and non-agricultural lands along the valley bottom. Agricultural fields characterize most of the valley floor (Figure 2). Small residential parcels on lots of 1 to 5 acres occur along US 395. Scattered cottonwoods and willows occur along ditches and as shade trees or windbreaks at farmsteads.

The project area lies along the east side of the valley and abuts the Nevada State Line. Access to the parcel is via Eastside Road and a road following the state line. Most of the parcel is covered by scattered sagebrush and crossed by existing roads. The parcel covers approximately 128 acres, of which only the northern 18 acres are proposed for development (Figure 3). Agricultural fields lie just west of the property. The area proposed for development has been disturbed by brush clearing, leaving only about 5.25 acres of undisturbed land.

Prior to the field visit, pertinent site records and documentation was requested of the California Historic Resource Information System, Eastern Information Center (EIC) and records available in the Nevada Cultural Resources Information System (NVCRIS) were consulted.

On March 24, 2022, EIC responded to the records search request (Appendix 1). They indicate that no cultural resource inventories or cultural resources have been recorded within one-half mile of the project parcel. A search of NVCRIS shows one inventory (*A Cultural Resources Survey Report for Enhancement of Operations and Training Proficiency at Marine Corps Mountain Warfare Training Center, Mono County, California, and Douglas County, Lyon County, and Mineral County, Nevada* 19824/R2009041701936) and one cultural resource located along Eastside Road within the one-half mile record search extent.

26Ly1698/USFS04170208392 comprises remains of the Double Springs – Desert Creek Toll Road/Risue Canyon Road.

No constructed features are shown in the project vicinity on the 1874 General Land Office Rectangular Survey Plat for Township 9 North, Range 23 East. Roads currently crossing the project parcel are depicted on the 1956 Desert Creek Peak 15-minute map.

A single steel horseshoe was identified within the inventoried portion of APN 001-150-004.

The project proponent understands the possibility that there may be resources of concern to the Washoe Tribe of Nevada and California within the initial study area for this project. It is the proponent's goal to avoid cultural resources if possible, so your assistance on this matter would be most welcome.

Great Basin Consulting Group, LLC, a consultant working with RCI to prepare a cultural report is contacting you to consult on this project on behalf of the project proponent. Specifically, the information we are requesting from the **Washoe Tribe of Nevada and California** is the following:

1. Are you aware of any culturally sensitive locations at or near the project location?
2. Do you have any concerns regarding the proposed project?
3. Do you need further information on the project?
4. Are there any others you would suggest be consulted on this project?

Your interest and participation are invaluable to the process. Both Great Basin Consulting Group and RCI want to ensure that any Tribal concerns are treated with respect and are addressed. The Washoe Tribe of Nevada and California can request participation in the Section 106 process as a consulting party.

If you have any questions or concerns about the Section 106-consultation process, please contact Michael Drews, Great Basin Group, LLC, mdrews@greatbasingroup.com or 775-560-5074. If you have specific questions about the pier project at this property you may contact JoAnne Michal, RCI joanne@rci-nv-com or 775-883-1600.

Sincerely,



Michael Drews, Principal

Great Basin Consulting Group

Attachments: Topographic Map, Project Area, Draft Cultural Resources Report



Great Basin Consulting Group, LLC 200 Winters Drive, Carson City, Nevada 89703 775.560.5074

April 21, 2022

Mr. Sherrel Smokey
 Chairperson
 Washoe Tribe of Nevada and California
 919 Highway 3995 North
 Gardnerville, Nevada 89410

Subject: Invitation to Begin Informal Consultation for the Proposed Chichewa/Sierra High Farms Cannabis Cultivation Project, Mono County, California (APN 001-150-004)

Dear Mr. Smokey,

The purpose of this letter is to initiate informal consultation on the Proposed Chichewa/Sierra High Farms Cannabis Cultivation Project, Mono County, California (APN 001-150-004). Great Basin Consulting Group, LLC conducted a Class III reconnaissance survey for the proposed Chichewa/Sierra High Farms Cannabis Cultivation Project in Mono County, California (APN 001-150-004). The inventory was conducted to meet California Environmental Quality Act (CEQA) and AB 52 requirements. Formal Government to Government Consultation will be directed by Mono County.

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The outdoor portion will operate on a cultivator's license issued by the DCC. The property has the land use designation AG10 on which cannabis activities are allowed subject to a use permit and operation permit approved by Mono County.

The project site consists of approximately three (3) acres of site improvements for indoor cultivation use including greenhouses, lab, nursery, maintenance shop building, driveways, parking, and on-site wastewater treatment system. Components include:

- Four (4) 8,000 square-foot greenhouses (80' by 100') \ (up to 10,500 sq ft indoor mature plant canopy)
- One cultivation lab (4,200 sq ft, 60' by 70')
- One maintenance shop (2,400 sq ft, 40' by 60')
- One drying shed (2,100 sq ft, 35' by 65')
- One nursery and processing building (5,000 sq ft, 50' by 100')

- One well pump house 150 sq ft (10x15')
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The outdoor cultivation area covers ten (10) acres and includes:

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The cultural resources inventory covered approximately 18 acres within the northern portion of the parcel where indoor and outdoor development is proposed. Access is via existing road. All staging will be confined to the development footprint.

In compliance with CEQA (Public Resources Code 2100 et seq.) and sections pertaining to historic resources (PRC 5024, PRC 5025(f), PRC 5024.1, PRC 5025.5) Great Basin Consulting Group, LLC was contracted by Resource Concepts Inc. (RCI) to complete a Class III archaeological inventory within the project area.

APN 001-150-004 is located near the town of Topaz, just south of Topaz Lake along the west side of Antelope Valley in northern Mono County (Figure 1). Antelope Valley is a 3.5 mile wide by 15 mile long alluvial plain drained by the West Walker River. The river flows northward through the valley eventually emptying into Walker Lake. The West Walker River Canyon marks the southern boundary of Antelope Valley while Topaz Lake, an agricultural reservoir and the Pine Nut Mountains lie at the northern edge of the valley. Step faults along the eastern edge of the Sierra Nevada define the western edge of Antelope Valley, the Sweetwater Mountains and Wellington Hills define the valley's eastern boundary. Vegetation in the area is typical of the Great Basin. Pinon and juniper occur in the surrounding mountains, sage and buckbrush dominate the mountain pediment and non-agricultural lands along the valley bottom. Agricultural fields characterize most of the valley floor (Figure 2). Small residential parcels on lots of 1 to 5 acres occur along US 395. Scattered cottonwoods and willows occur along ditches and as shade trees or windbreaks at farmsteads.

The project area lies along the east side of the valley and abuts the Nevada State Line. Access to the parcel is via Eastside Road and a road following the state line. Most of the parcel is covered by scattered sagebrush and crossed by existing roads. The parcel covers approximately 128 acres, of which only the northern 18 acres are proposed for development (Figure 3). Agricultural fields lie just west of the property. The area proposed for development has been disturbed by brush clearing, leaving only about 5.25 acres of undisturbed land.

Prior to the field visit, pertinent site records and documentation was requested of the California Historic Resource Information System, Eastern Information Center (EIC) and records available in the Nevada Cultural Resources Information System (NVCRIS) were consulted.

On March 24, 2022, EIC responded to the records search request (Appendix 1). They indicate that no cultural resource inventories or cultural resources have been recorded within one-half mile of the project parcel. A search of NVCRIS shows one inventory (*A Cultural Resources Survey Report for Enhancement of Operations and Training Proficiency at Marine Corps Mountain Warfare Training Center, Mono County, California, and Douglas County, Lyon County, and Mineral County, Nevada* 19824/R2009041701936) and one cultural resource located along Eastside Road within the one-half mile record search extent.

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No constructed features are shown in the project vicinity on the 1874 General Land Office Rectangular Survey Plat for Township 9 North, Range 23 East. Roads currently crossing the project parcel are depicted on the 1956 Desert Creek Peak 15-minute map.

A single steel horseshoe was identified within the inventoried portion of APN 001-150-004.

The project proponent understands the possibility that there may be resources of concern to the Washoe Tribe of Nevada and California within the initial study area for this project. It is the proponent's goal to avoid cultural resources if possible, so your assistance on this matter would be most welcome.

Great Basin Consulting Group, LLC, a consultant working with RCI to prepare a cultural report is contacting you to consult on this project on behalf of the project proponent. Specifically, the information we are requesting from the Washoe Tribe of Nevada and California is the following:

1. Are you aware of any culturally sensitive locations at or near the project location?
2. Do you have any concerns regarding the proposed project?
3. Do you need further information on the project?
4. Are there any others you would suggest be consulted on this project?

Your interest and participation are invaluable to the process. Both Great Basin Consulting Group and RCI want to ensure that any Tribal concerns are treated with respect and are addressed. The Washoe Tribe of Nevada and California can request participation in the Section 106 process as a consulting party.

If you have any questions or concerns about the Section 106-consultation process, please contact Michael Drews, Great Basin Group, LLC, mdrews@greatbasingroup.com or 775-560-5074. If you have specific questions about the pier project at this property you may contact JoAnne Michal, RCI joanne@rci-nv-com or 775-883-1600.

Sincerely,



Michael Drews, Principal

Great Basin Consulting Group

Attachments: Topographic Map, Project Area, Draft Cultural Resources Report



Great Basin Consulting Group, LLC 200 Winters Drive, Carson City, Nevada 89703 775.560.5074

April 21, 2022

Ms. Tina Braitewaite
 Chairperson
 Utu Utu Gwaitu Tribe of the Benton Paiute Reservation
 555 Yellow Jacket Road / 25669 Hwy. 6, PMB 1
 Benton, CA, 93512

Subject: Invitation to Begin Informal Consultation for the Proposed Chichewa/Sierra High Farms Cannabis Cultivation Project, Mono County, California (APN 001-150-004)

Dear Ms. Braitewaite,

The purpose of this letter is to initiate informal consultation on the Proposed Chichewa/Sierra High Farms Cannabis Cultivation Project, Mono County, California (APN 001-150-004). Great Basin Consulting Group, LLC conducted a Class III reconnaissance survey for the proposed Chichewa/Sierra High Farms Cannabis Cultivation Project in Mono County, California (APN 001-150-004). The inventory was conducted to meet California Environmental Quality Act (CEQA) and AB 52 requirements. Formal Government to Government Consultation will be directed by Mono County.

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A single steel horseshoe was identified within the inventoried portion of APN 001-150-004.

The project proponent understands the possibility that there may be resources of concern to the Utu Utu Gwaitu Tribe of the Benton Paiute Reservation within the initial study area for this project. It is the proponent's goal to avoid cultural resources if possible, so your assistance on this matter would be most welcome.

Great Basin Consulting Group, LLC, a consultant working with RCI to prepare a cultural report is contacting you to consult on this project on behalf of the project proponent. Specifically, the information we are requesting from the **Utu Utu Gwaitu Tribe of the Benton Paiute Reservation** is the following:

1. Are you aware of any culturally sensitive locations at or near the project location?
2. Do you have any concerns regarding the proposed project?
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If you have any questions or concerns about the Section 106-consultation process, please contact Michael Drews, Great Basin Group, LLC, mdrews@greatbasingroup.com or 775-560-5074. If you have specific questions about the pier project at this property you may contact JoAnne Michal, RCI joanne@rci-nv-com or 775-883-1600.

Sincerely,



Michael Drews, Principal

Great Basin Consulting Group

Attachments: Topographic Map, Project Area, Draft Cultural Resources Report



Great Basin Consulting Group, LLC 200 Winters Drive, Carson City, Nevada 89703 775.560.5074

April 21, 2022

Mr. James Rambeau
 Chairperson
 Big Pine Tribe of the Owens Valley Paiute
 P.O. Box 700
 Big Pine, CA, 93513

Subject: Invitation to Begin Informal Consultation for the Proposed Chichewa/Sierra High Farms Cannabis Cultivation Project, Mono County, California (APN 001-150-004)

Dear Mr. Rambeau,

The purpose of this letter is to initiate informal consultation on the Proposed Chichewa/Sierra High Farms Cannabis Cultivation Project, Mono County, California (APN 001-150-004). Great Basin Consulting Group, LLC conducted a Class III reconnaissance survey for the proposed Chichewa/Sierra High Farms Cannabis Cultivation Project in Mono County, California (APN 001-150-004). The inventory was conducted to meet California Environmental Quality Act (CEQA) and AB 52 requirements. Formal Government to Government Consultation will be directed by Mono County.

Sierra High Farms is an adult/medical cannabis production and distribution facility. Product will be grown both indoor and outdoor. The indoor cultivation portion of the project will operate under a California Micro-business license issued by the DCC (Bureau of Cannabis Control) and will consist of cultivation, distribution, and non-storefront retail.

The outdoor portion will operate on a cultivator's license issued by the DCC. The property has the land use designation AG10 on which cannabis activities are allowed subject to a use permit and operation permit approved by Mono County.

The project site consists of approximately three (3) acres of site improvements for indoor cultivation use including greenhouses, lab, nursery, maintenance shop building, driveways, parking, and on-site wastewater treatment system. Components include:

- Four (4) 8,000 square-foot greenhouses (80' by 100') \ (up to 10,500 sq ft indoor mature plant canopy)
- One cultivation lab (4,200 sq ft, 60' by 70')
- One maintenance shop (2,400 sq ft, 40' by 60')
- One drying shed (2,100 sq ft, 35' by 65')
- One nursery and processing building (5,000 sq ft, 50' by 100')

- One well pump house 150 sq ft (10x15')
- Water tank house (need dimensions)
- Three water storage tanks (5,000 gallons).

The outdoor cultivation area covers ten (10) acres and includes:

- Ten (10) acres of outdoor cannabis cultivation area including hoop house structures
- Four storage containers of approximately 8 x 40' for outdoor cultivation tools and storage use.

The cultural resources inventory covered approximately 18 acres within the northern portion of the parcel where indoor and outdoor development is proposed. Access is via existing road. All staging will be confined to the development footprint.

In compliance with CEQA (Public Resources Code 2100 et seq.) and sections pertaining to historic resources (PRC 5024, PRC 5025(f), PRC 5024.1, PRC 5025.5) Great Basin Consulting Group, LLC was contracted by Resource Concepts Inc. (RCI) to complete a Class III archaeological inventory within the project area.

APN 001-150-004 is located near the town of Topaz, just south of Topaz Lake along the west side of Antelope Valley in northern Mono County (Figure 1). Antelope Valley is a 3.5 mile wide by 15 mile long alluvial plain drained by the West Walker River. The river flows northward through the valley eventually emptying into Walker Lake. The West Walker River Canyon marks the southern boundary of Antelope Valley while Topaz Lake, an agricultural reservoir and the Pine Nut Mountains lie at the northern edge of the valley. Step faults along the eastern edge of the Sierra Nevada define the western edge of Antelope Valley, the Sweetwater Mountains and Wellington Hills define the valley's eastern boundary. Vegetation in the area is typical of the Great Basin. Pinon and juniper occur in the surrounding mountains, sage and buckbrush dominate the mountain pediment and non-agricultural lands along the valley bottom. Agricultural fields characterize most of the valley floor (Figure 2). Small residential parcels on lots of 1 to 5 acres occur along US 395. Scattered cottonwoods and willows occur along ditches and as shade trees or windbreaks at farmsteads.

The project area lies along the east side of the valley and abuts the Nevada State Line. Access to the parcel is via Eastside Road and a road following the state line. Most of the parcel is covered by scattered sagebrush and crossed by existing roads. The parcel covers approximately 128 acres, of which only the northern 18 acres are proposed for development (Figure 3). Agricultural fields lie just west of the property. The area proposed for development has been disturbed by brush clearing, leaving only about 5.25 acres of undisturbed land.

Prior to the field visit, pertinent site records and documentation was requested of the California Historic Resource Information System, Eastern Information Center (EIC) and records available in the Nevada Cultural Resources Information System (NVCRIS) were consulted.

On March 24, 2022, EIC responded to the records search request (Appendix 1). They indicate that no cultural resource inventories or cultural resources have been recorded within one-half mile of the project parcel. A search of NVCRIS shows one inventory (*A Cultural Resources Survey Report for Enhancement of Operations and Training Proficiency at Marine Corps Mountain Warfare Training Center, Mono County, California, and Douglas County, Lyon County, and Mineral County, Nevada* 19824/R2009041701936) and one cultural resource located along Eastside Road within the one-half mile record search extent.

26Ly1698/USFS04170208392 comprises remains of the Double Springs – Desert Creek Toll Road/Risue Canyon Road.

No constructed features are shown in the project vicinity on the 1874 General Land Office Rectangular Survey Plat for Township 9 North, Range 23 East. Roads currently crossing the project parcel are depicted on the 1956 Desert Creek Peak 15-minute map.

A single steel horseshoe was identified within the inventoried portion of APN 001-150-004.

The project proponent understands the possibility that there may be resources of concern to the Big Pine Tribe of the Owens Valley Paiute within the initial study area for this project. It is the proponent's goal to avoid cultural resources if possible, so your assistance on this matter would be most welcome.

Great Basin Consulting Group, LLC, a consultant working with RCI to prepare a cultural report is contacting you to consult on this project on behalf of the project proponent. Specifically, the information we are requesting from the Big Pine Tribe of the Owens Valley Paiute is the following:

1. Are you aware of any culturally sensitive locations at or near the project location?
2. Do you have any concerns regarding the proposed project?
3. Do you need further information on the project?
4. Are there any others you would suggest be consulted on this project?

Your interest and participation are invaluable to the process. Both Great Basin Consulting Group and RCI want to ensure that any Tribal concerns are treated with respect and are addressed. The Big Pine Tribe of the Owens Valley Paiute can request participation in the Section 106 process as a consulting party.

If you have any questions or concerns about the Section 106-consultation process, please contact Michael Drews, Great Basin Group, LLC, mdrews@greatbasingroup.com or 775-560-5074. If you have specific questions about the pier project at this property you may contact JoAnne Michal, RCI joanne@rci-nv-com or 775-883-1600.

Sincerely,



Michael Drews, Principal

Great Basin Consulting Group

Attachments: Topographic Map, Project Area, Draft Cultural Resources Report



Great Basin Consulting Group, LLC 200 Winters Drive, Carson City, Nevada 89703 775.560.5074

April 21, 2022

Ms. Sally Manning
 Environmental Director
 Big Pine Tribe of the Owens Valley Paiute
 P.O. Box 700
 Big Pine, CA, 93513

Subject: Invitation to Begin Informal Consultation for the Proposed Chichewa/Sierra High Farms Cannabis Cultivation Project, Mono County, California (APN 001-150-004)

Dear Ms. Manning,

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The outdoor cultivation area covers ten (10) acres and includes:

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The cultural resources inventory covered approximately 18 acres within the northern portion of the parcel where indoor and outdoor development is proposed. Access is via existing road. All staging will be confined to the development footprint.

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Sincerely,



Michael Drews, Principal

Great Basin Consulting Group

Attachments: Topographic Map, Project Area, Draft Cultural Resources Report



Great Basin Consulting Group, LLC 200 Winters Drive, Carson City, Nevada 89703 775.560.5074

April 21, 2022

Ms. Danelle Gutierrez
 Tribal Historic Preservation Officer
 Big Pine Tribe of the Owens Valley Paiute
 P.O. Box 700
 Big Pine, CA, 93513

Subject: Invitation to Begin Informal Consultation for the Proposed Chichewa/Sierra High Farms Cannabis Cultivation Project, Mono County, California (APN 001-150-004)

Dear Ms. Gutierrez,

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Sincerely,



Michael Drews, Principal

Great Basin Consulting Group

Attachments: Topographic Map, Project Area, Draft Cultural Resources Report



Great Basin Consulting Group, LLC 200 Winters Drive, Carson City, Nevada 89703 775.560.5074

April 21, 2022

Mr. Allen Summers
 Chairperson
 Bishop Paiute Tribe
 50 Tu Su Lane
 Bishop, CA 93514

Subject: Invitation to Begin Informal Consultation for the Proposed Chichewa/Sierra High Farms Cannabis Cultivation Project, Mono County, California (APN 001-150-004)

Dear Mr. Summers,

The purpose of this letter is to initiate informal consultation on the Proposed Chichewa/Sierra High Farms Cannabis Cultivation Project, Mono County, California (APN 001-150-004). Great Basin Consulting Group, LLC conducted a Class III reconnaissance survey for the proposed Chichewa/Sierra High Farms Cannabis Cultivation Project in Mono County, California (APN 001-150-004). The inventory was conducted to meet California Environmental Quality Act (CEQA) and AB 52 requirements. Formal Government to Government Consultation will be directed by Mono County.

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Sincerely,



Michael Drews, Principal

Great Basin Consulting Group

Attachments: Topographic Map, Project Area, Draft Cultural Resources Report



Great Basin Consulting Group, LLC 200 Winters Drive, Carson City, Nevada 89703 775.560.5074

April 21, 2022

Mr. John Glasier
 Chairperson
 Bridgeport Paiute Indian Colony
 P.O. Box 37
 Bridgeport, CA 93517

Subject: Invitation to Begin Informal Consultation for the Proposed Chichewa/Sierra High Farms Cannabis Cultivation Project, Mono County, California (APN 001-150-004)

Dear Mr. Glasier,

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The project area lies along the east side of the valley and abuts the Nevada State Line. Access to the parcel is via Eastside Road and a road following the state line. Most of the parcel is covered by scattered sagebrush and crossed by existing roads. The parcel covers approximately 128 acres, of which only the northern 18 acres are proposed for development (Figure 3). Agricultural fields lie just west of the property. The area proposed for development has been disturbed by brush clearing, leaving only about 5.25 acres of undisturbed land.

Prior to the field visit, pertinent site records and documentation was requested of the California Historic Resource Information System, Eastern Information Center (EIC) and records available in the Nevada Cultural Resources Information System (NVCRIS) were consulted.

On March 24, 2022, EIC responded to the records search request (Appendix 1). They indicate that no cultural resource inventories or cultural resources have been recorded within one-half mile of the project parcel. A search of NVCRIS shows one inventory (*A Cultural Resources Survey Report for Enhancement of Operations and Training Proficiency at Marine Corps Mountain Warfare Training Center, Mono County, California, and Douglas County, Lyon County, and Mineral County, Nevada* 19824/R2009041701936) and one cultural resource located along Eastside Road within the one-half mile record search extent.

26Ly1698/USFS04170208392 comprises remains of the Double Springs – Desert Creek Toll Road/Risue Canyon Road.

No constructed features are shown in the project vicinity on the 1874 General Land Office Rectangular Survey Plat for Township 9 North, Range 23 East. Roads currently crossing the project parcel are depicted on the 1956 Desert Creek Peak 15-minute map.

A single steel horseshoe was identified within the inventoried portion of APN 001-150-004.

The project proponent understands the possibility that there may be resources of concern to the Bridgeport Paiute Indian Colony within the initial study area for this project. It is the proponent's goal to avoid cultural resources if possible, so your assistance on this matter would be most welcome.

Great Basin Consulting Group, LLC, a consultant working with RCI to prepare a cultural report is contacting you to consult on this project on behalf of the project proponent. Specifically, the information we are requesting from the Bridgeport Paiute Indian Colony is the following:

1. Are you aware of any culturally sensitive locations at or near the project location?
2. Do you have any concerns regarding the proposed project?
3. Do you need further information on the project?
4. Are there any others you would suggest be consulted on this project?

Your interest and participation are invaluable to the process. Both Great Basin Consulting Group and RCI want to ensure that any Tribal concerns are treated with respect and are addressed. The Bridgeport Paiute Indian Colony can request participation in the Section 106 process as a consulting party.

If you have any questions or concerns about the Section 106-consultation process, please contact Michael Drews, Great Basin Group, LLC, mdrews@greatbasingroup.com or 775-560-5074. If you have specific questions about the pier project at this property you may contact JoAnne Michal, RCI joanne@rci-nv-com or 775-883-1600.

Sincerely,



Michael Drews, Principal

Great Basin Consulting Group

Attachments: Topographic Map, Project Area, Draft Cultural Resources Report



Great Basin Consulting Group, LLC 200 Winters Drive, Carson City, Nevada 89703 775.560.5074

April 21, 2022

Ms. Charlotte Lange
 Chairperson
 Mono Lake Kutzadika Tribe
 P.O. Box 237
 Lee Vining, CA, 93541

Subject: Invitation to Begin Informal Consultation for the Proposed Chichewa/Sierra High Farms Cannabis Cultivation Project, Mono County, California (APN 001-150-004)

Dear Ms. Lange,

The purpose of this letter is to initiate informal consultation on the Proposed Chichewa/Sierra High Farms Cannabis Cultivation Project, Mono County, California (APN 001-150-004). Great Basin Consulting Group, LLC conducted a Class III reconnaissance survey for the proposed Chichewa/Sierra High Farms Cannabis Cultivation Project in Mono County, California (APN 001-150-004). The inventory was conducted to meet California Environmental Quality Act (CEQA) and AB 52 requirements. Formal Government to Government Consultation will be directed by Mono County.

Sierra High Farms is an adult/medical cannabis production and distribution facility. Product will be grown both indoor and outdoor. The indoor cultivation portion of the project will operate under a California Micro-business license issued by the DCC (Bureau of Cannabis Control) and will consist of cultivation, distribution, and non-storefront retail.

The outdoor portion will operate on a cultivator's license issued by the DCC. The property has the land use designation AG10 on which cannabis activities are allowed subject to a use permit and operation permit approved by Mono County.

The project site consists of approximately three (3) acres of site improvements for indoor cultivation use including greenhouses, lab, nursery, maintenance shop building, driveways, parking, and on-site wastewater treatment system. Components include:

- Four (4) 8,000 square-foot greenhouses (80' by 100') \ (up to 10,500 sq ft indoor mature plant canopy)
- One cultivation lab (4,200 sq ft, 60' by 70')
- One maintenance shop (2,400 sq ft, 40' by 60')
- One drying shed (2,100 sq ft, 35' by 65')
- One nursery and processing building (5,000 sq ft, 50' by 100')

- One well pump house 150 sq ft (10x15')
- Water tank house (need dimensions)
- Three water storage tanks (5,000 gallons).

The outdoor cultivation area covers ten (10) acres and includes:

- Ten (10) acres of outdoor cannabis cultivation area including hoop house structures
- Four storage containers of approximately 8 x 40' for outdoor cultivation tools and storage use.

The cultural resources inventory covered approximately 18 acres within the northern portion of the parcel where indoor and outdoor development is proposed. Access is via existing road. All staging will be confined to the development footprint.

In compliance with CEQA (Public Resources Code 2100 et seq.) and sections pertaining to historic resources (PRC 5024, PRC 5025(f), PRC 5024.1, PRC 5025.5) Great Basin Consulting Group, LLC was contracted by Resource Concepts Inc. (RCI) to complete a Class III archaeological inventory within the project area.

APN 001-150-004 is located near the town of Topaz, just south of Topaz Lake along the west side of Antelope Valley in northern Mono County (Figure 1). Antelope Valley is a 3.5 mile wide by 15 mile long alluvial plain drained by the West Walker River. The river flows northward through the valley eventually emptying into Walker Lake. The West Walker River Canyon marks the southern boundary of Antelope Valley while Topaz Lake, an agricultural reservoir and the Pine Nut Mountains lie at the northern edge of the valley. Step faults along the eastern edge of the Sierra Nevada define the western edge of Antelope Valley, the Sweetwater Mountains and Wellington Hills define the valley's eastern boundary. Vegetation in the area is typical of the Great Basin. Pinon and juniper occur in the surrounding mountains, sage and buckbrush dominate the mountain pediment and non-agricultural lands along the valley bottom. Agricultural fields characterize most of the valley floor (Figure 2). Small residential parcels on lots of 1 to 5 acres occur along US 395. Scattered cottonwoods and willows occur along ditches and as shade trees or windbreaks at farmsteads.

The project area lies along the east side of the valley and abuts the Nevada State Line. Access to the parcel is via Eastside Road and a road following the state line. Most of the parcel is covered by scattered sagebrush and crossed by existing roads. The parcel covers approximately 128 acres, of which only the northern 18 acres are proposed for development (Figure 3). Agricultural fields lie just west of the property. The area proposed for development has been disturbed by brush clearing, leaving only about 5.25 acres of undisturbed land.

Prior to the field visit, pertinent site records and documentation was requested of the California Historic Resource Information System, Eastern Information Center (EIC) and records available in the Nevada Cultural Resources Information System (NVCRIS) were consulted.

On March 24, 2022, EIC responded to the records search request (Appendix 1). They indicate that no cultural resource inventories or cultural resources have been recorded within one-half mile of the project parcel. A search of NVCRIS shows one inventory (*A Cultural Resources Survey Report for Enhancement of Operations and Training Proficiency at Marine Corps Mountain Warfare Training Center, Mono County, California, and Douglas County, Lyon County, and Mineral County, Nevada* 19824/R2009041701936) and one cultural resource located along Eastside Road within the one-half mile record search extent.

26Ly1698/USFS04170208392 comprises remains of the Double Springs – Desert Creek Toll Road/Risue Canyon Road.

No constructed features are shown in the project vicinity on the 1874 General Land Office Rectangular Survey Plat for Township 9 North, Range 23 East. Roads currently crossing the project parcel are depicted on the 1956 Desert Creek Peak 15-minute map.

A single steel horseshoe was identified within the inventoried portion of APN 001-150-004.

The project proponent understands the possibility that there may be resources of concern to the Mono Lake Kutzadika Tribe within the initial study area for this project. It is the proponent's goal to avoid cultural resources if possible, so your assistance on this matter would be most welcome.

Great Basin Consulting Group, LLC, a consultant working with RCI to prepare a cultural report is contacting you to consult on this project on behalf of the project proponent. Specifically, the information we are requesting from the Mono Lake Kutzadika Tribe is the following:

1. Are you aware of any culturally sensitive locations at or near the project location?
2. Do you have any concerns regarding the proposed project?
3. Do you need further information on the project?
4. Are there any others you would suggest be consulted on this project?

Your interest and participation are invaluable to the process. Both Great Basin Consulting Group and RCI want to ensure that any Tribal concerns are treated with respect and are addressed. The Mono Lake Kutzadika Tribe can request participation in the Section 106 process as a consulting party.

If you have any questions or concerns about the Section 106-consultation process, please contact Michael Drews, Great Basin Group, LLC, mdrews@greatbasingroup.com or 775-560-5074. If you have specific questions about the pier project at this property you may contact JoAnne Michal, RCI joanne@rci-nv-com or 775-883-1600.

Sincerely,



Michael Drews, Principal

Great Basin Consulting Group

Attachments: Topographic Map, Project Area, Draft Cultural Resources Report



Great Basin Consulting Group, LLC 200 Winters Drive, Carson City, Nevada 89703 775.560.5074

April 21, 2022

Ms. Melanie McFalls
 Chairperson
 Walker River Reservation
 P.O. Box 220
 Schurz, NV, 89427

Subject: Invitation to Begin Informal Consultation for the Proposed Chichewa/Sierra High Farms Cannabis Cultivation Project, Mono County, California (APN 001-150-004)

Dear Ms. McFalls,

The purpose of this letter is to initiate informal consultation on the Proposed Chichewa/Sierra High Farms Cannabis Cultivation Project, Mono County, California (APN 001-150-004). Great Basin Consulting Group, LLC conducted a Class III reconnaissance survey for the proposed Chichewa/Sierra High Farms Cannabis Cultivation Project in Mono County, California (APN 001-150-004). The inventory was conducted to meet California Environmental Quality Act (CEQA) and AB 52 requirements. Formal Government to Government Consultation will be directed by Mono County.

Sierra High Farms is an adult/medical cannabis production and distribution facility. Product will be grown both indoor and outdoor. The indoor cultivation portion of the project will operate under a California Micro-business license issued by the DCC (Bureau of Cannabis Control) and will consist of cultivation, distribution, and non-storefront retail.

The outdoor portion will operate on a cultivator's license issued by the DCC. The property has the land use designation AG10 on which cannabis activities are allowed subject to a use permit and operation permit approved by Mono County.

The project site consists of approximately three (3) acres of site improvements for indoor cultivation use including greenhouses, lab, nursery, maintenance shop building, driveways, parking, and on-site wastewater treatment system. Components include:

- Four (4) 8,000 square-foot greenhouses (80' by 100') \ (up to 10,500 sq ft indoor mature plant canopy)
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APN 001-150-004 is located near the town of Topaz, just south of Topaz Lake along the west side of Antelope Valley in northern Mono County (Figure 1). Antelope Valley is a 3.5 mile wide by 15 mile long alluvial plain drained by the West Walker River. The river flows northward through the valley eventually emptying into Walker Lake. The West Walker River Canyon marks the southern boundary of Antelope Valley while Topaz Lake, an agricultural reservoir and the Pine Nut Mountains lie at the northern edge of the valley. Step faults along the eastern edge of the Sierra Nevada define the western edge of Antelope Valley, the Sweetwater Mountains and Wellington Hills define the valley's eastern boundary. Vegetation in the area is typical of the Great Basin. Pinon and juniper occur in the surrounding mountains, sage and buckbrush dominate the mountain pediment and non-agricultural lands along the valley bottom. Agricultural fields characterize most of the valley floor (Figure 2). Small residential parcels on lots of 1 to 5 acres occur along US 395. Scattered cottonwoods and willows occur along ditches and as shade trees or windbreaks at farmsteads.

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The project proponent understands the possibility that there may be resources of concern to the Walker River Reservation within the initial study area for this project. It is the proponent's goal to avoid cultural resources if possible, so your assistance on this matter would be most welcome.

Great Basin Consulting Group, LLC, a consultant working with RCI to prepare a cultural report is contacting you to consult on this project on behalf of the project proponent. Specifically, the information we are requesting from the Walker River Reservation is the following:

1. Are you aware of any culturally sensitive locations at or near the project location?
2. Do you have any concerns regarding the proposed project?
3. Do you need further information on the project?
4. Are there any others you would suggest be consulted on this project?

Your interest and participation are invaluable to the process. Both Great Basin Consulting Group and RCI want to ensure that any Tribal concerns are treated with respect and are addressed. The Walker River Reservation can request participation in the Section 106 process as a consulting party.

If you have any questions or concerns about the Section 106-consultation process, please contact Michael Drews, Great Basin Group, LLC, mdrews@greatbasingroup.com or 775-560-5074. If you have specific questions about the pier project at this property you may contact JoAnne Michal, RCI joanne@rci-nv-com or 775-883-1600.

Sincerely,



Michael Drews, Principal

Great Basin Consulting Group

Attachments: Topographic Map, Project Area, Draft Cultural Resources Report

RESUMES

Michael Drews



Education B.A. Anthropology, University of San Francisco

Professional Experience

Great Basin Consulting Group LLC, Carson City, Nevada

April 2014 to present

Director: Michael Drews created Great Basin Consulting Group LLC in April 2014 after a long tenure with Gnomon, Inc. Great Basin Group specializes in cultural resource consulting, field inventories, predictive models, and National Register evaluations. Mr. Drews has over 40 years of experience conducting archaeological research in the Great Basin, California and the Pacific Northwest, with thirteen years of experience developing and implementing cultural resource models using GIS. Mr. Drews has provided his expertise for a wide range of projects in the Great Basin, California, and the Pacific Northwest including archaeological survey/inventory/testing/data recovery; historic contexts; geomorphology; faunal analysis; collection management; public outreach; historic architecture, National Register evaluations, and Section 106, NEPA and CEQA regulatory compliance for federal, state and municipal governments, private industry, land developers, the military and the scientific community in the western United States. Mr. Drews is familiar with ESRI ArcView, ESRI ArcGIS 10.x, geodatabases, and GeoMedia, Trimble Pathfinder Office, GPS and Total Station mapping. Mr. Drews was previously listed as Principal Investigator in Prehistoric and Historic archaeology on BLM Nevada, Oregon, and Washington Cultural Resource Permits

Gnomon, Inc., Carson City, Nevada

2000 to March 2014

Cultural Resource Project Manager: Michael Drews managed cultural resource related projects for Gnomon, specializing in creation of cultural resource management systems, cultural resource inventories, predictive models, and National Register Evaluations.

Nevada Department of Transportation Carson City, Nevada

1991 – 2000

Archaeologist II: Nevada Department of Transportation, Carson City. Plan, coordinate, and supervise archaeological field projects related to development of highway right-of-way and materials sources

Intermountain Research Silver City, Nevada

1982 – 1991

Staff Archaeologist: Coordinated and supervised archaeological field projects, managed mapping, drafting and graphics department.

Ancient Enterprises, Santa Monica, California

1978-1982

Staff Archaeologist. Supervised archaeological field projects in the Great Basin and Chumash cultural area of Southern California. Responsible for project budget, logistics and report preparation.

ARCHEOTEC, Inc, Oakland California

1976-1978

Archaeologist. Archaeological testing and monitoring of historic period sites and cargo ship remains in San Francisco, California.



Appointments

Carson City Historic Resources Commission

1989 – present

Appointed to the Carson City Historic Resources Commission by the Carson City Board of Supervisors. Advises Board of Supervisors on matters concerning identification, designation, preservation and enhancement of sites and structures of historic significance. Elected Commission chairman 2004 -2013 and 2016.

Preserve Nevada

2015-present

Preserve Nevada is a statewide nonprofit organization dedicated to the preservation of Nevada's cultural, historical, and archeological heritage. In partnership with the University of Nevada, Las Vegas, and the National Trust for Historic Preservation, Preserve Nevada purpose is to help identify and meet the special needs of Nevada's preservation community. Member of Board of Directors

Sierra Front, Northwest Great Basin Resource Advisory Council

2009 – 2012

Appointed to the Sierra Front/Northwest Great Basin Resource Advisory Council by the Secretary of the Interior. RAC recommendations address all public land issues, including: land use planning, recreation, noxious weeds, and wild horse and burro herd management areas.

Carson River Advisory Committee

1994-1997

Appointed to the Carson River Advisory Committee representing Cultural Resource, Native American and V&T Railroad issues. Development and implementation of the Carson River Master Plan.

Cultural Resource Projects

- | | |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2014-2017 | Conducted various Cultural Resource Inventory, Cultural Resource Monitoring, Cultural Resource Sensitivity Modeling, GIS development and spatial analysis projects for Great Basin Consulting Group, LLC. Clients included engineering firms, local governments, mining companies, and public utilities. |
| 2000-2014 | Cultural Resource Inventory projects, Cultural Resource Information System Development and Cultural Resource Sensitivity Modeling for Gnomon, Inc. GIS/database programming and spatial analysis. |
| 2007 | Data conversion of selected archival records and maps at the Northwest Information Center and North Coastal Information Center/ California Office of Historic Preservation for Natural Resource Conservation Service |
| 2004 | An Examination of Fire Effects on Prehistoric Period Cultural Resources in Nevada. With MACTEC Engineering, conducted a study on the effects of fire on selected classes of cultural resources for the Nevada Bureau of Land Management. |

Michael Drews



- 2004 Cultural Resources Predictive Modeling for the Humboldt Toiyabe National Forest. Created an environmental based cultural resource model for fire management and grazing on Forest Service lands.
- 2004-1979 Principal Investigator, Field Supervisor and Crew Chief for various cultural resource inventory and mitigation projects in Nevada, California, Oregon, and Wyoming.

Technical Reports

Drews, Michael P.

- 2017 A Class III Cultural Resource Inventory for Washoe County School District Arrowcreek School Site Acquisition, Washoe County, Nevada. Report submitted to USFS Humboldt Toiyabe National Forest Report Number R2017041702643
- Class III Cultural Resources Inventory for Washoe County School District R&PP School Site Lease, Sun Valley, Washoe County, Nevada. Report submitted to BLM Carson City District Report Number CRR3-2752
- A Class III Cultural Resource Inventory for the Mitchell Bank Stabilization Project along the West Walker River APN 012-332-014 and APN 012-361-039, Lyon County Nevada for the Mason Valley Conservation District. Submitted to US Army Corps of Engineers.
- A Cultural Resources Visual Assessment for the Proposed Evans Creek Disturbance Area Associated with Rancharrah Equestrian Village Development, Reno, Washoe County, Nevada. SPK-2017-01003 Submitted to US Army Corps of Engineers.
- A Class III Cultural Resource Inventory of the Meridian 120 Project, APN 038-120-03, 038-120-10, 038-120-12, 038-120-13, 038-090-61, 038-132-25, Verdi, Nevada for Wood Rodgers, Inc.
- A Class III Cultural Resource Inventory of the Dayton Valley Conservation District Bank Stabilization Projects 111C and 010C Lyon County, Nevada. Submitted to US Army Corps of Engineers.
- 2016 A Class III Cultural Resource Inventory of a 100 Acre Parcel (APN 008-52-120) associated with the Proposed Carson City Disc Golf Course near Flint Drive, Carson City, Nevada for Carson City Parks and Recreation Department. Submitted to Nevada State Historic Preservation Office.
- Architectural Inventory for the Truckee Donner Land Trust Spillway Modification Project at Van Norden Reservoir, Nevada and Placer County, California. Submitted to: John Svahn Truckee Donner Land Trust 10069 West River Street Truckee, California, 96162
- A Cultural Resource Overview of Jacks Valley Ranch APN 1419 00-001-033 and APN 1419-00-002-028. Submitted to: Nevada Land Trust P.O.Box 20288 Reno, Nevada 89515

Michael Drews



A Class III Cultural Resource Inventory of the Dayton Valley Conservation District Bank Stabilization Projects MCR-48 and MCR-49 Lyon County, Nevada. Submitted to US Army Corps of Engineers, Reno Office.

A Class III Cultural Resource Inventory for the proposed Summit Club Development, Sierra Summit, LLC APN 049-384-04, Reno, Nevada for Wood Rodgers Inc. Submitted to City of Reno, Planning Department, on behalf of US Department of Housing and Urban Development CDBG Grant.

- 2015 A Class III Cultural Resource Inventory for the Verdi Bridge Scour Project (G772, B764) Verdi CMAR Project, Verdi, Washoe County, Nevada Report Prepared for Wood Rodgers Inc, Submitted to Nevada Department of Transportation, NDOT: WA15-041R, Federal Highways Administration FHWA: NHP-080-1(170).

Historic Resources Evaluation Report of P-26-005900 associated with Hazard Tree Removal along US HWY 395 Postmile 114.69 to 115.20, Mono County, California. Liberty Utilities (CALPECO ELECTRIC) LLC 701 National Avenue Tahoe Vista, CA 96148, Angie Calloway Eastern Sierra Environmental Branch Chief CALTRANS District 9

Class III Cultural Resources Inventory for Burke Creek-Rabe Meadows Complex Restoration Plan, Phase I and Phase II, Douglas County, Nevada. Submitted to USFS Lake Tahoe Basin Management Unit South Lake Tahoe, California. Report #R2015051900026

A Class I Cultural Resources Inventory for Proposed DWSRF Downtown Streetscape Project, Carson City, Nevada. Report prepared for Carson City Public Works Department, Nevada Department of Environmental Protection

A Class III Cultural Resource Inventory of the Au-Reka Gold Work Plan #3 Block Exploration Area, Lander County, Nevada BLM Report Number CRR 6-3124-1. Submitted to Bureau of Land Management Battle Mountain District Mt. Lewis Field Office Battle Mountain, Nevada

A Class III Cultural Resource Inventory Associated with AAR #10 Route Modifications to the Nevada Hospital Association, Nevada Broadband Telemedicine Initiative Project, Nevada. Report Prepared for National Telecommunications and Information Administration (NTIA), BLM Las Vegas District, Pahrump Field Office CRR 5-2692

Class III Cultural Resources Inventory for a Placement of a Proposed 1.82 Mile Aerial Fiber Optic Line on Timbisha Tribal Lands, Nye County, Nevada as part of the Nevada Broadband Telecommunications Initiative (NBTI) Report submitted to Bureau of Indian Affairs, Pacific Regional Office, Sacramento, California.

Class III Cultural Resources Inventory for a Placement of a Proposed 12.8 Mile Fiber Optic Line on Walker River Paiute Tribal Lands, Mineral County, Nevada as part of the Nevada Broadband Telecommunications Initiative (NBTI) Report submitted to Bureau of Indian Affairs, Western Regional Office, Phoenix, Arizona

Michael Drews



- A Class I Archival Review for the Proposed Liberty Utilities Hazard Tree Removal and Pole Replacement, Tahoe City 7300 Phase 2 Rebuild Project 8800-0214-0597. Report prepared for Liberty Utilities (CalPeco Electric) LLC
- A Cultural Resources Report for Proposed Clean Water State Revolving Fund 2014 Sewer Replacement and Storm Water Improvements, Carson City, Nevada. Report Prepared for Carson City Public Works Department, Nevada Department of Environmental Protection
- A Class I Cultural Resources Inventory for Proposed DWSRF E-W Transmission Main Phase 2A-2, Carson City, Nevada. Report Prepared for Carson City Public Works Department, Nevada Department of Environmental Protection.
- A Class III Cultural Resource Inventory of a Six Acre Parcel at 2595 East Second Street, Reno, Nevada (APN 032-050-64) Report Prepared for Wood Rodgers, Inc, Submitted to Bureau of Indian Affairs Western Regional Office, Phoenix, AZ
- Addendum to A Class III Cultural Resource Inventory for the Liberty Utilities CalPECo 619 Line Replacement, Plumas County, California HRM 01-03-2014. Report prepared for Liberty Utilities (CalPeco Electric) LLC, Submitted to Plumas National Forest.
- 2014 A Cultural Resources Report for Proposed Clean Water State Revolving Fund 2014 Sewer Replacement and Storm Water Improvements, Carson City, Nevada. Report Prepared for Carson City Public Works Department, Nevada Department of Environmental Protection
- A Class III Cultural Resource Inventory Associated with AAR #6 Route Modifications to the Nevada Hospital Association, Nevada Broadband Telemedicine Initiative Project, Nevada. Submitted to National Telecommunications and Information Administration (NTIA), BLM Nevada, Carson City District, Stillwater Field Office Las Vegas District, Pahrump Field Office
- A Class I Archival Review for the Rancharrah Development, Reno, Nevada. Report Prepared for Wood Rodgers, Inc, Submitted to Washoe County Planning Department
- A Class I Archival Review for the Proposed Liberty Utilities Hazard Tree Removal and Pole Replacement, Tahoe City 7300 Phase 2 Rebuild Project 8800-0214-0597. Report prepared for Liberty Utilities (CalPeco Electric) LLC, Submitted to U.S. Forest Service, Lake Tahoe Basin Management Unit.
- A Class III Cultural Resource Inventory of a Forty-five Acre Parcel (APN 007-091-15/APN 007-60-101) at the Head of Ash Canyon, Carson City, Nevada for Nevada Land Trust. Submitted to Bureau of Reclamation Mid-Pacific Region Sacramento, California
- A Class III Cultural Resource Inventory of APN 014-090-011, Sierra County, California for Truckee Donner Land Trust. Submitted to Bureau of Reclamation Mid-Pacific Region, Sacramento, California Tracking Number 15-LBAO-010
- 2013 A Class III Cultural Resource Inventory for the Liberty Utilities CalPECo 619 Line Replacement, Plumas County, California Report submitted to Plumas National Forest HRM 01-03-2014



Michael Drews

- 2010 Archaeological Survey for Three Mono County Transportation Enhancement Projects in the Towns of Walker and Bridgeport, Mono County, California. Report on file CALTRANS District 9, Bishop, California.
- 2009 *Virginia & Truckee Railway Reconstruction Project Halfway House (Or308/Ly918) and Emigrant Trail (CrNv03-1411) Data Recovery Report*. Contributions by Michael Drews, Jeremy Hall, William White and Charles Zeier. Prepared for Federal Highway Administration and Sierra Front Field Office, Bureau of Land Management. Michael P. Drews (editor) BLM Report Number CRR 3-1597.3.
- An Architectural and Archaeological Inventory of the American Flat Mill, Storey County, Nevada. Report submitted to BLM Carson City Field Office, CRR 3-2468, FDD070044.
- 2008 A Class III Cultural Resource Inventory along a Mountain Bike Trail In Ash Canyon, Carson City, Nevada. Report prepared for Carson City, Department of Parks and Recreation.
- A Class III Cultural Resource Inventory for a Proposed R&PP Land Exchange, Carson City, Nevada. BLM Carson City Field Office CRR 3-2468.
- Class III Cultural Resources Inventory Bluebird Fuels Reduction Project, Douglas County, Nevada. BLM Carson City Field Office CRR 3-2452.
- A Cultural Resources Inventory for Sierra Pacific Power Company #141 Line Rebuild Washoe County, Nevada. Humboldt Toiyabe National Forest Project Number R 2008 04 17 01869.
- Addendum to a Class III Cultural Resources Inventory for the Petersen Mountains Fuels Treatment Project, Washoe County, Nevada. Report prepared for BLM Carson City Field Office CRR 3-2314-1
- The Carson City Field Office Cultural Resources Model for Fuels Management. Prepared for Bureau of Land Management, Nevada State Office, Carson City Field Office.
- 2004 In The Black Prehistoric Cultural Resources Probability Model. Prepared for U.S. Forest Service, Humboldt-Toiyabe National Forest, Sparks.
- Bridgeport Grazing and Cultural Resources Probability Model. Prepared for U.S. Forest Service, Humboldt-Toiyabe National Forest, Sparks.
- Drews, Michael and Sarah Branch
- 2015 A Class III Cultural Resource Inventory of the DTL Treatment Properties for the Dayton Valley Conservation District, Lyon County, Nevada. Report sSubmitted to Bureau of Reclamation, Mid-Pacific Region Sacramento, California
- Drews, Michael P., Jeremy Hall
- 2012 A Class III Archaeological Inventory of the Bently Property (APN 010-011-24 and 010-011-25) along the Carson River as required by the Southern Nevada Public Lands Management Act (SNPLMA) Funding Agreement. Submitted to BLM, Sierra Field Office, Carson City, Nevada. BLM Report Number CR 3-2596.

Michael Drews



- 2010 Archaeological Survey for Three Mono County Transportation Enhancement Projects in the Towns of Walker and Bridgeport, Mono County, California. Report on file CALTRANS District 9, Bishop, California.
- Class III Cultural Resource Inventory for Canoe Hill II, Washoe County, Nevada. BLM Report: CRR-3-2539. Bureau of Land Management, Sierra Front Field Office, Carson City
- 2009 A Class III Cultural Resource Inventory for a 3 acre Expansion of the Bridgeport Sanitary Landfill, Bridgeport, California. Report on file Bureau of Land Management, Bishop Field Office.
- Archaeological Survey for the Proposed Pavement Rehabilitation of Swall Meadows Road, Near Toms Place, Mono County, California Federal Project No. ESPL-5947E-5016(037). Report on file CALTRANS District 9, Bishop, Ca.
- Cultural Resource Inventory for a Proposed R&PP Land Exchange, Carson City, Nevada (Ash Canyon Bike Trail). Field survey conducted Summer 2008. Final report submitted Spring 2009.
- Cultural Resource Inventory for a Proposed R&PP Land Exchange, Carson City, Nevada (Carson City Pioneer Cemetery). Field survey conducted Summer 2008. Final report submitted Spring 2009.
- Drews, Michael P. and Dayna Giambastiani
- 2016 Cultural Resources Overview of the Heinz Ranch, South Parcel (approximately 1378 acres) for the Stone Gate Master Planned Community, Washoe County, Nevada. Submitted to: Heinz Ranch Company, LLC 2999 Oak Road, Suite 400 Walnut Creek, CA 94597
- Drews, Michael P. and Dayna Giambastiani
- 2016 A Class III Cultural Resource Inventory for Sky View Parcels in Carpenter Valley, Nevada County, California for Truckee Donner Land Trust. Submitted to Bureau of Reclamation, Sacramento, California 16-LBAO-139.
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Michael Drews



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Michael Drews



Professional Papers

- 2016 Soldering Across the Great Basin. Paper presented at the 35th Great Basin Anthropological Conference, Reno, Nevada. With Lou Ann Speulda-Drews
- 2012 Lincoln County Transportation Context. Paper presented at the 34th Great Basin Anthropological Conference, Stateline, Nevada. With Charles Zeier, Ron Reno, and Jeremy Hall.
- 2010 Working Beneath the Canopy: LiDAR as an Aid in Locating Historic Mining Features in Areas of Marginal Surface Visibility. Paper presented at the 44th Annual Conference on Historical and Underwater Archaeology, Austin, Texas. With David Harder, Chris Noll and Jeremy Hall.
- LiDAR as an Effective Tool for Locating Historic Mining Features at Buckhorn Mountain in Northeastern Washington. Poster Session. 44th Annual Conference on Historical and Underwater Archaeology, Austin, Texas. With David Harder, Chris Noll and Jeremy Hall.
- LiDAR as an Aid in Locating Historic Mining Features in Areas of Poor Surface Visibility. 32nd Great Basin Anthropological Conference, Layton, Utah. With Christopher Noll, David Harder, and Jeremy Hall
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- 2006 Forecasting Geological Settings of Buried Sites Using Geological and Soils Mapping Within a Geographic Information System 30th Great Basin Anthropological Conference, Las Vegas Nevada. With William Eckerle, Eric Ingbar, Judson Finley, Mary Hopkins and Sasha Taddie
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- 2002 Nevada Cultural Resources Information System. 28th Great Basin Anthropological Conference, Elko Nevada.

Professional Affiliations

Great Basin Archaeological Association
 Society for California Archaeology
 Society for Historic Archaeology
 Society for American Archaeology

Appendix D

Response to Comments on the Draft IS/MND

December 2022

Response to Comments

Background

The California Environmental Quality Act (CEQA) Guidelines Section 15074 requires a Lead Agency (Mono County Community Development and Planning) to review and consider all comments received on the Draft IS/MND prior to making a determination on a proposed project. The purpose of this Response to Comments document is to provide responses to comments received on the Draft IS/MND, consistent with CEQA requirements. Responses to comments that do not relate to physical changes to the environment are provided for informational purposes only.

Comments Received

Appendix E includes the comments received between September 30, 2022 and November 3, 2022 while the IS-MND was in circulation. The Mono County Community Development Department received sixteen (16) written comment letters. Comment letters are listed in Table D-1.

Table D-1. Comment Letter Table

Comment Letter Number	Name of Commenter	Affiliation
1	Kevin Ponce	California Department of Cannabis Control
2	Alisa Ellsworth	California Department of Fish and Wildlife
3	Tom Schaniel	Great Basin Unified Air Pollution Control District
4	Danny and Teri Dikes	Resident
5	Bert Bryan	Walker River Irrigation District
6	Cynthia and Rod Vickers	Resident
7	Kathy Maxwell	Resident
8	David Rogers	Resident
9	Rod Vickers	Resident
10	Daniel Dikes	Resident
11	Valanda Corbett	Resident
12	Helen Armas	Resident
13	Chuck Evans	Resident
14	Karen Fuerherm	Resident
15	Dave Thorson	Resident
16	Stephanie Coomes	Resident

Revisions to the Draft IS/MND

New or enhanced mitigation measures

Based on comments received, the mitigation measures and the mitigation monitoring and reporting program (MMRP) have been enhanced with more effective mitigations. The enhanced mitigations are more effective at reducing significant impacts and do not require recirculation of the IS/MND per CEQA Guidelines 15074.1.

Revisions to text

Based on comments or new information received the IS-MND has been revised. The Final IS-MND includes all changes. Text additions are underlined text and deletions are ~~striketrough~~ text. Changes are included in the following section.

Grouped Responses

This section groups similar comments and provides additional response. The grouped responses are referenced within individual comment letters.

GR-1 Project Notification

Comments suggest a lack of project notification to property owners in the vicinity.

The IS/MND was posted for a 30-day public review and comment between October 4, 2022 and November 2, 2022 in compliance with CEQA Guidelines CCR 15703. The project authorization requires a use permit issued by the Mono County Planning Commission. Prior to the Planning Commission hearing on the project, Mono County Community Development will notify adjacent property owners in Mono County within 300 feet by mail and post public hearing notices per General Plan Land Use Element Chapter 32.030 and Chapter 46 Noticing Requirements.

GR-2 Interstate Transport of Cannabis

Comments describe concerns regarding the transportation of cannabis on Stateline Road and across the Nevada-California border.

Interstate transport of cannabis is prohibited by the California Department of Cannabis Cultivation (DCC) regulations 15146. The IS/MND does not evaluate impacts of legal or illegal inter-state cannabis transport. The project site has access to East Side Lane without crossing the California-Nevada border. While Eastside Lane and Stateline Road do continue north into Nevada, these roads do not provide alternative access to state routes.

GR-3 Impact to Property Values

Comments describe impacts to, or concern that, property values near the project area will decrease.

Per CEQA Guidelines (CCR 14 § 15131a), economic effects of a project are not evaluated unless changes to socio-economic conditions result in physical changes to the environment caused by economic or social changes.

GR-4 Aesthetics – Lighting

Comments describe on-site lighting will contribute to light pollution, which would be significantly inconsistent with the general aesthetics of the area.

As discussed in Aesthetics 4.1 (d), the project would have security and emergency lighting that will be described within the lighting plan to be reviewed and approved by Mono County. The Department of Cannabis Cultivation regulations also have requirements for site lighting that must be met. The document has been revised to provide clarification as follows:

Commercial cannabis operations are required to comply with Dark Sky Regulations. Specific lighting specifications and designs shall be described in a Lighting Plan (Mono County General Plan – Land Use Element, 13.070 H and 13.080 B). Additionally, all DCC lighting requirements shall be met, these include shielded downward facing outdoor lights at all times and shielding for indoor lights from sunset to sunrise (DCC Code Regulations, title 4 §§ 16304(a)(6), 16304(a)(7)).

GR-5 Air Quality – Odor

Comments describe that odor from cannabis cultivation is a significant impact and proposed mitigation does not adequately reduce the impacts.

Mono County General Plan – Land Use Element, 13.070 E specifically address odor control and requires that the project have an odor mitigation plan to ensure that cannabis odors are mitigated outside and surrounding the facility of operation unless there is a lack of cannabis-related odor being generated due to location, design features, or other factors.

The County will audit the Odor Mitigation Plan and its effectiveness upon issuance of the Commercial Cannabis Operation Permit and during annual inspections.

The following discussion was added to 4.3 Air Quality-

Indoor cultivation and processing completely enclosed within buildings would be the only source of cannabis odor during Phases 1 and 2.

The project site is located away from existing habitable space under separate ownership and public roads. The distance between the project cultivation area and the nearest neighboring dwelling is 1,700 feet to the east-northeast and 0.4 miles southeast to the nearest road, Eastside Lane. There are five residences within one mile of the project area. In the vicinity of the project there are 19 residences within the Topaz Heights area of Douglas County. The distance between the project area and Topaz Heights residences is between 1,700 feet and 3.2 miles. There are six residences near Topaz Lane and Eastside Lane in Mono County between 1.0 and 1.5 miles from the project area. The project would not affect a substantial population due to the low density of residences in the vicinity. Prevailing winds are not directly aligned with neighboring residences or Eastside Lane. The project does not propose odor filtration or ventilation systems for indoor or outdoor cultivation; instead, the location of the project in relationship to receptors would not cause unreasonable impacts to receptors based on the siting of the cultivation areas. The cultivation use would generate cannabis odors detectible beyond the project property. Sensitivity to cannabis odor varies and adjacent uses may detect and find odors to be offensive which is a significant impact requiring mitigation. Mitigation Measure AQ-1 requires odor mitigation measures including posting notice, ambient odor monitoring, and reduction of outdoor cultivation area if odor is determined to be unreasonable.

To further reduce potential odor from cannabis cultivation, Mitigation Measures AQ-1 was revised as follows:

AQ 1: Odor Mitigation

The applicant shall post signs at the property line that provide a 24-hour project contact phone number and County code enforcement phone number in the case of nuisance odors.

- The applicant shall report any complaints of nuisance odors to the County within 72 hours of the complaint.
- The County shall conduct ambient odor survey at the property boundary and ambient monitoring during annual inspections. Monitoring would include odor surveys using a Nasal Ranger field olfactometer within the Project area and at the property boundary to quantify odor strength at each monitoring location.
- Cannabis odor exceeding a seven dilution threshold (“DT”) when measured by the County with a field olfactometer at the property line for a minimum of two observations not less than 15 minutes apart within a one hour period shall be considered an unreasonable impact.
- For indoor cultivation, if the County determines an unreasonable impact, it may require implementation of odor-control filtration and ventilation systems to control odors; Devices and/or techniques incorporated in the building for all indoor cultivation and processing buildings.
- For outdoor cultivation, if the County determines an unreasonable impact the County shall require reduction of outdoor cannabis cultivation area to meet 300’ buffer to easterly property boundaries.

GR-6 Air Quality

Comments describe concerns regarding the use of propane generators and suggest the use of other renewable sources of energy. Comments note potential for impacts of dust cause by vehicle traffic and operations. Comments describe that the emissions modeling considers carbon dioxide and does not provide information about other air pollutants.

The project must comply with DCC regulations for the use of a portable or stationary generator (DCC Code title 4 § 16306 (b)).

Dust control measures shall be utilized on access roads and must be in compliance with Great Basin Unified Air Protection Control District regulations (Mono County General Plan – Land Use Element 13.080 C).

Additional information was added to Section 4.3 – Air Quality as follows:

GBUAPCD Rules 401 and 402 require use of control measures to minimize fugitive dust and particulate matter emissions. Initial site clearing for construction of indoor grow facilities could temporarily generate fugitive dust during vegetation clearing and grading activity. Due prevent visible particulate matter from being airborne, standard BMPs in accordance with an erosion control plan and Stormwater Pollution Prevention Plan will be implemented and will include use of water for dust control, covering of soil stockpiles when not actively in use, and minimizing areas of disturbance under construction at one time (MM AQ-2). Areas that are temporarily disturbed will be reseeded with native seed mixes for long term soil stabilization (MM WQ-1).

To minimize fugitive dust generated from discing and tilling practices associated with outdoor cultivation, farming practices will be modified to avoid discing and tilling when wind speed are in excess of 15 miles per hour.

On-site generator use for energy production would comply with California Air Resources Board and GBUAPCD regulations including acquiring a permit if the generator exceeds 900 horsepower and airborne toxic control measures for generators (CCR Title 17 §93115 and CCR Title 4 §16306). For operation of the 100 hp propane co-gen generator a Stationary Source permit is likely not required.

The following Mitigation Measure was added to further reduce potential impacts to Air Quality:

Mitigation Measure AQ-2 Dust Control Mitigation Measures

- During construction, dust will be minimized through implementation standard BMPs consistent with CA Stormwater General Construction Permit and will include, but not limited to:
 - Minimize the exposed working areas at one time,
 - Covering soil stockpiles when not in actively in use or left overnight, and
 - Use of on-site water for dust control during clearing and grading.
- Avoid discing and tilling when wind speeds are in excess of 15 miles per hour.
- Driving speeds will be reduced to slower than 15 miles per hour when on dirt roads within ¼ mile of public highways and residences.

The CalEEMod emission summary results for major air pollutant emissions for construction and annual operations were added to 4.3 Air Quality:

Based on CalEEMod emission modelling the project would emit the following

Table 4-1 Estimated Annual Construction Emissions

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u> <u>Total</u>	<u>PM 2.5</u> <u>Total</u>
	<u>Maximum Tons\yr</u>					
<u>Total</u>	<u>0.8264</u>	<u>0.7083</u>	<u>0.7355</u>	<u>1.4300e-003</u>	<u>0.0733</u>	<u>0.0462</u>

Table 4-2 Estimated Annual Operational Emissions

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u> <u>Total</u>	<u>PM 2.5</u> <u>Total</u>
	<u>Tons\yr</u>					
<u>Total</u>	<u>0.5531</u>	<u>0.3624</u>	<u>2.3950</u>	<u>4.3100e-003</u>	<u>0.4123</u>	<u>0.1135</u>

GR-7 Energy

Comments describe concerns regarding the use of propane generators and suggest the use of other renewable sources of energy.

DCC Regulations Section 16305 require indoor cultivation operations to meet the local unity provider’s average electricity greenhouse gas emissions intensity requirement. If the weighted greenhouse gas emission intensity is greater, then carbon offsets shall be purchased (DCC Code title 4 § 16305 (a) (b)).

Additional discussion was added to the IS/MND section 4.7 Energy to describe DCC requirements to meet average greenhouse gas emission intensity required by the local utility provider; or if intensity is higher, to obtain carbon offsets.

GR-8 Hazards – Recreational Shooting

Comments note the BLM lands used for recreation shooting in the vicinity of the proposed project as a hazard.

The property abuts land managed by the Bureau of Land Management (BLM) Bishop Field Office and is less than 1 mile from lands managed by the US Forest Service Bridgeport Ranger District. Recreational shooting is allowed on BLM and Forest Service lands. BLM guidance for safe recreation shooting prohibits shooting from or over roads.

GR-9 Hydrology - Water Quality

Comments describe concerns of potential impacts to water quality from cannabis cultivation fertilizers, pesticides, and herbicides. Comments describe potential impacts to surface water from run-off.

Lahontan Regional Water Quality Control Board (LRWQCB) regulates cannabis cultivation operations according with General Order WQ 2019-0001-DWQ- General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities. The General Order categorizes activities by risk to water quality based on slopes and overall disturbance area. The proposed project would most likely be classified as a Tier 2, Low Risk due to slopes less than 30 and cultivation area greater than 1 acre. The requirements of the General Order are to submit a Site Management Plan, Nitrogen Management Plan, and Site Closure Report. Additionally, all permittees covered by the General Order are required to monitor winterizing measures and nitrogen application.

DCC Regs Pesticide Use Requirements 16307:

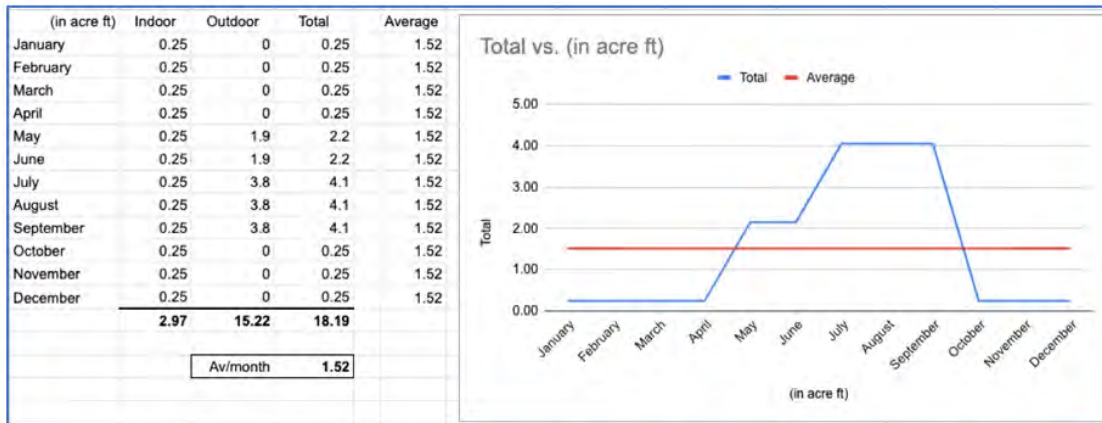
§16307. Pesticide Use Requirements.

- (a) Licensed cultivators shall comply with all applicable pesticide statutes and regulations enforced by the Department of Pesticide Regulation.
- (b) For all pesticides that are exempt from registration requirements, licensed cultivators shall comply with all applicable pesticide statutes and regulations enforced by the Department of Pesticide Regulation and the following pesticide application and storage protocols:
 - (1) Comply with all pesticide label directions;
 - (2) Store chemicals in a secure building or shed to prevent access by wildlife; Department of Cannabis Control Medicinal and Adult Use Commercial Cannabis Regulations Page 153 of 216
 - (3) Contain any chemical leaks and immediately clean up any spills;
 - (4) Apply the minimum amount of product necessary to control the target pest;
 - (5) Prevent offsite drift;
 - (6) Do not apply pesticides when pollinators are present;
 - (7) Do not allow drift to flowering plants attractive to pollinators;
 - (8) Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies;
 - (9) Do not apply pesticides when they may reach surface water or groundwater; and
 - (10) Only use properly labeled pesticides. If no label is available, consult the Department of Pesticide Regulation.

GR-10 Hydrology – Groundwater Use

Comments describe the quantity of groundwater used for cultivation could potentially impact water supply to the surrounding private well owners and for future development.

Outdoor cultivation would utilize raised beds with mulch-covered drip tapes to maximize water usage by avoiding runoff and minimizing evaporation. Outdoor seasonal demand would be limited to 4,000 gallons per acre per day with peak usage occurring July-September. Usage during the months of May and June are estimated at half of peak amount.



Estimated Water Use per Year
(Information provided by Sierra High Farms)

Antelope Valley (6-007) is ranked as Very Low priority basin for low population and groundwater use. The estimated total of groundwater recharge for the Antelope Valley was between 15,600 AF and 22,800 AF per the 2014 Feasibility Assessment of a Water Transactions Program in the Walker River Basin (Carroll and Pohll 2013). Based on the projected water demand of 18.13-acre feet per year; the proposed project will have less than a significant impact on groundwater supplies.

To offset impacts to infiltration and groundwater recharge from an increase in impervious surface area associated with the indoor cultivation facility, constructed swales will serve to direct flows around the indoor cultivation pad and into a detention basin designed to capture the 25-year storm event and allow for stormwater infiltration and groundwater recharge. With the implementation of the drainage swales and stormwater detention basin, impacts to groundwater recharge are less than significant.

GR-11 Land Use and Planning

Comments note that the project and commercial cannabis use is not compatible with existing agricultural and residential uses in the vicinity. Comments also describe that the project would divide an existing community.

The following discussion is added to Land Use and Planning to describe the residential area of Topaz Heights and Douglas County, Nevada land uses:

4.11a - The project is located between Topaz Heights, NV, and residences along Topaz Lane, CA. The existing rural neighborhoods and clusters of large lot agricultural residences lack identifiable boundaries. The project does not create a physical barrier to access for the established community and ~~The project~~ would not physically divide an established community.

4.11b Topaz Heights is a local place name describing the rural residential area of northern Antelope Valley within Douglas County, Nevada. Topaz Heights is considered part of the rural communities and neighborhoods as part of Antelope Valley. Per the Douglas County Master Plan adopted in 2020 the Antelope Valley Community Plan describes a Vision Statement for Antelope Valley: "Antelope Valley will remain a very low-density rural community focused on providing access to public lands, the Walker River, and other recreational use areas."

The Antelope Valley Community Plan area of Douglas County is comprised of 95% Forest and Range and Agricultural land use designations. Similar to the Agriculture designation of the Mono County General Plan Land Use Element, the Forest and Range land use designation allows expanded agricultural and commercial uses with a use permit, and single family dwellings as permitted uses.

GR-12 Noise

Comments note that the project will contribute to an increase in noise.

Noise produced on-site will comply with the Mono County General Plan Noise Element and Mono County Code (Chapter 10.16.060 A-C) - the maximum allowable exterior noise level for agricultural and commercial land use designations shall not exceed 65 dBA at all times. Additionally, the Planning Commission retains the right to approve the use of a "fixed noise source", this includes the use of a generator.

GR-13 Public Services - Police Protection

Comments describe concerns about potential increases in crime created by the project, and the possibility of inducing illegal cannabis cultivation in the area. Comments note that the nearest Sheriff's offices are in Bridgeport, California, approximately 40 miles by road from the project and note response time issues due to the project location. Comments describe the timing of approval of the Security Plan as inadequate. Comments request the project provide additional Sheriff's Office facilities.

Mono County Community Development notes no permit compliance or criminal activities reported by law enforcement for the existing commercial cannabis uses in the area. The project would not change the physical environment resulting in a greater occurrence of or impacts from illegal cannabis cultivation in the project vicinity.

Law enforcement response distance and time are based on existing physical office locations. In remote locations actual response times may vary based on weather, staffing, and operational situations.

Per the Cannabis Operation Permit the proposed project must comply with the approved security plan (Mono County Code 5.60.130 G) and DCC Regulations. The required confidential Security Plan of DCC Regulations is submitted to the Sheriff's Office due to the sensitive information contained related to surveillance, alarming, and door lock system details. Based on the level of detail available with the use

permit application the property and proposed improvements are capable of meeting minimum requirements of DCC and Mono County for security improvements.

Mono County Sheriff's Office has not identified the need for additional facilities in Antelope Valley.

GR-14 Public Services - Fire Protection

Comments note the distance from fire service and possible impacts to fire protection capabilities due to propane storage.

The proposed project shall meet all regulations of the local fire district to ensure adequate access, water availability and other conditions for fire protection (Mono County General Plan, Chapter II section 13.070 K). In addition, commercial cannabis activities shall comply with General Plan Land Development Regulations, Chap. 22 Fire Safe Regulations; PRC sections 4290 and 4291, as well as current California Building Code.

If approved the project would be required to meet the updated California Building Standards Code including Fire Code. International Building Code Standard 6104.3 for separation between liquid propane gas storage and buildings, public ways, or lot lines of 50 feet for tanks between 2,001 and 30,000 gallons.

There are existing large propane tanks in Antelope Valley at High Country Propane in Walker and at Coleville/Bridgeport (MWTC) Liberty Military Housing. The addition of new liquid propane gas storage does not create a significant impact on public services.

GR-15 Transportation - Traffic

Comments note the projected increase in traffic on local roads as an impact and express concern about associated impacts of dust and erosion from unpaved roads.

The applicant provided additional information on peak employment by month and detail about type of trips generated by the commercial cannabis use which was incorporated in the trip generation analysis.

4.17a -Phases 1 & 2, indoor cultivation, would employ eight (8) full-time employees and seven (7) part time employees. Phase 3, outdoor cultivation would employ between 4 and 8 seasonal employees at build-out. The peak employee population is 23 employees. The peak employee population would be during the month of September at 23 employees. From October to April the employee population would be 15 employees. This analysis assumes trips based on peak seasonal employment month of September, during periodic indoor and seasonal outdoor harvesting and processing; employees would not live onsite and would commute to work each day. The proposed project is estimated to generate up to 100 vehicle/truck trips per day during Phase 3 peak seasonal employment.

- *926 employee vehicle trips (estimate of four trips per day per employee; two trips for commuting to work, and two trips during lunch hour),*
- *Two trips for the import of agricultural materials and supplies needed for the cultivation operation (1 in/1 out), and*
- *Two trips for the export of unprocessed cannabis plants/flower (1 in/1 out).*
- *Two trips for propane delivery (1 in/1 out)*
- *Two trips for non-storefront retail delivery (1 in/1 out)*

GR-16 Transportation – Fence Line Road Access

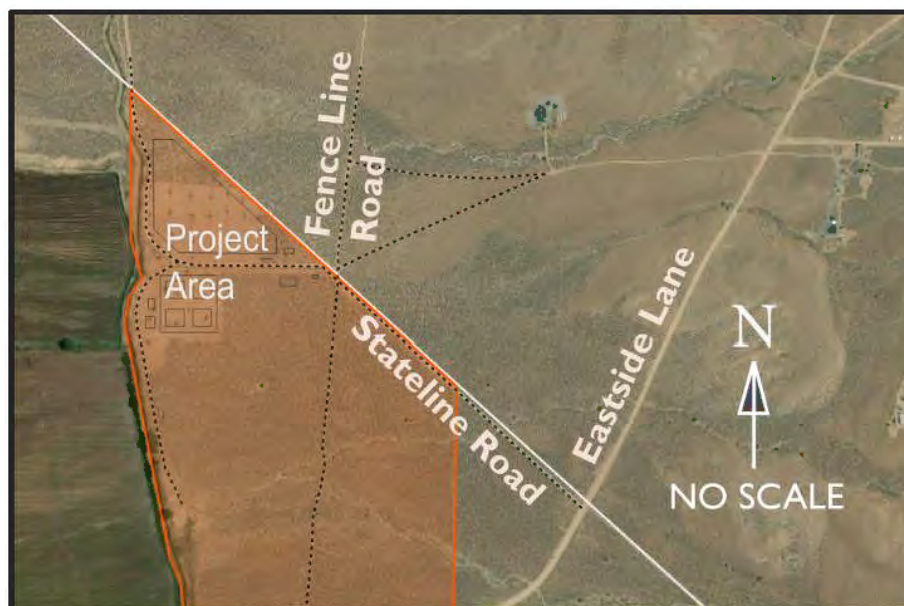
Comments describe impacts to Fence Line Road which is used by some of the nearby residents to access their properties.

Stateline Road is used to access Fence Line Road which is shared access between the project and property to the north. Fence Line Road is a private road. Proposed improvements would not change the access to or use of Fence Line Road by neighboring property owners.

Discussion and a map are added to 4.17 Transportation:

The project is in the vicinity of local roads Stateline Road and Fence Line Road. The project would use the portion of Stateline Road from Eastside Lane to the user permit area. The project would not use Fence Line Road north of the project site for primary access. Stateline Road is used to access Fence Line Road and residences in Douglas County, Nevada. Stateline Road and Fence Line Road have travelled way widths of approximately 12 feet.

Figure 4-3 Local Roads Map



GR-17 Transportation – Emergency Access

Comments describe potential impacts to evacuation routes and functionality caused by the project.

The project includes emergency turnout improvements for the portion of Stateline Road located on the project property. No changes to existing circulation for local roads Eastside Lane, Stateline Road, and Fence Line Road would occur due to the project.

Discussion was included in 4.17 d:

Emergency access to the property is along private “Stateline Road” from Eastside Lane. The length of the access from Eastside Lane to the proposed project site is approximately 2,900 feet.

The existing access is a single lane of 12-18 feet wide. There is adequate area available for access improvements, CalFire Fire Safe Regulations and Mono County General Plan Chapter 22 - Development Standards that require improvements to and prescribe design standards for emergency access. The project site plan proposes a 48-foot outside diameter emergency access turnaround and turnouts every 400 feet consistent with requirements. Required improvements of new turnouts to Stateline Road would improve access conditions to Fence Line Road. The project does not propose changes that would result in significant impacts to emergency access to the project site or roads in the vicinity.

GR-18 Wildfire – Above-ground Utilities

Comments describe an increased risk of wildfire ignition due to the installation of above ground power utilities.

Discussion was added to 4.14 - Wildfire to include information from the Liberty Utilities Wildfire Mitigation Plan to describe wildfire risk from above-ground power lines.

The proposed above-ground powerline would create risk for wildfire ignition from equipment failure or line strikes caused by high winds. The Liberty Utilities Wildfire Mitigation Plan (WMP) classifies wildfire risk based on the designations of Office Energy Infrastructure and CalFire for High Fire Threat Districts (HFTD). The WMP designates Antelope Valley as HFTD-2 and the eastern portion of Antelope Valley as Moderate to identify and prioritize utility wildfire mitigation actions. Per the WMP and project description of 1.6 miles of above ground power lines there is a risk for wildfire ignition due to line impact, animals, and line-to-line faults. Covered conductor applications include insulating or coating power lines. Covered conductor is effective at mitigating several types of ignition drivers such as contact from objects and wire-to-wire contact, as well as reducing other equipment failures. (Liberty Utilities 2022). Liberty Utilities is implementing hardening projects including covered conductor upgrades on distribution lines within Antelope Valley. Mitigation Measure WF-2 would require utility hardening and vegetation management to reduce the risk of wildfire associated with new infrastructure to less than significant.

Mitigation Measure WF-2 was enhanced to include requirements for hardening proposed power lines to reduce risk.

WF-2 Overhead Utility *Hardening and* Vegetation Management

Mono County shall require the above-ground power utility lines and poles to be constructed with features that reduce the risk of wildfire ignition. Above-ground power utility hardening techniques shall be incorporated into the utility design. Examples of design features include covered conductors, tree wire, wider crossarms, metal poles, and hardware upgrades. The applicant shall provide site plans, electrical system design plans and details incorporating hardening techniques to Liberty Utilities and Mono County. Liberty Utilities and Mono County shall approve the above-ground powerline plans prior to construction. The site plan and system design shall include a vegetation management plan for proposed new overhead utilities corridors and new utility poles consistent with PRC 4292 and 4293, Public Utilities Commission General Order 95, and Liberty Utilities Wildfire Mitigation Plan. The applicant shall maintain vegetation to the standard of the vegetation management plan.

Letter 1: Kevin Ponce, Bureau of Cannabis Control



**Department of
Cannabis Control**
CALIFORNIA

Gavin Newsom
Governor

Nicole Elliott
Director

October 27, 2022

Michael Draper, Planning Analyst II
Mono County Community Development Department
Planning Division
P.O. Box 347
Mammoth Lakes, CA 93546
mdraper@mono.ca.gov

Re: Initial Study/Mitigated Negative Declaration (IS/MND) for Sierra High Farms Use Permit Project (SCH No. 2022100039)

Dear Mr. Draper:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the County of Mono for the proposed Sierra High Farms project (Proposed Project).

DCC has jurisdiction over the issuance of licenses to commercial cannabis businesses in California. DCC issues licenses to cannabis cultivators, retailers, distributors, manufacturers, laboratories, and microbusinesses, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: <https://cannabis.ca.gov/cannabis-laws/laws-and-regulations/>.

DCC expects to be a Responsible Agency for this project under the California Environmental Quality Act (CEQA) because the project will need to obtain an annual microbusiness license and one or more annual cultivation licenses from DCC. In order to ensure that the IS/MND is sufficient for DCC's needs at that time, DCC 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 DCC. This should apply not only to this Proposed Project, but to all future CEQA documents related to cannabis business license applications in Mono County.

General Comments (GCs)

1-1

GC 1: Phasing

The Project Description indicates that the Proposed Project would be constructed in three distinct phases. To the extent that these details are reasonably foreseeable, the IS/MND would be strengthened if it clarified how and/or whether corresponding operations would vary across phases of the project (e.g., variations in the number of employees hired, vehicle trips, equipment usage, and/or requirements for physical resources [e.g., water, energy]). DCC assumes that the IS/MND evaluates Proposed Project operations and maintenance activities as they are anticipated at full buildout (e.g., when all project phases have been completed). The IS/MND would be improved if the County confirmed (or clarified) this assumption.

1-2

GC 2: Acknowledgement of DCC Regulations

The IS/MND acknowledges that the Proposed Project requires cultivation and microbusiness licenses from DCC. The IS/MND could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cultivation activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations related to cannabis cultivation (Bus. & Prof. Code, § 26102(a)). Additionally, the IS/MND's analysis could benefit from discussion of the protections for environmental resources provided by DCC's cultivation and microbusiness regulations. Current regulations can be found at: <https://cannabis.ca.gov/cannabis-laws/dcc-regulations/>.

1-3

GC 3: Requirements for Mitigation Measures

When a CEQA document identifies impacts that are potentially significant, CEQA requires the Lead Agency to propose mitigation measures, where feasible, that may avoid, reduce, and/or minimize these impacts. According to the CEQA Guidelines, mitigation measures must be practical, specific, enforceable, effective, and roughly proportional to project impacts. This requires a Lead Agency to clearly disclose potential impacts and be sufficiently specific about prescribed mitigation measures. In several instances throughout the document, mitigation measures are not sufficiently specific to establish how such measures would minimize significant adverse impacts as a result of Proposed Project activities.

DCC requests that the County revise the IS/MND to clearly identify applicable mitigation, and provide a corresponding analysis in the IS/MND to explain how implementing proposed mitigation would reduce impacts to less-than-significant levels. For circumstances where it is not possible to fully specify mitigation measures, the IS/MND should provide as much specificity as is possible (e.g., describe best management practices, circumstances under which work would stop, buffers from biological resources, and operational practices). Measures should provide both standards (e.g., performance criteria) by which the effectiveness of the mitigation would be evaluated and actions that would be taken should the mitigation fail to meet the standards.

1-4***GC 4: Site-Specific Reports and Studies***

The IS/MND references certain project-specific plans, studies, and project-specific reports, including an Odor Mitigation Plan, Biological Technical Report, Class III Archeological Inventory, Stormwater Pollution Prevention Plan (SWPPP), Security Plan, and Cultural Resources Assessment. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the County advise applicants to provide copies of all project-specific plans and supporting documentation with their state application package(s) for any annual cannabis business license(s) to DCC.

Specific Comments and Recommendations

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

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	Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
1-5	1	4.1 (d)	11	Aesthetics	N/A (General Comment)	The IS/MND would be strengthened if it referenced DCC's requirements that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare. The document could also cite DCC's requirements that all outdoor lighting for security purposes must be shielded and downward facing. (Cal. Code Regs., tit. 4 §§ 16304(a)(6), 16304(a)(7)).
1-6	2	4	12	Air Quality	N/A (General Comment)	Page 21 of the IS/MND indicates that during Phases 1 and 2 of the project, an on-site combined heat and power propane generator (100 horsepower) would provide all electricity and heating to the project. The document would be improved if it provided an analysis of air quality impacts as a result of generator use.
1-7	3	4.3 (b)	12	Air Quality	Mono County, in general, meets all state air quality standards with the exception of state PM10 in the Mono Basin and Ozone near Mammoth Lakes (Mono County 2015). The proposed project site is located in an attainment area, and federal and state air attainment levels would not be exceeded.	The IS/MND would be improved if it addressed anticipated dust and particulate emissions that could result from cannabis cultivation operations and routine maintenance at the project site, including tilling or other soil disturbance and the use of delivery trucks, cultivation and maintenance equipment, and employee vehicles on dirt and gravel roads.
1-8	4	4.3 (d)	14-15	Air Quality	Sensitivity to cannabis odor varies and adjacent	Mitigation Measure AQ-1 requires the applicant to post signs at the property line

	Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
1-8					uses may detect and find odors to be offensive which is a significant impact requiring mitigation.	with contact information for reporting odor complaints, and requires the applicant to report complaints of nuisance odors to the County. However, the mitigation measure does not include any measures that would mitigate odors that may emanate from the project site if complaints are reported. The mitigation measure would be improved if it contained specific, enforceable actions that would avoid, reduce, or minimize the potentially significant impacts disclosed in the IS/MND.
1-9	5	4.6	21-22	Energy	The project proposes to initially operate off-grid due to the distance to existing electrical utility of approximately 3,000 feet. During Phases 1 and 2 of the project, an on-site combined heat and power propane generator (100 horsepower) would provide all electricity and heating to the project.	The IS/MND would be improved if it provided an analysis of whether the use of a generator to supply energy to the Proposed Project during Phases 1 and 2 would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources.
1-10	6	4.6	21-22	Energy	N/A (General Comment)	The document would be strengthened if it described how the Proposed Project would comply with DCC regulations relating to the use of generators in cultivation projects. (Cal. Code Regs., tit. 4 § 16306.)
1-11	7	4.6	21-22	Energy	N/A (General Comment)	The document would be strengthened if it described how the Proposed Project would comply with DCC regulations relating to the use of renewable energy in cultivation projects. (Cal. Code Regs., tit. 4 § 16305.)

	Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
1-12	8	4.8	25	Greenhouse Gas Emissions	N/A (General Comment)	The IS/MND would be more informative if the emissions data in Table 4.2 were compared to a state, regional, or local threshold of significance.
1-13	9	4.10 (b), 4.19 (b)	29, 42	Hydrology and Water Quality Utilities and Service Systems	Outdoor seasonal demand will be kept to 4,000 gallons per acre per day. These amounts constitute approximately 1% of the available water from the existing well/pump (Sierra High CUP application, 2021) [...] Outdoor seasonal demand will be kept to 4,000 gallons per acre per day. These amounts constitute approximately 5% of the available water from the existing well/pump the total water use of the project is estimated by the applicant to be 2.6 acrefeet per year (Sierra High CUP application, 2021).	The document gives conflicting estimates of the percentage of available groundwater that would be consumed by the Proposed Project. The document would be improved if it provided consistent data and based its analyses on such data.
1-14	10	4.17 (b)	36-37	Transportation	N/A (General Comment)	The document would be strengthened if it included vehicle trips related to retail deliveries in its analysis of transportation impacts.

	Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
1-15	11	4.19 (b)	42	Utilities and Service Systems	N/A (General Comment)	The IS/MND would be improved if it provided data regarding anticipated groundwater supplies during dry and multiple dry years, and included an analysis of whether groundwater supplies are sufficient to serve the Proposed Project and reasonably foreseeable future development during dry and multiple dry years.
1-16	12	4.19 (d)	42	Utilities and Service Systems	The cannabis facility would not generate a substantial volume of solid waste that could not be accommodated at Benton Crossing Landfill, based on the small volume of waste that would be generated from the cannabis facility.	The IS/MND would be strengthened if it quantified the anticipated solid waste generation from the Proposed Project.

Conclusion

DCC appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 247-1659 or via e-mail at Kevin.Ponce@cannabis.ca.gov.

Sincerely,

Hengeveld, Caitlin@Cannabis  Digitally signed by Hengeveld, Caitlin@Cannabis
Date: 2022.10.31 16:28:29 -07'00'

Kevin Ponce
Senior Environmental Scientist Supervisor

Letter 1: Responses

Kevin Ponce
Bureau of Cannabis Control

Response to Comment 1-1

The comment suggests that the Initial Study & Mitigated Negative Declaration (IS/MND) of the proposed project would benefit from further description of the operations corresponding to each of the three phases of construction, as noted in the initial Project Description.

Section 1.1 Project Description describes the three proposed phases of project implementation. A further description of the number of employees by phase is discussed in Sections 2.1,4.14. Water use by phase is described in 4.10 – Hydrology.

Response to Comment 1-2

The comment suggests that the IS/MND could be improved by acknowledging that the Department of Cannabis Control (DCC) is responsible for licensing, regulation, and enforcement of commercial cultivation activities relevant to the proposed project. Additionally, the IS/MND could benefit from a description of the protections of environmental resources provided in the DCC’s regulations.

Section 2.1.5 was amended as follows to include references to DCC regulations.

California Department of Cannabis Control is responsible for licensing, regulation, and enforcement of commercial cannabis cultivation activities as defined in the Medicinal and Adult Use Cannabis Regulatory and Safety Act (MAUCRSA) and DCC regulations related to cannabis cultivation (Bus. & Prof. Code, § 26102(a).

DCC regulations include the following requirements related to addressing environmental impacts of cannabis cultivation. The requirements below may be discussed in more detail for a particular environmental factor.

Table 2-5. DCC Environmental Regulations

<u>DCC Regulation</u>	<u>Mono County Code</u>	<u>Requirement</u>
<u>15416</u>		<u>No transport outside California</u> <u>A delivery employee shall not leave the state of California while possessing cannabis goods.</u>
<u>16202 b</u>		<u>Prohibition of lighting for outdoor cultivation</u> <u>Outdoor cultivation licensees are prohibited from using light deprivation. Artificial lighting is permissible only to maintain immature plants outside the canopy area.</u>
<u>16304</u>		<u>General Environmental Protection Measures</u> <u>Water quality requirement of State Water Resources Control Board, Regional Water Quality Control Board, or California Department of Fish and Wildlife.</u>

<u>DCC Regulation</u>	<u>Mono County Code</u>	<u>Requirement</u>
<u>16305</u>		<u>Renewable Energy Requirements</u> <u>Beginning January 1, 2023, all holders of indoor, tier 2 mixed-light license types of any size, and all holders of nursery licenses using indoor or tier 2 mixed-light techniques shall ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required by their local utility provider.</u>
<u>16306</u>		<u>Generator Requirements</u> <u>Licensed cultivators using generators rated at fifty (50) horsepower and greater shall demonstrate compliance with the Airborne Toxic Control Measure for stationary or portable engines, as applicable, established in title 17, California Code of Regulations, sections 93115-93116.5.</u>
<u>16307</u>	<u>5.60.130 C</u>	<u>Pesticide Use Requirements</u> <u>Licensed cultivators shall comply with all applicable pesticide statutes and regulations enforced by the Department of Pesticide Regulation.</u>
<u>16310</u>		<u>Pest Management Plan</u> <u>The licensed cultivator shall develop a pest management plan.</u>
<u>16311</u>		<u>Supplemental Water Source</u> <u>A copy of the well completion report filed with the Department of Water Resources pursuant to section 13751 of the Water Code.</u>
<u>17223</u>	<u>5.60.130</u>	<u>Waste management</u>
<u>17800</u>	<u>5.60.220</u>	<u>Enforcement</u>

Response to Comment 1-3

The comment requests that the IS/MND be revised, where relevant, to clearly identify mitigation efforts and explain how implementation of these mitigation efforts would reduce impacts to less-than-significant levels to comply with CEQA guidelines for mitigation measures. Additionally, in instances where mitigation measures cannot be fully specified in the IS/MND, the commentor requests the mitigation measures be as specific as possible and include standards for effectiveness and actions, should mitigation fail to meet those standards.

Mitigation Measure AQ-1 was amended to include provisions for odor monitoring and compliance actions. For additional information see GR-5 Air Quality – Odor.

Response to Comment 1-4

The comment requests that all project specific plans, studies, reports, and any supporting documentation submitted with the state application be supplied to the DCC for any annual cannabis business licenses.

Comment noted.

Response to Comment 1-5

The comment recommends that the IS/MND would be strengthened by referencing the DCC's lighting requirements for mixed-light cultivation activities, requiring lights to be fully shielded from sunset to

sunrise to avoid glare; and the requirements for outdoor lighting, requiring lights to be fully shielded and downward facing.

Section 4.1 Aesthetics was amended to include the following mitigation measure:

AES-1: Require Lighting Plan. Project is subject to Chapter 23, Dark Sky Regulations. The Mono County Community Development Department shall confirm that project lighting meets the requirements of County Code Chapter 23 – Dark Sky Regulations. The applicant shall submit plans for lighting describing the location and details of proposed fixtures with building permit application or prior to installation of outdoor lighting.

For additional conditions, see GR-4 Aesthetics – Lighting.

Response to Comment 1-6

The comment suggests that the IS/MND would be improved by further addressing the air quality impacts resulting from the use of a 100-horsepower generator supplying all electricity and heating to the proposed project during phases 1 and 2.

Generator use would comply with California Air Resources Board and GBUAPCD regulations including acquiring a permit if the generator exceeds 900 horsepower and airborne toxic control measures for generators (CCR Title 17 §93115 and CCR Title 4 §16306).

For additional information, see GR-7 Energy.

Response to Comment 1-7

The comment suggests that the IS/MND would be improved by addressing foreseeable dust and particulate emissions resulting from cannabis cultivation, operation, and routine maintenance.

See GR-6 Air Quality.

Response to Comment 1-8

The comment notes that mitigation measure AQ-1 does not address measures to mitigate odors emanating from the project site if complaints are reported.

See response to comments 1-3 and GR-5 Air Quality – Odor.

Response to Comment 1-9

The comment suggests improving the IS/MND by providing an analysis of the potential environmental impacts of using a generator to supply energy during phases 1 and 2.

See GR-7 Energy.

Energy usage is described in Section 4.6. The Project is subject to California Building Standards, Code requirements and standard conditions of approval required by the County or other agencies, including the energy conservation measures required in Title 24 Building Energy Efficiency Standards for 2019. For these reasons, the Project's consumption of electricity, gasoline, and diesel would not be considered wasteful, inefficient, or unnecessary.

Response to Comment 1-10

The comment recommends the IS/MND include a description of how the proposed project would comply with the DCC's regulations regarding the use of generators in cultivation projects.

See GR-7 Energy.

Response to Comment 1-11

The comment suggests that the IS/MND would be strengthened by including a description of how the proposed project would comply with the DCC's regulations regarding the use of renewable energy in cultivation projects.

See GR-7 Energy.

Response to Comment 1-12

The comment suggests comparing the emissions data from IS/MND Table 4.2 to state, regional, or local thresholds of significance.

See GR-6 Air Quality.

Response to Comment 1-13

The comment illuminates conflicting data provided in the IS/MND regarding the percent use of the available groundwater and suggests rectification of these discrepancies.

See GR-9 Hydrology – Water Quality and GR-10 Hydrology – Groundwater Use.

Response to Comment 1-14

The comment recommends the IS/MND include vehicle trips relating to retail deliveries in the transportation analysis.

Retail delivery trip estimates were updated. See GR-15 Transportation – Traffic.

Response to Comment 1-15

The comment suggests the IS/MND provide data regarding groundwater resources available during drought, and whether these resources are sufficient to supply foreseeable future development.

See GR-10 Hydrology – Groundwater Use.

Response to Comment 1-16

The comment suggests that the IS/MND would be improved by estimating solid waste generation.

Comment noted.

Letter 2: Alisa Ellsworth, California Department of Cannabis Control

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
 Inland Deserts Region
 3602 Inland Empire Blvd., Suite C220
 Ontario, CA 91764
wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



October 28, 2022

Sent via email

Michael Draper, Planning Analyst
 Mono County
 P.O. Box 347
 1290 Tavern Rd.
 Mammoth Lakes, CA 93546

Subject: Initial Study and Mitigated Negative Declaration for Sierra High Farms;
 State Clearing House No. 2022100039

Dear Mr. Draper:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from Mono County (County) for the Sierra High Farms Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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.

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Mono County
October 28, 2022
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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

The Project is located on approximately fifteen acres of a 124-acre parcel in Topaz, California in Mono County; Latitude 38.62726 N and Longitude -119.46284 W; Assessor's Parcel Number 001-150-004-000; within the Long Dry Canyon-West Walker River subwatershed. The Project is bounded on the northeast side by the California/Nevada border and Fenceline Road, on the south and east sides by open land, and on the west side by the Highline Ditch and agricultural land. The Highline Ditch is fed by unnamed ephemeral streams that cross the Project site.

Most of the Project site is covered by sage scrub. A section of the Project site was graded prior to receiving a grading permit or going through the CEQA review process. Removal of approximately fifteen acres of sagebrush shrub habitat is anticipated to occur during grading and construction of four indoor cultivation buildings, associated support buildings (e.g., water tank, shop, and lab), and widening of an existing access road. Additionally, approximately ten acres of shrub habitat will be impacted during phase three of the Project through removal of vegetation for outdoor cultivation.

The Project will construct four 12,312 square-foot greenhouses for indoor cultivation, one cultivation lab, one maintenance shop, a stormwater retention basin, one nursery and processing building, one well pump building, and one water tank building containing three 5,000-gallon tanks. Other development on the property includes ten acres of outdoor cannabis cultivation, a septic system, access roads, parking areas, and an above-ground 1.6-mile electrical service connection which includes the installation of thirty electrical poles along East Side Lane and on the Project property.

Timeframe: The Project will be constructed in three phases and is expected take approximately three years total to complete.

Michael Draper, Planning Analyst
 Mono County
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COMMENTS AND RECOMMENDATIONS

2-1

The IS/MND proposes a total of three biological (BIO) mitigation measures (MM). While CDFW appreciates that the IS/MND includes measures to mitigate potential impacts to nesting birds and to avoid the introduction and proliferation of non-native plant species, CDFW believes the IS/MND's mitigation measures are insufficient to mitigate impacts to biological resources with the potential to occur on-site because the IS/MND's analysis for evaluating impacts to biological resources on the Project site is inadequate. Only two site visits were conducted by Resource Concepts, Inc. (RCI) biologists that were reconnaissance in nature and did not involve focused surveys. CDFW generally considers surveys valid for one year and the first site visit was conducted nearly two years ago. The second site visit, which took place in September of 2022, was focused exclusively on identifying plant species and was based on a walk-through instead of protocol level surveys for identifying sensitive plant species. Given the lack of survey information in this area of California, relying on sources such as the California Natural Diversity Database (CNDDDB) and United State of Fish and Wildlife Service's Critical Habitat Survey is insufficient to develop an appropriate inventory of the biological resources likely to occur on the Project site.

2-2

Additionally, given the Project site's adjacency to the Nevada state border, CDFW, as one of the state agencies tasked with permitting and enforcement of cannabis laws, is concerned with the potential for interstate transportation of cannabis products. Please note that interstate transportation of cannabis products is precluded by Federal Laws and Regulations and would likely result in the revocation of licensing issued by the state of California. Please ensure the Project demonstrates and documents avoidance of interstate transportation in accordance with Federal Laws and Regulations.

To assist the County in adequately mitigating the Project's potentially significant impacts to biological resources, CDFW offers the comments and recommendations presented below, and in Attachment 1 "Mitigation Monitoring and Reporting Program (MMRP)", pursuant to the CEQA Guidelines, section 15097(f). CDFW requests that the County revise and/or adopt the following mitigation measures prior to finalizing the IS/MND:

Nesting Birds

2-3

The sage scrub habitat on and adjacent to the Project site may serve as nesting, breeding, and foraging habitat for many species of birds including year-round residents and migratory species. Of special concern is the greater sage-grouse (*Controercus urophasianus*; CDFW Species of Special Concern [SSC]) which is dependent on sage scrub habitat, such as that on-site, and special consideration should be made to assure

Michael Draper, Planning Analyst
 Mono County
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2-3

that no greater sage-grouse nests are disturbed during Project activities. CDFW appreciates the inclusion of MM BIO-1, which requires nesting bird surveys, but offers the following alternative to MM BIO-1 to clarify nesting bird survey timing, buffers, and monitoring:

MM BIO-1: Regardless of the time of year, a pre- construction sweep shall be performed to verify absence of nesting birds. A qualified biologist shall conduct the pre-activity sweep within the Project areas (including access routes) and a 500-foot buffer surrounding the Project areas, within 2 hours prior to initiating Project activities. Additionally, a nesting bird survey shall be conducted by a qualified biologist no more than three (3) days prior to the initiation of project activities, including, but not limited to clearing, grubbing, and/or rough grading to prevent impacts to birds and their nests. The survey will be conducted by a qualified biologist. Surveys shall include any potential habitat (including trees, shrubs, the ground, or nearby structures) that may be impacted by activities resulting in nest destruction or abandonment. If nesting bird activity is present, a no disturbance buffer zone shall be established by the qualified biologist around each nest to prevent nest destruction and disruption of breeding or rearing behavior. The buffer shall be a minimum of 500 feet for raptors and 300 feet for songbirds, unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species. The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests, as confirmed by a qualified biologist. A qualified biologist shall inspect the active nest to determine whether construction activities are disturbing the nesting birds or nestlings. If the qualified biologist determines that construction activities pose a disturbance to nesting, construction work shall be stopped in the area of the nest and the 'no disturbance buffer' shall be expanded. If there is no nesting activity, then no further action is need for this measure.

2-4

Special Status Fish

The Highline Ditch, which runs along the western boundary of the Project parcel, contains occurrences of Lahontan mountain sucker (*Catostomus lahontan*; SSC) and mountain whitefish (*Prosopium williamsoni*; SSC) and may also host Lahontan cutthroat trout (*Oncorhynchus clarkia henshawi*; federally threatened). Given the possibility for these and other special status species to occur in this waterway, CDFW recommends the County adopt the following mitigation measure in the IS/MND as MM BIO-4:

MM-BIO 4: For all Project activities taking place adjacent to the Highline Ditch, Best Management Practices (BMPs) shall be employed to avoid

Michael Draper, Planning Analyst
 Mono County
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2-4

impacts to water quality and aquatic habitat of the Highland Ditch. Impacts may include, but are not limited to, delivery of excess sediment through grading, disking, or grubbing activities; delivery of excess nutrients through runoff from cultivation areas; delivery of toxins from pesticide application; or any other Project activities that have the potential to substantially alter or degrade the water quality or aquatic habitat of the Highline Ditch. BMPs may include avoiding pesticide application during periods of increased wind, limiting water usage to avoid runoff, and/or keeping exposed soil damp to limit movement during ground disturbing activities.

2-5

Additionally, CDFW would like to offer the following edits to WQ 1 (edits are shown in **bold** and ~~striketrough~~):

MM-WQ 1: Reseeding of Disturbed Areas: Directly following construction, disturbed areas shall be reseeded with a certified weed-free seed mix consisting of local native plant species appropriate for sagebrush scrub habitats. Seeded areas shall be watered as needed until fully established.

2-6

American Badger (*Taxidea taxus*)

The Project site is within medium-quality American badger habitat which may be impacted by Project activities. CDFW recommends the following measure as MM BIO-5 to avoid impacts to American badger:

MM BIO-5: A qualified biologist shall visually survey the Project area prior to construction to identify any feature/habitats suitable to support American badger (i.e., burrows, dens). Where an identifiable feature is present, the qualified biologist shall mark the potentially occupied feature for avoidance. If avoidance is infeasible, the qualified biologist shall determine whether the burrow or den is inactive or active. If the burrow or den is inactive, the qualified biologist shall excavate the burrow or den by hand and backfill to prevent reuse by American badger.

If American badger is present, applicant shall notify California Department of Fish and Wildlife (CDFW) and applicant should develop an American badger-specific avoidance and relocation plan detailing the protective avoidance and relocation measures to be implemented prior to the commencement of Project activities for CDFW review. The use of

Michael Draper, Planning Analyst
 Mono County
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2-6

rodenticides and herbicides shall be restricted to avoid primary and secondary poisoning of badger.

2-7

Special Status Plants

The IS/MND 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 CNDDDB query using Biogeographic Information and Observation System (BIOS) mapping software, beautiful cholla (*Grusonia pulchella*; CNPS Rare Plant Rank 2B.2), little cutleaf (*Hymenopappus filifolius* var. *nanus*; CNPS Rare Plant Rank 2B.3), American manna grass (*Glyceria grandis*; CNPS Rare Plant Rank 2B.3), masonic rockcress (*Boechera cobrensis*; CNPS Rare Plant Rank 2B.3), spiny milkwort (*Polygala subspinosa*; CNPS Rare Plant Rank 2B.2), and Lavin's milkvetch (*Astragalus oophorus* var. *lavinii*; CNPS Rare Plant Rank 1B.2) may occur within or in close proximity to the Project site.

After reviewing the Biological Technical Report (Appendix B), CDFW is concerned with the presumption of low likelihood of occurrence for many of the above-mentioned sensitive plant species. CDFW requests that a thorough assessment of special status plant species and communities according to CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (2018 or most recent version) be conducted prior to Project activities. CDFW recommends the following mitigation measure be included in the final IS/MND:

MM BIO-6: Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a CDFW approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or

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fruiting) and, in a manner, which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the project area is identified to the taxonomic level necessary to determine rarity and listing status. If any special-status plants are identified, the County shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the County shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank or land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis. If the Project has the potential to impact a state listed species, the Project Applicant should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.

2-8

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

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(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 meet 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 will be used in large quantities at the cultivation site, therefore CDFW recommends the following mitigation measure:

MM BIO-7: Prior to construction and issuance of any grading permit, Sierra High Farms shall develop a plan, to be approved by Mono 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 manufacturer's directions and warnings, (2) Avoidance of pesticide use where toxic runoff may pass into Fish and Game section 1602 resources, 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, and (6) Inclusion of measures that serve as alternatives to the use of toxic rodenticides, such as sanitation (removing food sources such as pet food, cleaning up refuse, and securing garbage in sealed containers), and physical barriers.

2-9

Artificial Light

Light pollution 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 IS/MND states that the Project site will create new sources of light from emergency and security lighting but defers the development of a lighting plan until an unspecified

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date in the future. Thus, CDFW recommends the following mitigation measure be included in the lighting plan and be implemented in the meantime, absent a lighting plan to minimize light pollution:

MM BIO-8: Light shall not be visible outside of any structure used for cannabis cultivation. This shall be accomplished by: employing blackout curtains where artificial light is used to prevent light escapement, eliminating all nonessential lighting from cannabis sites and avoiding or limiting the use of artificial light during the hours of dawn and dusk when many wildlife species are most active, ensuring 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/>), and using LED lighting with a correlated color temperature of 3,000 Kelvins or less. All hazardous waste associated with lighting shall be disposed of properly and lighting that contains toxic compounds shall be recycled with a qualified recycler.

2-10

Employee Awareness of Wildlife Resources

Part of the Project proponent's responsibility is to educate individuals that will be on-site on the wildlife species that may be present and how to limit impacts to wildlife species in the area. CDFW recommends the following mitigation measure (MM BIO-9) be incorporated into the IS/MND to limit impacts to wildlife species in the area through employee education:

MM BIO-9: 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 (Workers Environmental Awareness Program; WEAP). The WEAP 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 WEAP information on 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 WEAP 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 and (2) protected species that have the potential to occur on the Project site. Interpretation

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2-10

shall be provided for any non-English speaking workers, and the same instruction shall be provided for any individual prior to their performing any work on-site.

2-11

LSA Notification

The west side of the Project property borders Highline Ditch, a tributary to West Walker River. There is also an ephemeral stream channel that originates in the mountains to the east of the Project that flows west through the proposed outdoor cultivation area. The IS/MND is unclear whether impacts to these Fish and Game Code section 1602 resources are intended, but please note that the Department of Cannabis Control (DCC) 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 DCC, cultivators must have a Lake and Streambed Alteration (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) at <https://epims.wildlife.ca.gov> and learn more about permitting at <https://wildlife.ca.gov/Conservation/Cannabis/Permitting>. Therefore, CDFW offers MM BIO-10 below:

MM BIO-10: Prior to construction and issuance of any grading permit, the Project proponent should 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 proponent should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

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 online field survey form, along with the types of information reported to CNDDDB, can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

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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 Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order 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 requests that the County include in the final IS/MND the suggested mitigation measures (Attachment 1) offered by CDFW to reduce Project impacts.

CDFW appreciates the opportunity to comment on the IS/MND for the Sierra High Farms Project (SCH No. 2022100039) and hopes our comments assist Mono County in identifying and mitigating Project impacts on biological resources.

If you should have any questions pertaining to the comments provided in this letter, please contact Kevin Francis, Environmental Scientist at Kevin.Francis@wildlife.ca.gov.

ATTACHMENTS

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

Sincerely,

DocuSigned by:

84FBB8273E4C480...
Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearing House, Sacramento
state.clearinghouse@opr.ca.gov

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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure compliance with mitigation measures during project implementation. Mitigation measures must be implemented within the time periods indicated in the table below.

TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Implementation Schedule, and Responsible Party. The Mitigation Measure column summarizes the mitigation requirements. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure.

Biological (BIO) Mitigation Measure (MM)	Implementation Schedule	Responsible Party
<p>MM BIO-1: Nesting Birds Regardless of the time of year, a pre-construction sweep shall be performed to verify absence of nesting birds. A qualified biologist shall conduct the pre-activity sweep within the Project areas (including access routes) and a 500-foot buffer surrounding the Project areas, within 2 hours prior to initiating Project activities. Additionally, a nesting bird survey shall be conducted by a qualified biologist no more than three (3) days prior to the initiation of project activities, including, but not limited to clearing, grubbing, and/or rough grading to prevent impacts to birds and their nests. The survey will be conducted by a qualified biologist. Surveys shall include any potential habitat (including trees, shrubs, the ground, or nearby structures) that may be impacted by activities resulting in nest destruction or abandonment. If nesting bird activity is present, a no disturbance buffer zone shall be established by the qualified biologist around each nest to prevent nest destruction and</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

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<p>disruption of breeding or rearing behavior. The buffer shall be a minimum of 500 feet for raptors and 300 feet for songbirds, unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species. The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests, as confirmed by a qualified biologist. A qualified biologist shall inspect the active nest to determine whether construction activities are disturbing the nesting birds or nestlings. If the qualified biologist determines that construction activities pose a disturbance to nesting, construction work shall be stopped in the area of the nest and the 'no disturbance buffer' shall be expanded. If there is no nesting activity, then no further action is need for this measure.</p>		
<p>MM-BIO 4: Special Status Fish For all Project activities taking place adjacent to the Highline Ditch, Best Management Practices (BMPs) shall be employed to avoid impacts to water quality and aquatic habitat of the Highland Ditch. Impacts may include, but are not limited to, delivery of excess sediment through grading, disking, or grubbing activities; delivery of excess nutrients through runoff from cultivation areas; delivery of toxins through from pesticide application; or any other Project activities that have the potential to substantially alter or degrade the water quality or aquatic habitat of the Highline Ditch. BMPs may include avoiding pesticide application during periods of increased wind, limiting water usage to avoid runoff, and/or keeping exposed soil damp to limit movement during ground disturbing activities.</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>
<p>MM BIO-5: American Badger A qualified biologist shall visually survey the Project area prior to construction to identify any feature/habitats suitable to support American badger (i.e., burrows, dens). Where an</p>	<p>Prior to commencing ground- or vegetation</p>	<p>Project Proponent</p>

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<p>identifiable feature is present, the qualified biologist shall mark the potentially occupied feature for avoidance. If avoidance is infeasible, the qualified biologist shall determine whether the burrow or den is inactive or active. If the burrow or den is inactive, the qualified biologist shall excavate the burrow or den by hand and backfill to prevent reuse by American badger. If American badger is present, applicant shall notify California Department of Fish and Wildlife (CDFW) and applicant should develop an American badger-specific avoidance and relocation plan detailing the protective avoidance and relocation measures to be implemented prior to the commencement of Project activities for CDFW review. The use of rodenticides and herbicides shall be restricted to avoid primary and secondary poisoning of badger.</p>	<p>disturbing activities</p>	
<p>MM BIO-6: Special Status Plants Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife’s (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a CDFW approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and, in a manner, which maximizes the likelihood of locating special- status plants and sensitive natural communities that may be present. Botanical field surveys shall be</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

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<p>conducted floristic in nature, meaning that every plant taxon that occurs in the project area is identified to the taxonomic level necessary to determine rarity and listing status. If any special-status plants are identified, the County shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the County shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank or land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis. If the Project has the potential to impact a state listed species, the Project Applicant should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.</p>		
<p>MM BIO-7: Pesticides Prior to construction and issuance of any grading permit, Sierra High Farms shall develop a plan, to be approved by Mono 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 Fish and Game section 1602 resources, 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, and (6) Inclusion of measures that serve as alternatives to the use of 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 commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

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<p>MM BIO-8: Artificial Light Light shall not be visible outside of any structure used for cannabis cultivation. This shall be accomplished by: employing blackout curtains where artificial light is used to prevent light escapement, eliminating all nonessential lighting from cannabis sites and avoiding or limiting the use of artificial light during the hours of dawn and dusk when many wildlife species are most active, ensuring 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/), and using LED lighting with a correlated color temperature of 3,000 Kelvins or less. All hazardous waste associated with lighting shall be disposed of properly and lighting that contains toxic compounds shall be recycled with a qualified recycler.</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>
<p>MM BIO-9: Employee Awareness 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 (Workers Environmental Awareness Program; WEAP). The WEAP 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 WEAP information on 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 WEAP 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 and (2) protected species that have the potential to occur on the Project site. Interpretation shall be provided for any non-English speaking workers, and the same</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

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instruction shall be provided for any individual prior to their performing any work on-site.		
<p>MM BIO-10: LSA Program Prior to construction and issuance of any grading permit, the Project proponent should 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 proponent 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>	Prior to commencing ground- or vegetation disturbing activities	Project Proponent
<p>MM-WQ 1: Water Quality Reseeding of Disturbed Areas: Directly following construction, disturbed areas shall be reseeded with a certified weed-free seed mix consisting of local native plant species appropriate for sagebrush scrub habitat. Seeded areas shall be watered as needed until fully established.</p>	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

Letter 2: Responses

Alisa Ellsworth
California Department of Fish and Wildlife

Response to Comment 2-1

The comment suggests that the mitigation measures are insufficient to mitigate impacts to biological resources and pre-construction botanical surveys were not completed to California Department of Fish and Wildlife (CDFW) protocols.

The final IS/MND mitigation measures for biological resources will be revised to include four new mitigation measures as recommended by CDFW (MM BIO-4, MM BIO-5, MM BIO-6, MM BIO-7) and MM BIO-1 and MM WQ-1 will be revised as recommended in CDFW comment 2-3 and 2-5, respectively (see MMRP in Final IS/MND). With incorporation of these additional and revised mitigation measures, potential impacts to biological resources will be avoided or minimized to less than significant levels.

As described in the Biological Report in Attachment B, the botanical survey was completed on September 11, 2022, performed per CDFW survey protocols. A qualified biologist from Resource Concepts, Inc. (RCI) conducted plant surveys on foot using meandering transects. The survey area was typically defined as 50 feet on each side of the project area but was expanded in areas where potential habitat for sensitive plant species extended beyond the project area. The survey was timed so that target plant species could be located and positively identified in the field. Plant species that were not easily identified in the field were collected for identification using taxonomic keys. Every plant species encountered was identified to a sufficient level to determine if it was a species of concern. Prior to the survey, the USFWS's IPaC system and the CNDDDB were queried to identify special status species known to occur within the vicinity (all adjacent USGS quadrangles). Additionally, the Nevada Department of Wildlife and the Nevada Natural Heritage Program were consulted to identify any special status species documented across state lines that may also be present within the Project Area.

*Based on review of these databases and previous field reconnaissance, it is RCI's determination that two special status species have potential to occur and be impacted by the proposed project. These two species are beautiful cholla (*Grusonia pulchella*) and masonic rockcress (*Boechera cobrensis*). Beautiful cholla is a cactus, and if present, should be identifiable throughout the year. Masonic rockcress is a perennial herb of the Brassicaceae family that can be distinguished from other *Boechera* sp. by the common characteristics of its fruits and seeds. One species of *Boechera* was observed during the September 1 botanical survey, and while these individuals of *Boechera* were not in bloom, observation of the plant stems, basal rosette, and fruit suggest that the plants were not likely *Boechera cobrensis*. The 2022 plant survey was completed at an appropriate time for the targeted special status species.*

Response to Comment 2-2

The comment expresses concern related to possible interstate transport of cannabis products.

See GR-2 Interstate Transport of Cannabis.

Response to Comment 2-3

The comment describes possible impact to nesting birds and with special concern for sage-grouse nests and habitat. The comment suggests revision to MM BIO-1, which requires nesting bird surveys, and requests that it is replaced with the MM BIO-1 to clarify nesting bird survey timing, buffers, and monitoring.

MM BIO-1 will be revised in the Final IS/MND as suggested in comment 2-3 of the CDFW comment letter above.

Response to Comment 2-4

The comment expresses concern of possible impacts to special status fish species that may occur in Highline Ditch and recommends that Mono County add MM BIO-4 for project activities taking place adjacent to Highline Ditch.

MM BIO-4 will be added to the Final IS/MND as suggested by the CDFW comment letter above with the following changes:

MM BIO-4: For all Project activities taking place adjacent to Highland Ditch, where adjacent is defined as being within 50 feet from the top of bank, Best Management Practices (BMPs) shall be employed to avoid impacts to water quality and aquatic habitat of the Highland Ditch. Impacts may include, but are not limited to, delivery of excess sediment through grading, disking, or grubbing activities; delivery of excess nutrients through runoff from cultivation areas; delivery of toxins from pesticide application; or any other Project activities that have the potential to substantially alter or degrade the water quality or aquatic habitat of the Highline Ditch. BMPs may include avoiding pesticide application during periods of increased wind, limiting water usage to avoid runoff, and/or keeping exposed soil damp to limit movement during ground disturbing activities.

Response to Comment 2-5

The comment offers the suggested edit to MM WQ-1 to include the use of local native plant species appropriate for sagebrush scrub habitats.

MM WQ-1 will be revised in the Final IS/MND as suggested in comment 2-5 in the CDFW comment letter above.

Response to Comment 2-6

The comment requests the addition of MM BIO-5 which would require preconstruction surveys for the American Badger and includes measures for avoidance and minimization of impacts should the American Badger or burrows be identified on-site.

MM BIO-5 will be added to the Final IS/MND as written in comment 2-6 in the CDFW comment letter above.

Response to Comment 2-7

The comment requests that MM BIO-6 be included in the final IS/MND requiring pre-project botanical field surveys be conducted by a qualified biologist and in accordance with CDFW 2018 Protocols. The proposed mitigation measure includes avoidance and mitigation measures.

MM BIO-6 will be added to the Final IS/MND as written in Comment 2-7 of the CDFW comment letter above.

*Based on field reconnaissance and evaluation of the on-site vegetation communities, RCI's Biologist does not agree that there is suitable on-site habitat for little cutleaf (*Hymenopappus filifolius* var. *nanus*), spiny milkwort (*Polygala subspinosa*), and Lavin's milkvetch (*Astragalus oophorus* var. *lavinii*), even though the results of California Natural Diversity Database query shows that these species may occur in close proximity to the Project site.*

*There is potential habitat for American manna grass (*Glyceria grandis*) within adjacent Highland Ditch, although this species was not observed during the September 1, 2022 botanical survey. As the proposed project does not include any physical alteration to the ditch and no ground disturbance within 50 feet of the ditch, there would be no impact to American manna grass.*

*RCI does agree that the Project Area contains suitable habitat for beautiful cholla (*Grusonia pulchella*) and masonic rockcress (*Boechera cobrensis*); the Project Area has been sufficiently surveyed for these species. See response to comment 2-1 above.*

Response to Comment 2-8

The comment summarizes potential impacts to wildlife from use of pesticides, including fungicides, herbicides, insecticides, and rodenticides and recommends inclusion of MM BIO-7 in the final IS/MND. MM BIO-7 requires Sierra High Farms to develop a plan to avoid, minimize, or mitigate impacts from pesticides used in cannabis cultivation.

MM BIO-7 will be added to the Final IS/MND as written in comment 2-8 of the CDFW comment letter above.

Response to Comment 2-9

The comment expresses concern of impacts to fish and wildlife from light pollution. CDFW recommends inclusion of MM BIO-8 in the final IS/MND that includes use of blackout curtains where artificial light is used, limiting use of artificial light during hours of dawn and dusk, and use of shielded and cast down lights.

MM BIO-8 will be added to the Final IS/MND as written in comment 2-9 of the CDFW comment letter above.

The proposed project would have security/emergency lighting and no other outdoor lighting is proposed. Proper light shields and lighting design will be incorporated into the indoor cultivation buildings and shall comply with Land Use Element Chapter 23 – Dark Sky Regulations. For additional conditions see GR-4 Aesthetics – Lighting.

Response to Comment 2-10

The comment recommends inclusion of MM BIO-9 that educates individuals of on-site wildlife that may be present. MM BIO-9 requires a qualified biologist to conduct an education program for all persons working on the Project site prior to performing work.

MM BIO-9 will be added to the Final IS/MND as written in comment 2-10 of the CDFW comment letter above.

Response to Comment 2-11

The comment clarifies the need for compliance with Fish and Game Code 1602 for impacts to Highline Ditch and the on-site ephemeral stream channel and recommends MM BIO-10 that requires notification to the CDFW on the need for a Lake and Streambed Alteration Agreement.

MM BIO-10 will be added to the Final IS/MND as written in comment 2-11 of the CDFW comment letter above.

Letter 3: Tom Schaniel, Great Basin Air Pollution Control District

10/31/22, 5:08 PM

FW: IS and MND for Sierra High Farms Cannabis Cultivation

Michael Draper <mdraper@mono.ca.gov>

To: Scott Burns <sburns@mono.ca.gov>; dan@sierrahighfarms.com
<dan@sierrahighfarms.com>; Zach Wood <zach@rci-nv.com>

From: Tom Schaniel <tschaniel@gbuapcd.org>
Sent: Monday, October 31, 2022 2:41 PM
To: Michael Draper <mdraper@mono.ca.gov>
Cc: Wendy Sugimura <wsugimura@mono.ca.gov>; Ann Logan <ann@gbuapcd.org>; Luke Eisenhardt <leisenhardt@gbuapcd.org>
Subject: IS and MND for Sierra High Farms Cannabis Cultivation

[EXTERNAL EMAIL]

Michael Draper,

Following are a few comments from Great Basin Unified Air Pollution Control District (GBUAPCD) in regards to this CEQA document.

3-1

On Page 2, GBUAPCD is listed as a Responsible Agency under Lahontan Regional Water Quality Control Board, but we are in no way associated with that agency. We think listing GBUAPCD as a Responsible Agency is appropriate, but a separate line item would be appropriate.

3-2

Under Section 4.3, Air Quality it would be appropriate to mention short term construction related air quality impacts, primarily potential dust impacts. These impacts would be regulated by GBUAPCD through the requirement that any commercial developer obtain a Secondary Source Permit from GBUAPCD for the construction of any buildings or similar structures related to the project.

3-3

Also, on Page 2, where GBUAPCD is listed as a Responsible Agency, there is a mention of permits for generator engines. Note that diesel generator engines over 50 bhp require permits from the District. Propane engines most likely do not unless they are very large (we ask that people intending to install a propane engine over 800 bhp have GBUAPCD do an informal review to see if the engine has enough emissions to require permitting). There is mention in the CEQA document of propane engines, so it seems highly likely that no permitting is required for the engines at this project, but we wanted to give the County a little more information so that County staff can decide if any mention needs to be made about GBUAPCD engine permitting.

Thank you for the opportunity to comment. If you have any questions feel free to reach out to me via email or phone.

Tom Schaniel
 Air Quality Specialist II
 Great Basin Unified Air Pollution Control District
 157 Short Street
 Bishop, CA 93514

10/31/22, 5:08 PM

(760) 872-8211 ext. 240
cell: (760) 937-2458

Letter 3: Responses

Tom Schaniel
Great Basin Air Pollution Control District

Response to Comment 3-1

The comment notes that the Great Basin Unified Air Pollution Control District (GBUAPCD) is indeed listed correctly as a Responsible Agency under the Lahontan Regional Water Quality Control Board (LRWQCB) but should be listed separately as the GBUAPCD is not associated with the Lahontan Regional Water Quality Control Board (LRWQCB).

The Final IS/MND has been revised as follows:

- Great Basin Unified Air Pollution Control District
 - Construction-Secondary Source Permits
 - Stationary Source Permits

Response to Comment 3-2

The comment recommends that the IS/MND Section 4.3, Air Quality, address potential dust impacts associated with short-term construction; these impacts would be regulated by the GBUAPCD.

The following has been added to the Air Quality Section 4.3 of the Final IS/MND:

GBUAPCD Rules 401 and 402 require use of control measures to minimize fugitive dust and particulate matter emissions. Initial site clearing for construction of indoor grow facilities could temporarily generate fugitive dust during vegetation clearing and grading activity. Due prevent visible particulate matter from being airborne, standard BMPs in accordance with an erosion control plan and Stormwater Pollution Prevention Plan will be implemented and will include use of water for dust control, covering of soil stockpiles when not actively in use, and minimizing areas of disturbance under construction at one time (MM AQ-2). Areas that are temporarily disturbed will be reseeded with native seed mixes for long term soil stabilization (MM WQ-1).

To minimize fugitive dust generated from discing and tilling practices associated with outdoor cultivation, farming practices will be modified to avoid discing and tilling when wind speed are in excess of 15 miles per hour (MM AQ-2).

Additionally, the following Mitigation Measure was added:

AQ-2: Dust Control

- *During construction, dust will be minimized through implementation standard BMPs consistent with CA Stormwater General Construction Permit and will include, but not limited to,*
 - *minimize the exposed working areas at one time,*
 - *covering soil stockpiles when not in actively in use or left overnight, and*
 - *use of on-site water for dust control during clearing and grading.*
- *Avoid discing and tilling when wind speeds are in excess of 15 miles per hour.*
- *Driving speeds will be _____ to slower than 15 mph when on dirt roads within ¼ mile of public highways and residences.*

Response to Comment 3-3

The comment notes the GBUAPCD permitting requirements for both diesel and propane generator engines, suggesting that it is unlikely that no permits will be required due to the use of a propane generator.

On-site generator use for energy production would comply with California Air Resources Board and GBUAPCD regulations including acquiring a permit if the generator exceeds 900 horsepower and airborne toxic control measures for generators (CCR Title 17 §93115 and CCR Title 4 §16306).

Letter 4: Danny and Teri Dikes, Resident

Comments on Initial Study and Mitigated Negative Declaration

Sierra High Farms Cannabis Cultivation

From Danny and Terri Dikes 10/24/2022

The report appears to be very dismissive and inaccurate with detail discrepancies throughout.

4-1

Under 2.1 Project Description: Sierra High Farms is proposing a ten-acre outdoor and 24,000 square-foot (SF) indoor commercial greenhouse cannabis cultivation operation (for year-round operation) *does not reflect same square-foot reported in 2.1.1 Proposed Buildings and Ancillary Structures: The project proposes to construct an adult recreation/medical cannabis production facility that includes Indoor Cultivation: Four 12,312 square-foot greenhouses (108' by 114')= 49,248sq.ft.*

Land historically used for cattle ranching. By putting 65,000sq. ft. of structures (16 buildings) on a 3+acre of parcel does not lend to the type of agriculture in the areas within the surrounding valleys.

4-2

2.1.2 *Project Phasing Plan map does not show scale or all structures.*

2.1.3 *Construction: 13,000 cubic yards of grading requiring over excavation of 2-3' should be monitored by Archeologist (or at a minimum training to construction staff on what to look for and who to contact if anything is discovered).*

4-3

2.1.4 *Unpermitted work and code enforcement activities: 13 acres of land cleared and grubbed without permit. During nesting bird season? Was Fish and Wildlife notified. Land was not seeded/germinated. Invasive weeds now cover cleared area. What is the penalty?*

4-4

2.1.5

2.1.6 *Operate between 8:00am and 5:00pm – is this 7 days a week? What about holidays? Why is retail delivery temporarily allowed and why is county code being ammended? Is this currently applicable anywhere within 100+miles*

Section 3 Project Location and Setting

4-5

3.1 *Existing and Surrounding Land Uses: 15 acres adjacent to the Nevada state line – and residential parcels. Why were adjacent properties not give official notice of project/meetings? Access to the site crosses a private property. This road known locally as*

4-6

Stateline Rd historically has been used by local property owners to access Fence Line Road for access to properties along fence line (approx 7 parcels).

4-7

3.3 *“The six acres of native vegetation that was previously cleared...” previously stated in section 2.1.4 as being 13acres.*

4-8

4.1 *Aesthetics Scenic Vista “The Eastern Sierra Scenic Byway (i.e. Highway 395) and State Route 89 (Monitor Pass) are the nearest designated scenic highways located approximately eight (8) miles south of the project area”...INCORRECT – Hwy 395 islocated 3.5miles west of project site. This facility would be able to clearly be seen from Hwy 395, Hwy 89 as well as Hwy 208 located to the North. This is a fact because the adjacent residential homes located on 40 acre parcels can be seen from all these locations and they are significantly less square footage than the 65,000square feet of buildings proposed within 3 acres.*

4-9

“The visual quality of the project with utilities is compatible with neighboring agricultural.

4-9

land usages along Topaz lane and Eastside Lane where above ground utilities along roads are visible". *Statement is untrue as there are no 65,000 sq ft (16 buildings – which multiple are proposed 25-30' tall on 3 acres) within the valley and with only 10 acres of outdoor cultivation. One or even three hay barns are not anywhere close to what is being proposed. There is also no Utilities within 1.6 miles of the proposed project. All residents north of the proposed project have chosen to live off-grid and do not want to see power poles or a city of buildings on 3 acres of project. It is definitely a significant negative aesthetic effect.*

4-10

"The Proposed project would have security/emergency lighting. Proper light shields and lighting design will be incorporated in the indoor cultivation buildings." *Although Dark Sky regulations will be implemented, the security lights with shields will still illuminate the dark area and unless the buildings have no windows, the 24 hour grow operations will illuminate as well. This is significant in our area.*

The "No Impact" proposed project would not change the existing environment statement would significantly change the existing environment for all reasons stated above.

4.3 Air Quality

4-11

The maps showing indoor/outdoor cultivation is not to scale but does not appear to have a 300' buffer zone for habitable space under separate ownership and public roads (Stateline Rd historic usage by residents for access to Fenceline and multiple parcels along Fenceline Rd for over 25 years.)

4-12

Policy 1.L.3. Avoid, reduce and prevent potential issues specific to commercial cannabis activities that may adversely affect communities. *How is this proven effective before operational? Proven to who, do adjacent residents get feedback.*

4-13

"The project is located away from existing habitable space under separate ownership and public roads. ...Prevailing winds are not directly aligned with neighboring residents or Eastside Lane. The project does not propose odor filtration or ventilation systems. ...adjacent uses may detect and find odors to be offensive which is a significant impact requiring mitigation." *This statement is untrue. There are adjoining residential homes on the North and East of proposed project. The prevailing winds come from the South and West making those homes and others downwind of the proposed project. Why was measuring devices put to the south of project? Odors would travel for miles and yet there is no proposed odor filtration or ventilation system. This is unreasonable as it is not common in the area causing significant impacts to receptors. Report states that "the cultivation use would generate cannabis odors detectable beyond the project property property...and adjacent uses may detect and find odors to be offensive which is a significant impact requiring mitigation." Where is the mitigation?*

4.3.1 Mitigation Measures: "The applicant shall posts signs at the property line that provide a 24hour project contact phone number in case of nuisance odors." *How does this remedy the odor? What will be done and when? How long to rectify issues?*

4-14

4.4 Biological Resources- Additional species of concern that were analyzed within the BA included the Bi-State Distinct Population Segment of Greater Sage-Grouse and Mule Deer. ...migratory birds and their nests is regulated by the MBTA. Two special status plants may occur on site. *RCI biologist surveyed on September 1, 2022 after the approx 15 acres of clearing and grubbing and with no nesting bird survey. Where is the violation, was DFW notified? Therefore impacts are significant. There are also Large Cottonwood trees that owls, hawks and eagles use along property edge. If nesting there would normally be 1000'*

buffer or monitoring required.

4-14

Biologist recommended:

Mitigation Measure Bio-1 – Nesting bird surveys.

Mitigation Measure BIO-2 – Weed Surveys prior to construction. *NOT DONE*

Mitigation Measure BIO-3 – Weed Free Certification (BMP) *Verified? By who?*

4-15

Archaeologist possibility that unmarked, previously unknown Native American or other graves could be present within the project site and could be uncovered by project-related construction activities. *Shouldn't a archaeologist be on-site or at least construction crew trained?*

4-16

“minimal increase in traffic from proposed project” *and additional 100 vehicle trips a day at least doubles what is currently active on Eastside Lane with residents. This is significant.*

4-17

4.6 Energy: *Why cant solar power be used instead of 30 power poles. All surrounding residents use Solar and Parks Ranch below has a very large solar array.*

4-18

4.7 Geology and Soils: “not located on or near an active fault zone... The nearest fault zone with potential for strong ground shaking is the Antelope Valley Fault zone, located approximately 3.43 miles with of the site.” *That is pretty near. And during the 2022 earthquake there were multiple rockslides that effected Hwy 395 coming through the canyon. There was minor damage within Walker and Coleville. The potential for damage is there.*

4-15

Construction requires over excavation of 2-3' increases potential for discovery- Archaeologist required on site?

4-19

4.9 Hazards and Hazardous Materials: Cannabis cultivation will require the use of fertilizers and pesticides in significant quantities. ...use of shipping containers for storage of fertilizers and herbicides. *Will there be off-gassing as containers can get extremely hot. How will these significant quantities effect air quality and water quality? Especially since there will be a detention basin that will allow for percolation into groundwater. With high winds in area how will the herbicides and fertilizers be kept on cannabis crops/project site? “limit the potential for exposure of people and the environment to hazardous materials”. All of us out here prefer to not be exposed top ANY hazards. Who will monitor and report. The fox should not be guarding the hen house.*

4-20

4.10 Hydrology and Water Quality: Project has potential to degrade water quality through temporary construction and long term operation. ...site drainage will be directed through a series of constructed swales to a stormwater detention basin... allows infiltration and minimizes impacts to water quality and flow into Highland Ditch. If it minimizes impacts to water quality than there is still an impact to our water quality. *Who will monitor/report usage and violations? Will arsenic found in water show up in cannabis? If water filtration will need to be used (i.e. osmosis) the quantity of water useage could double? Has well water been tested for quality? There are a few local surrounding wells that contain higher than acceptable limits or aresenic.*

Outdoor seasonal demand will be kept to 4,000 gallons per acre per day = *40,000 gal day is significantly more than previously states 4000 gallons per day.*

4-20

The estimated total of groundwater recharge for the Antelope Valley was between 15,600 AF and 22,800 AF per the 2014 Feasibility Assessment of a Water Transaction Program in the Walker River Basin. *The report was 8 years ago and we have had excessive drought years ever since. This should be considered.*

4-21

Stormwater runoff from the site could affect water quality within Highland Ditch a tributary to the West Walker River. *Yet another impact to our environment and quality of life. How will this be monitored/Reported. Hopefully not solely by HSCF. So Herbicides and Pesticides will either fill a deterrtion basin to filter into our water table or flow down a drainage ditch into the Walker River. Lose/Lose scenario,*

4-22

- 4.11 Land Use and Planning - ...located in a rural area in the vicinity of established communities ion Antelope Valley. The project would not physically divide an established community. *It does divide Topaz Heights (residents North and East of project site) to Topaz/Coleville/Walker. Once again report dismisses residents to the North and East of project.*

The project site is within the Agriculture land use designation, which is intended to preserve and encourage agricultural uses and provide for the orderly growth of activities related to agriducture. *Orderly growth = saturated cannibis market not equivalent to agricultural feed for livestock or food for human consumption.*

4-23

- 4.13 Noise: There are no noise-sensitive areas (e.g. residences...) *There are 4 adjacent residents to the North and East of property. Once again dismissed. What about 2 Generators, wind through power line. Equipment operation.*

Mono County Code 10.16 definbes limits for excessive noise and sets noise level limits for land use. Sound pressure level as measured at the property boundary. Construction noise not allowed between 7:00pm and 7:00am. On Weekdays or on weekends. *Who monitors or report? What about holidays? What about after construction – operation – generators, tractors, trucks, cultivating equipment, etc...*

...proposed cultivation buildings approximately 150' from the property line are project features which reduce the noise impact at the property boundary and to sensitive receptors. *Stateline Road is a public access to Fenceline Rd and per Section 4.3 there is a habitable space under separate ownership, therefore, buildings and fields need to be 300' from property line. There is no sound buffer for receptors/residents to the North. Who monitors and reports DBA. Hopefully not solely the Fox (HSCF)*

4-24

- 4.14 Population and Housing: The project does not include construction of new housing and would not directly cause population growth. "Employee housing is bot proposed as part of the use permit project. It is anticipated that fame labor housing would be established on the project property for employees as needed. Farm labor housing and single-family swellings are allowed uses in the Agriculture land use designation subject to county building requirements. *Leaves a huge opportunity for more buildings, water usage, crime, noise, pollution, more vehicle traffic.... This is another significant impact to our community and opens the door to so many aspects not addressed in this report.*

4-25

- 4.15 Public Services: nearest fire station is the Coleville Station on Larson Lane approx.

4-25 three miles from site. *This is a volunteer station. Response times will be delayed as it is not a full time fire station.*

4-26 The Mono County Sheriff's office provides law enforcement services to unincorporated Mono County. The nearest sheriff's office is located in Bridgeport, approx 40 miles from the site. *Not very close proximity for a business that will "present an increased risk of criminal activities"*

4-27 The project includes a water supply for fire protection based on a well and static water storage. The existing well has capacity to provide a minimum fire protection water supply based on the type and square footage of the proposed buildings. *Are buildings not required to have fire suppression/sprinklers? Minimum fire protection...what about surrounding vegetation and other residents down wind? Static water Storage – is this the detention basin that will have herbicide and pesticide residuals in it? Sounds counter-intuitive and more dangerous!*

4-28 Cannabis cultivation may present an increased risk of criminal activities. ...Require video surveillance, professional alarm, and access control to areas of cannabis products...are not located near public streets. *If there is a increased risk of criminal activities it is not less than significant because a video surveillance and alarms system do not stop crime. And emergency response is 40 miles away. Stateline, Eastside Lane and Topaz Lane are all public streets within or less than one mile from project site.*

4-29 4.16 Recreation: Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? *BLM access off road access and camping off Eastside Lane approximately ½ mile from property.*

4-30 4.17 Transportation: ...existing private road serves the project as a shared access with agricultural uses along the Highline Ditch to the north of the project. "Stateline Road" by users and is not named by Mono County. *Stateline has been used for over 25 years by residents who have parcels/homes off Fenceline Road.*

4-31 ...employees would not live onsite and would commute to work each day.project is not anticipated to cause a significant increase in traffic *At least for now, but according to previous sections of this report it could change as farm housing and single-family dwellings could be allowed. 100 trips per day is significant when all the residents together don't make that many trips a day. 100 trips is approximately double what current residents north of the project use.*

4.18 Tribal Cultural Resources: Washoe Tribe and Kutzadika Tribe – Tribal consultation was initiated on April 19, 2022. No responses were received. Tribal cultural resources could exist.

4.19 Utilities and Service Systems: Mono County General Plan Development Standards Chapter 11 Prohibits

4-32 Mono County has adopted an EOP, which designates Hwy 395 as a primary evacuation route. *If there was a fire, hazardous spill, etc from the proposed site along Eastside Lane there would be no evacuation route for residents to the North and East of the site. There already is a moderate wildfire risk.*

4-33 Placement of new above ground utilities generally except that individual development may be granted a use permit to install overhead utility lines. *Extreme fire danger due to hiutilitiesgh winds.*

4-34 | Placement will not significantly disrupt the visual character of the area. *It and low upland shrubs would not provide visual screening of new overhead will visually disrupt views.*

4.20 Wildfire: Moderate fire hazard severity zone. The Mountain View fire burned 20,375 acres and destroyed or damaged 100 dwellings. the project site is not flood irrigated and risk classification should reflect hazards of brush fuels that exist on the project site. For property near the project with similar attributes, the fhsz classification is moderate.

4-35 | Substantially impair an adopted energy response plan or emergency evacuation plan? Highway 395 primary evacuation route. ...via Eastside Lane and Topaz Lane. The proposed project would not impair emergency evacuation capabilities of local routes...*It would if residents to the North and East could not use Eastside due to hazardous spill, or fire.*

4-36 | UTILITIES: *30 overhead utility poles 20' high is a major concern due to high winds and The Mountain View fire in Walker, Ca (approx.8 miles away started this same way). There are also no power poles within 1.6 miles (just off Eastside and Topaz Lane – both paved roads) of site. All residential properties North and East are Off-Grid by choice. There is also access to BLM/Recreational land located along the 1.6 mile proposed installation. There is also a concern to environmental and biological resources during and after installation of poles in the area. Power should be required to be underground or renewable (solar).*

4-37 | *Other concerns: Property value decrease due to proximity to cannabis activity – known increase in crime*

4-38 | *Cannabis market is saturated. What happens if this is built and then goes under? Are we left to look at this unwanted visual impact forever?*

Letter 4: Responses

Danny and Teri Dikes
Resident

Response to Comment 4-1

The comment suggests that the IS/MND Section 2.1 Project Description and Sub-Section 2.1.1 Proposed Building and Ancillary Structures have differing total area values for the indoor cannabis production facilities.

Amendments were made to the Project Description to correct errors in the description of the proposed cannabis uses.

Response to Comment 4-2

The comment recommends that an archeologist should be present during construction, or construction staff should be briefed on artifact identification.

The Cultural Resources report prepared by Great Basin did not recommend mitigations for monitoring during construction. Mitigation Measures CR-1 and CR-2 require stop work and consultation with agencies and Tribes if cultural resources are discovered during construction.

Response to Comment 4-3

The comment asks whether the California Department of Fish and Wildlife (CDFW) was notified of any unpermitted land clearing.

Mono County Community Development Department conducted code enforcement activities per County Code. Mono County does not automatically notify State agencies of ordinance violations. Section 2.1.4 describes the unpermitted work and CDFW reviewed the IS\MND and provided comments and recommended mitigation measures.

Response to Comment 4-4

The comment expresses concern about hours of operation and request further clarification regarding weekly and holiday operating hours.

Additional information about operations was added to the Project Description in Section 2.1 of the Final IS/MND.

Response to Comment 4-5

The comment requests to know whether nearby property owners were notified of the proposed project and invited to comment during meetings.

See GR-1 Project Notification.

Response to Comment 4-6

The comment claims that access to the site of the proposed project crosses a private road, Fence Line Road, that is used to access multiple private properties.

Comment noted. See GR-16 Transportation – Fence Line Road Access.

Response to Comment 4-7

The comment suggests that there is a discrepancy in the IS/MND regarding the native vegetation that was previously cleared.

The amount of vegetation cleared and subjected to the Notice of Violation by Mono County was approximately 13 acres.

Section 3.3 Vegetation was revised to read:

*The ~~six~~thirteen (13) acres of native vegetation that was previously cleared from the project area has become revegetated with native grasses intermixed with a non-native, invasive tumble mustard (*Sisymbrium altissimum*).*

Response to Comment 4-8

The comment suggests that the proposed project site would be visible from the Eastern Sierra Scenic Byway and State Route 89.

The description of the State scenic highway designations of Section 4.1 Aesthetics are accurate. The project site is visible from State Route 89 a designated scenic highway and US 395 which is not designated as a state scenic highway.

Response to Comment 4-9

The comment suggests that the visual characteristics of the proposed project buildings and overhead utilities are not similar to those in the surrounding area. In addition, there are no overhead utilities within the nearby area surrounding the proposed project area.

See GR-11 Land Use and Planning.

Response to Comment 4-10

The comment raises concerns regarding indoor and outdoor lighting, which will illuminate an otherwise dark area.

See GR-4 Aesthetics – Lighting.

Response to Comment 4-11

The comment suggests that the IS/MND site maps are not to scale and do not show a 300-foot buffer from the property boundary.

Map exhibits are derived from the application site plan. Figure 2-1 is a not-to-scale extent map of the scaled Figure 2 Site Plan in Appendix A. The location of the cannabis cultivation uses is 50 feet from the property per the project description.

Response to Comment 4-12

The comment expresses concern related to avoiding, reducing, and preventing potential issues specific to commercial cannabis activities that may adversely affect communities, and requests further information.

Comment noted.

Response to Comment 4-13

The comment expresses concern related to odor and mitigation measures to eliminate or minimize odors escaping the operation.

See GR-5 Air Quality – Odor.

Response to Comment 4-14

The comment requests a biological survey for nesting birds and weeds with a Weed Free Certification (BMP).

Mitigation Measures BIO-1 and WQ-1 are included to reduce impacts to nesting birds and require weed-free best management practices.

See responses 2-3 and 2-5 made in response to CDFW comments.

Response to Comment 4-15

The comment suggests that an archaeologist be present during excavation.

See response to comment 4-2 (above).

Response to Comment 4-16

The comment expresses concern related to the projected increase in traffic on East Side Lane of up to 100 vehicle trips each day.

See GR-15 Transportation – Traffic.

Response to Comment 4-17

The comment suggests using solar power rather than running overhead powerlines to the proposed project area.

The project description does not include solar photovoltaic systems. Additional information is included in GR-7 Energy.

Response to Comment 4-18

The comment expresses concern related to proximity to nearest active fault zone.

A description of seismic hazard is included in 4.7 Geology and Soils.

Response to Comment 4-19

The comment expresses concern related to on-site storage of fertilizers and pesticides as it relates to air and water quality, and requests routine monitoring and reporting.

See GR-6 Air Quality and GR-9 Hydrology – Water Quality.

Response to Comment 4-20

The comment expresses concern related to negative water quality impacts for Highline Ditch and groundwater from potential proposed on-site drainage and retention basin. Additionally, the comment raises concern regarding groundwater recharge, drought, and proposed on-site water usage.

See GR-9 Hydrology – Water Quality and GR-10 Hydrology – Groundwater Use.

Response to Comment 4-21

The comment expresses concern regarding stormwater runoff and water quality in Highline Ditch, and requests routine monitoring.

See GR-9 Hydrology – Water Quality.

Response to Comment 4-22

The comment suggests that the proposed project would divide the community by separating residents in Topaz Heights from the community of Topaz/Coleville/Walker.

4.11 Land Use and Planning describes

Response to Comment 4-23

The comment raises concerns regarding noise from the standpoint of monitoring and reporting and suggests that the IS/MND failed to recognize several residents to the northeast of the proposed site as noise-sensitive areas.

See GR-12 Noise.

Response to Comment 4-24

The comment suggests that the IS/MND allows the possibility of construction of additional houses and buildings on-site and thereby has the potential to contribute to population growth.

The project description does not include housing or residential uses. The IS-MND does not analyze additional developments such as single-family dwellings which are allowed by the General Plan.

Response to Comment 4-25

The comment expresses concern related to proximity to nearest fire station and sufficient water supply on-site, additionally, the comment suggests the use of overhead fire suppression sprinklers indoor.

See GR-14 Public Services – Fire Protection.

Response to Comment 4-26

The comment expresses concern related to proximity of nearest law enforcement services and suggests that the mitigation measures given in the IS/MND insufficiently addresses this potential issue.

See GR-13 Public Services – Police Protection.

Response to Comment 4-27

The comment suggests that the proposed project will increase use of BLM land and access roads surrounding the proposed site.

Comment noted.

Response to Comment 4-28

The comment expresses concern related to possible interstate transport of cannabis products.

See GR-2 Interstate Transport of Cannabis.

Response to Comment 4-29

The comment expresses concern related to possible interstate transport of cannabis products.

See GR-2 Interstate Transport of Cannabis.

Response to Comment 4-30

The comment describes that Fence Line Road is used by local residents.

See GR-16 Fence Line Road Access. The IS\MND describes commonly used road names for reference. Fence Line Road is not dedicated or maintained road by Mono County.

Response to Comment 4-31

The comment expresses concern related to possible interstate transport of cannabis products.

See GR-2 Interstate Transport of Cannabis.

Response to Comment 4-32

The comment states that the only connection to evacuation routes for East Side Lane is south to Topaz Lane\US 395 and describes potential for evacuation impacts due to the proposed project.

See GR-15 Transportation – Traffic.

Response to Comment 4-33

The comment notes extreme fire danger due to aboveground utilities and winds.

See GR-18 Wildfire.

Response to Comment 4-34

The comment describes impacts to aesthetics due to low existing vegetation.

See GR-11 Land Use and Planning.

Response to Comment 4-35

The comment notes impact to local evacuation routes due to hazardous spill or fire.

See GR-17 Transportation – Emergency Access.

Response to Comment 4-36

The comment expresses the preference that utilities be installed underground, and notes concerns related to wildfire and aboveground utility construction impacts to biological resources.

Construction of utilities is required to meet Mitigation Measures related to biological resources and construction best management practices for air and water quality. See GR-18 Wildfire.

Response to Comment 4-37

The comment describes impacts to property values.

See GR-3 Impact to Property Values.

Response to Comment 4-38

The comment questions impacts if the project is constructed and not completed.

The IS\MND does not evaluate impacts if the project is incomplete. Mono County Code nuisance would apply to impacts from incomplete construction to address public health and safety.

Letter 5: Bert Bryan, Walker River Irrigation District



Walker River Irrigation District

Established in 1919

October 25, 2022

Via USPS Mail and Electronic Mail mdraper@mono.ca.gov
 Mono County Community Development Department
 ATTN: Michael Draper, Planning Analyst II
 P.O. Box 347
 Mammoth Lakes, California 93546

Re: Initial Study & Mitigated Negative Declaration for Sierra High Farms Cannabis Cultivation
Our File No. 1709.0018

Dear Mr. Draper:

This letter constitutes the Walker River Irrigation District's (the "District") comments on the September 28, 2022, Draft Initial Study & Mitigated Negative Declaration for Sierra High Farms Cannabis Cultivation (the "Initial Study"). The District only recently became aware of this matter.

The District is an irrigation district formed pursuant to the provisions of Nevada Revised Statutes, Chapter 539. There are 246,000 acres of land within the District boundaries. Lands with appurtenant water rights comprise a total of approximately 80,518 acres. All those lands are in Nevada. Most of those lands receive water directly or indirectly from the West Walker River.

5-1

Section 4.10 of the Initial Study states that "stormwater runoff from the site could affect water quality within the Highline Ditch, which is a tributary to the West Walker River." Section 4.10 also indicates that long term cultivation, operation and maintenance has the potential to discharge fertilizers, pesticides and other chemicals to surface waters or groundwater.

5-2

The Initial study seems to conclude that there would be no impact to surface waters because there is a requirement to incorporate "effective BMP's." The Initial Study does not detail what those BMPs would be. Moreover, it seems to suggest that facilities designed to capture a 25-year storm event will suffice. Without more details the District cannot evaluate this issue and determine if there will be impacts to the West Walker River and downstream water users. Containment of a 25-year storm event seems woefully inadequate.

Very truly yours,

Bert Bryan,
 Walker River Irrigation District
 General Manager

Letter 5: Responses

Bert Bryan
Walker River Irrigation District

Response to Comment 5-1

The comment expresses concern relating to IS/MND Section 4.10, the potential for stormwater runoff to affect water quality within Highline Ditch, which conveys water to the West Walker River, and concern relating to the potential discharge of fertilizer, pesticides, and chemicals to surface water and groundwater.

See GR-9 Hydrology – Water Quality.

Response to Comment 5-2

The comment expresses concern with the lack of explicit detail regarding the best management practices that the IS/MND suggests would be sufficient to resolve impacts to surface water. In addition, the comment suggests that the proposed 25-year storm design for the facilities is inadequate.

See GR-9 Hydrology – Water Quality.

The 25-year storm design is included in the grading plan prepared by a CA Licensed Engineer and has been submitted to the County for review and approval.

Letter 6: Cynthia and Rod Vickers, Resident

Zach Wood

From: Michael Draper <mdraper@mono.ca.gov>
Sent: Thursday, October 27, 2022 5:07 PM
To: Zach Wood
Subject: FW: Concerns Regarding The Draft Mitigated Negative Declaration For Sierra High Cannabis Cultivation

Received yesterday.

-Michael

From: Cynthia & Rod Vickers <vickers4040@yahoo.com>
Sent: Wednesday, October 26, 2022 8:07 PM
To: Michael Draper <mdraper@mono.ca.gov>
Cc: John Peters <jpeters@mono.ca.gov>; dritchie@douglas.nv.us; mgardner@douglasnv.us; Derrick Hug <dhug@mono.ca.gov>; Nick Criss <ncriss@mono.ca.gov>
Subject: Concerns Regarding The Draft Mitigated Negative Declaration For Sierra High Cannabis Cultivation

[EXTERNAL EMAIL]

Hi Michael,

This email is in strong opposition to the Sierra High Cannabis Farm, with a proposed location in Walker/Topaz, CA parcel APN 001-150-004-000. (Parks Ranch)

First of all, as residents/property owners in Topaz Heights, it came as quite a surprise to my family, extended family and neighbors to hear that the location on Eastside Lane was the proposed site. The proposed farm would be 1,700 feet from our property.

Although the whole report is very concerning and feels very dismissive to the community and the place we call home, it also fails to truly address many concerns. I have a few I will comment on in this opposition statement.

6-1

My first major concern goes back to the proximity of the farm to my home that has been in our family since 1985. It is located just 1,700 feet from the proposed location. Per section 4.15 Public Services, it clearly states that the farm site presents an increased risk for criminal activity. My understanding is when criminal activity occurs Bridgeport Sheriff will be contacted which could be any where from 45 minutes to an hour and a half for response time, this is unacceptable. Also Mono county code 5.60 requires review and approval of a security plan by the sheriff's office as a condition of the cannabis operation permit. My understanding is this does not have to occur until the cannabis permit is granted which is again completely unacceptable, the community should be able to view such report which is a complete disregard for the safety and security of the people.

6-2

Another concern is hydrology and water quality. The amount of water that is going to be used to facilitate the needs of this farm is extremely concerning to the resources of the valley. On page 28 and 29 the water usage implied is dismissible and fails to address concerns due to contradictions of information.

6-3

In 4.10 of the report it clearly states that long-term cultivation operation and maintenance has the potential to discharge fertilizers, pesticides and other chemicals to surface waters and groundwater. Everyone East and North of the proposed site is off grid by choice and relies on their water well for drinking, bathing and watering. The report once again does not come close to providing enough information for the consideration of the health and safety of the surrounding community.

6-4

Moving on to Transportation in 4.17 on page 36. The proposed project is estimated to generate up to 100 vehicle/truck trips per day!!!! This increase in traffic will dramatically change the character, landscape, erosion on the roads and the air quality from dust. And do we know if these numbers just pertain to phase one, and will the numbers increase phase 2 and 3? So many unanswered questions.

One of the most disturbing things about this proposed project and report is that so many people knew nothing about it including water districts and the air quality control board.

In conclusion, this all does not feel like an agriculture 10 zoning, it feels more industrial. I hope you understand that if this is permitted it will have so many negative health and safety impacts on Antelope Valley, the place WE call home.

Thank you for your consideration in the opposition of the Sierra High Cannabis farm next to Park's ranch.

Cynthia Vickers
 AVOICE -Antelope Valley Organization to Interrupt Cannabis Enterprise

Letter 6: Responses

Cynthia and Rod Vickers
Resident

Response to Comment 6-1

The comment expresses concern relating to the possible risk of increased criminal activity and incident response time of the Bridgeport Sherriff's Department. The comment also requests making a Security Plan available to the public.

See GR-13 Public Services – Police Protection.

Response to Comment 6-2

The comment expresses concern related to water quantity and quality, as they relate to the overall resources in the region.

See GR-9 Hydrology – Water Quality and GR-10 Hydrology – Groundwater Use.

Response to Comment 6-3

The comment raises concerns regarding IS/MND Section 4.10, the potential discharge of fertilizers, pesticides, and other chemicals to surface water and groundwater.

See GR-9 Hydrology – Water Quality.

Response to Comment 6-4

The comment expresses concern regarding IS/MND Section 4.17, the potential for up to 100 vehicle trips per day and increase in traffic, erosion impacts, and affect to air quality.

See GR-6 Air Quality and GR-15 Transportation – Traffic.

Letter 7: Kathy Maxwell, Resident

Zach Wood

From: Kathy Maxwell <maxwellranch9@gmail.com>
Sent: Thursday, October 27, 2022 8:45 PM
To: Michael Draper
Subject: Fwd: Proposed Marijuana Farm on Eastside Lane

You don't often get email from maxwellranch9@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

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

From: **Kathy Maxwell** <maxwellranch9@gmail.com>
 Date: Wed, Oct 19, 2022 at 8:36 PM
 Subject: Proposed Marijuana Farm on Eastside Lane
 To: <vickers4040@yahoo.com>

Hi Everyone.

My name is Kathy Maxwell and my husband and myself live on Highway 395 in Topaz...directly across the hay fields from where the proposed Marijuana farm will be constructed. My husband and myself are fairly new up here as we bought our property in 2017 after retiring. We are full time residents and plan on remaining here until the good Lord takes us home.

I retired from Calaveras County Sheriff's Department as their only Crime Prevention Officer. My husband retired from the Integrated Waste Management Division as their Foreman. That being said....we both have had direct contact with legal and non legal Marijuana farms.

First and foremost, neither of us consider ourselves any type of specialists in this field. Please allow me to tell you what I have learned.

7-1

Yes....a marijuana farm will generate revenue for Mono County. But...to what extent? What is the value of our surrounding property going to be once another established farm is in operation?

7-2

I am aware we currently have a farm operating within the Walker area. Please don't tell me that hasn't encouraged illegal homeowners/renters to establish their own grows. Along with these farms and grows comes those who want to dip into the profits of said establishments. And I am not talking about desirables. I am talking about those who will sneak in and attempt to rob or burglarize these premises. Do we want that type of individuals driving or hiking up and down our beautiful country roads? I DON'T!!!! I didn't move up here to live in what I left in the county I moved from!!! I have in my career dealt with what this type of business brings to the community.....and believe me.....it will RUIN what beauty we have here. One legal grow turns to two legal grows, which turns to three legal grows.....eventually taking over the surrounding properties.

7-3

Plus...who knows what the drainage of a grow could do to our fields and water sources. I do not have any information on this nor do I have the desire to know. It would make me more frustrated about this proposal than I already am.

7-4

My husband has first hand experience as to the large amounts of illegal marijuana that comes with legal grows. Years ago before Calaveras County legalized grows...there were a few illegal grows that were eradicated by the Sheriff's

7-4

Department with the marijuana taken to the County landfill. Once the legal grows came to town...illegal grows sprouted up everywhere. The Sheriff's Department hauled more illegal marijuana to the landfill than had ever been eradicated before.

I sure hope all of you think real seriously prior to allowing another farm to be established here in our area. Mark my word...once another one is allowed...many many more will follow.....and major crime will follow.

Thank you for allowing me to give my opinion. I had planned on attending this meeting to sound off in person but have been called out of town on a family situation.

Signed
Kathy Maxwell
209-625-6763 text only

Letter 7: Responses

Kathy Maxwell
Resident

Response to Comment 7-1

The comment raises concerns relating to the impact of the proposed project on surrounding property values.

See GR-3 – Impact to Property Values.

Response to Comment 7-2

The comment expresses concern related to the possibility of increased crime and illegal activities.

See GR-13 Public Services – Police Protection.

Response to Comment 7-3

The comment expresses concern regarding possible impacts to soil and water resources.

See GR-9 Hydrology – Water Quality and GR-10 Hydrology – Groundwater Use.

Response to Comment 7-4

The comment conveys concern regarding the establishment of illegal cannabis operations.

See GR-13 Public Services – Police Protection.

Letter 8: David Rogers, Resident

David Patrick Rogers
 2750 Fence Line Road
 Gardnerville, NV 89511
 capt_patrick@hotmail.com
 29 October, 2022

Michael Draper
 Planning Analyst
 Mono County
 mdraper@mono.ca.gov

Re: Sierra High Farms Cannabis Cultivation – Initial Study & Mitigated Negative Declaration

Dear Michael Draper:

I am writing with concerns that the proposed project's negative impacts are not adequately identified and the proposed mitigations are not sufficient. Specific issues that I am asking to be further addressed include:

8-1

- **Added fire risk due to power lines.** The proposed project significantly increases the fire risk in the Antelope Valley by including overhead power lines. A small clearing around power poles is not sufficient. Nor is a ditch that only contains water seasonally a sufficient fire break. The Mountain View Fire is a recent example of how inadequate these mitigation steps are and how real the danger is. Any power lines should be required to be installed underground.

8-2

- **Added fire risk due to propane generators.** Both the storage of fuel and the operation of the generators present additional fire risk. How are the firefighting capabilities of the local volunteer fire department going to be increased to help mitigate this risk? Is the local Fire department currently equipped to fight a fire fueled by 30,000 gallons of propane without endangering the surrounding areas? What on-site fire suppression systems are required? What additional risk does the stored fertilizers present? What is proposed to mitigate these hazards?

Michael Draper

Page 2

8-3

- **Added risk of crime.** How is the risk of crime mitigated? Considering this proposed facility is quite remote from the Mono County Sheriff, what is going to be done to increase law enforcement? What about the added risks to Douglas County? Has the Douglas County Sheriff's office been included in review of this proposed project? Are Douglas County residents included in the notices and review of this project?

8-4

- **De facto gun range.** There is a popular and frequently used gun range and camping area on BLM land just east of the proposed project. The proximity of frequent firearms use to the proposed project is a hazard not addressed.

8-5

- **Risk of objectional odors beyond the lands of the proposed project.** To say the prevailing winds are not in alignment with nearby properties is not accurate. My property is north of the proposed project. To have a 24-hour number for reporting odors and then to notify the county of any complaints does nothing to actually mitigate the odors that Sierra High Farms says are likely to occur. Please require filtration of the ventilation of the indoor growing and prohibit outdoor growing.

8-6

- **Light Pollution.** The Initial Study & Mitigated Negative Declaration says that the requirements of Mono County Chapter 23- Dark Sky Regulations will be followed, yet these regulations do not apply to the part of the county north of Mountain Gate where this project is proposed. I have been informed there are cannabis regulations in addition to Chapter 23 that may address this concern, but these regulations are not explicitly referenced in the Declaration. Please require the most restrictive dark sky guidelines be followed by this project even if outside of the part of the county that Chapter 23 applies to.

8-7

- **Risks of heavy metals, specifically arsenic.** Some well water in the area have elevated levels of arsenic. Has the proposed projects water been tested by a state certified lab? How will Arsenic and other dangers in the well water be removed and disposed of? Will the water discharged from the proposed project endanger nearby agriculture and wildlife? How are these risks mitigated? Including excess water that is a part of the contaminate removal process, how much water will be removed from the aquifer if this project is allowed? How would the discharge water with concentrated amounts of contaminants be disposed of?

Michael Draper

Page 3

8-8

- **Emergency access and evacuation.** The proposed project creates risk to the accessibility for emergency vehicles and evacuation for properties to the north of this project. Consider that a fire at the proposed site would likely cut off evacuation of all properties to the north and east. How is this to be mitigated?

8-9

- **Legality.** Is it legal to move cannabis materials and products across state lines? Is the proposed access not crossing state lines, given that the road is on the state line?

8-10

Additionally, how are adjacent and nearby landowners being informed and included in the permit review process? As one of these landowners, I find it unacceptable that I have not been notified by Mono County of this permitting action. I even spoke with you last year and asked to be kept informed. I also signed up online to be kept informed. My neighbors, including immediately adjacent landowners, tell me they have not been notified by Mono County either. I request that the comment period for the Initial Study & Mitigated Negative declaration be extended and nearby landowners informed of, and included in the review process.

Please call or email me with answers to my questions and keep me informed as this permitting process proceeds. My telephone number is: (843)729-8098. My email address is: capt_patrick@hotmail.com.

Sincerely,

David Patrick Rogers

Cc:

John Peters, Mono County Supervisor, jpeters@mono.ca.gov

Mark Gardner, Douglas County Commissioner, mgardner@douglasnv.us

Letter 8: Responses

David Rogers
Resident

Response to Comment 8-1

The comment suggests that the proposed installation of overhead utilities would increase wildfire risk to Antelope Valley, and advocates that all new utility lines be installed underground.

See GR-18 Wildfire.

Response to Comment 8-2

The comment expresses concern related to the potential of increased risk of fire from the proposed use of propane generators, and includes specific concerns regarding fuel storage, operation, and other mitigation efforts.

See GR-14 Public Services – Fire Protection and GR-18 Wildfire.

Response to Comment 8-3

The comment expresses concern around the possibility of increased crime from the proposed cannabis operation and suggests mitigation measures be detailed.

See GR-13 Public Services – Police Protection. Additionally, a description of mitigation measures is given in section 4.15 of the IS/MND.

Response to Comment 8-4

The comment expresses concern about the proximity of the proposed project area to an unsanctioned range and camping area.

See GR-8 Hazards – Recreational Shooting.

Response to Comment 8-5

The comment raises concerns regarding potential odors produced from the proposed cannabis operation and recommends enhanced mitigation measures.

See GR-5 Air Quality – Odor.

Response to Comment 8-6

The comment requests the IS/MND address the issue of light pollution in greater detail.

See GR-4 Aesthetics – Lighting.

Response to Comment 8-7

The comment expresses concern regarding water quality, contamination of surface water and groundwater resources, and requests further detail on water quality mitigation.

See GR-9 Hydrology – Water Quality.

Response to Comment 8-8

The comment suggests that the proposed project would create a hindrance for emergency vehicle access and evacuation routes.

See GR-17 Transportation – Emergency Access.

Response to Comment 8-9

The comment raises concerns about the legality of cannabis crossing state lines during transportation.

See GR-2 Interstate Transport of Cannabis.

Response to Comment 8-10

The comment requests the public comment period be extended and landowners surrounding the proposed project area be notified and included in the review process.

See GR-1 Project Notification.

Letter 9: Rod Vickers, Resident

Comments on The Initial Study & Mitigated Negative Declaration for the proposed Sierra High Farms Cannabis Cultivation project.

By: Rod Vickers

4440 Risue Canyon Road

Gardnerville NV, 89410

Attention Michael Draper.

Thank you for the opportunity to comment on this study. I do have many concerns regarding the proposed project but have limited my response to a few key areas.

Character of the Area

9-1

The entire Initial Study & Mitigated Negative Declaration (IS&MND) describes serious negative impacts to the character of the surrounding area, which is essentially within the Park's ranch property. The proposed deviations in land use compared to how the Park's ranch is operated now is stark and inconsistent with the way the land is currently used which would have a deeply felt negative impact on the current residents of the valley. The Study fails on multiple fronts to prove that the impacts are "less than significant" and, or, that they can be mitigated away and is unacceptable.

Public Safety

9-2

The (IS&MND) for the proposed Sierra High Farms Cannabis Cultivation project is inadequate and dismissible in regard to "Police protection", and the "Security Plan".

In section 4.15 ii the study states that "Cannabis cultivation may present an increased risk of criminal activities, such as theft of product.", which is an understatement to say the least. It takes only a quick web search to find frightening stories of heavily armed thieves raiding remote facilities like the one proposed here. This is a particular concern for my family due to the proximity (~1,700ft away) of my home at 4440 Risue Canyon Rd. Considering the potential impact from this increased possibility of criminal activity, and the fact that the proposed security plan has not been reviewed by the Mono County Sheriff, this section completely fails to address/mitigate the potential impact of the project. Of additional concern is the fact that the nearest law responding law enforcement is 45 minutes way in Bridgeport. The potential for our home to become somehow involved in an organized attempt to steal product from the farm is very real to us and requires much more study by law enforcement professionals before any operating permits are granted.

Pollution

9-3

In Section 4.6 "Energy", the plan describes an unsustainable polluting base case by running 100hp of generator(s) for phases 1 and 2, 24/7 365 days per year for nearly three years. Although the plan addresses greenhouse gasses, they do not cover the SOx and NOx interaction with the atmosphere to create air pollution (smog). The plan mentions that Liberty Utilities has a high amount of renewables however, there is no real timetable as to when the project could be interconnected to the grid.

Fire Danger

9-4

The phase three energy plan is even more concerning from a safety standpoint as it calls for overhead poles to run over a mile and a half from Topaz Lane to the site.

"Extension of the utilities to the project site would increase potential for new above ground utilities along the 1.6 miles of new utilities from the site to Topaz Lane. The visual quality of the project with utilities is compatible with neighboring agricultural land uses along Topaz Lane and Eastside Lane where above ground utilities along roads are visible. The project including installation of above ground utilities would have a less than significant impact on existing visual character or quality of public views."

9-5

"Above ground electrical power service connection to Liberty Utilities (1.6 miles), including installation of approximately thirty (30) new 20' height utility poles along East Side Lane and on the project property. "

I disagree that the addition of 1.6 miles of overhead utilities is "compatible" with the area that it is proposed to be installed in. There are currently no overhead utilities North of Topaz Lane. The character of the area and the quality of life for the residents in the area would be seriously impacted by the addition of these facilities, due to the visual blight of poles and wires ruining the view. There is also the very real concern of the potential wildfire ignition source that an overhead electrical system would bring with it. The area experiences high winds of up to 120mph and overhead electrical systems have been notorious for starting wildfires in such environments, such as the Mountain view fire that devastated Walker in 2020. The path from Topaz to the site would follow East Side Lane, and Stateline Road, which are both lined with copious amounts of wildfire fuel. Basic CPUC GO95 guidelines are insufficient in regard to conductor selection and vegetation clearance. The "less than significant" comments on the electrical portion of the declaration are dismissible and fail to address this risk and the impacts to the residents in the area.

9-6

Traffic

Section 4.17 estimates a jaw dropping 100 vehicle/truck trips per day! I would challenge this number, expecting it to be higher based on the traffic we see on the same roads during the Park's farm harvesting season. The impact to the area would be dramatic and change the whole character of the surrounding community. Physical impacts to the dirt roads and the amount of dust also would be considerable. The number of vehicles would also impact our neighbor's and our sense of security, again referring to potential criminal activity attracted to such a project. This area is not an industrial area and should not be treated as one with this much traffic. The Transportation plan is insufficient, dismissible, and requires further study.

9-7

I must also add that notification of potentially impacted people and organizations is insufficient. As we have talked to our neighbors, we have identified multiple parties that know nothing about the proposed project. The county should pause and review the communication plan to ensure all parties have a chance to comment.

Sincerely,

Rod Vickers

AVOICE- Antelope Valley Organization to Interrupt Cannabis Enterprise

Letter 9: Responses

Rod Vickers
Resident

Response to Comment 9-1

The comment suggests that IS/MND does not adequately address the impacts to the character of the region by altering the way the land is currently being used.

See GR-11 Land Use Planning.

Response to Comment 9-2

The comment expresses concern related to possible increased risk of crime and illegal activity. The comment suggests that IS/MND Section 4.15 does not adequately address the issue of police protection and security plan.

See GR-13 Public Services – Police Protection.

Response to Comment 9-3

The comment addresses concerns regarding air pollution from the operation of a 100-horsepower propane generator 24 hrs./day and 7 days/week and suggests that the IS/MND does not cover the atmospheric interaction between SO_x and NO_x. Additionally, the comment suggests that no timeline is given for connection to the municipal grid.

See GR-6 Air Quality. Section 2.1.3 Construction describes anticipated connectivity to utilities within 3 years.

Response to Comment 9-4

The comment notes that the visual character of the area would be impacted by the addition of new utilities and concern of increased wildfire risk from the installation of overhead utility lines to the proposed project area.

See GR-11 Land Use Planning and GR-18 Wildfire.

Response to Comment 9-5

The comment suggests that the development of overhead utility lines to the proposed project area would not be compatible with the character of the area by becoming a visual blight, impacting the quality of life for people living in the area.

See GR-11 Land Use Planning.

Response to Comment 9-6

The comment suggests that the estimated maximum of 100 vehicle trips per day is an underestimate based on traffic generated during the local harvest season, this would negatively impact the surrounding community.

See GR-15 Transportation – Traffic.

Response to Comment 9-7

The comment suggests that public notification has been insufficient and requests that more time for review and communication with the public be allocated.

See GR-1 Project Notification.

Letter 10: Daniel Dikes, Resident

Zach Wood

From: Danny Dikes <topaz4577@gmail.com>
Sent: Monday, October 31, 2022 7:25 PM
To: Michael Draper
Subject: Fwd: Response to defeat High Sierra Cannibus Farm Impact Report Comments

[EXTERNAL EMAIL]

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

From: **Danny Dikes** <topaz4577@gmail.com>
Date: Sun, Oct 30, 2022, 5:29 PM
Subject: Response to defeat High Sierra Cannibus Farm Impact Report Comments
To: <mdraper@monocounty.org>
Cc: <topaz@gmail.com>, <jpeters@monocounty.org>, Cynthia & Rod Vickers <vickers4040@yahoo.com>

10-1

I am writing this to let you know that I oppose the building of the High Sierra Cannibus Farm.

10-2

- 1. The amount of water the is projected for this project is enormous, especially while we are currently in a drought.
- 2. The herbicides and pesticides that are proposed can and will leach into our ground water and possibly the Walker river.

10-3

- 3. The purposed 30 above ground power poles will be a high risk of fire due to the High winds we have in our region, not to mention just plain unsightly.

10-4

- 4. The increased traffic of 100 additional vehicles per day will cause unwanted dust and rocks being thrown up by trucks.
- 5. The additional light will be detrimental to our dark skies.

10-5

- 6. The oder that is produced from a Cannibus farm can be overwhelming to the residents that are down wind. The wind is predominantly from the SW which will bring it straight down our valley. There is no way to mask this smell. (The metering done in the report was conducted south of the property not to the NE or NE?)

10-6

- 7. The increased possiblity of crime will be present. Cannibus is a drug legal or not legal, it's still a drug and drugs bring crime. Mono county sheriff's office is 45 minutes away at best. Not sure Douglas county will even respond.

10-7

Please let me know how and when I will receive response to my questions.

Daniel Dikes

Letter 10: Responses

Daniel Dikes
Resident

Response to Comment 10-1

The comment suggests that the quantity of water proposed for use is too great and not sensitive to fluctuating drought conditions in the region.

See GR-10 Hydrology – Groundwater Use.

Response to Comment 10-2

The comment expresses the possibility of surface water and groundwater contamination from herbicide and pesticide discharge.

See GR-9 Hydrology – Water Quality.

Response to Comment 10-3

The comment raises concerns regarding the proposed 30 overhead utility poles, suggesting that these will increase the risk of wildfires due to the high winds in the area.

See GR-18 Wildfire.

Response to Comment 10-4

The comment expresses concern about the up to 100 additional vehicle trips per day potentially creating more dust in the air and rock on the road.

See GR-15 Transportation-Traffic.

Response to Comment 10-5

The comment suggests that there will be increased light pollution.

See Grouped Response GR-1 Aesthetics – Lighting.

Response to Comment 10-6

The comment notes that odor produced from the proposed cannabis operation would be overwhelming and that weather data is from south of the project area.

See GR-5 Air Quality – Odor.

Response to Comment 10-7

The comment expresses concern regarding the possibility of increased crime.

See GR-13 Public Services – Police Protection.

Letter 11: Valanda Corbett, Resident

Valanda Corbett
 2811 Fence Line Road
 Gardnerville, NV 89410
 775-901-1383
Valandacorbett@yahoo.com

29 October, 2022

Michael Draper
 Planning Analyst
 Mono County
mdraper@mono.ca.gov

Re: Sierra High Farms Cannabis Cultivation

Dear Michael Draper:

11-1

I am extremely concerned with the proposed project and I am confused as to why I have not been notified and included in the permitting process as it will directly impact my home that is in construction at this time, my kennel business, and my rights as a property owner in the Little Antelope Valley. My property is approximate 1 mile north of this proposed site on Fence Line Rd, which is adjacent to this project. I use Fence Line Rd and Stateline Rd to access my property currently and have used it for the entire time I have owned my property. It is my only access to my property and I enlarged and improved the road when I bought the property and my neighbors have also improved the road. I am concerned as to the impact this project is going to have on my access to the property, as well as many other concerns.

11-2

The report has many contradictions in the description and impact of this project. It fails to investigate the fire danger and water usage which will adversary impact the surrounding properties, crime and the ability of the county personnel to handle the increase needs this project is going to create.

11-3

11-4

The fire risk is one of my main concerns due to the added 30 or more power poles and the extra high winds in this little area. The proposed gas generators and the amount of storage of gas to run the generators is also concerning. It was only a short time ago that 70 mile an hour winds was driving a fire our direction and killed people in its path. This fire was caused by power poles and the wind.

11-5

There is vast difference in the amount of flammable chemicals involved in this project compared to a normal faming/ranching activity. What safety measures are going to be in place to protect our lives, water, and property from these chemicals contamination and the additional fire risk?

11-6

Which emergency response facilities would be called in the event of a fire or chemical leak? I believe only the volunteer fire department is available in our area. Will they be able to handle the increased risk this project will bring? With the access and distance what is the response time? Did the report include the distance when determining the risks was not significant? What about the risk to the neighbors is that insignificant also? This is a great danger to the local

11-6

home owners and their families. Can you personally let this project move forward without more information that could prevent possible future loss of lives? Please address these concerns as this proposed project will endanger my life and my neighbor's lives as it is directly between our property and our only way of evacuation. We have no other way out if ordered to evacuate, as we were in the past fires. Dose this report consider an alternative evacuation route?

11-7

What about our ground water usage and contamination? What environmental impact has been preformed to consider the protection of our ground water? The surrounding homeowners are on wells and rely entirely on ground water for use in our homes. With the drought and the expected massive increase of water usage, will our water wells be contaminated, walker river, or Lake Topaz, what about their water levels? Has anyone consulted with water resources or any water protection agency? Is this project pushing ahead and not contacting the proper agencies?

11-8

The concerns of increased criminal activity from this controlled drug and the large amounts of cash onsite, is another concern. How will local authorities be able to handle the new risk? Will the adjacent property owners have protection? Is there enough local resources to handle this increase criminal activity? Has Douglas County been consulted as their offices are at the other end of the county and 40 minutes away? I am concerned when I call 911 for the new criminal activity the response time will be too long for protection. This large and risky proposed project is within one mile of my home and adjacent to my only access to a main road. This area is in an open rural area and does not have the support needed to protect us from the new criminal risk. How is this large open rural area going to be patrolled and protected? If it was a vegetable farm this would not be a concern, but due to the very nature of this project it should not be in this rural unprotected area.

11-9

In addition to the above threats, the noise from the continuous fans and generators, the additional lights that will be needed to farm and secure the facility and my other main concern the odor. How have these concerns been addressed? I can hear the beautiful cows in the same area signing to me at night, I have no doubt the noise from the fans and generators will be a noise pollution that directly affects our peaceful valley. Farmers are required to have sufficient lighting for their workers; they are exempt from the Night Sky requirements. The light pollution will also be a cause for property values and a hardship for the area. Chemicals released in the air can increase health problems. I am directly north and expect the full blown smell /chemicals directly hitting our home. My mom has many lung and heath problems. Will this cause her to have more health issues? Reporting the odor is not enough. The odor is going to directly interfere with our enjoyment of our home and our health.

11-10

The increase of traffic on Eastside Lane and/or Topaz Lane is another question I have. Who is going to improve and maintain the roads to handle this increased traffic? Both roads have bridges which will need to be improved and maintained. According to the report, an estimate of one hundred vehicles and transporting trucks a day will access and/or exit the area. It seems to me the improvements and maintains is going to come at a high price as well as the increase need of law enforcement to protect the truckers and their haul.

11-11**11-12**

This complaint is not about the right to farm; this is about the impact a commercial and/or industrial size project is going to have on the area and the neighbors. This is not a normal faming activity that should be considered for this area. There is not enough resources for this project to be safe in this area. This project is putting the home owners in jeopardy and interfering with the

11-12

peace of the area. Please denying this project as it is not in the right location for such a large unprotected facility.

In addition, I am not an expert in environmental impact, however, I see many unanswered questions and concerns in this report. At the very least, an environmental impact investigation should be conducted to address and minimize the dangers to my neighbors and myself and the environment.

11-13

As I was not formally notified about this project nor was any of the land owners out here, I am requesting an extension of time to review more of the report and more time to investigate this proposed operation.

Please email or call me with the answers to my questions in this letter and to keep me informed in the process. I would like my concerns to all be addressed before the project can move forward.

Thank you,
Valanda Corbett

Letter 11: Responses

Valanda Corbett
Resident

Response to Comment 11-1

The comment suggests that homeowners surrounding the proposed project area were not informed and have not been intentionally involved in the permitting process.

See GR-1 Project Notification.

Response to Comment 11-2

The comment expresses concern related to possible access issues to private property, as some homeowners use both Fence Line Road and Stateline Road for access.

See GR-16 Transportation – Fence Line Road Access.

Response to Comment 11-3

The comment suggests that the IS/MND has various contradictions surrounding fire risk, water use and crime, and their impacts on the community's resources.

Comment noted.

Response to Comment 11-4

The comment expresses concern of the possible increased risk of wildfire from the addition of overhead power lines and the use of gas generators.

See GR-18 Wildfire and GR-14 Public Services – Fire Protection.

Response to Comment 11-5

The comment suggests that the IS/MND does not adequately address the mitigation measures needed for the proposed use of flammable chemicals and expresses concern that these chemicals may increase risk of fire and contamination to water.

The chemicals and fertilizers with flammable properties proposed to be used during cultivation operations will be disclosed to the local fire department and will be stored in such a way as to meet all regulations. See GR-14 Public Services – Fire Protection.

Response to Comment 11-6

The comment requests clarification in the IS/MND regarding the protocols, agencies alerted, and response times in the event of a fire or chemical spill.

See GR-14 Public Services – Fire Protection.

Response to Comment 11-7

The comment expresses concern regarding contamination of groundwater resources and requests review or comment from water resource professionals.

See GR-9 Hydrology – Water Quality.

Response to Comment 11-8

The comment expresses concern regarding the possibility of increased crime as a result of the farming of a controlled substance.

See GR-13 Public Services – Police Protection.

Response to Comment 11-9

The comment expresses concern regarding the possibility of increased noise pollution from the proposed use of fans and generators.

See GR-12 Noise.

Response to Comment 11-10

The comment raises concerns surrounding an increase in odor and recommends further clarification of the mitigation measures proposed in the IS/MND.

Odor mitigation is addressed in section 4.3 in the IS/MND, additionally, see GR-5 Air Quality – Odor.

Response to Comment 11-11

The comment expresses concern surrounding increased traffic on East Side Lane and Topaz Lane.

See GR-15 Transportation – Traffic.

Response to Comment 11-12

The comment suggests that the proposed cannabis operation is at an industrial scale and there are not enough resources to support this size of operation.

See GR-11 Land Use and Planning.

Response to Comment 11-13

The comment notes that residents were not formally notified of the proposed project and requests an extension to review the IS/MND in further detail.

See GR-1 Project Notification.

Letter 12: Helen Armas, Resident**FW: Cannabis Cultivation, High Sierra Farms**

Michael Draper <mdraper@mono.ca.gov>

To: Zach Wood <zach@rci-nv.com>

From: Helen Thomson Armas <helenbackranch@gmail.com>

Sent: Monday, October 31, 2022 6:21 AM

To: Michael Draper <mdraper@mono.ca.gov>; John Peters <jpeters@mono.ca.gov>; mgardner@douglasnv.us; dritchie@douglasnv.us

Subject: Cannabis Cultivation, High Sierra Farms

[EXTERNAL EMAIL]

Greetings,

12-1

First of all I would like to comment on the inconsistencies that exist throughout this report making it difficult to follow along. A person is led to believe that this is not a large operation and it will just blend with the surrounding area. The fact is that the size of this project is an industrial size operation resembling an industrial park. That clearly does not fit into the landscape.

This area is primarily large and small ranches, mostly cattle ranching and farming of hay for the cattle. Additionally, this area is a recreational area for off road vehicles, horseback riding, fishing, hunting and gun enthusiasts. Again, this project does not fit into the landscape nor the type of recreation associated with the Cannabis Cultivation Culture.

No consideration has been given to the residences in Nevada which border the project to the north and east on the Nevada / California stateline.

12-2

This brings the concerns of emergency response times for both the Law Enforcement and Fire Department. I have commented on this before addressing the concern of this project literally being on the stateline. I quote, "Law Enforcement response times to this area, particularly where the cannabis farm is attempting to locate on a good day is 30 minutes minimum. Most likely the response time would be an hour. Being that this cannabis farm will literally be on the state line, there would always be issues as to who handles a response". The response I received and I quote, "The property is outside the jurisdiction of Douglas County and therefore they are not required to respond. I'm unsure if there is a mutual aid agreement between the Sheriff's of each county, but this will be a consideration included in the analysis."

The initial study indicates that the impact would be less than significant with mitigation. Stating Cannabis cultivation may present an increased risk of criminal activities, such as theft of product. This initial study is dismissible and fails to address comments and concerns.

I am not sure how one could state that this would be less than significant. The residents in this area would suffer the impact as our homes and lifestyle would be dramatically impacted. Criminals do not take into consideration which law they break or which state they flee to or even which home they break into.

Due to extended response times to this area by both Mono County and Douglas County, IT IS reasonable to expect residents to take matters into their own hands.

This initial study does not address the actual impact but instead brushes it off as if it is not a big deal to have a little crime in our area.

12-3

As for the Fire Department, Antelope Valley Volunteer Fire Department has one paid person and the rest are volunteers. They are not prepared to fight an industrial fire nor are they equipped. Resources would have to come from outlying areas and jurisdictions and yes even from Nevada.

12-4

When I questioned you in a previous email regarding the extended response time in the event of an emergency you stated, "The project site is outside the jurisdiction of the Eastfork Fire and will be the responsibility of the local California fire department, and potentially CalFire. If there is a mutual aid agreement between the local departments, that will be reviewed and reported on in the analysis." I don't see anything in this initial study that indicates any analysis of any sort. It was simply dismissed as "Less than Significant".

In fact most of the responses from Resource Concepts, Inc. indicate in all areas of this Initial Study "No Impact" or "Less than significant" and/or "Less than significant with mitigation. These statements are dismissible and fail to address the concerns with actual supported data.

12-5

When a project this size is planned, a plan should first be initiated to place law enforcement and fire services in close proximity to the project, not at one of its furthest boundaries. High Sierra Farms should include how they plan to increase staffing levels of the current law enforcement and fire departments. At the very least a sub-station in the Walker / Coleville area that is staffed with rotating shifts of officers. This would also give the citizens a place to file reports and feel a small measure of protection. Most citizens feel safe in this community now, however if this project goes through the dynamics are going to change dramatically.

Regardless of which State I live in I am still a part of this small community. I implore you to actually sit down and think about what this would actually mean to the residents in this part of the county.

Respectfully,

Helen Armas
 AVOICE-Antelope Valley Organization to Interrupt Cannabis Enterprise

I

Letter 12: Responses

Helen Armas
Resident

Response to Comment 12-1

The comment suggests that the proposed project is an industrial scaled operation and is not adequately conveyed in the IS/MND. Additionally, the comment suggests that a project of this size and scope does not blend with the surrounding area.

See GR-11 Land Use and Planning.

Response to Comment 12-2

The comment expresses concern related to emergency response times for the fire department and local law enforcement. The comment suggests that this concern is not adequately addressed in the IS/MND as well as the issue of jurisdiction.

See GR-13 Public Services – Police Protection and GR-14 Public Services – Fire Protection.

Response to Comment 12-3

The comment suggests that the Antelope Valley Volunteer Fire Department is not equipped nor sufficiently staffed to fight an industrial scale fire.

See GR-14 Public Services – Fire Protection.

Response to Comment 12-4

The comment requests further clarification regarding any mutual agreements between firefighting agencies as they relate to jurisdiction.

IS/MND Section 4.15 Public Services addresses the firefighting resources available to residents of Antelope Valley. The proposed project would not extend the service areas associated with the Antelope Valley Fire Protection District. See GR-14 Public Services – Fire Protection.

Response to Comment 12-5

The comment suggests that the project proponents should assist in establishing a Walker/Coleville police sub-station and increased staffing to help address the concern of increased crime.

See GR-13 Public Services – Police Protection.

Letter 13: Chuck Evans, Resident

October 31, 2022

Chuck Evans
2190 Eastside Lane
Coleville, CA 96107

Michael Draper
mdraper@mono.ca.gov

Dear Mr. Draper,

13-1

I am writing to give input on the proposed Sierra High Conditional Use Permit project. My interest in commenting arises from my being a local resident and taxpayer and concerned citizen of my country.

Since Marijuana use for medicinal purposes was legalized in 1996, and for recreational purposes in 2016, my comments are not aimed against the private concerns who are funding the project and hope to make a profit for themselves in the venture. Marijuana is legal to grow and distribute commercially so private enterprise has every right to invest in it in the hope of making a gain. The need for workers should also help drive private investment in housing, another gain.

My concern is based on the effects of Marijuana on those who use it. In the shadow of the vigorous rhetoric about the harmlessness of weed and it's hoped for medicinal benefits, I see a growing lifelessness and unconcern in many who use it. Perhaps this is a sign of the times we are in anyway, but cannabis augments rather than helps diminish it.

It is these concerns that bring my opposition to the project. In 1996 and again in 2016 I voted against the propositions promoting it. My votes were in the losers bracket then, but we are always given openings to vote again, such as when we are given a comment opportunity like this.

Thank you for allowing another vote.
Chuck Evans

Letter 13: Responses

Chuck Evans
Resident

Response to Comment 13-1

The comment expresses an opinion regarding the effect of marijuana on the individual.

Comment noted.

Letter 14: Karen Fuerherm, Resident

Karen J. Fuerherm
 2750 Fence Line Road
 Gardnerville, NV 89410
 Karen.fuerherm@gmail.com
 31 October 2022

Michael Draper
 Planning Analyst
 Mono County
 mdraper@mono.ca.gov

Re: Sierra High Farms Cannabis Cultivation – Initial Study & Mitigated Negative Declaration

Dear Michael Draper:

I am writing with concerns that the proposed project's negative impacts are not adequately identified and the proposed mitigations are not sufficient. Specific issues that I am asking to be further addressed include:

14-1

- **Added fire risk due to power lines.** The proposed project significantly increases the fire risk in the Antelope Valley by including overhead power lines. A small clearing around power poles is not sufficient. Nor is a ditch that only contains water seasonally a sufficient fire break. The Mountain View Fire is a recent example of how inadequate these mitigation steps are and how real the danger is. Any power lines should be required to be installed underground.

14-2

- **Added fire risk due to propane generators.** Both the storage of fuel and the operation of the generators present additional fire risk. How are the firefighting capabilities of the local volunteer fire department going to be increased to help mitigate this risk? Is the local Fire department currently equipped to fight a fire fueled by 30,000 gallons of propane without endangering the surrounding areas? What on-site fire suppression systems are required? What additional risk does the stored fertilizers present? What is proposed to mitigate these hazards?

14-3

- **Added risk of crime.** How is the risk of crime mitigated? Considering this proposed facility is quite remote from the Mono County Sheriff, what is going to be done to increase law

Michael Draper

Page 2

14-3

enforcement? What about the added risks to Douglas County? Has the Douglas County Sheriff's office been included in review of this proposed project? Are Douglas County residents included in the notices and review of this project?

14-4

- **De facto gun range.** There is a popular and frequently used gun range and camping area on BLM land just east of the proposed project. The proximity of frequent firearms use to the proposed project is a hazard not addressed.

14-5

- **Risk of objectional odors beyond the lands of the proposed project.** To say the prevailing winds are not in alignment with nearby properties is not accurate. My property is north of the proposed project. To have a 24-hour number for reporting odors and then to notify the county of any complaints does nothing to actually mitigate the odors that Sierra High Farms says are likely to occur. Please require filtration of the ventilation of the indoor growing and prohibit outdoor growing.

14-6

- **Light Pollution.** The Initial Study & Mitigated Negative Declaration says that the requirements of Mono County Chapter 23- Dark Sky Regulations will be followed, yet these regulations do not apply to the part of the county north of Mountain Gate where this project is proposed. I have been informed there are cannabis regulations in addition to Chapter 23 that may address this concern, but these regulations are not explicitly referenced in the Declaration. Please require the most restrictive dark sky guidelines be followed by this project even if outside of the part of the county that Chapter 23 applies to.

14-7

- **Risks of heavy metals, specifically arsenic.** Some well water in the area have elevated levels of arsenic. Has the proposed projects water been tested by a state certified lab? How will Arsenic and other dangers in the well water be removed and disposed of? Will the water discharged from the proposed project endanger nearby agriculture and wildlife? How are these risks mitigated? Including excess water that is a part of the contaminate removal process, how much water will be removed from the aquifer if this project is allowed? How would the discharge water with concentrated amounts of contaminants be disposed of?

14-8

- **Emergency access and evacuation.** The proposed project creates risk to the accessibility for emergency vehicles and evacuation for properties to the north of this project. Consider that

Michael Draper

Page 3

14-8

a fire at the proposed site would likely cut off evacuation of all properties to the north and east. How is this to be mitigated?

14-9

- **Legality.** Is it legal to move cannabis materials and products across state lines? Is the proposed access not crossing state lines, given that the road is on the state line?

Please call or email me with answers to my questions and keep me informed as this permitting process proceeds. My telephone number is: (401)369-2903. My email address is: karen.fuerherm@gmail.com.

Sincerely,

Karen J. Fuerherm

Cc:

John Peters, Mono County Supervisor, jpeters@mono.ca.gov

Mark Gardner, Douglas County Commissioner, mgardner@douglasnv.us

Letter 14: Responses

Karen Fuerherm
Resident

Response to Comment 14-1

The comment suggests that the proposed installation of overhead utilities would increase wildfire risk to Antelope Valley, and advocates that all new utility lines be installed underground.

See GR-18 Wildfire.

Response to Comment 14-2

The comment expresses concern related to the potential of increased risk of fire from the proposed use of propane generators, and includes specific concerns regarding fuel storage, operation, and other mitigation efforts.

See GR-14 Public Services – Fire Protection and GR-18 Wildfire.

Response to Comment 14-3

The comment expresses concern around the possibility of increased crime from the proposed cannabis operation and suggests mitigation measures be detailed.

See GR-13 Public Services – Police Protection. Additionally, a description of mitigation measures is given in section 4.15 of the IS/MND.

Response to Comment 14-4

The comment expresses concern about the proximity of the proposed project area to an unsanctioned range and camping area.

See GR-8 Hazards – Recreational Shooting.

Response to Comment 14-5

The comment raises concerns regarding potential odors produced from the proposed cannabis operation and recommends enhanced mitigation measures.

See GR-5 Air Quality – Odor.

Response to Comment 14-6

The comment requests the IS/MND address the issue of light pollution in greater detail.

See GR-4 Aesthetics – Lighting.

Response to Comment 14-7

The comment expresses concern regarding water quality, contamination of surface water and groundwater resources, and requests further detail on water quality mitigation.

See GR-9 Hydrology – Water Quality.

Response to Comment 14-8

The comment suggests that the proposed project would create a hindrance for emergency vehicle access and evacuation routes.

See GR-17 Transportation – Emergency Access.

Response to Comment 14-9

The comment raises concerns about the legality of cannabis crossing state lines during transportation.

See GR-2 Interstate Transport of Cannabis.

Response to Comment 14-10

The comment requests the public comment period be extended and landowners surrounding the proposed project area be notified and included in the review process.

See GR-1 Project Notification.

10/31/22, 5:11 PM

Letter 15: Dave Thorson, Resident**FW: Cannabis farm mono county**

Michael Draper <mdraper@mono.ca.gov>

Mon 10/31/2022 1:10 PM

To: Zach Wood <zach@rci-nv.com>; dan@sierrahighfarms.com <dan@sierrahighfarms.com>; Scott Burns <sburns@mono.ca.gov>

From: D T <dthorson76@gmail.com>
Sent: Monday, October 31, 2022 1:05 PM
To: Michael Draper <mdraper@mono.ca.gov>
Subject: Cannabis farm mono county

You don't often get email from dthorson76@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL]**15-1****15-2**

Concerning the desire of certain entities to open up a cannabis farm right there on the California Nevada border. From what I understand after reading the documents a lot of water will be required particularly in the future with growth. There will be a larger crime element Is proven by an article out of LA concerning cannabis in the legalization. Which is sitting right on the border when something illegal happens odds are fair to pretty good that it would be easier for them to just to crossover to Nevada. Which I have usually would increase California state costs to prosecute presuming they would even think about it for extradition. Are used to be a great fan in California lived there for many years. So what was coming and got out. Appears to be a lack of justice and/or concern unless it has a negative financial impact. I do get the idea of income being generated from this venture but what time I think the cost will probably outweigh the benefit. In my humble opinion I think there should be an unbiased environmental impact study done.

Thank you for the consideration,
 Dave Thorson.

--

Make it a good one 😊

Letter 15: Responses

Dave Thorson

Resident

Response to Comment 15-1

The comment raises concerns surrounding excessive water use and supporting future growth.

See GR-10 Hydrology – Groundwater Use.

Response to Comment 15-2

The comment expresses concern related to possible increases in crime and illegal activities resulting from the proposed cannabis operation.

See GR-13 Public Services – Police Protection.

Letter 16: Stephanie Coomes

From: Stephanie Coomes <tahoesteph2@aol.com>
Sent: Friday, November 4, 2022 9:20 AM
To: Michael Draper <mdraper@mono.ca.gov>
Subject: Comments and Concerns re: Sierra High Farms Cannabis Cultivation

You don't often get email from tahoesteph2@aol.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

From: tahoesteph2@aol.com
Date: October 30, 2022 at 5:38:43 PM PDT
To: mdraper@monocounty.org, jpeters@mono.ca.gov, vickers4040@yahoo.com, topaz472@gmail.com,
sasparks2@gmail.com
Subject: Comments and Concerns re: Sierra High Farms Cannabis Cultivation
Reply-To: tahoesteph2@aol.com

To: Mono County Community Development Department
 Attn: Michael Draper

October 30, 2022

Dear Mr. Draper,

Thank you for the opportunity to present and address my concerns regarding the Sierra High Farms Cannabis Cultivation project. I reside off of Eastside Lane and am very concerned with the impact they will have on our neighborhood regarding resources, the enjoyment of our properties, our safety and the economic impact to our properties.

16-1

This project consists of eight large buildings, some up to 30' in height; 4 containers; multiple hoop houses; cultivation areas and large supporting facilities and utilities. Are you sure about the agricultural designation? It appears to be more like a small commercial operation. The many large buildings will certainly detract from the views of homes near the facility during the day and the lights at night will be a nuisance. The noise from their two large generators is also of serious concern.

16-2

16-3

Regarding air quality, the IS/MND report (pg. 13) states that prevailing winds will not affect neighboring residences. This is false. Our winds move from the south to the northeast and are quite strong. Odors from the facility will affect the majority, if not all, of the residents. The smell of garlic from the valley drifts for miles. This strong, nauseating, skunk like odor will do the same.

16-4

Regarding water, I am concerned about their use of fertilizers, pesticides and other chemicals which can contaminate surface water, affecting wildlife, and groundwater affecting all of us. This project will be using up to 6600 gallons of water per day. How is this going to affect our water table? Many of our residents, including myself, have wells that produce very little water. I am able to pump less than 250 gallons per day. Any drop in the water table will affect me and my ability to sustain myself here.

16-5**16-6**

Your report also states that there is an increased risk of criminal activity. The closest Sherriff's office is located in Bridgeport, approximately 40 miles from the project site. That is a problem.

16-7

Lastly, Eastside Lane is a dirt road composed of clay which is subject to ruts as well as a washboard surface. Will Mono County grade the road more often due to the additional traffic comprised of up to 100 vehicle/truck trips per day?

16-8

The residents here currently enjoy a safe, quiet, peaceful environment with dark skies and clean water. This facility puts all of that at risk. I understand that this project will provide a huge amount of revenue for Sierra High Farms and Mono County, but I fear it will be at the expense of those residing closest to it. Most people's largest investment is their home. How much will our property values decrease because of our new neighbor. Will we be able to sell our homes at all? Who is going to compensate us for the economic loss as well as the loss of enjoyment of our properties and homes? Shouldn't peaceful enjoyment of our homes be a right?

Again, thank you for your consideration of my concerns.

Sincerely,

Stephanie Coomes
4600 Nighthawk Lane
PO Box 627
Gardnerville, NV 89410

Letter 16: Responses

Stephanie Coomes

Resident

Response to Comment 16-1

The comment suggests that the total proposed development for this project is on a scale beyond that of an agricultural designation and is rather on a scale in line with a small commercial operation.

See GR-11 Land Use and Planning.

Response to Comment 16-2

The comment expresses concern related to visual obstruction from buildings, light pollution at night, and noise pollution from the proposed use of generators.

See GR-4 Aesthetics – Lighting, GR-11 Land Use and Planning, and GR-12 Noise.

Response to Comment 16-3

The comment raises concern regarding the possibility of odor and suggests that the IS/MND does not address this issue to accurately reflect the prevailing winds in the region.

See GR-5 Air Quality – Odor.

Response to Comment 16-4

The comment expresses concern of possible impacts to surface water and groundwater from fertilizer, pesticide, and chemical runoff.

See GR-9 Hydrology – Water Quality.

Response to Comment 16-5

The comment expresses concern that the quantity of water used for cultivation could potentially impact water supply in other private wells surrounding the proposed project area.

See GR-10 Hydrology – Groundwater Use.

Response to Comment 16-6

The comment suggests that the proposed cannabis operation will create increased crime in the area. This comment raises concerns due to the location of the closest Sherriff's Office being in Bridgeport, California, approximately 40 miles from the project area.

See GR-13 Public Services – Police Protection.

Response to Comment 16-7

The comment raises concerns surrounding increased traffic on East Side Lane and requests further information regarding mitigation measures to maintain road quality given the increased traffic created by the proposed project.

See GR-15 Transportation – Traffic.

Response to Comment 16-8

The comment expresses concern regarding potential impacts to surrounding property values.

See GR-3 Impact to Property Values.

Mono County Community Development Department

P.O. Box 347
Mammoth Lakes, CA 93546
(760) 924-1800, fax 924-1801
commdev@mono.ca.gov

Planning Division

P.O. Box 8
Bridgeport, CA 93517
(760) 932-5420, fax 932-5431
www.monocounty.ca.gov

NOTICE OF PUBLIC HEARING

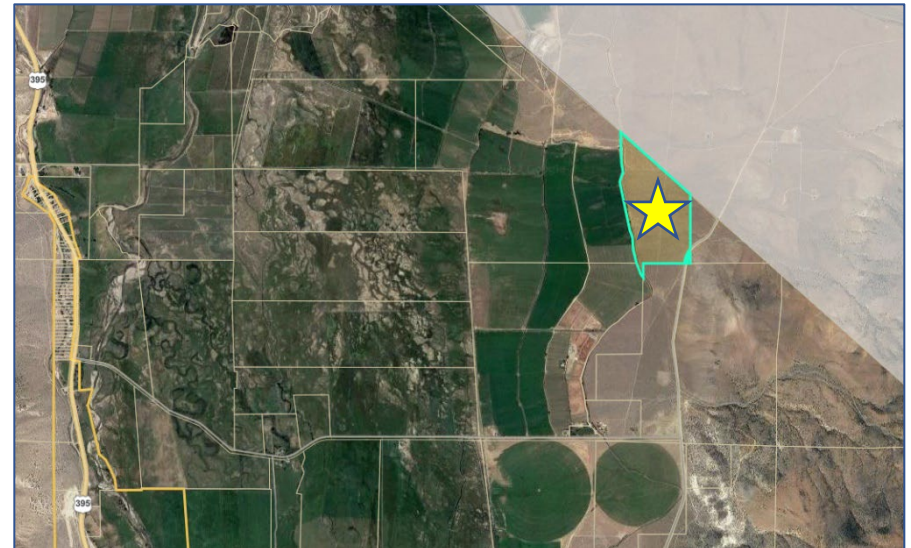
NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **December 15, 2022**. As authorized by AB 361, Mono County has declared a state of emergency, local officials have recommended or imposed measures to promote social distancing, and the legislative body has made such findings; therefore the meeting will be accessible remotely by livecast at:

<https://monocounty.zoom.us/j/81728469252> and by telephone at: 669-900-6833 (Meeting ID# is 817 2846 9252) or by teleconference location either at the Board Chambers, 2nd floor, County Courthouse, Bridgeport, CA, 93517 or at the Mono Lake Room of the Mono County Civic Center, First Floor, 1290 Tavern Road, Mammoth Lakes, CA, 93546. Members of the public shall have the right to observe and offer public comment, to consider the following: **9:30 a.m. Use Permit 21-006/Sierra High**. The cannabis project is located on a 123-acre parcel (APN 001-150-004-000) designated Agriculture (AG) at 7761 Eastside Lane, Topaz, and proposes ten-acres of outdoor cultivation, and indoor cultivation of no more than 10,500 square-foot (SF) of mature plant canopy for year-round operation within four structures. The project also includes onsite cannabis processing (trimming, packaging, and labeling), wholesale distribution, and non-storefront retail. The operation will employ between 12-15 employees for indoor cultivation, and 4-8 seasonal employees for outdoor cultivation. Supporting structures to be constructed may include: a well-house, a water tank-house, hoop-houses, storage containers, a drying shed, and a nursery/processing building. The property has previously been used for cattle grazing, has two private water wells on the property and energy will be provided by a combined heat and power system. A Mitigated Negative Declaration (MND) is proposed for compliance with the California Environmental Quality Act (CEQA). The MND and project materials are available for public review online at <https://monocounty.ca.gov/planning-commission> and hard copies are available for the cost of reproduction by calling 760-924-1800. INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online, and to submit comments to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA, 93546, by **8 am on Thursday, December 15**, to ensure timely receipt, by email at cddcomments@mono.ca.gov or via the livecast meeting (technology permitting). If you challenge the proposed action(s) in court, you may be

limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing.

For additional information or questions, please contact the Mono County Planning Division:

Michael Draper, Planning Analyst
P.O. Box 347
Mammoth Lakes, CA 93546
(760) 924-1805, mdraper@mono.ca.gov



Project location

Mono County Community Development Dept.
PO Box 347
Mammoth Lakes, CA 93546

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MONO COUNTY PLANNING COMMISSION

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

November 30, 2022

To: The Sheet
From: Michael Draper, Community Development Analyst
Re: Legal Notice for **December 3** edition
Invoice: Heidi Willson, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **December 15, 2022**. As authorized by AB 361, Mono County has declared a state of emergency, local officials have recommended or imposed measures to promote social distancing, and the legislative body has made such findings; therefore the meeting will be accessible remotely by livecast at: <https://monocounty.zoom.us/j/81728469252> and by telephone at: 669-900-6833 (Meeting ID# is 817 2846 9252) or by teleconference location either at the Bridgeport CAO conferences room, First Floor, Annex 1, 74 N. School St, Bridgeport, CA, 93517 or at the Mono Lake Room of the Mono County Civic Center, First Floor, 1290 Tavern Road, Mammoth Lakes, CA, 93546. Members of the public shall have the right to observe and offer public comment, to consider the following: **9:30 a.m. Use Permit 21-006/Sierra High.** The cannabis project is located on a 123-acre parcel (APN 001-150-004-000) designated Agriculture (AG) at 7761 Eastside Lane, Topaz, and proposes ten-acres of outdoor cultivation, and indoor cultivation of no more than 10,500 square-foot (SF) of mature plant canopy for year-round operation within four structures. The project also includes onsite cannabis processing (trimming, packaging, and labeling), wholesale distribution, and non-storefront retail. The operation will employ between 12-15 employees for indoor cultivation, and 4-8 seasonal employees for outdoor cultivation. Supporting structures to be constructed may include: a well-house, a water tank-house, hoop-houses, storage containers, a drying shed, and a nursery/processing building. The property has previously been used for cattle grazing, has two private water wells on the property and energy will be provided by a combined heat and power system. A Mitigated Negative Declaration (MND) is proposed for compliance with the California Environmental Quality Act (CEQA). The MND and project materials are available for public review online at <https://monocounty.ca.gov/planning-commission> and hard copies are available for the cost of reproduction by calling 760-924-1800. INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online, and to submit comments to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA, 93546, by **8 am on Thursday, December 15**, to ensure timely receipt, by email at cddcomments@mono.ca.gov or via the livecast meeting (technology permitting). If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing.

###

PUBLIC NOTICES

Notice of Public Hearing

NOTICE IS HEREBY GIVEN THAT THE MAMMOTH LAKES TOWN COUNCIL will hold a PUBLIC HEARING on Wednesday, December 7, 2022, beginning at 4:00 p.m. and continuing until finished, at the Mammoth Lakes Town Council Chambers, Suite Z within the Minaret Village Shopping Center, 437 Old Mammoth Road to consider the following application:
Application Request: Update of Chapters 15.04, 15.12, 15.16, 15.24, 15.40 of the Municipal Code to adopt the 2022 California Building Codes.

The ordinance will more specifically adopt by reference the 2022 Edition of the California Building Standards Code; incorporating the 2022 California Building Code (Incorporating and Amending the 2021 International Building Code); the 2022 California Administrative Code, the 2022 California Electrical Code (Incorporating and Amending the 2020 National Electric Code); the 2022 California Mechanical Code (Incorporating and Amending the 2021 Uniform Mechanical Code); the 2022 California Plumbing Code (Incorporating and Amending the 2021 Uniform Plumbing Code); the 2022 California Residential Code (Incorporating and Amending the 2021 International Residential Code); the 2022 California Green Building Standards Code, the 2022 California Historical Building Code, the 2022 California Existing Building Code, the 2022 California Energy Code, the 2022 California Reference Standards Code, and the 2016 American Concrete Institute 306R Guide to Cold Weather Concreting together with local amendments to the codes.

CEQA Determination: Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

Zoning/Location: Town-wide

All persons having an interest in the proposed application request may appear before the Town Council either in person or represented by counsel and present testimony or may, prior to said hearing, file with the Town Clerk written correspondence pertaining thereto.

Pursuant to Government Code Section 65009(b), if this matter is subsequently challenged in court, the challenge may be limited to only those issues raised at the public hearing described in this notice or in written correspondence delivered to the Town of Mammoth Lakes at, or prior to, the public hearing. For additional information, please contact Tom Perry, Building Official, by telephone at (760) 965-3635 or email at tperry@townofmammothlakes.ca.gov. The proposed ordinance will be available for review at the Town Offices, located at 437 Old Mammoth Road, Suite 230, and on the Town of Mammoth Lakes web site at www.townofmammothlakes.ca.gov.

BY ORDER OF THE MAMMOTH LAKES TOWN COUNCIL
Dated: December 18, 2022
Jamie Gray, Town Clerk

TS #2022-0192

Notice of Ordinance

ORDINANCE NO. ORD 22-12
AN ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS AMENDING CHAPTER 15.04 SECTION 210 AND ADDING SECTION 230 OF THE MONO COUNTY CODE SETTING FORTH PROCEDURES FOR EXPEDITING PERMIT PROCESSING FOR ELECTRIC VEHICLE CHARGING STATIONS

WHEREAS, the State of California and the County of Mono has consistently promoted and encouraged the use of fuel-efficient electric vehicles; and
WHEREAS, the State of California adopted Assembly Bill 1236, which requires local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging stations (EVCS); and
WHEREAS, creation of an expedited, streamlined permitting process for EVCS would facilitate convenient charging of electric vehicles and help reduce Mono reliance on environmentally damaging fossil fuels; and
WHEREAS, this ordinance shall be consistent with Mono Resource Efficiency Plan (REP) and Regional Transportation Plan (RTP); and
WHEREAS, Assembly Bill 1236 requires Mono County to administratively approve an application for EVCS through the issuance of a building permit or similar nondiscretionary permit and limits the review of EVCS applications to health and safety requirements of local, state, and federal law; and
WHEREAS, Mono fire protection districts have been consulted with regard to this ordinance as required by section (g)(1) of Assembly Bill 1236.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO ORDAINS as follows:

SECTION 1. TITLE AND AUTHORITY

This Ordinance shall be known as the County of Mono Electric Vehicle Charging Station Permit Expediting Ordinance. The section is enacted pursuant to Government Code section 65850.7 as established by Assembly Bill 1236.

SECTION 2. Chapter 15.04 of the County of Mono County Code is hereby amended by renumbering existing Section 15.04.210 to be Section 15.04.300, and adding a new Section 15.04.210, as shown in the Attached Exhibit A. No other changes to the County of Mono County Code are proposed hereby.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Mono County Board of Supervisors hereby declares that it would have passed this Ordinance, and each and every Section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Notice of Public Hearing

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Members of the public shall have the right to observe and offer public comment, to consider the following:
9:30 a.m. Use Permit 21-006/Sierra High. The cannabis project is located on a 123-acre parcel (APN 001-150-004-000) designated Agriculture (AG) at 7761 Eastside Lane, Topaz, and proposes ten-acres of outdoor cultivation, and indoor cultivation of no more than 10,500 square-foot (SF) of mature plant canopy for year-round operation within four structures. The project also includes onsite cannabis processing (trimming, packaging, and labeling), wholesale distribution, and non-storefront retail. The operation will employ between 12-15 employees for indoor cultivation, and 4-8 seasonal employees for outdoor cultivation. Supporting structures to be constructed may include: a well-house, a water tank-house, hoop-houses, storage containers, a drying shed, and a nursery/processing building.
The property has previously been used for cattle grazing, has two private water wells on the property and energy will be provided by a combined heat and power system. A Mitigated Negative Declaration (MND) is proposed for compliance with the California Environmental Quality Act (CEQA). The MND and project materials are available for public review online at <https://monocounty.ca.gov/planning-commission> and hard copies are available for the cost of reproduction by calling 760-924-1800.

INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online, and to submit comments to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA, 93546, by 8 am on Thursday, December 15, to ensure timely receipt, by email at cddcomments@mono.ca.gov or via the livecast meeting (technology permitting). If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing.

TS #2022-0200

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on December 15, 2022.

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Members of the public shall have the right to observe and offer public comment, to consider the following:
9:00 am - Use Permit 22-009/Eukon Group. The project proposes to allow the installation, operation and maintenance of a wireless telecommunications facility tower on land owned by Mono County and leased to New Cingular Wireless, PCS, LLC in order to improve the cell service levels in the Chalfant Valley. The proposed project site is located at the Chalfant Valley Transfer Station, 500 Locust Street (APN 026-200-044-000), 0.64 miles east of U.S. Route 6. T
he parcel is designated Public and Quasi-Public Facilities (PF) and is 10.07 acres, currently developed with sections of landfill as well as facilities for operation of the landfill and transfer station. A Categorical Exemption compliant with the California Environmental Quality Act (CEQA) sections 15303 (c), (d) and (e) is proposed. Agenda packet can be found online: https://monocounty.ca.gov/meetings?field_microsite_tid_1=597 and hard copies are available for the cost of reproduction by calling 760-924-1800.

INTERESTED PERSONS are strongly encouraged to attend the livecast meeting online or to attend in-person; and to submit comments by 8 am on Thursday, December 15, 2022, to the Planning Commission Secretary, PO Box 347, Mammoth Lakes, CA 93546 or by email at cddcomments@mono.ca.gov or via the livecast meeting (technology permitting). If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Secretary of the Planning Commission at, or prior to, the public hearing. For additional questions, please contact Laura Stark, PO Box 347, Mammoth Lakes, CA 93546; lstark@mono.ca.gov; 760-924-1810.

TS #2022-0201

MONO COUNTY PLANNING COMMISSION

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

September 28, 2022

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE SIERRA HIGH CONDITIONAL USE PERMIT FOR CANNABIS ACTIVITIES

NOTICE IS HEREBY GIVEN that the Initial Study/Mitigated Negative Declaration (IS/MND) for the Sierra High Cannabis Conditional Use Permit Project (the Project) is available for review and comment by interested individuals, organizations, and agencies beginning September 30 until October 31, 2022. The Project proposes to develop a commercial cannabis operation consisting of cultivation, processing (trimming, packaging, labeling product), distribution, and non-storefront retail sales, and served by an overhead power extension, at 7761 Eastside Lane, Walker (APN 001-150-004). The Project is proposing a ten-acre outdoor grow seasonally, and a 24,000 square-foot indoor commercial greenhouse operation for year-round cultivation. The property is 124-acres and designated Agriculture. The Project will be located on approximately 15-acres of the property. The project will generate eight full-time employees and up to seven temporary employees for the indoor cultivation operation, and up to eight seasonal employees for outdoor cultivation. No public sales will take place at the premise and the premise will be closed to the public. The Initial Study determined the project could have potential impacts to the following resources; Biological resources, Cultural Resources, Hydrology/Water Quality, and Tribal Cultural Resources. Mitigation measures are identified that would reduce all potentially significant impacts to less than significant levels. The IS/MND are available at the Coleville Library, 111569 Hwy 395, Coleville, CA 96107 and the Mono County Community Development office, 74 N. School St., Annex 1, Bridgeport, CA 93517, and online at:

<https://monocounty.ca.gov/planning/page/sierra-high-cannabis-use-permit>

Copies may be purchased for \$30 at the planning office. Written comments must be sent to the County's PO Box address or email address as follows:

**Mono County
Community Development Department
c/o Michael Draper, Planning Analyst III
P.O. Box 347
Mammoth Lakes, CA**

OR

cddcomments@mono.ca.gov

Deadline for written comments:

5:00 pm, October 31, 2022.

All written comments must be either postmarked or received by this date (hearings on the document and the project itself will be announced later).

Attachment 4

Public Comments

PATRICK CATES
County Manager

JENIFER DAVIDSON
Assistant County Manager



1594 Esmeralda Avenue
Minden, Nevada 89423

www.douglascountynv.gov
775-782-9821

OFFICE OF THE COUNTY MANAGER

December 6, 2022

Michael Draper, Planning Analyst
Mono County
Community Development Department
P.O. Box 347
Mammoth Lakes, CA 93546

Dear Mr. Draper,

I am writing on behalf of the Douglas County Board of Commissioners concerning the Sierra High Cannabis Special Use Permit currently under review in Mono County. The Douglas County Commissioners considered and took public comment from Douglas County residents regarding the draft Mitigated Negative Declaration for this project at their November 17, 2022, Board meeting.

The Douglas County Board of Commissioners urges Mono County to deny this special use permit. Its close proximity along the border of our two counties and states pose a clear threat to the health and safety of our communities.

Douglas County ordinances prohibit any marijuana establishments in any zoning district within Douglas County. While marijuana may have been recently legalized in both California and Nevada, it is inconsistent with the values and rural lifestyle of Douglas County. According to an article in the Sacramento Bee in October, more than half of California marijuana production serves the illicit drug trade. Our residents are deeply concerned about the impact to crime and public safety.

The project contemplated by Sierra High Farms is for intense, industrial-style production of a product that primarily serves the illicit drug trade in California. This is a significant change of use compared to the cattle grazing typical of this and surrounding parcels on both sides of the state line. This use is inconsistent with the rural character of both Douglas and Mono counties.

The location for this proposed project lacks appropriate infrastructure for this use. The impact on remote rural roads of frequent vehicle trips, including heavy truck traffic, will be significant. This will both strain infrastructure and threaten public safety. The proposed route to access this project is also the access and evacuation route for several Douglas County residents.

The permit application acknowledges the lack of power to this site and contemplates use of propane generators until solar power and/or above ground power lines can be installed from a long distance with no specific timeline to do so. This poses increased risk from fires in an area with an extensive history and vulnerability to wildland fires.

Mailing Address: P.O. Box 218, Minden, NV 89423

Public safety infrastructure is also inadequate for this project. The nearest professional firefighting stations are either in Bridgeport or Gardnerville, ensuring dangerously long response times. The impacts on the Mono County and Douglas County Sheriff Departments is not addressed at all in the application.

The application indicates noxious odors will not impact nearby properties. However, given the well-known strong winds blowing from the Sierras in this area, that claim strains credulity when the nearest Douglas County residence is just 1,700 feet downwind from the project site.

Of significant concern is the impact on water and water quality. The application contemplates drilling a well to serve this property. Despite claims of low water use, cannabis crops use significantly more water to cultivate than most commodity crops, including wheat, corn, and rice. The impact of runoff is not adequately addressed and may impact both the Highline Ditch and the local aquifer, impacting the domestic wells of residents in both of our counties. Cannabis cultivation is also associated with the intensive use of fertilizers and pesticides, which is not addressed in the application.

For the sake of the health and safety of the residents in both of our counties, the Douglas County Board of Commissioners urges Mono County to reject this special use permit.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Cates', with a stylized flourish extending to the right.

Patrick Cates
Douglas County Manager

From: [Sam Foster](#)
To: [Michael Draper](#)
Cc: [John Peters](#)
Subject: Sierra High Cannabis Farm
Date: Monday, November 7, 2022 10:09:37 AM

[EXTERNAL EMAIL]

As business owners and also residing on Topaz Lane we are voicing our concerns about the Sierra High Cannabis Farm located off Eastside Land and Stateline.

We live on Topaz Lane because of the rural beauty and quiet. That will all be destroyed by the huge amount of traffic that is proposed by the cannabis farm. Our Antelope Valley is a treasure that the Community Development Dept. may not appreciate. Giving clearance to this commercial operation is opening the door to unwanted urban spread.

The fire threat is also of great concern. All of us living in this valley are well aware of what downed power lines can do. Where the farm is located....there will be no stopping a fire once it starts.

We are sure all the people who have voiced concerns over this matter will be met with deaf ears but it would be nice if money didn't win over the people who have lived here for decades.

Sam & Linda Foster
3553 Topaz Lane
Topaz, Ca. 96133

From: [CDD Comments](#)
To: [Michael Draper](#)
Subject: FW: sierra high meeting/question
Date: Tuesday, December 6, 2022 12:58:01 PM

-----Original Message-----

From: Sam Foster <toiyabemotel@gmail.com>
Sent: Tuesday, December 6, 2022 9:50 AM
To: CDD Comments <cddcomments@mono.ca.gov>
Subject: sierra high meeting/question

You don't often get email from toiyabemotel@gmail.com. Learn why this is important
<<https://aka.ms/LearnAboutSenderIdentification>>

[EXTERNAL EMAIL]

I would like to submit a question to be asked at the meeting.
How is this costly project being funded?

Linda Foster

Coy and Donna H. Patton
1135 Eastside Lane
Coleville CA 96107
775-781-9566

November 9, 2022

Mono Community Development Department
PO Box 347
Mammoth Lakes, CA 93546

ATTN: Michael Draper

We just learned of the proposed High Sierra Cannabis Farm to be located in Topaz and are writing to register our opposition to this commercial project. According to our understanding and belief about this proposed project some of our obvious concerns are as follows:

- Antelope Valley is the end of the line for Liberty Power. New builds are required to have their power lines underground. How can installing 30 new overhead power poles be justified, much less serviced.
- Water usage of approximately 43,000 gallons a day is a big problem. We are experiencing a drought cycle and concern for the water table in our wells going dangerously low is a major consideration that we live with. Should that happen because of the addition of this commercial project, we, the homeowners, will be burdened with the exorbitant cost of deepening our wells.
- The traffic on our country roads, about 100 vehicle trips a day; the visual impact of structures, some 30 feet tall right at Topaz Lake, a major recreational area for Mono County, Antelope Valley and Nevada; the effect on the wildlife that is intertwined with our own lives; all of these would change the peace and serenity of the life we in this valley all share.

Haven't we been through enough? Our lives were dramatically changed by the Mountain View Fire. Now, 2 years later, as new houses return slowly, one by one, we are beginning to be able to return to something resembling normal.

We ask that you consider the residents of Antelope Valley first. We are the ones who will be directly and drastically effected by the proposed High Sierra Cannabis Farm.

Respectfully submitted,



Coy and Donna H. Patton

CC: Supervisor John Peters

From: [Jim Ricks](#)
To: [Michael Draper](#)
Subject: High Sierra Cannabis Farm
Date: Monday, November 7, 2022 9:33:26 AM

You don't often get email from jrickswbc@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

Mr. Draper,

We do not need another cannabis farm in our valley. The smell from one is terrible enough let alone two. It would also increase traffic and noise. We are in a drought and we should not bring in businesses that use lots of water. Plus, the weather in this area is not conducive to growing cannabis. Just as the owners of the one farm that is already here. Please do not allow this farm to come into our valley.

Jim Ricks
Resident of Walker, CA

From: sierralight@schat.com
To: [Michael Draper](#)
Cc: [Wendy Sugimura](#); [John Peters](#)
Subject: Re: Opposition to High Sierra Cannabis Farm, Topaz, CA
Date: Wednesday, November 16, 2022 10:38:17 AM

[EXTERNAL EMAIL]

Mono Community Development, Attn. Michael Draper

Good morning Michael,

I am writing on behalf of my family and I to oppose building of the High Sierra Cannabis Farm located at Eastside Lane and Stateline, Topaz, CA, Mono Co.

We are opposed to the Farm on the following:

1. Very high daily water usage which jeopardizes the water table and existing Antelope Valley wells for AG uses relating to food production for livestock and people, as well as residential use.
2. Huge visual blight in our scenic Antelope Valley and Topaz Lake area seen from miles around which includes large, tall commercial growing structures and other outbuildings in a concentrated development.
3. Greatly increased rural road usage on both Eastside Lane and Topaz Lane, diminishing safety and pleasure usage to local residents, tourist visitors, bicycles, ATVs, as well as increased commercial traffic past rural residential homes. Poses a great risk to mule deer, coyotes, foxes, bobcats and other wildlife crossing the roads.

This Farm would diminish the quality of our rural life and as well as the scenic aesthetic of the Antelope Valley for all.

Thank you for your attention.

Sincerely,

Kerry Roeser and Michael Elam
Lou and Marye Roeser, Maryl Roeser

Mono County Planning Division*: Current Projects

Dec. 9, 2022

*Does not include transportation, LAFCO, building, code compliance, etc. projects

Planning Commission Meeting (12/15/22)		
UP/Cannabis	Antelope Valley	cultivation, distribution, non-storefront retail
UP	Chalfant	new 80' cell tower
UP	Antelope Valley	OH line approval

Completed		
LLA	Lee Vining	adjust lot line

Active Planning Permit Applications		
Permit Type	Community	Description
GPA/UP	Mono Basin	Waste transfer station - GPA scheduled for 12/13/22 Board meeting
Appeal	Bridgeport	GPA for STR in Bridgeport, denied by PC, appealed to Board (Jan)
GPA/SP/Cnnbs UP	Tri-Valley	cannabis cultivation, convert RR to SP, awaiting applicant payment to schedule with Board
GPA/SP	Mono Basin	STRs & campground, awaiting applicant approval of CEQA costs
UP	Long Valley	limited-scale lodging/resort, awaiting applicant approval of CEQA costs
DR	Coleville	Cell tower extension - awaiting response from applicant
DR	Lee Vining	OH lines over Lee Vining Creek - LDTAC on 12/12/22
DR	Walker	Garage prior to Main - MVF, LDTAC on 12/12/22
LM	Bridgeport	merge three parcels - LDTAC on 12/12/22
CEQA	Mono Basin	Mono County waste management transition
UP	June Lake	installation of spa
UP	June Lake	Remove duplex motel unit, add 4-plex
DR	June Lake	Parking Management Plan
Map Modification	Tri-Valley	Eliminate road and drainage improvements, County vacate road, rescind Subdivision Improvement Agreement
DR/VHR	Topaz	Transient Rental on Mixed Use LUD
LLA	Bridgeport	adjust lot line

Active Policy/Planning Projects		
Name	Community	Description
Study Impacts of Short-Term Rentals on workforce housing	Countywide	Report to Board by December 2022
Housing project negotiations	June Lake	Directed by CAO with Board guidance, respond to developer's request to negotiate for County participation to construct 12 housing units
Prescriptive designs for detached garages	Countywide	Update prescriptive designs for garages
North County Water Transfer	North County	Policies applicable to programs to sell/lease water for the benefit of Walker Lake
Housing Policy	Countywide	Housing Element tracking and policy development per Board's direction
Special District Study	Countywide	Work initiating
US 395 Wildlife Crossings	Long Valley	Project committee to construct wildlife crossings on US 395; Caltrans lead

Active Policy/Planning Projects		
Annual General Plan Update	Countywide	RPACs reviewing, Commission to consider in January.
June Lake Active Transportation Plan	June Lake	Final draft plan to be presented to LTC in Jan. or Feb. 2023
West Walker River Parkway	Antelope Valley	Grant application not awarded, focusing on finalizing plan
Revision to Chapter 11	Countywide; Antelope Valley	Review and revise utility undergrounding policies and requirements
Cannabis Odor Standards	Countywide	Low priority, readings to be taken with Nasal Ranger this spring and fall
Update General Plan Map Layers	Countywide	Update online
CEC Renewable Energy Policy	Countywide	CEC policy identifying areas in Mono County for wind and solar energy development

Acronyms:

AG	Agriculture
CEQA	California Environmental Quality Act
DR	Director Review
GHG	Greenhouse Gas
GPA	General Plan Amendment
LLA	Lot Line Adjustment
LTC	Local Transportation Commission
LUD	Land Use Designation
MFR-M	Multi-Family Residential - Medium
MU	Mixed Use
RR	Rural Residential
SP	Specific Plan
STR	Short-Term Rental
UP	Use Permit
VHR	Vacation Home Rental
VMT	Vehicle Miles Traveled

BROWN ACT TELECONFERENCE RULES (AFTER AB 361)

Applies when a member of the legislative body participates from a location that is not the prime meeting location (staff or the public may participate remotely without complying with these rules)

Traditional Requirements for Teleconference Participation (pre-COVID)		AB 2449 alternative Requirements (from March 1, 2023, to January 1, 2024 – revised rules apply from January 1, 2024, to January 1, 2026)
Agenda must list all teleconference locations	1	N/A (but see 4, 5, 9 below for other agenda requirements)
Agenda must be posted at all teleconference locations	2	N/A
Public must be able to access and provide public comment from all teleconference locations	3	N/A
Each teleconference location must be accessible to individuals with disabilities	4	Must have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities. How to request this procedure must be listed on the agenda
At least a quorum of the board (3 members) must participate from a location that is within the jurisdiction	5	At least a quorum of the board (3 members) must participate in person from a singular physical location clearly identified on the agenda and open to the public
Votes must be taken by rollcall	6	Same
Must comply with all other Brown Act requirements and conduct meetings in a manner that protects the constitutional rights of persons appearing before the board	7	Same
	8	Either: use a two-way audiovisual platform; or Use a two-way telephonic service and a live webcasting of the meeting. Board Members must have video.
	9	All notices of meeting must provide instructions for how to participate remotely
	10	In the event of a disruption, no further action may be taken
	11	Members participating remotely must comply with one of the following: Just Cause Exception <ul style="list-style-type: none"> • Notify the board at earliest opportunity of need to participate remotely • Describe “just cause*” for remote participation (*defined in the statute) • Can only do this for 2 meetings each calendar year, or Emergency Exception <ul style="list-style-type: none"> • Notify the board of an emergency* and the board must take action to approve the request (*defined in statute) • Provide a general description of the emergency circumstances • Request must be remade for each meeting (i.e., no standing requests) • Disclose whether any person 18 or older is present with them during the meeting • May be used for no longer than 3 consecutive months or more than 20% of regular meetings of the board