

Attachment C

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Friedrich, Michele x5189

From: mjdelpiero@aol.com
Sent: Monday, April 11, 2022 6:23 PM
To: ceqacomments
Cc: aaron@jrgattorneys.com
Subject: Monterey Co File Ref #220024 Cannabis application
Attachments: CEQA objection to cannabis on Lewis Road.pdf



[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Herewith attached is my comment letter on the CEQA notice sent to me regarding the proposed cannabis growing applications at 214, 248, and 250 Lewis Road, Royal Oaks, CA.

Please contact me and my brother, Marc Del Piero, should the applicant wish to discuss my concerns regarding the expected adverse environmental impacts to my primary residence of the proposed application.

Most Respectfully,

Kris Del Piero

(Please contact me at 831-261-0718 or 831-840-1776)



TO: Monterey County Board of Supervisors
ATTN: Housing & Community Development – CRAIG SPENSER

From: Kris Del Piero, 215 Lewis Road, Royal Oaks, CA. 95076 (Phone 831-261-0718 or 831-840-1776)

RE: File Number REF 220024 (RE: 214, 248, and 250 Lewis Road, Royal Oaks, CA.)

*** Request for Permit Mitigation Conditions to Mitigate Significant Adverse Smell/Odor and Noxious Air Quality Impacts from Proposed Cannabis Cultivation

My name is Kris Del Piero and I own the house and farm that is located at 215 Lewis Road, Royal Oaks, CA. 95076. In North Monterey County. This house is my primary and sole residence which I occupy full time. I am a senior citizen.

My home is easterly and immediately across Lewis Road, and downwind, from the proposed cannabis cultivation facility that is the subject of the pending land use application and proposed "negative declaration". In the Pajaro Valley, the afternoon wind (which is present throughout the year) blows from west to east, ie. From the proposed cannabis cultivation site directly into my house's front door. The greenhouses are less that 20 yards from the front of my house and the smell of the cannabis cultivation will constitute a nuisance and render my house uninhabitable. Moreover, the massive anticipated noxious odor that will be emanating from the proposed project will directly and adversely affect my physical health and ability to breathe.

The subject property where the cannabis cultivation is proposed is a very large greenhouse facility covering many acres. Pursuant to the mandates of the California Environmental Quality Act (CEQA), the significant adverse environmental impacts of the proposed project require at least two (2) specific, separate, and enforceable mitigations as conditions of approval:

1. The permit must require the landowner to install and permanently maintain in good working order a BACT (Best Available Control Technology/air purification devices with activated carbon filters) air purification system, specifically identified (in the permit condition) that successfully removes and eliminates the noxious odors that will be created by the cannabis cultivation that is proposed. This condition must be maintained in full force and effect during the entire length of time that the cannabis cultivation permits are in effect. Moreover, the removal/abatement of the odors (from each and all of the three stages of the cannabis growing process: growing, drying, and trimming) must be measured and guaranteed on the applicant's property, not on my house nor my property across the street. BACT means "no detectible cannabis odor outside the facility property line". A separate air purification device (like a "Bluezone 420 Air Purification Device") must be required to be installed within each individual greenhouse and processing facility that is located on the property which is subject to the permit. And the following BACT management practices must be included as permanent, enforceable requirements in the requested cultivation permit:
 - Regular (quarterly) inspection and maintenance of HVAC systems;

- Sealing the grow space within a greenhouse and circulating air for approximately one week and purging exhausts during low ozone formation periods (evenings, windy days, cloudy days);
 - Ensuring temperature and relative humidity are under control and within tolerances so that high temperatures and humidity do not perpetuate odor issues;
 - Having a computer management system in place to record and respond to odor complaints the data of which is available to county inspectors;
 - Require purchasing a "scentometer" or Nasal Ranger to quantify odors and record data from self-testing, the results of which are available to county inspectors;
 - Timing harvests to minimize ozone impact and minimizing emissions during morning, early afternoon, and summer; and
 - Training and allocating responsibilities among staff members to ensure consistent and continuous implementation of BMPs.
2. The cannabis cultivation permit must be permanently conditioned to allow ONLY the cultivation of cannabis within the greenhouses that are located on the western half of the subject property. (See attached picture with grow area highlighted in YELLOW).

I am very concerned that the pending application for cannabis cultivation will have serious detrimental effects to my respiratory health. Please take my comments seriously and require these conditions on the permit that Encinal LLC is seeking. Please call me if you have any questions. I would like to continue receiving notices as this project progresses.

Most Respectfully,



Kris Del Piero
215 Lewis Road
Watsonville, CA. 95076
831-261-0178
831-840-1776

Iglesia Cristiana
Apostolica Vista Al Cielo

CI



Hayes Rd

Hayes Rd

Ha

Lewis Rd

Kris
Del Piero
farm



214 Lewis Road

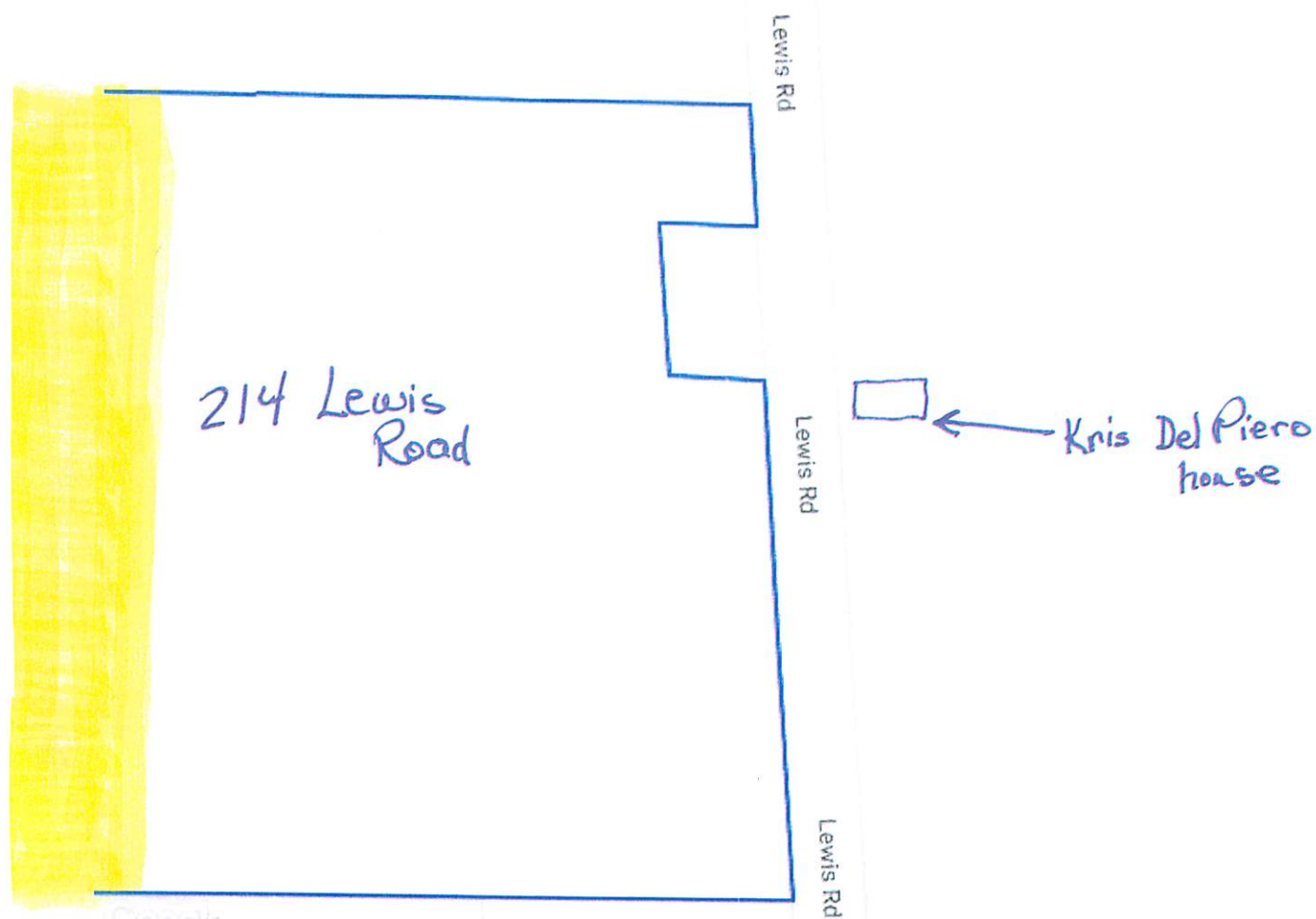
Lewis Rd

Lewis Rd

100 m

Map data ©2022

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© 2015 ParcelQuest www.parcelquest.com (888) 217-8999

20 m

Map data ©2022

MONTEREY COUNTY

HOUSING & COMMUNITY DEVELOPMENT

1441 SCHILLING PL SOUTH 2ND FLOOR, SALINAS, CA 93901

(831) 755-5025 FAX: (831) 757-9516



NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION MONTEREY COUNTY BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN that Monterey County Housing & Community Development has prepared a draft Negative Declaration, pursuant to the requirements of CEQA, (County of Monterey [Various Owners] North County Cannabis Projects Initial Study; File Number REF220024) for 5 commercial cannabis project sites in Northern Monterey County (see description below).

The Negative Declaration and Initial Study, as well as referenced documents, are available for review at Monterey County Housing & Community Development – Planning, 1441 Schilling Pl South 2nd Floor, Salinas, California. The Negative Declaration and Initial Study are also available for review in an electronic format by following the instructions at the following link: <https://www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/resources/environmental-documents/pending>. Interested public members who wish to receive a hard copy of the Initial Study/Negative Declaration can request a hard copy from the Agency at the below contact.

The Board of Supervisors will consider this document after the close of the public comment period. Written comments on this Negative Declaration will be accepted from **March 16, 2022** to **April 15, 2022**. Comments can also be made during the public hearing.

Project Description: This Initial Study/Negative Declaration has been prepared for five sites in unincorporated Monterey County that have existing greenhouses and have filed an application for a permit to use those greenhouses for commercial cannabis production. The 5 project sites are located within in the northern unincorporated area of the County of Monterey. The five project sites include:

- 1) 735 A, B, C & D San Juan Road, Royal Oaks
- 2) 723 A, B, C, D & E San Juan Road, Royal Oaks
- 3) 35, 35 A, 35 B, 35 C Kortright Lane, Aromas
- 4) 250 Lewis Road, Royal Oaks; and 214 Lewis Road, Royal Oaks; and 248 Lewis Road, Royal Oaks
- 5) 37 A, B, C, D, E, F, G, H, I, J, K & L McGinnis Road, Royal Oaks

The 5 proposed project sites contain existing greenhouses that were previously used for various agricultural production, including herbs, crops, and cut flowers. The project sites would require commercial cannabis permits to convert and reuse the existing greenhouses and industrial structures for cannabis cultivation, manufacturing, post-harvest production, and distribution.

We welcome your comments during the 30-day public review period. You may submit your comments in hard copy to the name and address above. The Agency also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Agency has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

CEQAcomments@co.monterey.ca.us

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting

Friedrich, Michele x5189

From: Ambrose, Travis@Cannabis <Travis.Ambrose@cannabis.ca.gov>
Sent: Thursday, April 14, 2022 4:40 PM
To: Spencer, Craig x5233
Cc: Ponce, Kevin@Cannabis; Susan Pearce
Subject: DCC Comment Letter_ISND_SCH No. 2022030457
Attachments: ISMND Comment_Monterey Various Owners_033122_final.pdf

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Hello Mr. Spencer,

Attached are the DCC comments on the Initial Study/Negative Declaration (IS/ND) for:

- SCH No. 2022030457– North Monterey County Cannabis Facilities Projects

Please let me know if you have any questions or need more information.

Thank you,

Travis Ambrose
Environmental Scientist

916-917-4776

844-61-CA-DCC (844-612-2322)

info@cannabis.ca.gov

www.cannabis.ca.gov



**Department of
Cannabis Control**
CALIFORNIA



April 13, 2022

County of Monterey
Housing and Community Development
Attn: Craig Spencer
1441 Schilling Pl South 2nd Floor
Salinas, CA 93901
spencer@county.monterey.ca.us

Re: Initial Study/Negative Declaration (IS/ND) for North Monterey County Cannabis Facilities Projects (SCH No. 2022030457)

Dear Mr. Spencer:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the Initial Study/Negative Declaration (IS/ND) prepared by the County of Monterey for the proposed North Monterey County Cannabis Facilities Projects (Proposed Project).

DCC has jurisdiction over the issuance of licenses to commercial cannabis cultivation, distribution, and manufacturing businesses in California. DCC may issue cultivation, distribution, and/or manufacturing licenses to cannabis businesses that meets all licensing requirements, and where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within the 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/resources/rulemaking/>.

DCC expects to be a Responsible Agency for this project under the California Environmental Quality Act (CEQA) because the project will need to obtain annual cultivation, manufacturing, and distribution licenses from DCC. In order to ensure that the IS/ND is sufficient for DCC's needs at that time, DCC requests that a copy of the IS/ND, 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 cultivation applications in Monterey County.

DCC offers the following comments concerning the IS/ND.

General Comments (GCs)***GC 1: Site-Specific Reports and Studies***

The IS/ND references several project-specific plans, studies, and project-specific data, including a Stormwater Pollution Prevention Plan (SWPPP), Biological Survey, Grading Plan, Soil Engineering Report, and Engineering Geology Report. To ensure that DCC has supporting documentation for the IS/ND, DCC requests that the County advise applicants to provide copies of all project-specific plans and supporting documentation with their state application package for an annual cultivation license 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/ND.

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Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/ND Text	DCC Comments and Recommendations
1	II.A	5	Background	Greenhouses and industrial buildings may be improved for cannabis activities after January 1, 2016, provided that the footprint of the existing greenhouse(s) or industrial building(s) does not change.	The IS/ND indicates in several instances that greenhouses may be improved for cannabis activities if the footprint of the existing building does not change (e.g., pp. 5, 56, 110). The impact analysis for some resource topics (e.g., Aesthetics, Land Use) relies on this restriction to make significance determinations. However, page 39 of the IS/ND indicates that Monterey County amended its cannabis ordinance in 2021 to allow new or expanded greenhouse facilities on properties that already contain a greenhouse legally established prior to January 1, 2016. The document would be improved if it provided consistent information regarding the County's land use regulations and if the analysis within the document was based on that information.
2	II.A	12, 18, 21, 29, 32	Description of Proposed Projects	Pursuant to MCC Chapter 21.67.050.B.8, water conservation measures would be implemented in order to minimize the use of water where feasible.	The IS/ND would be strengthened if it described or summarized the water conservation measures that would be implemented at each project site.
3	II.A	14, 18, 24, 29, 32-35	Description of Proposed Projects	Process wastewater would be disposed of in compliance with the State Water Resources Control Board [...]	The document would be more informative if it described how process wastewater would be treated or

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/ND Text	DCC Comments and Recommendations
					disposed of (e.g., sewer, septic) at each project site.
4	II.A	31-37	Description of Proposed Projects	N/A (General Comment)	The IS/ND would be improved if the Project Description for 12/12 Genetics included a detailed description of the proposed manufacturing operations, including number of employees, utility demands, facility and employee safety protocols, and waste disposal practices.
5	II.E	39	Analysis Baseline	These sites have been cultivating cannabis since 2015 when the MAUCRSA was passed in California.	The Medical Cannabis Regulation and Safety Act (MCRSA) was passed in 2015. On November 8, 2016, California voters passed Proposition 64 (the Adult Use of Marijuana Act [AUMA]), legalizing the use and possession of nonmedicinal cannabis products within California by adults aged 21 years and older. In June 2017, the California Legislature passed a budget trailer bill, Senate Bill 94, that repealed MCRSA and integrated medicinal cannabis licensing with adult-use cannabis licensing under AUMA to create MAUCRSA. The document would be improved if it cited the correct statute(s) when describing baseline conditions.
6	II.F	40	Other Public Agencies whose Approval May be Required	N/A (General Comment)	The IS/ND correctly indicates that the Proposed Project would require cultivation, distribution, and manufacturing licenses from DCC; however, DCC does not have jurisdiction over the issuance of State

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/ND Text	DCC Comments and Recommendations
					Business licenses or On-Site Wastewater Treatment Permits.
7	VI.3.c	61-62	Air Quality	N/A (General Comment)	The analysis of air quality impacts would be improved if it quantified emissions associated with the manufacturing activities that would be part of the Proposed Project, including the use of ethanol for extractions.
8	VI.3.b	67	Air Quality	The renewable energy regulations require all indoor, tier 2 mixed-light license types of all sizes, and nurseries 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, beginning January 1, 2023.	The document would be strengthened if it described how the Proposed Project would comply with renewable energy regulations.
9	VI.8.a	93	Greenhouse Gas Emissions	N/A (General Comment)	The analysis of Greenhouse Gas Emissions would be improved if it quantified the emissions associated with the manufacturing activities that would be part of the Proposed Project, including the use of ethanol for extractions.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/ND Text	DCC Comments and Recommendations
10	VI.9.a-b	96	Hazards and Hazardous Materials	N/A (General Comment)	The IS/ND would be improved if it provided an analysis of potential hazards to employees or the environment associated with the manufacturing activities that would be part of the Proposed Project, including the use of ethanol for extractions.

Conclusion

DCC appreciates the opportunity to provide comments on the IS/ND 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,

Lindsay Rains
Licensing Program Manager

Friedrich, Michele x5189

From: Wildlife R4 CEQA Program <R4CEQA@wildlife.ca.gov>
Sent: Friday, April 15, 2022 2:00 PM
To: ceqacomment
Subject: FW: North Monterey County Cannabis Facilities Project; SCH No. 2022030457
Attachments: SCH-2022030457_NorthMontereyCountyCannabisProjects.pdf

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

From: Wildlife R4 CEQA Program
Sent: Friday, April 15, 2022 11:35 AM
To: 'spencer@county.monterey.ca.us' <spencer@county.monterey.ca.us>
Cc: State Clearinghouse (state.clearinghouse@opr.ca.gov) <state.clearinghouse@opr.ca.gov>
Subject: North Monterey County Cannabis Facilities Project; SCH No. 2022030457

Good morning,

See attached letter for the above-referenced project. Please note that this letter will only be sent to you electronically.

Thank you,
Linda Moua
Staff Services Analyst
CDFW
1234 E. Shaw Ave
Fresno, CA 93710





April 15, 2022

Craig Spencer
Monterey County
Housing and Community Development
1441 Schilling Place
Salinas, California 93901

Subject: The Following 5 Projects:
Coasta Bella, LLC (PLN170282),
Gold Coast Gardens (PLN170263),
Coastal Farms, LLC (PLN170225),
214 Lewis Road, LLC (PLN170321),
12/12 Genetics, LLC (PLN180109);
Negative Declaration (ND)
State Clearing House No. 2022030457

Dear Mr. Spencer

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Negative Declaration (ND) for a Minor Use Permit from the County of Monterey for the above Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & Game 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

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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County of Monterey
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projects and related activities that have the potential to adversely affect fish and wildlife resources.

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 & Game Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 *et seq.*), related authorization as provided by the Fish and Game Code will be required.

Bird Protection: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Water Pollution: Pursuant to Fish and Game Code section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures, this Project could result in pollution of Waters of the State from storm water runoff or construction-related erosion. Potential impacts to the wildlife resources that utilize watercourses in the Project area include the following: increased sediment input from road or structure runoff; toxic runoff associated with Project-related activities and implementation; and/or impairment of wildlife movement. The Regional Water Quality Control Board and United States Army Corps of Engineers also have jurisdiction regarding discharge and pollution to Waters of the State.

Lake and Streambed Alteration: CDFW has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource, pursuant to Fish and Game Code sections 1600 *et seq.* Section 1602 subdivision (a) of the Fish and Game Code requires an entity to notify CDFW before engaging in activities that would substantially change the bed, channel, or bank of a stream or substantially divert or obstruct the natural flow of a stream.

Bird Protection: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any

Craig Spencer
County of Monterey
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bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

PROJECT(S) DESCRIPTION SUMMARY

Proponent 1: Coasta Bella, LLC (PLN170282)

Objective: The Project proponent, Coasta Bella LLC, is proposing the continued use of approximately 9.69 acres for cannabis cultivation across four parcels. Coasta Bella is proposing mixed-light cannabis cultivation and nursery within existing and proposed new green houses. The proposed construction includes approximately 45,000 square feet (sf) of new construction which includes a processing facility, greenhouse, and a hybrid distribution/ manufacturing/ processing facility. All new construction would have metal roof panels and corrugated metal walls.

Location: The project will occur on four separate parcels; Assessor's Parcel No. (APN) 117-401-021, 117-401-022, 117-401-004, and 117-401-020.

Timeframe: The proposed timeline for this construction is eight months, starting in Spring 2022 during normal business hours (Monday through Friday, 0700-1700).

Proponent 2: Gold Coast Gardens (PLN170263)

Objective: The Project proponent, Gold Coast Gardens, is proposing the continued use of 7.5 acres with preexisting structures for cannabis cultivation, processing and distribution. The site is currently developed with three greenhouses totaling approximately a total 95,000 sf. No new structures or development are being proposed for this project.

Location: This project will occur on 7.5 acres; APN 117-401-004.

Timeframe: Unspecified.

Proponent 3: Coastal Farms, LLC (PLN170225)

Objective: The proponent, Coastal Farms LLC, is proposing the continued use of approximately 11, 000 sf of pre-existing greenhouses and buildings for the purpose of cannabis cultivation, processing and distribution. No new structures or development is being proposed.

Location: The project will occur on the northeastern portion of APN 267-012-009.

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Timeframe: Unspecified.

Proponent 4: 214 Lewis Road, LLC (PLN170321)

Objective: The proponent, Lewis Farms LLC, is proposing the continued use of 4 parcels totaling approximately 16.72 acres for the purpose of Cannabis cultivation. The proponent intends to approximately 815,715 sf of pre-existing greenhouses and buildings for the purpose of cannabis cultivation, processing and distribution in addition to small buildings on property. No new structures or development is being proposed for this project.

Location: The project will occur on four separate parcels; APN: 117-231-101-000, 117-231-025-000, 117-231-017-000, 117-231-021-000.

Timeframe: Unspecified.

Proponent 5: 12/12 Genetics (PLN180109)

Objective: The proponent, 12/12 Genetics, proposing the continued used of approximately 5 acres of developed land for the purpose of cannabis cultivation. The proponent intends to use approximately 126,720 sf of existing structures in addition to three minimal improvements to existing greenhouses, replacement of roof panels, installation of a micro-irrigation system and replacement of ground cloth upon expansion of operation.

Location: the project will occur on approximately 5 acres of developed land. APN: 181-022-005-000.

Timeframe: Unspecified.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following recommendations to assist the County of Monterey in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on a review of the Project description, a review of the California Natural Diversity Database (CNDDDB) records, a review of aerial photographs of the Project area and surround habitat, several special status species could be potentially impacted by Project activities.

Craig Spencer
County of Monterey
April 15, 2022
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In particular, CDFW is concerned regarding potential impacts for the following special status wildlife species and habitats known to occupy the Project area(s) and surrounding habitat: state threatened bank swallow (*Riparia riparia*).

A review of aerial imagery indicates that the Project areas consists of existing buildings, trees, grasslands, a river and other hydrological features which have the potential to support special status species. The Project has the potential to impact biological resources. CDFW recommends that the following modifications, or edits be incorporated into the ND, including proposed avoidance, minimization, and compensatory measures prior to its adoption by the County.

Bank swallow

Projects: Coasta Bella, LLC (PLN170282) and Coastal Farms, LLC (PLN170225)

BASW have the potential to occur near the Project site (CDFW 2022). The proposed Project will involve activities near the Pajaro River where BASW may potentially nest. Without appropriate avoidance and minimization measures for BASW, potential significant impacts that may result from Project activities include nest abandonment, loss of nest sites, reduced nesting success (loss or reduced health or vigor of eggs or young), and direct mortality. Any take of BASW without appropriate incidental take authorization would be a violation of Fish and Game Code. BASW, historically common in California (Grinnell and Miller 1944), have had a range reduction of approximately 50% since 1900 (CDFG 1988). The main cause of their decline was channelization and stabilization of river banks used as nesting habitat as well as other disturbance of this habitat (CDFG 1988). The BASW continues to be threatened by flood and erosion control programs that stabilize banks eliminating them as breeding habitat for the swallow (CDFG 1995).

To evaluate potential impacts to BASW, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the ND prepared for this Project, and that these measures be made conditions of approval for the Project.

- If ground-disturbing or vegetation-disturbing activities as a result of the Project must occur during the normal bird breeding season (February through mid-September), CDFW recommends that the Project site, especially the bank along the Pajaro River at the north and/ or east of the Project site, be surveyed for BASW by a qualified biologist no more than 10 days prior to the start of Project implementation.

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- CDFW recommends a minimum 50-foot no-disturbance buffer be delineated around active nest burrows until the breeding season has ended or until a qualified biologist has determined that the young birds have fledged.
- CDFW recommends that in the event that active BASW nests are detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the issuance of an incidental take permit, pursuant to Fish and Game Code section 2081(b) is necessary to comply with CESA.

Projects: All

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

Business and Professions Code 26060.1 subsection (b)(3) includes a requirement that California Department of Food and Agriculture cannabis cultivation licensees demonstrate compliance with Fish and Game Code section 1602 through written verification from CDFW. CDFW recommends submission of an LSA Notification to CDFW for the proposed Project prior to initiation of any cultivation activities. Cannabis cultivators may apply (notify) online for an LSA Agreement through EPIMS (Environmental Permit Information Management System; <https://epims.wildlife.ca.gov>) and learn more about permitting at <https://wildlife.ca.gov/Conservation/Cannabis/Permitting>.

Please note that CDFW has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. Pursuant to Fish and Game Code sections 1600 et seq., section 1602(a) of the Fish and Game Code requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes features that are ephemeral or intermittent as well as those that are perennial. In addition, CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement. CDFW recommends that staff within the Central Region Cannabis Permitting Program be contacted well in advance of construction so that impacts to streams and associated resources may be analyzed and, if appropriate, avoidance and minimization measures may be proposed.

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Projects: All

Cannabis-Specific Impacts on Biological Resources

There are many impacts to biological resources associated with cannabis cultivation, whether indoor or outdoor cultivation (i.e., pesticides, fertilizers/imported soils, water pollution, groundwater depletion, vegetation clearing, construction and other development in floodplains, fencing, roads, noise, artificial light, dams and stream crossings, water diversions, and pond construction). CDFW recommends that the County of Monterey consider cannabis-specific impacts to biological resources that may result from the Project activities.

Cannabis Water Use

Water use estimates for cannabis plants are not well established in literature and estimates from published and unpublished sources range between 3.8-liters and 56.8-liters per plant per day. Based on research and observations made by CDFW in northern California, cannabis grow sites have significantly impacted streams through water diversions resulting in reduced flows and dewatered streams (Bauer, S. et al. 2015). Groundwater use for clandestine cannabis cultivation activities have resulted in lowering the groundwater water table and have impacted water supplies to streams in northern California. CDFW recommends that CEQA document address the impacts to groundwater and surface water that may occur from Project activities.

Cannabis Lighting Use

Cannabis cultivation operations often use artificial lighting or “mixed-light” techniques in indoor operations to increase yields. If not disposed of properly, these lighting materials pose significant environmental risks because they contain mercury and other toxins (O’Hare et al. 2013). In addition to containing toxic substances, artificial lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication (e.g., birdsong; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavioral thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Phototaxis, a phenomenon that results in attraction and movement toward light or away from light; therefore, wildlife species exposed artificial light may have a negative phototaxis response causing disorientation, entrapment, and temporarily blindness (Longcore and Rich 2004).

CDFW recommends that light should not be visible outside of any structure used for cannabis cultivation. Use blackout curtains where artificial light is used to prevent light escapement. Eliminate all non-essential lighting from cannabis sites and avoid or limit

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the use of artificial light during the hours of dawn and dusk, as these windows of time are when many wildlife species are most active. ensuring that lighting for cultivation activities and security purposes is shielded, cast downward, and does not spill over onto other properties or upwards into the night sky (see the International Dark-Sky Association standards at <https://www.darksky.org>. Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle all lighting that contains toxic compounds with a qualified recycler.

Pesticides, Including Fungicides, Herbicides, 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, rodenticides may result in secondary poisoning through ingestion of sickened animals that leave the premises or ingestion of lethally poisoned animals disposed of outside.) 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,).

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). For details, visit: <https://www.cdpr.ca.gov/docs/cannabis/questions.htm>.

Anticoagulant rodenticides and rodenticides that incorporate “flavorizers” that make the pesticides appetizing to a variety of species should not be used at cultivation sites. (Note that with the passage of AB 1788, signed by the governor on September 29, 2020, the general use of second-generation anticoagulants is now banned in California). Alternatives to toxic rodenticides may be used to control pest populations at and around cultivation sites, including sanitation (removing food sources like pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers (e.g., sealing holes in roofs/walls). Snap traps should not be used outdoors as they pose a hazard to non-target wildlife. Sticky or glue traps should be avoided altogether; these pose a hazard to non-target wildlife and result in prolonged/inhumane death. California Department of Pesticide Regulation stipulates that pesticides must meet certain criteria to be legal for use on cannabis. For pest management practices visit: <https://www.cdpr.ca.gov/docs/county/cacitrs/penftr/penf2015/2015atch/attach1502.pdf>.

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Impacts of Cannabis Cultivation on Fish and Wildlife Resources

For more information on potential impacts to fish and wildlife resources as a result of cannabis cultivation visit:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=160552&inline>.

Editorial Comments and Suggestions

Nesting birds

CDFW encourages that Project implementation occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

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Biological Surveys

Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. For CDFW “Survey and Monitoring Protocols and Guidelines” visit <https://wildlife.ca.gov/Conservation/Survey-Protocols>. Note that CDFW generally considers biological field assessments for wildlife and plants to be valid for a one-year period, except when significant environmental changes occur, such as disturbance resulting from urbanization or wildfire. Surveys should be conducted during wildlife’s active season when the wildlife species is most likely to be detected and plant surveys conducted during the species blooming/flowering period. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

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 CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

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 & Game Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the Project to assist the County Monterey in identifying and mitigating Project impacts on biological resources.

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Questions regarding this letter or further coordination should be directed to Jackson Powell, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 899-9758, or by email at Jackson.Powell@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Bob Stafford
5343A684FF02469...
FOR Julie A. Vance
Regional Manager

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**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
 RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
 (MMRP)**

PROJECT: Coasta Bella, LLC (PLN170282),
 Gold Coast Gardens (PLN170263),
 Coastal Farms, LLC (PLN170225),
 214 Lewis Road, LLC (PLN170321),
 12/12 Genetics, LLC (PLN180109)
 Negative Declaration (ND)
 Cannabis Cultivation and Manufacturing (Project)

SCH No.: 2022030457

Mitigation Measure	Status/Date/Initials
<i>Before Disturbing Soil or Vegetation</i>	
Mitigation Measure: BASW	
• BASW Surveys	
• BASW Avoidance	
• BASW Take Authorization	
<i>During Construction</i>	
• Mitigation Measure: BASW	
BASW Avoidance	
• Mitigation Measure: Special Status Plants	
• Special Status Plant Avoidance	

MONTEREY COUNTY

HOUSING & COMMUNITY DEVELOPMENT

1441 SCHILLING PL SOUTH 2ND FLOOR, SALINAS, CA 93901

(831) 755-5025 FAX: (831) 757-9516



NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION MONTEREY COUNTY BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN that Monterey County Housing & Community Development has prepared a draft Negative Declaration, pursuant to the requirements of CEQA, (County of Monterey [Various Owners] North County Cannabis Projects Initial Study; File Number REF220024) for 5 commercial cannabis project sites in Northern Monterey County (see description below).

The Negative Declaration and Initial Study, as well as referenced documents, are available for review at Monterey County Housing & Community Development – Planning, 1441 Schilling Pl South 2nd Floor, Salinas, California. The Negative Declaration and Initial Study are also available for review in an electronic format by following the instructions at the following link: <https://www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/resources/environmental-documents/pending>. Interested public members who wish to receive a hard copy of the Initial Study/Negative Declaration can request a hard copy from the Agency at the below contact.

The Board of Supervisors will consider this document after the close of the public comment period. Written comments on this Negative Declaration will be accepted from **March 16, 2022 to April 15, 2022**. Comments can also be made during the public hearing.

Project Description: This Initial Study/Negative Declaration has been prepared for five sites in unincorporated Monterey County that have existing greenhouses and have filed an application for a permit to use those greenhouses for commercial cannabis production. The 5 project sites are located within in the northern unincorporated area of the County of Monterey. The five project sites include:

- 1) 735 A, B, C & D San Juan Road, Royal Oaks
- 2) 723 A, B, C, D & E San Juan Road, Royal Oaks
- 3) 35, 35 A, 35 B, 35 C Kortright Lane, Aromas
- 4) 250 Lewis Road, Royal Oaks; and 214 Lewis Road, Royal Oaks; and 248 Lewis Road, Royal Oaks
- 5) 37 A, B, C, D, E, F, G, H, I, J, K & L McGinnis Road, Royal Oaks

The 5 proposed project sites contain existing greenhouses that were previously used for various agricultural production, including herbs, crops, and cut flowers. The project sites would require commercial cannabis permits to convert and reuse the existing greenhouses and industrial structures for cannabis cultivation, manufacturing, post-harvest production, and distribution.

We welcome your comments during the 30-day public review period. You may submit your comments in hard copy to the name and address above. The Agency also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Agency has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

CEQAcomments@co.monterey.ca.us

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting

confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Agency to ensure the Agency has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at (831) 757-9516. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Agency to confirm that the entire document was received.

For reviewing agencies: Housing & Community Development requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Agency if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

All written comments on the Initial Study should be addressed to:

County of Monterey
Housing & Community Development
Attn: Craig Spencer
1441 Schilling Pl South 2nd Floor
Salinas, CA 93901

Re: County of Monterey [Various Owners] North County Cannabis Projects Initial Study; File Number REF220024

From: _____
Agency Name: _____
Contact Person: _____
Phone Number: _____

- ☐ No Comments provided
☒ Comments noted below
☐ Comments provided in separate letter

March 28, 2022

MR. Craig Spencer,

COMMENTS: my name is Juana Alanis I am wrighting regarding

The Cannabis being grown at 37 McBinnis Rd. I have been living
at 55 McBinnis Rd for 12 years. I am not againts Cannabis being
grown next door to me. The problem I have is the way they are
desposing of the unwanted plants and roots of the cannabis.
They are left out to dry for weeks before they are mulched, When they
do this procces the debri is Flown threw my kitchen window onto
my counters, stove and clean dishes and all over my cars. Due to the
short distance of this procces. I hope we can work together to
com to a solution

Thank you for your time and consideration. (831) 757-9516

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