

A



Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526

Phone: (760) 878-0263

FAX: (760) 872-2712

E-Mail: inyoplanning@inyocounty.us

Governor's Office of Planning & Research

FEB 12 2020

STATE CLEARINGHOUSE

FINAL MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT **AND INITIAL STUDY**

PROJECT TITLE: Conditional Use Permit (CUP) 2019-03/Inyo Farms

PROJECT LOCATION: The proposed Inyo Farms project site is located approximately 4-miles south of the community of Olancho and can be accessed by US-395 and Enchanted Lakes Road. The proposed project is to be located on private land owned by Kellyco Development Inc. with an Assessor's Parcel Number of 033-450-10.

PROJECT DESCRIPTION: The applicant is applying for a CUP to develop the property with a commercial cannabis cultivation business. CEQA analysis is required for CUPs in order for the Planning Commission to give final approval for the construction of the proposed cannabis cultivation facility. The proposed project site would create a commercial cannabis cultivation facility, consisting of one 19,500 ft² metal grow building, one 24,000 ft² metal grow building, and one 4,000 ft² processing and harvest storage building. The project is located on a privately owned, 33 acre parcel.

FINDINGS:

- A. The proposed project is consistent with goals and objectives of the Inyo County General Plan.

The goal of this project is to allow for a commercial cannabis cultivation operation. The project is consistent with the General Plan designation of Open Space and Recreation (OSR), as it applies to areas that among other things provides for the managed production of resources and low intensity agriculture. Section 8.3-Agricultural Resources, within the Conservation and Open Space Element of the Inyo County General Plan (8.3.4 Goals and Policies), identifies the "support and [encouragement of] the identification of important agricultural lands within the County" as a fundamental priority. The same section notes the County's goal of "[discouraging] the conversion of productive agricultural lands for urban development." The OSR General Plan designation is compatible with the existing Open-Space (OS-40) zoning designation.

- B. The proposed project is consistent with the provisions of the Inyo County Zoning Ordinance.

*The proposed project is a CUP to allow for the commercial cultivation of cannabis. Inyo County Code (ICC) 18.78.360(B)(1) allows for commercial cannabis cultivation in the **open space**, rural residential, heavy industrial and extractive, and light industrial zoning designations, so long as the project can meet the 300-foot setback requirement. As the project site is zoned Open Space, it is eligible for the cultivation permit. Also, the project is beyond the six hundred-foot radius of 123 School Road, in Olancho, CA, which is required by ICC 18.78.360(C). The project is consistent with Inyo County's Zoning Ordinance.*

- C. Potential adverse environmental impacts will not exceed thresholds of significance, either individually or cumulatively.

The 33 acre area is pre-disturbed, with several dirt roads passing through it, including dirt roads established to service Los Angeles Department of Water and Power utility lines, which also cross through the property. Environmental impacts to botanical and wildlife resources can be minimized and avoided using ESA fencing and special permitting (ITP process through CDFW). Based on information provided by the applicant, and staff review, Conditional Use Permit 2019-03/Inyo Farms does not have the potential to cause environmental impacts that exceed thresholds of significance, either individually or cumulatively.

- D. Based upon the environmental evaluation of the proposed project, the Planning Department finds that the project does not have the potential to create a significant adverse impact on flora or fauna; natural, scenic and historic resources; the local economy; public health, safety, and welfare. This constitutes a Mitigated Negative Finding for the Mandatory Findings required by Section 15065 of the CEQA Guidelines.

Mitigation, in addition to the project's existing avoidance and minimization measures, have been added to the project as conditions of approval for the proposed future commercial cannabis use, in the following ways:

Biological Resources: The applicant will assume presence of Mohave ground squirrel (based on trapping consultant trapping results) and apply for an Incidental Take Permit through CDFW as mitigation. In addition, a qualified biologist will (1) install ESA fencing during construction to avoid the major populations of Barstow woolly sunflower (*Eriophyllum mohavense*) and (2) conduct preconstruction surveys for burrowing owl & desert tortoise, no more than 14 days prior to the start of construction. If necessary, the biologist will implement avoidance measures to eliminate the possibility of any take of these two species.

Cultural: The applicant shall conduct preconstruction surveys by a cultural resource professional to identify all cultural resources and provide recommendations regarding their significance and management prior to any development of the property.

Additional information is available from the Inyo County Planning Department. Please contact Project Planner Cathreen Richards (760-878-0447) if you have any questions regarding this project.


Cathreen Richards
Director, Inyo County Planning Department

1/29/20
Date

INYO COUNTY PLANNING DEPARTMENT

CEQA APPENDIX G: INITIAL STUDY & ENVIRONMENTAL CHECKLIST FORM

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
- a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance issues.



Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526

Phone: (760) 878-0263
FAX: (760) 872-2712
E-Mail: inyoplanning@inyocounty.us

INYO COUNTY PLANNING DEPARTMENT

APPENDIX G: CEQA INITIAL STUDY & ENVIRONMENTAL CHECKLIST FORM

1. Project title: Conditional Use Permit (CUP) 2019-03/Inyo Farms

2. Lead agency name and address: Inyo County Planning Department, 168 N. Edwards St., P.O. Drawer L, Independence, CA 93526

3. Contact person and phone number: Steve Karamitros, Senior Planner, (760) 878-0268

4. Project location: The proposed project is located approximately 5.5 miles south of the community of Olancho and roughly 30-miles from the community of Lone Pine, CA and can be accessed by US-395. The proposed project is to be located on a 33-acre private parcel of land owned by Kellyco Development Inc. with Assessor's Parcel Number 033-450-10.

5. Project sponsor's name and address: Chris Kelly (Kellyco, Development Inc.), 14494 Dove Canyon Dr., Riverside, CA 92503

6. General Plan designation: Open Space & Recreation (OSR).

7. Zoning: Open Space- 40 acre minimum (OS-40).

8. Description of project: The project proposes to construct a 19,500 ft² metal building for cultivation, a 24,000 ft² metal building for cultivation, a 4,000 ft² metal building for processing and packaging the operation's harvests, and a 1,500 ft² residence, on-site, for the project's manager/operator. The project also includes a 625 ft² fenced composting area. A preexisting, permitted well will supply both domestic and agricultural water. The project site is located on one, privately owned, 33-acre parcel.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

The property is surrounded primarily by undeveloped land consisting of desert scrub. There are a few, scattered low density residential properties within the general area. The closest developed area is the community Olancho, approximately 4-miles to the north.

Location:	Use:	Gen. Plan Designation	Zoning
West	Highway 395, vacant private property	Open Space & Rec (OSR)	Open Space-40 acre minimum (OS-40)
North	Vacant private property	Open Space & Rec (OSR)	Open Space-40 acre minimum (OS-40)
East	Vacant private property	Open Space & Rec (OSR)	Open Space-40 acre minimum (OS-40)

South	Vacant private property	Residential Estate (RE)	Rural Residential/Mobile Home Combined (RR-MH)
-------	-------------------------	-------------------------	--

10. Other public agencies whose approval is required: Inyo County Departments of Environmental Health, Building & Safety, and Public Works; California Department of Food & Agriculture; California Department of Fish & Wildlife; Lahontan Regional Water Quality Board, Great Basin Pollution Control District.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

In compliance with AB 52, SB 18, and Public Resource Code Section 21080.3.1(b), tribes identified as being local to Inyo County, were notified via a certified letter on January 26, 2019 about the project and the opportunity for consultation on this project. The tribes notified were as follows: the Twenty-Nine Palms Band of Mission Indians, the Big Pine Paiute Tribe, the Bishop Paiute Tribe, the Fort Independence Paiute Tribe, Lone Pine Paiute-Shoshone Tribe, the Torres Martinez Desert Cahuilla Indians, the Timbisha Shoshone Tribe, and the Cabazon Band of the Mission Indians.

Inyo County did not receive any requests for consultation.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency) 0238

On the basis of this initial evaluation:

☐ I find that the proposed 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 proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed 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 proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Steve Karamitros, Senior Planner
Inyo County Planning Department

1-29-2020

Date

INYO COUNTY PLANNING DEPARTMENT ENVIRONMENTAL CHECKLIST FORM

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

I. AESTHETICS -- Would the project:

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

☐
☐
☒
☐

No, the proposed project is on land is undeveloped except for powerlines and access roads for powerline maintenance. Most viewer groups who would have views of the proposed cannabis cultivation facility would be motorists traveling along US-395. The project site is lower than US-395, though, and views of the greenhouses would be limited. Views to the hills located east of the proposed project would also not be obstructed from travelers on US-395.

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

☐
☐
☒
☐

No, the proposed site will not impact scenic resources, as the land gently slopes to the east away from views off of US-395 and is characterized by tan colored soil with low-lying tan/green scrub to create a stark homogenous desert landscape. The section of US-395 that passes by the proposed project location is within a designation of eligible scenic highway, but not 'officially designated.' Views of the Eastern Sierras, located west of the project, will not be affected. Views to the hills located to the east will have less than significant impact. It should also be noted that the hills located to the east are scared with old roads and mines and do not offer significant scenic resources.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

☐
☐
☒
☐

No, although the greenhouses may be visible from US-395, the location and surrounding area of the proposed project are currently covered in desert scrub and has existing utility poles located on them. These utility lines are higher than the proposed greenhouses.

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

☐
☐
☒
☐

The location of the proposed project area has few receptors that would be impacted by the project. The closest is a small residence located approximately 2,300-feet from the proposed project. Outdoor motion sensor lighting facing downward will be installed for both safety and security by both fenced cultivation areas and the metal building. Artificial lighting below a rate a rate of 25 watts per square foot would be utilized for the greenhouses with immature plants. In compliance with Inyo County Code Title 18, Section 18.79.100, no lighting is permitted on any structure unless required by FAA or other statutory or regulatory standards. Any such required lighting shall be downward-facing and shielded from adjacent properties when those standards allow. Emergency lighting shall be manually operated, to be operated only for specific emergency situations.

II. AGRICULTURE AND 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 Dept. 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

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

No, the project does not convert prime farmland, unique farmland, or farmland of Statewide importance to non-agricultural use.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

No conflict, there are no Williamson Act Contracts in Inyo County.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

No, the proposed project site does not include forest land or timber land.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

No, the proposed project site will not affect forested land or impact any land use designated for that purpose.

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

No, the proposed project site does not currently contain Farmland.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management 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?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

No, the project will be required to follow best management practices for dust control during construction. Once the greenhouses are built, dust from the operations will be minimal and primarily from vehicle use. Signs limiting vehicle speeds to 15 mph will be posted to reduce dust from vehicles. Dust that would accumulate in and around the greenhouses will be hosed off on an as needed basis.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

No, the proposed project will be in compliance with current air quality standards.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

No, there will be short-term construction equipment impacts from dust and exhaust emissions, but the GBUAPCD considers these construction emissions to be less than significant. Although there are portions of Inyo County within non-attainment areas for Federal and State PM10 (particulate matter 10 microns or less in diameter) ambient air quality standards, the primary source for this pollution is the Owens dry lake, located approximately 10-miles north of the project site. The temporary nature of the construction and best practices for dust control and emissions being followed during construction will cause the project to be less than significant.

d) Expose sensitive receptors to substantial pollutant concentrations?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

No, there are only two residences within 2,500 feet of the cultivation site, with the nearest being approximately 2,337 feet north of the fenced cultivation site to the east. There are no hospitals or other non-residence sensitive receptors in the area. The business operation is in a rural area where traffic volumes related to delivery and maintenance will be negligible.

e) Create objectionable odors affecting a substantial number of people?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

No, the proposed project will not produce objectionable odors during the life of the operation. Although there is no actual threshold data provided on the travel distance for odor, the Final Program Environmental Impact Report (EIR), prepared for the California Department of Food and Agriculture, stated, "the use of carbon filters is recommended to counter the distinctive odor of the cannabis plant." Odor from inside each greenhouse will be filtered through a 36" x 18" carbon canister, which would be connected to a 12" air duct. The air duct would be connected to a 12" max fan, which would exhaust air to the outside through another 12" air duct. Each greenhouse will be fitted with a 2' x 2' vent. Intake fans with filters that remove particulates will be installed in each greenhouse to provide fresh air for workers.

IV. 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 Game or U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	-------------------------------------	--------------------------	--------------------------

*Biological analysis was conducted by applicant-supplied biologists with, Circle Mountain Biological Consultants, Inc. (CMBC). The consultant's study method included a literature review (using archived material to determine the nearest tortoise locations and other special status plant and animal species that have been reported from the vicinity of the subject property); and, field surveys that followed the presence-absence survey protocol revised by USFWS in 2017. On March 29, 2019, the consultants spent 16.5 hours surveying the 4.7-acre site & 34 acre action area for the presence of burrowing owls. This entailed a survey of 45 transects, spaced at 10-meter intervals. Five zone of influence transects were also surveyed to the north, south, and east. The March survey found the presence of Barstow Woolly Sunflower (*Eriophyllum mohavense*), which prompted an additional focused botanical survey for the plant between 23 and 27 April 2019. This focused survey mapped all locations of the plant and involved pin-flagging all individual plants, counting them, taking UTM coordinates, and mapping them. All plant and animal species identified during the survey were recorded in field notes and listed in the Appendices (A and B) of the "Focused Biological Resource Assessment" (August 2019). Following the initial Spring assessment, a protocol trapping survey for Mohave ground squirrel was completed in April, May, and July 2019.*

No evidence of desert tortoise was found during the protocol-level survey of the site and peripheral transects out to 150 meters north, south, and east of the site. Tortoise signs were found on the west side of Highway 395 seven to eight miles south of the site, and none was found on the east side of US 395. There have been no signs of tortoise found during the surveys completed for the Grant Airport, which is approximately 3.5 miles north-northwest of the subject property. The nearest critical habitat area for desert tortoise is the Fremont-Kramer Critical Habitat Unity, approximately 55 miles south of the site. Barstow woolly sunflower, a List 1B species with the California Native Plant Society (CNPS), was located on the project site during the survey in late April 2019. 1,253 plants were located (Focused Survey & Habitat Assessment, 6). As noted in the biological Habitat Assessment (pg. 11) these plants appeared in clustered distributions; only 167 of the 1,253 individual plants would be affected by the proposed development. 87% of this plant population will be avoided and no cross-country vehicle travel will occur outside the development footprint. Burrowing owl was one focal species specifically sought during field surveys. There was no evidence of burrowing owl on the subject property (Focused Survey & Habitat Assessment, 7). Although it has been over a decade since Mohave ground squirrel was trapped near the site, its

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

elevation is within the known range for the species. Also, hopsage plants, which are ecologically important shrubs for MGS, were located on the project site. During the third session of protocol trapping surveys, a juvenile female MGS was caught on 1 July 2019.

As a result of the findings above, mitigation is being added as conditions of approval for this permit. These mitigation measures include assuming presence for Mohave ground squirrel, for which the applicant shall apply for an Incidental Take Permit; the installation of ESA fencing to avoid construction-related impacts to Barstow woolly sunflower; and preconstruction surveys for burrowing owl and desert tortoise, to be completed not more than fourteen days prior to the start of ground disturbance.

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 Game or US Fish and Wildlife Service?

☐ ☐ ☐ ☒

No, there is no identified riparian habitat on the project site based on the USFWS National Wetlands Inventory Mapping Tool, or in close proximity, that would be affected by the project.

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

☐ ☐ ☐ ☒

No, there is no identified wetlands on the project site based on the USFWS National Wetlands Inventory Mapping Tool, or in close proximity, that would be affected by the project.

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?

☐ ☐ ☐ ☒

The project will not interfere with migratory fish or wildlife species as currently planned.

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

☐ ☐ ☐ ☒

No, the proposed project site is not within an area with special local policies or ordinances related to it.

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, the proposed project does not conflict with any local, regional, or state habitat conservation plan.

V. CULTURAL RESOURCES: Would the project:

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

☐ ☒ ☐ ☐

In response to the lead agency's cultural resource records search, the Eastern Information Center of the California Historical Resource Information System (CHRIS) responded with a March 6, 2019 letter that noted the following: according to the National Register of Historic Places (NRHP) there are no listed properties located within the boundaries of the project area; according to California Office of Historic Preservation (OHP), Archaeological Determinations of Eligibility, there are no listed sites within the boundaries of the project area; according to the Office of Historic Preservation (OHP), Historic Property Directory (HPD) there are no listed properties within the boundaries of the project area.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--	--------------------------------------	---	------------------------------------	--------------

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

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	-------------------------------------	--------------------------	--------------------------

No, according to California Office of Historic Preservation (OHP), Archaeological Determinations of Eligibility, there are no listed sites within the boundaries of the project area. The project is not expected to cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5. The March 6, 2019 letter from CHRIS notes that there MAY be up to three cultural resources within the project boundaries. These resources shall be evaluated prior to construction by a qualified archaeologist to determine what, if any, mitigation measures are required. Should any archaeological or cultural resource be discovered on the site during any future development, work shall immediately desist and Inyo County staff immediately be notified per Chapter 9.52, Disturbance of Archaeological, Paleontological and Historical Features of the Inyo County Code. Therefore, future development, though beyond the scope of this project, can be conducted so as to not cause an adverse change in the significance of an archaeological resource if one is discovered, pursuant to Section 15064.5

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

The likelihood of finding subsurface paleontological resources in Inyo County, in this southeast section, is not well known. The land consists of mostly flat-lying sediments, thus natural erosion cuts through the sediments but does not penetrate deeply except in major stream channels, so the prior existence of subsurface and at-depth fossils is not readily available. The proposed project property has no known paleontological resources, so the proposed project will not directly or indirectly destroy a unique paleontological resource.

d) Disturb any human remains, including those interred outside of dedicated cemeteries?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

No known human remains or burial sites are on the property. Refer to the response to V b) for the potential for archaeological resources. While unlikely, human remains are a potential archaeological resource, and will be handled similar to other archaeological resources, as outlined in V b)

VI. GEOLOGY AND SOILS: Would the project:

a) Expose people or structures to 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.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

The project is adjacent to the Sierra Nevada fault. Subsequent to the approval of the CUP, the applicant shall work with the Inyo County Department of Building and Safety to implement the proper structural specifications for this area.

ii) Strong seismic ground shaking?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

The California Building Code ensures that structures be built according to required seismic standards, designed to withstand such events, so this potential impact is considered less than significant.

iii) Seismic-related ground failure, including liquefaction?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Potential ground failure remains low in areas of exposed or shallow bedrock; however, proposed project structures could be potentially damaged if built over certain alluvial areas. As part of Inyo County Building and Safety Code, an engineer will assess the site and determine if a soils report is necessary to avoid ground failure impacts to the built structures.

iv) Landslides?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

The project area exhibit primarily level topography, with the proposed facility built on a slope of less than five percent. Steeper

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

natural or manufactured slopes subject to landslides and other types of slope failure are not expected to occur within the project area.

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

☐
☐
☒
☐

The proposed project will result in the disturbance of soil due to pre-construction grading. Temporary construction impacts will result from excavation, grading, and re-deposition of fill material. Future development will require compliance with the California Building Standards that require Best Management Practices be implemented to minimize erosion and keep all site materials from leaving the site, and therefore, this potential impact is considered less than significant.

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?

☐
☐
☐
☒

No, the project properties are not located on a geologic unit or soil that is unstable. The project's potential for compressible or collapsible soils will be reviewed by Inyo County's Building and Safety Department. It may be determined that a soil report is necessary, as part of building design, to avoid these impacts. If any questions arise about the quality of the soil during the development of the property, the applicant/developer shall work with Inyo County's Building and Safety Department to use the proper design standards that mitigate for unstable soils.

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

☐
☐
☐
☒

No, the proposed project is not located in an area with a known expansive soil type. If any questions arise about the quality of the soil during the development of the property, the applicant/developer shall work with Inyo County's Building and Safety Department to employ the proper design standards that mitigate for expansive soils.

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

☐
☐
☐
☒

Soils are compatible with septic tanks and other waste water disposal systems. Future development would require a County approved waste handling system, in the form of an underground septic system. Septic systems are common in the area and the soils are capable of supporting such a system. Any proposed septic system for the site shall be reviewed and approved by the Inyo County Environmental Health Department.

VII. GREENHOUSE GAS EMISSIONS:

Would the project:

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

☐
☐
☒
☐

No, the proposed cannabis cultivation project will not generate greenhouse gas emissions that will have a significant impact. Temporary construction-related emissions will occur, but such dust related impacts will be minimized through best management practices.

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

☐
☐
☐
☒

No, the proposed project will not cause conflicts with a plan, policy or regulation adopted for the purpose of reducing greenhouse gasses.

VIII. HAZARDS AND HAZARDOUS MATERIALS:

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>No, the proposed project will produce a small amount of waste associated with plant refuse material. A dedicated area will be included on the proposed site to compost plant waste. Composting will be conducted as the University of California Cooperative Extension's Procedure for Managing the Three-Bin Composting System. The applicant will also need to comply with the Inyo County Environmental Health Department's regulations regarding composting and waste handling.</i>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>No, the nature of the proposed project will not create significant hazards to either the public or the environment. The applicant will be using some pesticides and fertilizers as part of the growing operations. The applicant shall work with the Inyo County Environmental Health Department as they implement their pesticide and fertilizer use, storage and disposal plan.</i>				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>No, the proposed project is not within one-quarter mile of an existing or proposed school, nor will it emit hazardous emissions, or handle acutely hazardous materials, substances or waste.</i>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>No, the proposed project is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. There are no DTSC sites mapped within or adjacent to the project area and no additional sites are identified in the site vicinity on Geotracker and EnviroStor databases (SWRCB 2014, DTCS, 2014).</i>				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>The project is not located within an airport land use plan or near a public airport.</i>				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>No, the proposed project is not located in the vicinity of a private airstrip and poses no danger to anyone working at the proposed project site.</i>				
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>No, the proposed project will not physically interfere with an adopted emergency plan or emergency evacuation plan.</i>				
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

residences are intermixed with wildlands?

No, risk of loss, injury and death involving wildland fires is minimal from this project. Fire risks are moderate at the project site, and no areas in proximity can be considered urbanized. Land surrounding the project site is sparsely vegetated with Mojavean creosote bush scrub. There are no residences in proximity of the project, and the desert scrub is a low-to-moderate fire risk. The proposed project does little to add to the wildfire risk in the area. The risk of loss, injury or death involving wildland fires is less than significant at this site, and any potential risk is further mitigated by compliance with California Building Standards.

IX. HYDROLOGY AND WATER QUALITY: Would the project:

a) Violate any water quality standards or waste discharge requirements?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

No, the project will not violate any water quality standards or waste discharge requirements. The applicant will coordinate with Inyo County's Environmental Health Department, the Inyo County Building and Safety Department, as well as the Regional Water Quality Board, to determine what is required in terms of the NPDES/SWPPP process (waste discharge requirements for the project), based on regulatory criteria and site characteristics (soils, slopes, etc.). It is anticipated that hydroponic planting, in a soilless medium containerized in pots, will be used for this project.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

No, the proposed project is located in the Middle Amargosa Valley Groundwater Basin. This is an area of 390,000 acres, with water bearing strata consisting of a roughly 900 foot sequence of younger unconsolidated alluvial deposits and underlying older alluvium. Ground water pumping will occur at the facility using a pre-existing well, and water use (with drip irrigations) is projected to be roughly 2.35 acre feet per year.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

No drainage patterns will be altered by this project. Surface drainage flow is predominantly to the east terminating at the Haiwee reservoir through a number of small unnamed ephemeral washes. Grading and drainage plans based on regulatory requirements and best management practices will be required from the applicant during the construction of the project to the satisfaction of the Inyo County Public Works and Building a Safety Departments. No fill material will be added to any streams or water lines. There is a Class II stream and Class III stream north of the cultivation site, and a Class III stream to the south. All streams are eventually tributary to the South Haiwee Reservoir, which is a Class I waterway. The proposed project would will meet all State Water Board setbacks and fall into the Tier 2, Low Risk Category.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

No, potential impacts related to flood hazards for the area are less than significant, based on the fact that no mapped FEMA 100-year floodplains are located within the vicinity of the proposed project location, also any water that might runoff of the project site would end up in the Haiwee reservoir.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

polluted runoff?

No, the project is not anticipated to generate substantial additional surface flows. Impacts related to capacity of existing or planned storm drain systems are expected to be less than significant. Pre-and post-development runoff rates and related effects to storm drain systems will be evaluated during the construction design phase of the project and drainage plans based on regulatory requirements and best management practices will be required from the applicant during the construction of the project to the satisfaction of the Inyo County Building a Safety Departments.

f) Otherwise substantially degrade water quality?

☐ ☐ ☐ ☒

No, there are no potential impacts to water quality. A septic system will be required for the site and the applicant will work with Inyo County's Environmental Health Department to avoid impacts to groundwater. State law prohibits cannabis cultivation water from being discharged into septic systems. The lead agency has been in correspondence with the Lahontan Regional Water Quality Control Board and the applicant (31 October 2019 - 5 November 2019). The project design includes storing the cultivation water runoff in lined holding ponds, allowing for evaporation, and collecting the residual solid material to be hauled offsite to a disposal facility. This was the recommendation given by Lahontan for dealing with cannabis cultivation water.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

☐ ☐ ☐ ☒

No, the proposed project is not in a 100-year flood hazard area.

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

☐ ☐ ☐ ☒

No, the project is not in a 100-year flood hazard area.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

☐ ☐ ☐ ☒

No, the proposed project site is not in an area subject to flooding due to the failure of a levee or dam. Average annual rainfall in this area is 6-inches.

j) Inundation by seiche, tsunami, or mudflow?

☐ ☐ ☐ ☒

No, the proposed project site is not in an area subject to seiches, tsunamis, or mudflows.

X. LAND USE AND PLANNING: Would the project:

a) Physically divide an established community?

☐ ☐ ☐ ☒

No, the proposed project does not physically divide an established community.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

☐ ☐ ☐ ☒

No, the applicant is requesting a conditional use permit grow commercial cannabis, which is required by the County's zoning code. The project site is located in the Open Space Zone, with an Open Space & Recreation (OSR) General Plan designation, which is consistent with ICC 18.78.360-Commercial Cannabis.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

☐ ☐ ☐ ☒

No, the proposed project will not conflict with any habitat conservation plan or natural community conservation plan.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

XI. 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?

☐ ☐ ☐ ☒

No, the project makes use of underdeveloped land and no known mineral resources are located on it. No extraction of mineral resources is being foregone by this project.

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?

☐ ☐ ☐ ☒

There are no locally-important mineral resources being foregone as a result of this project.

XII. NOISE: Would the project result in the:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

☐ ☐ ☐ ☒

No, there will be some construction related noise from grading activities, engine noise from trucks, and building construction. This noise will not likely exceed already present noise caused by US-395 that borders the entire west edge of the project vicinity. Also, Occupational Safety and Health Administration (OSHA) allows for decibels of 90 for an 8 hour day and 100 for a limit of 2 hours. Effects to sensitive receptors will be minimized with construction during daytime business hours.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

☐ ☐ ☐ ☒

No, exposure to noise levels will be primarily airborne, and groundborne vibrations if any would be brief.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

☐ ☐ ☐ ☒

No, ventilation fans will be installed to expel air from inside the greenhouses to the outside and or pull in outside air. Noise will be created from the fans; however, according to the Final Program EIR, completed for CDFA, the primary sources of noise are pumps, diesel generators, and various landscaping equipment. Noise levels would not exceed 60 dBA at, but outside of, the closest neighboring dwelling, approximately 2, 337 feet away.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

☐ ☐ ☐ ☒

No, noise levels at their maximum, created by the proposed project, will not substantively increase the noise levels already found in the vicinity caused by US-395. The nature of the noise will most likely be from transport and maintenance vehicles that periodically enter the project area.

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 expose people residing or working in the project area to excessive noise levels?

☐ ☐ ☐ ☒

No, the proposed project is not located within an airport land use plan, or within 2-miles of a public airport.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

☐ ☐ ☐ ☒

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

No, the proposed project is not within the vicinity of a private airstrip.

XIII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? ☐ ☐ ☐ ☒

The proposed project is not likely to induce population growth. The proposed cannabis facility is to be a family owned and operated business. During harvest season some additional labor is anticipated and these extra workers will be hired on an as needed basis and to the extent possible from the local area. Given the lack of residential infrastructure and services (including a lack of emergency services and utilities) growth will not be induced from the project.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? ☐ ☐ ☐ ☒

No, the proposed project will not displace existing housing or create a situation where replacement housing will be necessary. It is in an area of very sparse residential development.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? ☐ ☐ ☐ ☒

No, the proposed project will not displace people, or create a situation where replacement housing will be necessary. It is in an area of very sparse residential development.

XIV. PUBLIC SERVICES: Would the project:

a) 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 public services:

Fire protection? ☐ ☐ ☐ ☒

No new fire protection services will be required because of this project.

Police protection? ☐ ☐ ☐ ☒

No new police protection services will be required because of this project.

Schools? ☐ ☐ ☐ ☒

No new school service will be required because of this project.

Parks? ☐ ☐ ☐ ☒

No new parks will be required because of this project.

Other public facilities? ☐ ☐ ☐ ☒

No, the proposed project will not create a need for additional public services.

XV. RECREATION: Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>No, the proposed project will not increase the use of existing recreational facilities. No portion of this project anticipates any change in the level of service required.</i>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>No, the proposed project does not include, nor will it cause, a need for an increase in parks or other recreational facilities that might have an adverse physical effect on the environment.</i>				

XVI. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>No, the proposed project will not cause a significant increase the existing traffic load. The project is adjacent to US-395 and will access it from a local road (Enchanted lakes Road). The occasional distributor and delivery trucks and staff vehicles entering and exiting the project will not put undue burden the existing transportation facilities. Any traffic increase would be minimal when compared with the overall use of US-395, which provides a connector between Inyo County and southern California and north to Washington State.</i>				
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>No, the LOS on the county's roads should not be affected individually or cumulatively by the proposed project. The proposed project will not result in an increase in traffic that would impact the level of service for either US-395 or Enchanted Lakes Road.</i>				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>No, the proposed project will not result in changes to air traffic patterns or increased traffic that could result in substantial safety risks.</i>				
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>The proposed project will not result in any design features for transportation that increase hazard. Autos and trucks will be accommodated on a parking lot on the project site.</i>				
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>No, proof of access for emergency vehicles will be required as part of the project design.</i>				
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>The Commercial Cannabis Ordinance requires that the project's applicant provide for the parking needs of the facility on site. There will be designated employee parking as well as areas for freight trucks that enter the facility.</i>				

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No, the proposed project will not significantly increase traffic, and therefore, will not affect public transit, bicycle, or pedestrian facilities. Because of the extremely remote nature of the project location, few alternative transportation opportunities exist, but those that do would be unchanged by this project.

XVII. TRIBAL CULTURAL RESOURCES -- Would the project:

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

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------

No, the proposed project does not encompass a resource eligible for listing in the California Register of Historical Resources, or in a local register or historical resources as defined in Public Resource Code section 5020.1(k). If any archaeological or cultural resources are discovered on the site, work shall stop and Inyo County staff shall be immediately notified per Chapter 9.52, Disturbance of Archaeological, Paleontological and Historical Features of the Inyo County Code.

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

No, the proposed project does not encompass a resource determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of the Public Resource Code section 5024.1.

In compliance with AB 52, SB 18, and Public Resource Code Section 21080.3.1(b), tribes identified as being local to Inyo County, were notified via a certified letter on January 26, 2019 about the project and the opportunity for consultation on this project. The tribes notified were as follows: the Twenty-Nine Palms Band of Mission Indians, the Big Pine Paiute Tribe, the Bishop Paiute Tribe, the Fort Independence Paiute Tribe, Lone Pine Paiute-Shoshone Tribe, the Torres Martinez Desert Cahuilla Indians, the Timbisha Shoshone Tribe, and the Cabazon Band of the Mission Indians.

Inyo County did not receive any requests for consultation.

XVIII UTILITIES AND SERVICE SYSTEMS --

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

No, the proposed project will be built in conformity to the standards set by the Inyo County Department of Environmental Health, as well as the Lahontan Regional Water Quality Control Board. The proposed project will not generate any non-domestic water (e.g., brine waste from reverse osmosis) and no on-site wastewater treatment is necessary.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

facilities, the construction of which could cause significant environmental effects?

No, the proposed project would not result in the construction of new or expanded water or wastewater treatment facilities.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

☐ ☐ ☐ ☒

No, the proposed project will not require new or expanded storm water drainage facilities.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

☐ ☐ ☒ ☐

All necessary water for the project will be pumped on site. The proposed Conditional Use Permit will not result in a need for new entitlements of water resources, nor will the proposed future use of the site, a commercial cannabis cultivation operation. Current principle uses for the project site, under the County's "Open Space" designation, includes not only a primary and secondary dwelling unit, but also more water-intensive land uses, such as "farms and ranches for orchards, vineyards, field and truck crops, nurseries, greenhouses, vegetables, flower gardening and other enterprises carried on in the general field of agriculture," (ICC section 18.12.020). Estimated water consumption will average 0.20 acre-feet per month.

e) 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, the proposed project's wastewater treatment will not unduly burden the commitments of any potential treatment provider. Wastewater disposal will likely utilize a septic system that will be reviewed and approved by the Inyo County Environmental Health Department.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

☐ ☐ ☐ ☒

The proposed project will not create a need for additional solid waste capacity. Solid waste needs for the project will be minimal. Most of the volume of solid waste (biomass refuse) will be collected and recycled for further use at an onsite composting yard. Impacts from future development would be minimal and consistent with the existing transfer station system.

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

☐ ☐ ☐ ☒

The proposed project and any future development will comply with Inyo County's solid waste standards, as required by the Inyo County Department of Environmental Health.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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?

☐ ☒ ☐ ☐

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

No, the project will not impact or degrade the quality of the environment. Impacts to resources on the project area can be reduced to less than significant impacts, by incorporating mitigation measures into the Conditions of Approval for the permit. These measures include the following:

Biological resources: A 2081 Incidental Take Permit will be applied for, through CDFW, by the applicant to mitigate for potential take of Mohave Ground Squirrel; installation of ESA fencing to avoid construction-related impacts to the largest (84%) population of Barstow woolly sunflower; and, an applicant-supplied biologist shall conduct pre-construction desert tortoise & burrowing owl surveys, not more than 14 days prior to the start of work.

Cultural resources: The applicant shall conduct preconstruction surveys by a cultural resource professional to identify all cultural resources and provide recommendations regarding their significance and management prior to any development of the property.

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)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

No, the proposed project does not have impacts that are individually limited, but cumulatively considerable. Due to the sparseness of the natural environment, and lack of disturbance to plant or animal habitat, this location is well suited for the proposed development.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

No, the proposed project has no known environmental effects which will cause substantial adverse effects on human beings either directly or indirectly. The proposed project would not adversely impact the resident to the north and may have positive impacts resulting from employment opportunities.